

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 Red Barn Dog Ops Ma, LLC

LOCATION: 5-245 Franklin Village Drive

ZONING DISTRICT: SFR III

TYPE OF PROJECT: Operate a dog spa, day care, and border business

DATE: 05/24/2023 **DENY**

Special Permit

ZONING BY LAW SECTIONS: 185 Attachment 3 Use Regs Sch Part II
185-45 D(2)(a)

REASON FOR DENIAL: Applicant is seeking to operate a dog spa, pet daycare and a border business. The use is denied without a Special Permit from the ZBA.

APPEAL OF DENIAL OPTIONS:

ZONING BOARD OF APPEALS

APPLICANT SIGNATURE _____ **DATE**

ZONING OFFICIAL SIGNATURE LAB _____ **DATE 05/24/2023**

**TOWN OF FRANKLIN
ZONING BOARD OF APPEALS**

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

**RECEIVED
TOWN OF FRANKLIN**

MAY 22 2023

TOWN OF FRANKLIN
TOWN CLERK

2023 MAY 22 P 1:54

ZBA APPLICATION FORM

GENERAL INFORMATION

ZONING BOARD OF APPEALS

The undersigned hereby petitions the Zoning Board of Appeals for the following:

Special Permit: ✓ Variance: _____ Appeal: _____

PETITIONER: Red Barn Dog Ops MA, LLC

PETITIONER'S ADDRESS: 855 Main St. Ste. 1030
Bridgeport, CT 06604 PHONE: 508 735-8852

LOCATION OF PROPERTY: 5-245 Franklin Village Drive

TYPE OF OCCUPANCY: lease ZONING DISTRICT: B

ASSESSORS MAP & PARCEL: 270-014-000-000

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input checked="" type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

see attached Supporting Statement

SECTIONS OF ZONING ORDINANCE CITED:

Article ✓ Section D(2)(a)

Article ✓ Section E

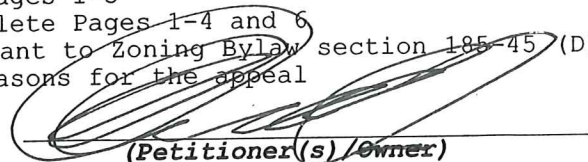
Article _____ Section 185 Attachment 3 Use Regs Sch Part II

Applicants for a **Variance** must complete Pages 1-5

Applicants for a **Special Permit** must complete Pages 1-4 and 6

Applicants for an **Appeal** to the ZBA pursuant to Zoning Bylaw section 185-45 (D) must attach a statement concerning the reasons for the appeal

Original Signature(s):


(Petitioner(s)/Owner)

Edward V. Cunnaw, Jr., Esq.
(Print Name)

Address:

Attorney for Red Barn Dog Ops MA, LLC

124 Grove St., Ste. 220

Franklin, MA 02038

508 541-3000

Tel. No.:

E-Mail Address: evc@ddcrwlaw.com

Date: 5/19/23

**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/We CSC Franklin LP ^(OWNER) successor by conversion to Cedar-Franklin Village CC
Address: C/O KJR 254 West 31st Street 4th floor NY, NY 10001

State that I/We own the property located at Franklin Village Shopping Center
which is the subject of this zoning application. Franklin, MA

The record title of this property is in the name of CSC Franklin, LP.

*Pursuant to a deed of duly recorded in the date 11/12/01, Norfolk
County Registry of Deeds at Book 2176, Page 327; or
Dedham Registry District of Land Court, Certificate No. _____
Book _____ Page _____.



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: Red Barn Dog Ops MA, LLC PRESENT USE/OCCUPANCY: Interior Design / Blinds

LOCATION: 5-245 Franklin Village Dr. ZONE: B

PHONE: 508 735 8852 REQUESTED USE/OCCUPANCY: Animal kennel
Animal day care / training
Animal grooming

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>Lot Area:</u>	_____	_____	_____ (min.)
<u>Continuous Frontage:</u>	_____	_____	_____ (min.)
<u>Size of Lot:</u>			
Width	_____	_____	_____ (min.)
Depth	_____	_____	_____ (min.)
<u>Setbacks in Feet:</u>			
Front	_____	_____	_____ (min.)
Rear	_____	_____	_____ (min.)
Left Side	_____	_____	_____ (min.)
Right Side	_____	_____	_____ (min.)
<u>Building Height:</u>			
Stories	_____	_____	_____ (max.)
Feet	_____	_____	_____ (max.)
<u>NO. of Dwelling Units:</u>	_____	_____	_____ (max.)
<u>NO. of Parking Spaces:</u>	_____	_____	_____ (min./max)

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.

