

TOWN OF FRANKLIN
INSPECTION DEPARTMENT
Building Inspection – Division of Wires – Division of Gas
Division of Plumbing
MUNICIPAL BUILDING – 355 East Central Street
Franklin, Massachusetts 02038

Lloyd (Gus) Brown
Building Commissioner

Telephone: 508-520-4926
FAX: 508-520-4906

ZONING REVIEW

APPLICANT: Contractor Realty LLC

LOCATION: 465 Lincoln Street

ZONING DISTRICT: Single Family 111

TYPE OF PROJECT: One Bedroom Residential Apartment

DATE: 12/26/2023 **DENY**

SPECIAL PERMIT/ VARIANCE

ZONING BY LAW SECTIONS: Special Permit By-Law Chapter 185-18(B).(1)
or Alternatively Variance By-law 185-45 D.(2).(b)

REASON FOR DENIAL: Applicant is seeking to add a one bedroom residential apartment. The building permit is denied without a Special Permit/Variance from the ZBA.

APPEAL OF DENIAL OPTIONS:

ZONING BOARD OF APPEALS

APPLICANT SIGNATURE _____

ZONING OFFICIAL SIGNATURE LAB 12/26/2023 DATE

**Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926**

RECEIVED

ZONING BOARD OF APPEALS

Page 1

LAW OFFICES
CORNETTA, FICCO & SIMMLER, P.C.
ATTORNEYS AT LAW
4 WEST STREET
FRANKLIN, MASSACHUSETTS 02038

RICHARD R. CORNETTA, JR.

VOICE (508) 528-5300
FAX (508) 528-5555

December 15, 2023

IN HAND FILING

Mr. Bruce J. Hunchard, Chairman
Franklin Zoning Board of Appeals
Town Hall
355 East Central Street
Franklin, MA 02038
ATTN: Ms. Casey Thayer

RE: 465 Lincoln Street, Franklin, Massachusetts
Applicant: CONTRACTOR REALTY LLC

Dear Mr. Hunchard:

Please be advised that this firm is legal counsel to the above-entitled applicants, CONTRACTOR REALTY LLC in pursuit of their development interests in the above-entitled real property.

On my client's behalf, I would respectfully request that the Board of Appeals grant a special permit and/or variance relief in accordance with the Franklin Zoning Bylaw. In furtherance thereof, I have enclosed the following documentation, along with seven copies of the same, to wit:

-
1. ZBA Application Form – Special Permit §185-40(D);
 2. Copy of Abutter's List;
 3. Copy of Franklin Assessor's Card for 465 Lincoln Street, Franklin, MA;
 4. Copy of Quitclaim Deed of Lincoln Station, LLC to CONTRACTOR REALTY LLC dated July 13, 2018 and filed with the Norfolk County Registry of Deeds at Book 36138, Page 404;
 5. Memorandum in Support of Application for Special Permit or Variance;

6. LIMITED SITE PLAN MODIFICATION OF LINCOLN STREET MARKET IN FRANKLIN, MASSACHUSETTS", prepared by GLM Engineering Consultants, Inc., 38 Pond Street, Ste 206, Franklin, Mass 02038 dated November 9, 2007;
7. Architectural plans and elevations depicting the improvements to the second floor, entitled, NEW EXTERIOR EGRESS STAIR AT SECOND FLOOR STUDIO APARTMENT", prepared by prepared by John Tomaz, Architect of RB Designers, 62 Elm Street, Georgetown, Massachusetts;
8. A draft in the sum of \$350.00 which represents the filing fee

In consideration by the Board for the requested relief anticipated by this application, on behalf of the applicant, I would expressly make a full reservation of all rights as to the current non-conforming use of the Premises.

Kindly place this matter on your next available agenda before the Board of Appeals.
Thank you for attention to this matter.

Very truly yours,

Richard R. Cornetta, Jr

Richard R. Cornetta, Jr.

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed and returned to the Secretary of the Zoning Board of Appeals.

I, Krunal Contractor, Manager of CONTRACTOR REALTY LLC, a Massachusetts limited liability company

(OWNER)

Address: 46 Chestnut Street, Bellingham, MA 02019

State that the LLC owns the property located at 465 Lincoln Street, Franklin, Massachusetts

which is the subject of this zoning application.

The record title of this property is in the name of: CONTRACTOR REALTY LLC

*Pursuant to a deed of duly recorded in the date 07/13/2018, Norfolk

County Registry of Deeds at Book 36138, Page 404; or

Dedham Registry District of Land Court, Certificate No. _____

Book _____ Page _____.



Krunal Contractor, Manager
CONTRACTOR REALTY LLC
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: CONTRACTOR REALTY LLC, 46 Chestnut Street, Bellingham, Massachusetts 02019

PRESENT USE/OCCUPANCY: Commercial (Convenience Store/Service Station)

LOCATION: 465 Lincoln Street, Franklin, Massachusetts ZONE: SFRIII

PHONE: 978-935-1554

REQUESTED USE/OCCUPANCY: Mixed Use (comm/resid)

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>Lot Area:</u>		<u>27,201 SF</u>	unchanged	<u>20,000 SFR (min.)</u>
<u>Continuous Frontage:</u>		<u>369.00</u>	unchanged	<u>125.00 (min.)</u>
<u>Size of Lot:</u>	Width	<u>unchanged</u>	<u>unchanged</u>	<u>112.5 (min.)</u>
	Depth	<u>unchanged</u>	<u>unchanged</u>	<u>160.00 (min)</u>
<u>Setbacks in Feet:</u>	Front	<u>44.00</u>	<u>unchanged</u>	<u>40.00 (min.)</u>
	Rear	<u>33.00</u>	<u>unchanged</u>	<u>30.00 (min.)</u>
	Left Side	<u>>25.00</u>	<u>unchanged</u>	<u>25.00 (min.)</u>
	Right Side	<u>57.00</u>	<u>unchanged</u>	<u>25.00 (min.)</u>
<u>Building Height:</u>	Stories	<u>2</u>	<u>unchanged</u>	<u>3 (max.)</u>
	Feet	<u>35.00'</u>	<u>unchanged</u>	<u>35.00' (max.)</u>
<u>NO. of Dwelling Units:</u>		<u>n/a</u>	<u>1</u>	<u>n/a (max.)</u>
<u>NO. of Parking Spaces:</u>		<u>13</u>	<u>unchanged</u>	<u>13 (min./max)</u>

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

The Locus is presently developed with a two story 2,597 (S.F.) building currently used as a convenience store/motor vehicle filling station known as the Lincoln Street Market. Despite the Locus being wholly located with the SFRIII zoning district, the existing use as a convenience store/motor vehicle filling station is a pre-existing non-conforming use.

