

# Earth Removal Application

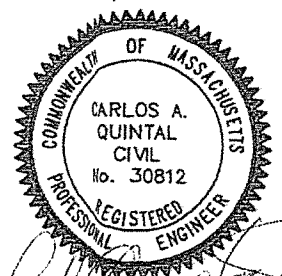
FOR  
Washington Street

LOCATED IN  
FRANKLIN, MASSACHUSETTS

PREPARED FOR  
Franklin Flex Space, LLC  
13 Clovelly Road  
Wellesley, MA

PREPARED BY  
UNITED CONSULTANTS, INC.  
850 FRANKLIN STREET, SUITE 11D  
WRENTHAM, MA. 02093

DATE: September 13, 2021  
Revised: December 9, 2021



*Carlos A. Quintal*  
12/10/21

## Purpose

This report is offered in support of the application for Earth Removal for the "Site Plan – Washington Street" located in Franklin, Massachusetts.

## Existing Conditions

The site consists of four parcels of land that were combined to create a parcel with 6.15 acres of land. One of the four parcels was formerly a railroad right of way. The site is currently vacant. There is also a right of way located on the abutting property. There is an existing easement for the overhead power transmission lines that cross the site.

## Proposed Conditions

The proposed development will consist of the construction of three buildings with vehicle parking areas. A storm-water systems has been proposed for the site. This storm-water system will have catch basin, water quality units and three trench drains to capture the stormwater. Additional water quality units will be included in line of the stormwater system to provide the required water quality treatment. Three underground infiltration ponds will also be constructed. A municipal water connection and utility connections are proposed for the site. A septic system will be provided. The project will utilize a single driveway entrance from Washington Street.

The project will require the excavation of 17,840 Cubic yards of earth material, with approximately 2,654 cubic yards being utilized as fill on site. This will generate an export of earth material from the site of 15,186 cubic yards.

As require by the Town of Franklin Zoning Bylaw Section 185-23 we have completed the following responses:

### Section B. (1)

- (a) The site will be developed as shown of the site plans. Excavators, bulldozers, front end loaders and dump trucks will be utilized to complete the earth removal and site grading. The hours of operation will be from 7 am to 5 pm. Vehicles will travers the site as necessary to complete the earth material removal operations. The existing gravel rail bed and pad at the Washington Street frontage will be utilized for storing equipment and materials until the site is graded and made available. The site work will be completed in three area consisting of one building and a portion of the parking area. This was done to minimize the disturbance area. The work is anticipated to take one ear to complete.
- (b) If ledge removal is necessary the contractor shall evaluate the use of hydraulic hammers to remove the ledge. If this is not feasible the contractor shall file and obtain all necessary permits from the Commonwealth of Massachusetts and the Town of Franklin. This will include obtaining all necessary permits from the Town of Franklin Fire Department. Boulders, tree stumps and other waster material will be disposed of off-site.
- (c) Test Pit data and locations can be found on the site plans existing conditions sheets.
- (d) The site is proposed to be developed as an industrial build with bays that will have office space, warehouse space and could be used for light manufacturing. The site will have a stormwater system that has been designed to comply with the Town of 'Massachusetts Department of Environmental Protection Stormwater Regulations and Standards.

(e) Owners:

Abruzzi Realty Trust – 55 Coutu Street – Franklin, MA 02038  
Ferrara Family Realty Trust – PO Box 482 – Franklin MA 02038

Petitioner and Site Operator:

Franklin Flex Space, LLC – 13 Clovelly Steet – Wellesley, MA 02481

Abutters: A certified list of abutters has been attached.

- (f) The intended use of the property is a mix of office, warehouse, and light manufacturing.
- (g) Trucking routes are planned to exist the site onto Washington Street heading south toward King Street. The trucks will then travel on King Street to Route 495.
- (h) The proposed erosion control methods are provided on the site plans. The project will require a Town of Franklin Soil Erosion and Sedimentation Control Plan and filing with the EPA. Pre-development and Post-development drainage calculations have been provided in the Drainage Analysis.
- (i) The existing and proposed site elevations as well as test pit locations can be found on the site plans.
- (j) We anticipate the Zoning Enforcement Office will provide the Zoning Board of Appeals a statement as to the existence of unexpired earth removal special permits applicable to the land that abuts the parcel of land from which the applicant seeks to remove material.