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

Supporting Statement for Special Permit

The applicant respectfully seeks a special permit from the Town of Franklin Zoning Board of Appeals according to M.G.L. 40A §9 and Town Bylaws Section 185 Attachment 3 – Use Regulations Schedule Part II, Section 2.2, 2.21, and 2.22 and Section 185-45.D(2)(a) & E of the Town of Franklin Code. The Applicant seeks to operate a dog spa, day care, and boarder business at the Franklin Village Plaza. The property is located within the Business District.

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

The proposed use will fit seamlessly within the largest commercial center in Town. This will provide a convenient location for patrons to access for their canine care needs and will be consistent with the myriad of other businesses and services located in the Franklin Village Plaza.

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

There is no proposed change to the traffic flow, access, parking and pedestrian circulation that has been in existence since 1987. While the applicant anticipates strong demand for the services provided, the vast parking area and extensive internal circulation can easily absorb the applicant's business. On average, pet parents spend less than two minutes to drop off or pick up their dog from daycare. Customer parking does not usually exceed two to three spaces at any given time.

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

No change is proposed to the roadways, drainage, utilities and other infrastructure servicing the plaza as they are all more than adequate to accommodate the addition of the applicant's business.

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

The business will be located in the midst of the largest commercial center in Town. No residential properties will be impacted. The addition of the dog care business will blend well with the character of the plaza as many patrons who currently visit the plaza will now bring their dogs to be cared for while they access other businesses in the plaza.

(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.

There are no environmentally significant natural resources, habitats, or features that will be impacted by the proposed business.

(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.

The applicant proposes no change to the existing structure which has been in existence since 1987. No deprivation of light or fresh air circulation will take place, and the proposed business will not create a flood hazard, and will not measurably add to the light, vibrations, and airborne particulates already being generated at the plaza. The applicant will take the following measures to control noise and odor...

To control for noise, specialized wall type and air gap at demising walls and between playrooms and people space. Extended walls prevent odor and sound transfer. Additional insulation and acoustical elements are installed in the ceiling to further eliminate sound transfer. Dog training protocols to manage behavior and bark control further mitigates this. Through the assistance of an acoustical engineer, the applicant has been able to successfully eliminate noise disruption in at least four other daycares with office and/or residential tenants above.

Odor is controlled with pet-safe cleaning solutions, including a bioenzymatic digester that treats odor at its source. An antimicrobial system with dry hydrogen peroxide and UV lighting is installed in the HVAC system. The HVAC system utilizes 100% outside air exchange, is specific to each playroom, and separated for dog and human space. A waste management plan is also in place to ensure that any solid waste is contained and removed from the facility to eliminate odor.

(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.

The water use at the business and the corresponding grey water will not significantly impact the local water supply and will not burden the town's wastewater treatment capacity.

Dogtopia uses pet-safe cleaning solutions, which are phosphate free, and therefore does not negatively impact the wastewater treatment capacity. They are dispensed through a hydro dispensing mixing station, which automatically titrates an accurate dilution at multiple flow rates. This eliminates carryover between products, allows for a combination of high and low flow rates using separate educators, and provides backflow protection. Solid pet waste does not enter the sewer system. Spa services (baths for dogs) are less than 5% of the business.

Bk 21760 P327 #187243
11-12-2004 @ 11:29a

NOT
RECEIVED AND RECORDED
OFFICE OF THE CLERK
NORFOLK COUNTY
REGISTER OF DEEDS
CELEBRANT MA
CERTIFY
William R O'Donnell
WILLIAM R O'DONNELL, REGISTER

NOT
AN
OFFICIAL
COPY

QUITCLAIM DEED

ROGER V. CALARESE and A. RICHARD CALARESE, as Trustees of FRANKLIN VILLAGE TRUST under that certain Declaration of Trust dated January 19, 1979, and recorded in the Norfolk County District Registry of Deeds in Book 5566, Page 320, as amended by that certain Amendment to Trust dated September 19, 1981, and recorded in the Norfolk County District Registry of Deeds in Book 5930, Page 190, as further amended by that certain Change of Trustee of Franklin Village Trust dated April 12, 1991, and recorded in the Norfolk County District Registry of Deeds in Book 8911, Page 616 of Norfolk County, Massachusetts, having an office at 1000 Franklin Village Drive, Franklin, Massachusetts 02038, for consideration paid in the amount of \$69,800,000.00, as adjusted, grant to CEDAR-FRANKLIN VILLAGE LLC, a Delaware limited liability company, having an office c/o Cedar Shopping Centers Partnership, L.P., 44 South Bayles Avenue, Port Washington, New York 11050, with quitclaim covenants the land with buildings thereon now identified as Franklin Village Shopping Center, situated in Franklin, Massachusetts, which is described in Exhibit A attached hereto, subject to easements, restrictions and agreements of record insofar as the same are in force and applicable.