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

Municipal Building
355 East Central Street
Franklin, MA 02038
508-520-4926

ZBA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH ZONING BYLAW SECTION 185-45 (D) (2) (6) AND MGL 40A, SECTION 10:

- A) A Literal enforcement of the provisions of this Zoning bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

The Applicant seeks use of the property to add a second floor one bedroom studio apartment, to compliment the current commercial use as a convenience store. The existence of this sizable commercial structure (and associated parking and site improvements) in a principally residential zoning district creates an economic hardship in the maximization of the use of the second floor to the existing building. The current characteristics of the existing building and parking area, coupled with the property's proximity to the residential district, make use of the property for mixed use, commercial/residential purpose a desirable use feasible for the property.

- B) The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The existence of this sizable commercial structure (and associated parking and site improvements) in a principally residential zoning district creates an economic hardship in the maximization of the use of the second floor to the existing building.

- C) Desirable relief may be granted without either:

1) Substantial detriment to the public good for the following reasons:

The addition of an affordable one-bedroom studio apartment would, in a small way, be consistent with the town's well documented need for additional affordable residential housing units. With the exception of an additional exterior staircase in the rear of the building to provide a second point of egress for the second floor apartment, there would be no exterior modifications to the existing building or Locust. The impervious areas, site driveways, motor vehicle parking areas and pedestrian travel ways currently existing at the site would not be altered with the addition of the proposed residential use. The

added residential use proposed by the Applicant would be a use, by reason of its normal operation, which would not cause readily observable differences in patronage, service, physical appearance, noise, employment or similar characteristics from the existing nonconforming convenience store use currently being conducted at the Locus.

- 2) Nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw for the following reasons:

The addition of the single studio apartment on the second floor will not have any detrimental effect to the neighborhood character or social structure. The area of town in which the Locus is located is characterized by residential use.

If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.



ZBA APPLICATION FORM
SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria in accordance with Zoning Bylaw Section 185-45(D)(2)(a) referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits for which additional criteria must be met under the Zoning Bylaw.

185-45(D)(2)(A) **BOARD OF APPEALS:** TO HEAR AND DECIDE APPLICATIONS FOR SPECIAL PERMITS UPON WHICH THE BOARD IS EMPOWERED TO ACT UNDER THIS CHAPTER. SPECIAL PERMITS SHALL BE GRANTED BY THE BOARD OF APPEALS ONLY UPON ITS WRITTEN DETERMINATION THAT THE PROPOSED USE WILL NOT HAVE ADVERSE EFFECTS WHICH OVERBALANCE ITS BENEFICIAL EFFECTS ON EITHER THE NEIGHBORHOOD OR THE TOWN, IN VIEW OF THE PARTICULAR CHARACTERISTICS OF THE SITE AND OF THE PROPOSAL IN RELATION TO THAT SITE. THIS DETERMINATION SHALL BE IN ADDITION TO THE FOLLOWING SPECIFIC FINDINGS:

(1) **Proposed project addresses or is consistent with neighborhood or Town need.** See Par 11 of Memorandum in Support of Application for Special Permit or Variance.

(2) **Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.**

See Par 12 of Memorandum in Support of Application for Special Permit or Variance.

(3) **Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.**

See Par 13 of Memorandum in Support of Application for Special Permit or Variance.

(4) **Neighborhood character and social structure will not be negatively impacted.**

See Par 14 of Memorandum in Support of Application for Special Permit or Variance.

(5) **Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.**

See Par 15 of Memorandum in Support of Application for Special Permit or Variance.

(6) **Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.**

See Par 16 of Memorandum in Support of Application for Special Permit or Variance.

(7) **Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.**

See Par 17 of Memorandum in Support of Application for Special Permit or Variance.