## **ZBA Application Page 1**

TOWN OF FRANKLIN  
ZONING BOARD OF APPEALS

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

ZBA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: X Variance: \_\_\_\_\_ Appeal: \_\_\_\_\_

PETITIONER: Franklin Flex Space, LLC

PETITIONER'S ADDRESS: 13 Clovelly Road Wellesley, MA 02481

PHONE: 781-810-4800

LOCATION OF PROPERTY: Washington Street

TYPE OF OCCUPANCY: Office, Warehouse and Light Manufacturing

ZONING DISTRICT: Industrial

ASSESSORS MAP & PARCEL: Map 304 Parcel 64

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input 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 checked="" type="checkbox"/> Other: <u>Earth Removal</u>	

DESCRIPTION OF PETITIONER'S PROPOSAL:

The petitioner is proposing to construct three buildings each with a footprint of 15,120 sq. ft. The building will contain 9 bays each and will be used for office, warehouse and light manufacturing.  
To complete the project the petitioner will need to remove approximately 20,211 cubic feet of earth materials from the site.

SECTIONS OF ZONING ORDINANCE CITED:

Article V Section Section 185-23

Article \_\_\_\_\_ Section \_\_\_\_\_

Article \_\_\_\_\_ Section \_\_\_\_\_

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)

Peter Genta

(Print Name)

Address: 13 Clovelly Road Wellesley, MA 02481

Tel. No.: 781-810-4800

E-Mail Address: pgenta@mpg-capital.com

Date: 9/14/2021

Original Signature(s): \_\_\_\_\_

(Petitioner(s)/Owner)

James Colace

(Print Name)

Address: 55 Coutu Street Franklin, MA 02038

Tel. No.: 508-863-3606

E-Mail Address: BETHCOLACE@msn.com

Original Signature(s): \_\_\_\_\_

(Petitioner(s)/Owner)

Anna Clarke

(Print Name)

Address: 51 A STREET

Tel. No.: 508-254-4007

E-Mail Address: \_\_\_\_\_

**ZBA Application Page 3**

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 Abruzzi Realty Trust - James Colace  
(OWNER)

Address: 55 Coutu Street Franklin, MA 02038

State that I/We own the property located at Washington Street Assessors  
Map 304 Parcel 64,  
which is the subject of this zoning  
application.


The record title of this property is in the name of Abruzzi Realty Trust

\*Pursuant to a deed of duly recorded in the date 3-18-2021, Norfolk

County Registry of Deeds at Book 39157, Page 493; 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 - OWNERSHIP INFORMATION

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

I/We Ferrara Family Realty Trust (OWNER)

Address: P.O. Box 482 Franklin, MA 02038

State that I/We own the property located at Washington Street Assessors  
Map 304 Parcel 64-001,  
which is the subject of this zoning  
application.

The record title of this property is in the name of Ferrara Family Realty  
Trust

\*Pursuant to a deed of duly recorded in the date 9-07-2018, Norfolk

County Registry of Deeds at Book 36281, Page 195; or

Dedham Registry District of Land Court, Certificate No.                     

Book                      Page                     .



SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

**ZBA Application Page 4**

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: Franklin Flex Space, LLC  
PRESENT USE/OCCUPANCY: Vacant Land  
LOCATION: Washington Street Map 304 Parcel 64 and Parcel 064-001  
ZONE: Industrial

PHONE: 781-810-4800  
REQUESTED USE/OCCUPANCY: Office, Warehouse and Light Manufacturing

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> <sup>1</sup>
<u>Lot Area:</u> (min.)	<u>246,404+/-</u>	<u>246,404+/-</u>	<u>40,000</u>
<u>Continuous Frontage:</u>	<u>253.47'</u>	<u>253.47'</u>	<u>175'</u> (min.)
<u>Size of Lot:</u> Width (min.)	<u>137' +</u>	<u>137' +</u>	<u>157.5'</u>
Depth	<u>299.9'</u>	<u>299.9'</u>	<u>200'</u> (min)
<u>Setbacks in</u> <u>Feet:</u>			
Front	<u>0</u>	<u>40'</u>	<u>40'</u> (min.)
Rear	<u>0</u>	<u>30'</u>	<u>30'</u> (min.)
Left Side	<u>0</u>	<u>30'</u>	<u>30'</u> (min.)
Right Side	<u>0</u>	<u>30'</u>	<u>30'</u> (min.)
<u>Building Height:</u> Stories	<u>0</u>	<u>1</u>	<u>3</u> (max.)
Feet	<u>0</u>	<u>22'</u>	<u>-</u> (max.)
<u>NO. of Dwelling Units:</u>	<u>0</u> (max.)		
<u>NO. of Parking Spaces:</u>	<u>144 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.