For title reference, see Deeds recorded in the Norfolk County District Registry of Deeds as follows:

- (1) Deed of First Trust Company of Ohio, N.A., to Americo Calarese and Roger V. Calarese, Trustees of West Central Properties Trust, which Deed is dated January 17, 1979 and recorded with said Deeds in Book 5566, Page 322.
- (2) Deed of John J. Consigli to Americo Calarese and Roger V. Calarese, Trustees of West Central Properties Trust, which Deed is dated January 3, 1986 and recorded with said Deeds in Book 6575, Page 686.
- (3) Deed of Edward L. Revell to Americo Calarese and Roger V. Calarese, Trustees of Franklin Village Trust, which Deed is dated August 15, 1986 and recorded with said Deeds in Book 7244, Page 595.

Locs 660-18 West Central / ST. Franklin

NOT
Witness their hand and seal this 1st day of November 2004.

OFFICIAL
COPY

NOT
OFFICIAL
COPY

Roger V. Calarese
Roger V. Calarese, Trustee

A. Richard Calarese
A. Richard Calarese, Trustee

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this 27th day of October, 2004, before me, the undersigned notary public, personally appeared Roger V. Calarese and A. Richard Calarese, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as Trustees of Franklin Village Trust.

CANCELLED
NOV 12 2004
DENHAM
DEEDS REG#17
NORFOLK

CANCELLED
NOV 12 2004
DENHAM
DEEDS REG#17
NORFOLK

11/12/04 12:28PM 01
000000 40945

FEE \$79572.00

CASH \$79572.00

11/12/04 12:28PM 01
000000 40946

FEE \$79572.00

CASH \$79572.00

Notary Public

Name: _____

My Commission Expires: _____

STEVEN R. RUST, Notary Public
Commonwealth of Massachusetts
My Commission Expires September 19, 2008



CANCELLED
NOV 12 2004
DENHAM
DEEDS REG#17
NORFOLK

CANCELLED
NOV 12 2004
DENHAM
DEEDS REG#17
NORFOLK

11/12/04 12:28PM 01
000000 40947

FEE \$79572.00

CASH \$79572.00

11/12/04 12:28PM 01
000000 40948

FEE \$79572.00

CASH \$79572.00

EXHIBIT A

N O T
A N
O F F I C I A L
C O P Y

N O T
A N
O F F I C I A L
C O P Y

A certain parcel of land located on the southerly side of West Central Street and the easterly side of Interstate Route 495 in the Town of Franklin, Norfolk County, Commonwealth of Massachusetts, said described parcel of land is more particularly shown and described as Lot 81-61 on a plan entitled: "Plan of Land In The Town Of Franklin, Norfolk County, Massachusetts" prepared by: Guerriere and Halnon, Inc. Civil Engineers and Land Survey Consultants Dated: 27 September 2004, recorded in the Norfolk County District Registry of Deeds on October 26, 2004, at Plan Book 528, Plan no. 84 of 2004, bounded and described as follows:

Beginning at a point on the southerly sideline of said West Central Street, at land (formerly of Eva A. Goldenberg) now or formerly of Renaissance Development Corp.; thence running

S00°00'04"W	a distance of 1086.71 feet by land now or formerly of Renaissance Development Corp., crossing a railroad right of way, to a point on the centerline of Mine Brook; thence running
Southwesterly	by the centerline of said Mine Brook a distance of 1032 feet, more or less (with a tie-line bearing S74°53'31"W a distance of 825.44 feet) to a point on the easterly sideline of said Route 495; thence running
Northwesterly	along the arc of a non-tangent curve to the left having a radius of 8125.00 feet an arc length of 206.00 feet (with chord of 205.99 feet bearing N25°24'07"W) along the easterly sideline of said Route 495 to a point at land of Consolidated Rail Corporation; thence running
S83°26'26"E	a distance of 69.63 feet to a point; thence running
N01°09'16"W	a distance of 83.26 feet to a point; thence running
N83°26'26"W	a distance of 112.10 feet, the previous three (3) courses being by land now or formerly of said Consolidated Rail Corporation to a point on the easterly sideline of said Route 495; thence running
Northwesterly	along the arc of a non-tangent curve to the left having a radius of 8125.00 feet an arc length of 308.95 feet (with a chord of 308.93 feet bearing N27°54'41"W), to a Massachusetts Highway Bound on the easterly sideline of said Route 495; thence running