Town of Franklin, MA

12/15/2023

127968

Abutter's List Request
Form

Status: Active

Submitted On: 12/7/2023

Primary Location

465 LINCOLN ST
FRANKLIN, MA 02038

Owner

CONTRACTOR REALTY LLC
465 LINCOLN ST FRANKLIN,
MA 02038

Applicant

Richard Cornetta

+1 508-528-5300

richard@cornettalaw.com

 4 West Street
Franklin, MA 02038

Abutter's List Request Form

Which Board/Commission is requiring this list?*

Zoning Board of Appeals

What is the purpose for the request?*

application for special permit/variance relief

How would you like to receive this abutters list?*

Emailed

What email address should we use to send you the
abutters list?*

richard@cornettalaw.com

General Parcel Information

Assessor's Parcel ID*

243-102-000-000

Property Street Address*

465 Lincoln Street

Property Owner Information

Property Owner*

Contractor Realty LLC

Property Owner's Mailing Address*

46 Chestnut Street

Town/City*

Bellingham

Zip/Postal Code*

02019

State*

MA

Property Owner Telephone Number*

978-935-1554

Requestor's Information

**Requestor/Applicant same as Property Owner
Information?***

No

Requestor's Name *

Richard Cornetta

Requestor's Telephone Number

508-528-5300

Requestor's Address

4 West Street, Franklin, MA 02038



465 LINCOLN ST - 300' ABUTTERS

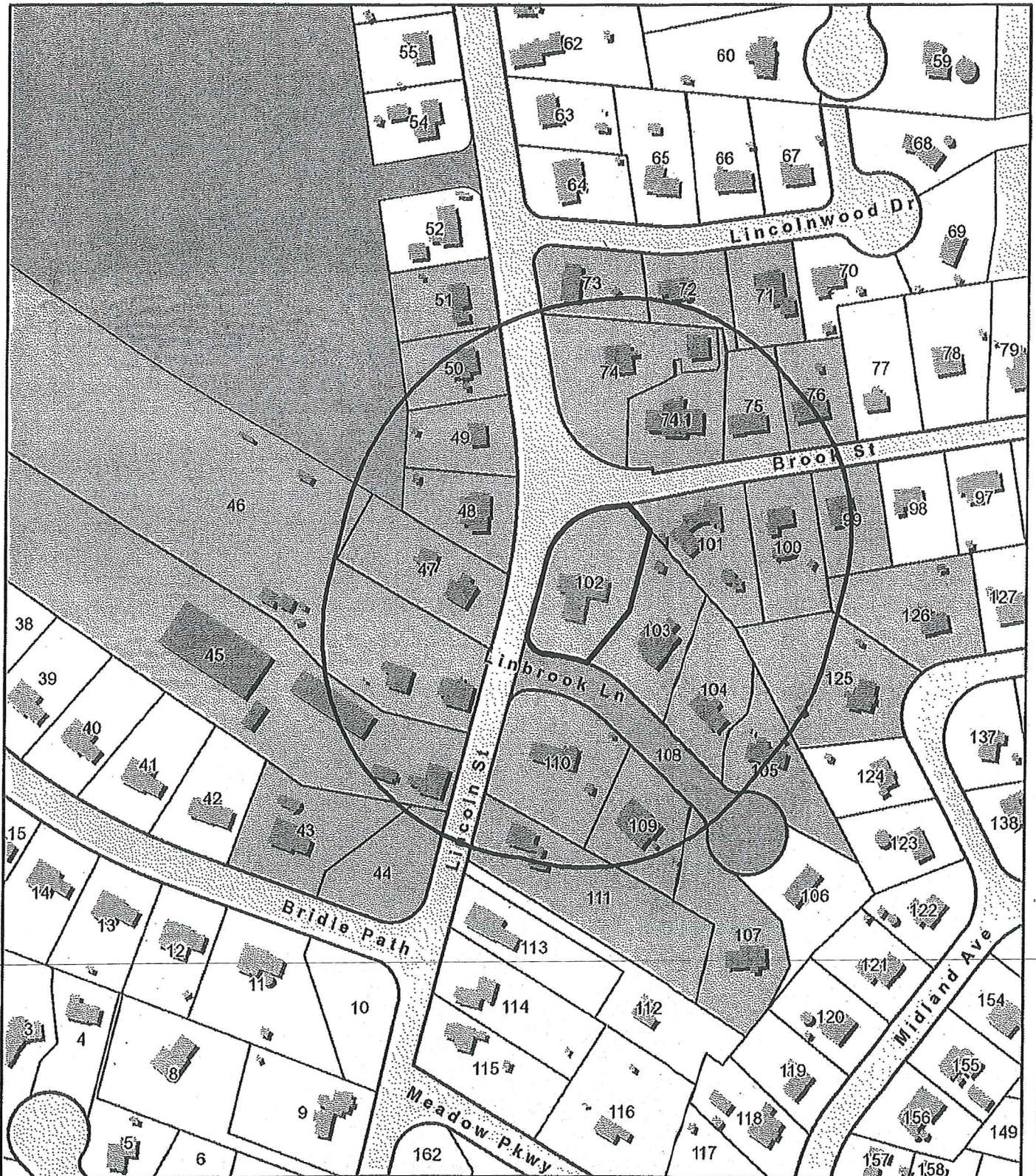
Franklin, MA



December 19, 2023

1 inch = 200 Feet

www.cai-tech.com



This information is believed to be correct but is subject to change and is not warranted.



300 foot Abutters List Report

Franklin, MA
December 19, 2023

Subject Property:

Parcel Number: 243-102-000
CAMA Number: 243-102-000-000
Property Address: 465 LINCOLN ST

Mailing Address: CONTRACTOR REALTY LLC
465 LINCOLN ST
FRANKLIN, MA 02038

Abutters:

Parcel Number: 243-043-000
CAMA Number: 243-043-000-000
Property Address: 3 BRIDLE PATH

Mailing Address: ELLIS SHANNON ELLIS CHRISTOPHER
3 BRIDLE PATH
FRANKLIN, MA 02038

Parcel Number: 243-044-000
CAMA Number: 243-044-000-000
Property Address: LINCOLN ST

Mailing Address: PETERSON CHRIS ET AL FRANKLIN
WOODS HOMEOWNER'S
P O BOX 41
FRANKLIN, MA 02038

Parcel Number: 243-045-000
CAMA Number: 243-045-000-000
Property Address: 444 LINCOLN ST

Mailing Address: GARCIA JOEL I RUIZ FISHER CARLY C
444 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-046-000
CAMA Number: 243-046-000-000
Property Address: 454 LINCOLN ST

Mailing Address: LALLIER PATRICK & MARGARET L/E
LALLIER, DANIEL TR, LALLIER TR
JENKS, JOSEPH & RAC
454 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-047-000
CAMA Number: 243-047-000-000
Property Address: 458 LINCOLN ST

Mailing Address: ATLAS ROBERT G RAPPAPORT-ATLAS
LESLIE
458 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-048-000
CAMA Number: 243-048-000-000
Property Address: 462 LINCOLN ST

Mailing Address: GRIFFITH THOMAS R
462 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-049-000
CAMA Number: 243-049-000-000
Property Address: 466 LINCOLN ST

Mailing Address: NEVILLE CHARLES T SR NEVILLE
KELLY
466 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-050-000
CAMA Number: 243-050-000-000
Property Address: 470 LINCOLN ST

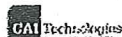
Mailing Address: HOWLEY JANEL A
470 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-051-000
CAMA Number: 243-051-000-000
Property Address: 472 LINCOLN ST

Mailing Address: KARKI MONIKA BAJRACHARYA KARKI
MOHAN
472 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-053-000
CAMA Number: 243-053-000-000
Property Address: 500 LINCOLN ST

Mailing Address: FRANKLIN TOWN OF SULLIVAN
MIDDLE/KELLER ELEMENT
355 EAST CENTRAL STREET
FRANKLIN, MA 02038



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This information is believed to be correct but is subject to change and is not warranted.

12/19/2023

Page 1 of 3



300 foot Abutters List Report

Franklin, MA
December 19, 2023

Parcel Number: 243-071-000
CAMA Number: 243-071-000-000
Property Address: 3 LINCOLNWOOD DR

Mailing Address: MILLER SHANE W
3 LINCOLNWOOD DR
FRANKLIN, MA 02038

Parcel Number: 243-072-000
CAMA Number: 243-072-000-000
Property Address: 1 LINCOLNWOOD DR

Mailing Address: DICKSON GLENN P MUDGE JEAN M
1 LINCOLNWOOD DR
FRANKLIN, MA 02038

Parcel Number: 243-073-000
CAMA Number: 243-073-000-000
Property Address: 471 LINCOLN ST

Mailing Address: KUCZMIEC HEIDI KUCZMIEC
CHRISTOPHER
471 LINCOLN STREET
FRANKLIN, MA 02038

Parcel Number: 243-074-000
CAMA Number: 243-074-000-000
Property Address: 469 LINCOLN ST

Mailing Address: COUGHLAN ANTHONY D COUGHLAN
MARY JEANNE
469 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-074-001
CAMA Number: 243-074-001-000
Property Address: 8 BROOK ST

Mailing Address: DENOMMEE MARY ALICE TR MARY
ALICE DENOMMEE REV TRUST
8 BROOK ST
FRANKLIN, MA 02038

Parcel Number: 243-075-000
CAMA Number: 243-075-000-000
Property Address: 12 BROOK ST

Mailing Address: ACKERMAN KATELYN M ACKERMAN
JEFFREY D
12 BROOK ST
FRANKLIN, MA 02038

Parcel Number: 243-076-000
CAMA Number: 243-076-000-000
Property Address: 14 BROOK ST

Mailing Address: BROWN KEVIN J BROWN LORENA C
14 BROOK ST
FRANKLIN, MA 02038

Parcel Number: 243-099-000
CAMA Number: 243-099-000-000
Property Address: 15 BROOK ST

Mailing Address: GARNETT STEVEN GARNETT LINDA S
15 BROOK ST
FRANKLIN, MA 02038

Parcel Number: 243-100-000
CAMA Number: 243-100-000-000
Property Address: 13 BROOK ST

Mailing Address: WILHELMI JOHN W WILHELMI
DEBORAH J
13 BROOK ST
FRANKLIN, MA 02038

Parcel Number: 243-101-000
CAMA Number: 243-101-000-000
Property Address: 11 BROOK ST

Mailing Address: BUSSIÈRE THOMAS L TR THOMAS L
BUSSIÈRE REV TRUST
11 BROOK ST
FRANKLIN, MA 02038

Parcel Number: 243-102-000
CAMA Number: 243-102-000-000
Property Address: 465 LINCOLN ST

Mailing Address: CONTRACTOR REALTY LLC
465 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-103-000
CAMA Number: 243-103-000-000
Property Address: 4 LINBROOK LN

Mailing Address: FOWLER DIAN S
4 LINBROOK LN
FRANKLIN, MA 02038



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This information is believed to be correct but is subject to change and is not warranted.

12/19/2023

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300 foot Abutters List Report

Franklin, MA
December 19, 2023

Parcel Number: 243-104-000
CAMA Number: 243-104-000-000
Property Address: 6 LINBROOK LN

Mailing Address: SHAKIROV NIYAZ SHAKIROVA ALIIA
6 LINBROOK LN
FRANKLIN, MA 02038

Parcel Number: 243-105-000
CAMA Number: 243-105-000-000
Property Address: 8 LINBROOK LN

Mailing Address: WRONA MARK D JOANNA K TRS
WRONA LIVING TRUST
8 LINBROOK LN
FRANKLIN, MA 02038

Parcel Number: 243-107-000
CAMA Number: 243-107-000-000
Property Address: 7 LINBROOK LN

Mailing Address: SEDOR BRIAN SEDOR LINDA
7 LINBROOK LN
FRANKLIN, MA 02038

Parcel Number: 243-108-000
CAMA Number: 243-108-000-000
Property Address: LINBROOK LN

Mailing Address: COBBLESTONE BUILDERS INC
PO BOX 1990
N FALMOUTH, MA 02556

Parcel Number: 243-109-000
CAMA Number: 243-109-000-000
Property Address: 5 LINBROOK LN

Mailing Address: MATZA EVAN D MATZA KARYN L
5 LINBROOK LANE
FRANKLIN, MA 02038

Parcel Number: 243-110-000
CAMA Number: 243-110-000-000
Property Address: 451 LINCOLN ST

Mailing Address: LINCOLN STATION LLC C/O DAVID J
LAMBERTO
451 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-111-000
CAMA Number: 243-111-000-000
Property Address: 443 LINCOLN ST

Mailing Address: LYNCH WILLIAM J
443 LINCOLN ST
FRANKLIN, MA 02038

Parcel Number: 243-125-000
CAMA Number: 243-125-000-000
Property Address: 15 HAWTHORNE DR

Mailing Address: AYLWARD CHRISTOPHER M AYLWARD
MARY ELLEN R
15 HAWTHORNE DR
FRANKLIN, MA 02038

Parcel Number: 243-126-000
CAMA Number: 243-126-000-000
Property Address: 13 HAWTHORNE DR

Mailing Address: RYAN MICHAEL R RYAN MICHELE L
13 HAWTHORNE DR
FRANKLIN, MA 02038

Kevin M Doyle, 12-19-23

CALtech

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This information is believed to be correct but is subject to change and is not warranted.