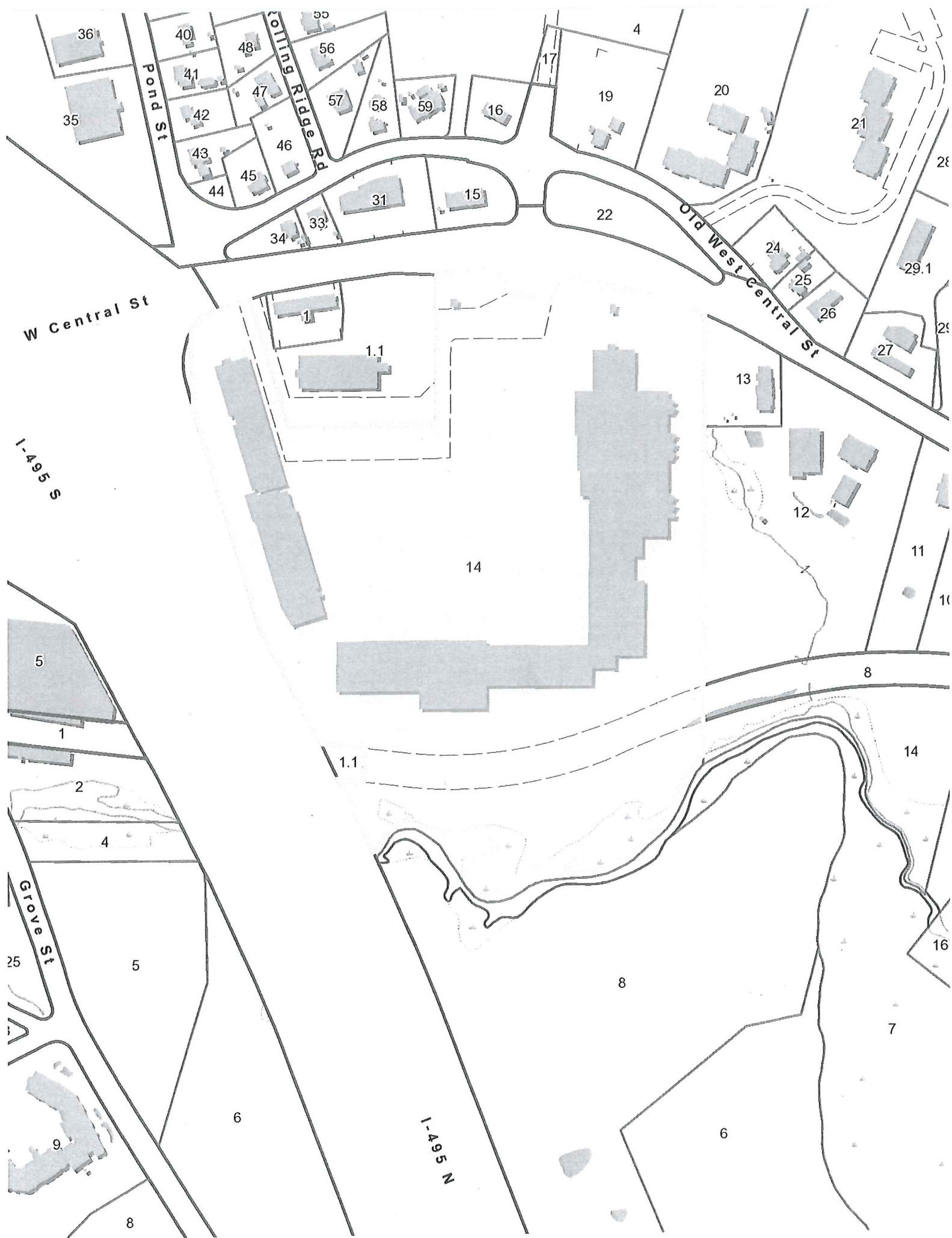
	N O T	N O T
	A N	A N
Southeasterly	along the arc of a curve to the right having a radius of 74.00 feet an arc length of 6.17 feet (with a chord of 5.85 feet bearing S04°14'12"E) to a point; thence running	along the arc of a curve to the right having a radius of 74.00 feet an arc length of 6.17 feet (with a chord of 5.85 feet bearing S04°14'12"E) to a point; thence running
S78°01'00E	a distance of 109.19 feet to a point on a curve; thence running	a distance of 109.19 feet to a point on a curve; thence running
Northeasterly	along the arc of a curve to the left having a radius of 54.00 feet a length of 98.09 feet (with a chord of 85.15 feet bearing N45°31'48"E) to a point of compound curvature; thence running	along the arc of a curve to the left having a radius of 54.00 feet a length of 98.09 feet (with a chord of 85.15 feet bearing N45°31'48"E) to a point of compound curvature; thence running
Southeasterly	along the arc of a curve to the left having a radius of 954.00 feet an arc length of 255.90 feet (with a chord of 255.14 feet bearing S74°44'49"E) to a point of compound curvature; thence running	along the arc of a curve to the left having a radius of 954.00 feet an arc length of 255.90 feet (with a chord of 255.14 feet bearing S74°44'49"E) to a point of compound curvature; thence running
Southeasterly	along the arc of a curve to the left having a radius of 2494.00 feet an arc length of 63.40 feet (with a chord of 63.39 feet bearing S66°20'03"E) the previous ten (10) courses being along the southerly sideline of said West Central Street to a point on a curve on southerly sideline of said West Central Street at the point of beginning.	along the arc of a curve to the left having a radius of 2494.00 feet an arc length of 63.40 feet (with a chord of 63.39 feet bearing S66°20'03"E) the previous ten (10) courses being along the southerly sideline of said West Central Street to a point on a curve on southerly sideline of said West Central Street at the point of beginning.