12/19/2023

Page 3 of 3



CAI Property Card

Town of Franklin, Massachusetts

GENERAL PROPERTY INFORMATION	BUILDING EXTERIOR
LOCATION: 465 LINCOLN ST ACRES: 0.6245 PARCEL ID: 243-102-000-000 LAND USE CODE: 325 - SM RTL STORE CONDO COMPLEX: OWNER: CONTRACTOR REALTY LLC CO - OWNER: MAILING ADDRESS: 465 LINCOLN ST FRANKLIN, MA 02038 ZONING: PATRIOT ACCOUNT #: 8141	BUILDING STYLE: CONVEN MKT YEAR BUILT: 2004 FRAME: WOOD EXTERIOR WALL COVER: CLAPBOARD ROOF STYLE: GABLE ROOF COVER: ASPHALT SHGL
SALE INFORMATION	BUILDING INTERIOR
SALE DATE: 7/13/2018 BOOK & PAGE: 36138-404 SALE PRICE: \$650,000 SALE DESCRIPTION: SELLER: LINCOLN STATION LLC,	INTERIOR WALL: MINIMUM FLOOR COVER: CONCRETE HEAT TYPE: FORCED H/A FUEL TYPE: GAS PERCENT A/C: 100 SOLAR HOT WATER: NO CENTRAL VACUUM: NO # OF ROOMS: 0 # OF BEDROOMS: 0 # OF FULL BATHS: 0 # OF HALF BATHS: 3 # OF ADDITIONAL FIXTURES: 2 # OF KITCHENS: 0 # OF FIREPLACES: 0 # OF WOOD STOVE FLUES: 0
PRINCIPAL BUILDING AREAS	OTHER FEATURES
GROSS BUILDING AREA: 4,472 FINISHED BUILDING AREA: 3,084 BASEMENT AREA: 656 # OF PRINCIPAL BUILDINGS: 1	ATTACHED GARAGE: 0 # OF BASEMENT GARAGES: 0 DETACHED GARAGE: POOL: NO
SKETCH	PHOTO

CAI Technologies

www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.

NOT
AN
OFFICIAL
COPY

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QUITCLAIM DEED

LINCOLN STATION, LLC, a Massachusetts Limited Liability Company having a mailing address of 465 Lincoln Street, Franklin, MA 02038, for consideration paid in the amount of **SIX HUNDRED FIFTY THOUSAND (\$650,000.00) DOLLARS**, grant to **CONTRACTOR REALTY LLC**, a Massachusetts limited liability company duly organized with an address of 46 Chestnut Street, Bellingham, MA 02019,

with QUITCLAIM COVENANTS:

The land on the Easterly side of Lincoln Street, Franklin, Norfolk County, Massachusetts being shown as Parcel 1A and Parcel 2 on a plan entitled, "Plan of Land in Franklin, Mass.", dated September 10, 1991, drawn by William J. Rossetti, P.L.S. recorded in the Norfolk Registry of Deeds as Plan No. 722 of 1991 in Plan Book 402 to which reference may be had for a more particular description.

Parcel 1A contains 2,460 square feet according to said plan.
Parcel 2 contains 23,853 square feet according to said plan.

Meaning and intending to convey and hereby conveying the same premises conveyed to the grantor by Deed from David J. Lamberto dated December 30, 2004 and recorded in this Registry in Book 21950, Page 319.

Property Address: 465 Lincoln Street, Franklin, MA 02038

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OFFICIAL
COPY

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Witness my hand and seal this #13th day of July, 2018.

DAVID J. LAMBERTO, Manager

COMMONWEALTH OF MASSACHUSETTS

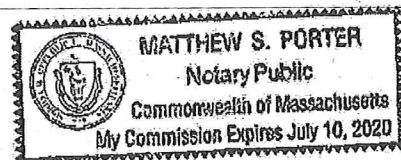
Bristol County, ss.

On this 13 day of July, 2018, before me, the undersigned notary public, personally appeared **DAVID J. LAMBERTO**, proved to me through satisfactory evidence of identification, being (check whichever applies): ☒ driver's license or other state or federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatory, or ☐ my own personal knowledge of the identity of the signatory, to be the person(s) whose name is signed above, and acknowledged the foregoing to be signed by them voluntarily for its stated purpose.

Matthew S. Porter
Notary Public

My commission expires: 7/10/20

Print Notary Public's Name: Matthew S. Porter



COMMONWEALTH OF MASSACHUSETTS
TOWN OF FRANKLIN
ZONING BOARD OF APPEALS

NORFOLK, ss.

IN RE: Application for Special Permit Allowing Change, Extension or Alteration of Pre-Existing
 Non-Conforming Use/Application for Variance for Use
LOCUS: 465 Lincoln Street, Franklin, Massachusetts 02038

MEMORANDUM IN SUPPORT OF
APPLICATION FOR SPECIAL PERMIT OR VARIANCE

LOCUS HISTORY

1. **Relevant District.** The Locus in question falls within the Single Family Residential III (SFRIII) zoning district.
2. **Location.** The Locus consists of a parcel of land with an approximate area of ±27,201 square feet, more or less, located along the easterly side of Lincoln Street, at the intersections of Brook Street and Linbrook Lane in the town of Franklin.
3. **Current Use.** The Locus is presently developed with a two story 2,597 (S.F.) building currently used as a convenience store/motor vehicle filling station known as the Lincoln Street Market. Despite the Locus being wholly located with the SFRIII zoning district, the existing use as a convenience store/motor vehicle filling station is a pre-existing non-conforming use. A copy of the most recent site plan for the existing improvements, entitled, LIMITED SITE PLAN MODIFICATION OF LINCOLN STREET MARKET IN FRANKLIN, MASSACHUSETTS", prepared by GLM Engineering Consultants, Inc., 38 Pond Street, Ste 206, Franklin, Mass 02038 dated November 9, 2007, (the Plan) has been included with the filing of the application.
4. **Proposed Use.** In addition to the current use of the Locus, the Applicant proposes the addition of a 537 square foot one-bedroom residential studio apartment to be located on the second floor of the existing building. A copy of the architectural plans and elevations depicting the improvements to the second floor, entitled, NEW EXTERIOR EGRESS STAIR AT SECOND FLOOR STUDIO APARTMENT", prepared by prepared by John Tomaz, Architect of RB Designers, 62 Elm Street, Georgetown, Massachusetts, (the Architectural Plans) has been included with the filing of the application.

5. **Zoning Tabulation CBD District: Required/Existing/Proposed.**

OVERALL LOT INFORMATION	Required	Existing	Proposed
Required Lot Area (sq.ft.)	20,000 s.f.	+27,201 s.f.	<u>unchanged</u>
Required Lot Frontage (feet)	125'	+369'	<u>unchanged</u>
Max. Lot Coverage by Structures/Paving	25%	61.4%(1)	unchanged
Max Building Height	35'	>35'	unchanged
Front Left Setback (front, left, right)	40'	>40'	unchanged
Side Setback	25'	>25'	unchanged
Parking	13	13	unchanged

⁽¹⁾ Rendering impervious coverage up to 61.4% allowed by Special Permit of the Franklin Planning Board on November 10, 2003.

PRESENT APPLICANT/APPLICATION

6. **Applicant/Owner.** The present owner of the Locus is Contractor Realty LLC. See Deed of Lincoln Station, LLC, dated July 13, 2018 and recorded with the Norfolk County Registry of Deeds at Book 36138, Page 404.

7. **Requested Action.** The present application before the Board requests approval of Special Permit Allowing Change, Extension or Alteration of Pre-Existing Non-Conforming Use to allow the addition of a one-bedroom residential studio apartment to be located on the second floor of the existing building, above the pre-existing convenience store/motor vehicle filling station on the first floor, in accordance with Massachusetts General Law, Chapter 40A, §6, and the Code of the Town of Franklin, Chapter 185, §18(B)(1), or alternately, (2) grant a variance to allow such mixed use in accordance with Massachusetts General Law, Chapter 40A, §10, and the Code of the Town of Franklin, Chapter 185, §45 D.(2).(b).

SPECIAL PERMIT APPROVAL

8. **Special Permit Approval Requirements under Section 185-18(B)(1).** Section 185-18 of the Zoning By-Laws, states in part:

Pre-existing nonconforming buildings, structures and uses may be continued, subject to the following:

B. Changes to nonconforming use.

(1) Any nonconforming use of a building or structure may be changed to another nonconforming use, provided the changed use is not a substantially different use, except as provided in Subsection B(2) below, and approval for the change is granted by special permit for an exception by the Board of Appeals. For the purpose of this section, a "substantially different use" is a use which by reason of its normal operation would cause readily observable differences in patronage, service, physical appearance, noise, employment or similar characteristics from the existing nonconforming use or from any permitted use in the zoning district in which the subject property is located.

(2) Any nonconforming use that is changed to a conforming use shall not thereafter be changed to a nonconforming use.

CONDITIONS FOR APPROVAL UNDER SECTION 185-18(B)(1)

9. **Conditions for Approval under Section 185 18(B)(1).**

Any nonconforming use of a building or structure may be changed to another nonconforming use, provided the changed use is not a substantially different use.

The residential use being proposed by the Applicant would be a use typically allowed as a matter of right within the Single Family Residential III zoning district. Despite the residential nature of the present application, the non-conforming convenience store/motor vehicle filling station use existing at the Locus would create a mixed use that would not be permitted without further relief from the Board. With the exception of an additional exterior staircase in the rear of the building to provide a second point of egress for the second floor apartment, there would be no exterior modifications to the existing building or Locus. The impervious areas, site driveways, motor vehicle parking areas and pedestrian travel ways currently existing at the site would not be altered with the addition of the proposed residential use. The added residential use proposed by the Applicant would be a use, by reason of its normal operation, which would not cause readily observable differences in patronage, service, physical appearance, noise, employment or similar characteristics from the existing nonconforming convenience store use currently being conducted at the Locus. In fact, the characteristics associated with the additional residential use would be more consistent with the predominantly

residential uses permitted within in the zoning district in which the Locus is located. For these reasons the Applicant would purport that the proposed changed use, with the addition of the single second floor apartment, would not be a substantially different use as defined by § 185-18(B)(1).

CONDITIONS FOR APPROVAL UNDER SECTION 185-45(E)(3)

10. Special Permit Approval Requirements under Section 185-45(E)(3). Section 185 45(E)(3) of the Zoning By-Laws, states in part:

Finding. Special permits shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall indicate consideration of each of the following specific findings: [Amended 3-25-1987 by Bylaw Amendment 87-91; 3-21-2012 by Bylaw Amendment 12-669]

- (a) *Proposed project addresses or is consistent with neighborhood or Town need.*
- (b) *Vehicle traffic flow, access and parking and pedestrian safety are properly addressed.*
- (c) *Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.*
- (d) *Neighborhood character and social structure will not be negatively impacted.*
- (e) *Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.*
- (f) *Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.*
- (g) *Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.*

11. Satisfaction of Condition for Approval 185-45(E)(3)(a).

(a) Proposed project addresses or is consistent with neighborhood or Town need.

The addition of an affordable one-bedroom studio apartment would, in a small way, be consistent with the town's well documented need for additional affordable residential housing units.

12. Satisfaction of Condition for Approval 185-45(E)(3)(b).

(b) Vehicle traffic flow, access and parking and pedestrian safety are properly addressed.

The existing access drives and parking areas (13 existing parking spaces) currently serving the current convenience store are adequate to serve the current use at the Locus, with the additional single housing unit.

13. Satisfaction of Condition for Approval 185-45(E)(3)(c).

(c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

The existing layout of the primary access drive (with associated apron) would be sufficient to accommodate emergency vehicles. The layout of the pavement and the access driveway around the proposed Locus would allow vehicle access to three sides of the proposed building. The Locus has access to the public water service and sewer service, natural gas and telephone. The Locus underwent renovations in 2007 in the upgrade of a contemporary stormwater management system.