The above described land contains 33.664 acres, more or less; excepting the Rail Road Right-of-Way from the above described parcel of land, Lot 81-61 contains an area of 32.066 acres more or less.

Town of Franklin, Massachusetts



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







The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Annual Report

(General Laws, Chapter)

Identification Number: 001468935

Annual Report Filing Year: 2022

1.a. Exact name of the limited liability company: RED BARN DOG OPS MA, LLC

1.b. If different, the name under which it does business in the Commonwealth:

2. The Limited Liability Company is organized under the laws of: State: DE Country: USA
 The date of its organization is: 06/19/2019

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:
ALL LAWFUL BUSINESS, INCLUDING BUT NOT LIMITED TO, PET CARE SERVICES.

4. Location of its principal office:

No. and Street: 855 MAIN STREET, STE. 1030
 City or Town: BRIDGEPORT State: CT Zip: 06604 Country: USA

5. The business address of its principal office in the Commonwealth, if any:

No. and Street:
 City or Town: State: Zip: Country:

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	CHRISTOPHER KEMPNER	855 MAIN STREET, STE. 1030 BRIDGEPORT, CT 06604 USA

7. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	CHRISTOPHER KEMPNER	855 MAIN STREET STE 1030

City or Town: BOSTON State: MA Zip: 02110 Country: USA

9. If the foreign limited liability company has a specific date of dissolution, the latest date on which the limited liability company is to dissolve:

10. Additional matters:

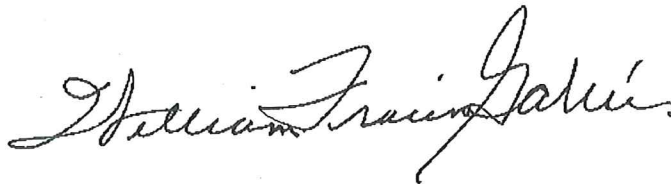
SIGNED UNDER THE PENALTIES OF PERJURY, this 13 Day of October, 2022,
CHRISTOPHER KEMPNER , Signature of Authorized Signatory.

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

October 13, 2022 03:06 PM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in dark ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



Town of Franklin, MA

\$26.74 Paid

via Credit Card ending in 3474

Thanks for using the Online Service Center

Edward Cannon

Abutter's List Request Form #124221

May 17, 2023

Abutter's Request Fee - Per Parcel	\$25.00
Processing Fee	\$1.74
Total Paid	\$26.74

Powered by the ViewPoint Cloud platform

Receipt number #53926