14. Satisfaction of Condition for Approval 185-45(E)(3)(d).

(d) Neighborhood character and social structure will not be negatively impacted.

The addition of the single studio apartment on the second floor will not have any detrimental effect to the neighborhood character or social structure. The area of town in which the Locus is located is characterized by residential use.

15. Satisfaction of Condition for Approval 185-45(E)(3)(e).

(e) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.

The proposed redevelopment of the Locus will anticipate renovations primarily to the interior of the existing building, along with the addition of an outside stairwell to the second floor which provides a second point of egress to the residential apartment. The building will continue to be served by municipal sewer to minimize degradation of the groundwater by nitrates and phosphates.

16. Satisfaction of Condition for Approval 185-45(E)(3)(f).

(f) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

The only visible alteration to the exterior of the building would be the addition of the outside staircase to the second floor which would not be visible to the public due to its location at the rear of the building. The proposed redevelopment will not result in abutting properties being deprived of light or fresh air circulation.

17. **Satisfaction of Condition for Approval 185-45(E)(3)(g).**

(g) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

The town of Franklin water system pumps 3-4 million gallons of water each day. The estimated water usage for the single apartment residential use would be approximately 75 gallons per day. According this proposed water flow would not adversely affect the Town's water supply.

VARIANCE APPROVAL

18. **Variance Requirements under M.G.L., Chapter 40A, § 10 and Section 185-45(D)(2)(b) of the Code of the Town of Franklin.**

Criteria. Variances from the terms of this chapter, including variances for use, may be authorized by the Board of Appeals with respect to particular land or structures, but only in cases where the Board finds all of the following:

[1] *A Literal enforcement of the provisions of this Zoning bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.*

[2] *The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located.*

[3] *Desirable relief may be granted without either:*

[a] *substantial detriment to the public good; or*

[b] *nullifying or substantially derogating from the intent or purpose of this chapter.*

CONDITIONS FOR VARIANCE APPROVAL

19. **A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise to the petitioner or appellant. The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.**

The Applicant seeks use of the property to add a second floor one bedroom studio apartment, to compliment the current commercial use as a convenience store. The existence of this sizable commercial structure (and associated parking and site improvements) in a principally residential zoning district creates an

economic hardship in the maximization of the use of the second floor to the existing building. The current characteristics of the existing building and parking area, coupled with the property's proximity to the residential district, make use of the property for mixed use, commercial/residential purpose a desirable use feasible for the property.

20. The desirable relief may be granted without any substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

The relief being sought from the Board would be consistent with others areas within the town that allow for mixed commercial and residential use.

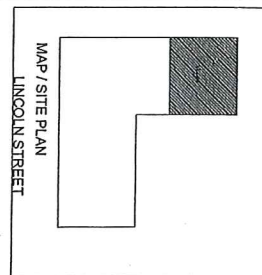
WHEREFORE, the Applicant respectfully requests that the Board grant a SPECIAL PERMIT Allowing Change, Extension or Alteration of Pre-Existing Non-Conforming Use to allow the addition of a one-bedroom residential studio apartment to be located on the second floor of the existing building, above the pre-existing convenience store/motor vehicle filling station on the first floor, in accordance with Massachusetts General Law, Chapter 40A, §6, and the Code of the Town of Franklin, Chapter 185, §18(B)(1), or alternately, (2) grant a variance to allow such mixed use in accordance with Massachusetts General Law, Chapter 40A, §10, and the Code of the Town of Franklin, Chapter 185, §45 D.(2).(b).

Dated: December 15, 2023

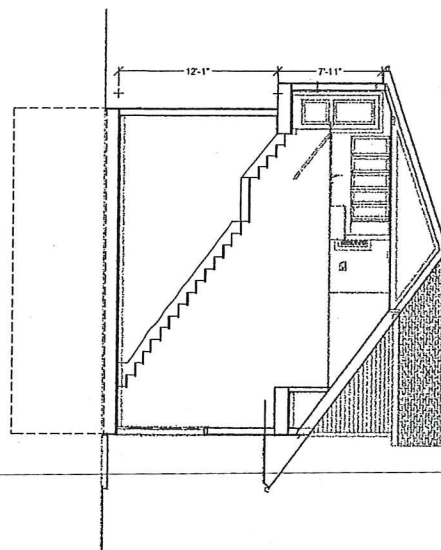
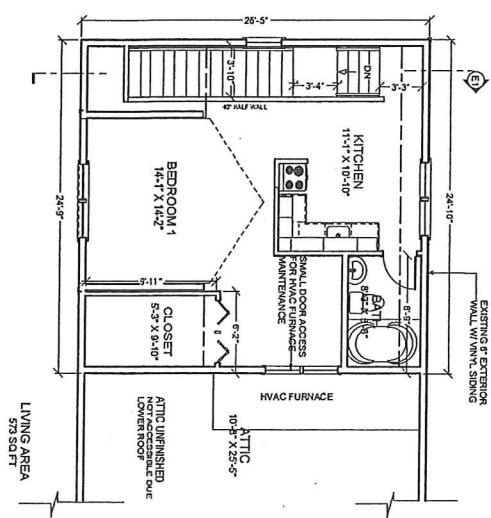
Respectfully submitted,
Contractor Realty, LLC
By its Attorneys,



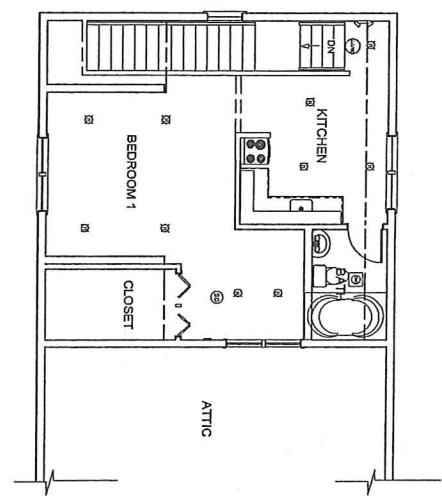
Richard R. Cornetta, Jr., Esquire
B.B.O. 557309
Cornetta, Ficco & Simmler, PC
Four West Street
Franklin, MA 02038
Tel: (508)528-5300
Fax: (508)528-5555
Email: richard@cornettalaw.com



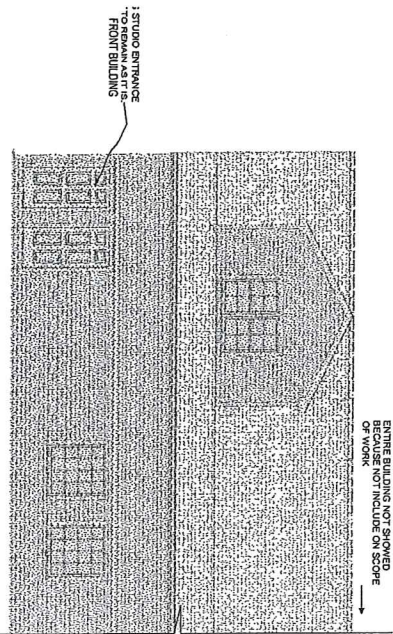
NOTE:
ACCORDING TO THE BC
THE BUILDING DON'T COMPLY
CONTAINING ONLY 1 EXIT.
MUST TO HAVE MINIMUM 2 EXITS
TO ESCAPE IN CASE OF FIRE.



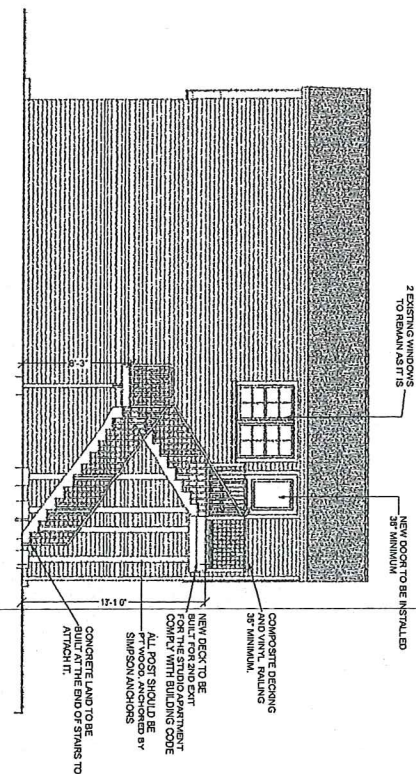
NO.	DESCRIPTION	QUANTITY	LOCATION
1	EMERGENCY LIGHT & EXIT LEFT	1	WALL KITCHEN
2	EXHAUST	1	CEILING BATH
3	COSMO DETECTOR	1	CEILING KITCHEN
4	HOME ALARM CONTROL UNIT	1	WALL BEDROOM 1
5	RECESSED DOWNLIGHT 6"	6	CEILING BEDROOM 1
6	RECESSED DOWNLIGHT 6"	1	WALL BATH
7	SMOKE DETECTOR 1"	1	CEILING BEDROOM 1
8	RECESSED DOWNLIGHT 6"	4	CEILING KITCHEN



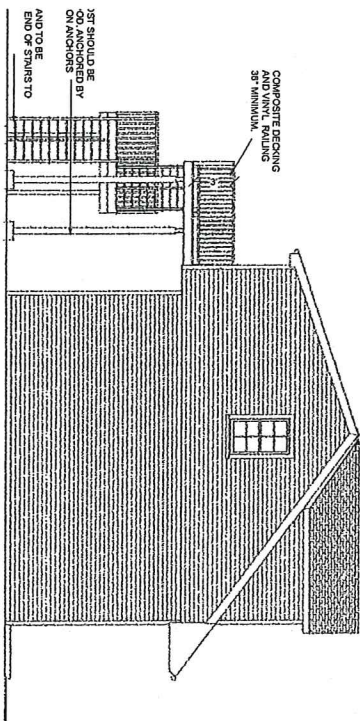
A-3



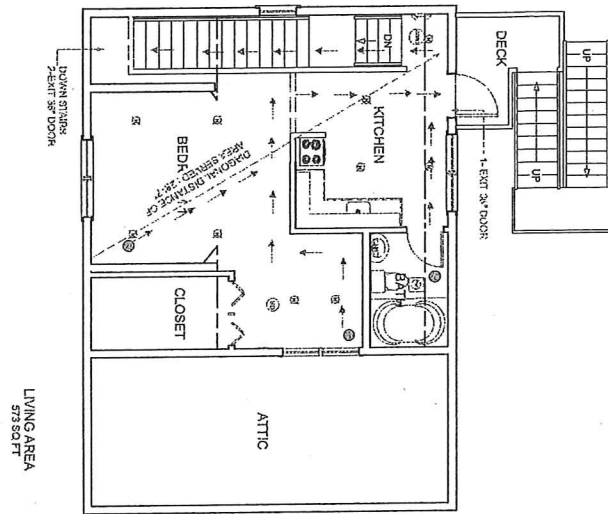
① EXTERIOR FRONT ELEVATION
1/4\"/>



③ EXTERIOR REAR ELEVATION
1/4\"/>



② EXTERIOR LEFT ELEVATION
1/4\"/>



20 SYMBOL DESCRIPTION	QUANTITY	ATTACHED TO ROOM NAME
	1	KITCHEN
	1	BATH
	1	KITCHEN
	1	BEDROOM 1
	6	BEDROOM 1
	1	BATH
	1	BEDROOM 1
	4	KITCHEN



RB DESIGNERS
RENATA BARBOSA
(978) 310-6643
rbdesigners@gmail.com

STUDIO APARTMENT
455 LINCOLN ST
FRANKLIN-MA

EMERGENCY EXITS

SCALE: SEE VIEW

DATE: 3/3/23

DRAWN BY:
RENATA B.

SHEET NUMBER

A-5
Revision #