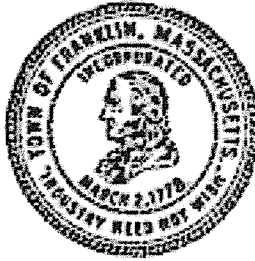
There are not any building on the subject property.

The property is currently vacant.

The proposed building will be constructed of steel and concrete.

SEE FRANKLIN ZONING BYLAW ARTICLE 185, ATTACHMENT 9.

**ZBA Application Page 6**



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.

The proposed project will include three proposed buildings and will include a parking area. The use of the building will be office, warehouse and light manufacturing which are allowed within the Industrial Zoning District.

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

The traffic generated from the proposed buildings will be directed to Washington Street and will travel southerly to King Street or northerly to Union Street. The design includes one access driveway curb cut on Washington Street to service the three buildings.

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

The proposed buildings located on the site will be connected to the town water and utilities which are currently located within the property frontage. Proposed utility connections are shown on the site plan. A septic system will be proposed and will be designed in accordance with Title V and the Town of Franklin Board of Health Regulations.

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

The property is located within the Industrial zoning district. The property is bordered on the east single family houses to the south by electric transmission lines to the west by a wetland and to the north by Interstate Route 495.

(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.

The site is not located within a mapped Natural Heritage and Endangered Species Area. There are not any mapped vernal pools located on the site.

(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 siting of the three building as well as the height of the building in relation to the existing houses will not impact the light or air circulation of the abutting properties. The site storm-water system has been designed to meet the Town storm-water standards for rate and volume of discharge. No noise, odor, vibrations or airborne particulates are anticipated.

(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 proposed tenants have not been determined. Based on office and warehouse uses the anticipated water use will be approximately 1,350 gallons per day. The site will be service by an onsite septic system.

## **ZBA Application - Deed**



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C O P Y

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C O P Y

## CONFIRMATORY DEED

**THE FRANKLIN SPORTS MALL LLC**, a Massachusetts Limited Liability Company having an address of 15 Washington Street, Franklin, Massachusetts, for consideration paid and in full consideration of less than One Hundred and 00/100 Dollars (\$100.00) grants to **JAMES A. COLACE, TRUSTEE OF THE ABBRUZZI REALTY TRUST**, under a Declaration of Trust dated January 11, 1999, recorded with the Norfolk County Registry of Deeds in Book 13167, Page 490, having a mailing address of 55 Coutu Street, Franklin, Massachusetts, with **Quitclaim Covenants**

Property Address: Three Parcels of Land off Washington St., Franklin,  
MA 02038

Parcel One:

A certain parcel of land situated on the Northwestern side of Washington Street, Franklin, Norfolk County, Massachusetts, and shown as "FORMER NEW YORK NEW HAVEN AND HARTFORD RAILROAD CO.," on a plan entitled, "Plan of Land in the Town of Franklin, Norfolk County, Massachusetts," dated August 7, 2003, prepared by Guerriere & Halnon, Inc., 38 Pond Street, Ste 206, Franklin, Mass. 02038," recorded with the Norfolk County Registry of Deeds as Plan No. 472 of 2003 in Plan Book 511. Containing 103,810 square feet (2.38 acres) more or less, according to said plan. Reference to said plan may be made for a more particular description of said parcel.

Parcel Two:

A certain parcel of land situated on the Northwestern side of Washington Street and shown as Parcel "B" on a plan entitled, "Compiled Plan of Land in Franklin, Mass.," dated May 10, 1991, prepared by William J. Rossetti, P.L.S., Franklin, Mass., recorded with said Norfolk Deeds as Plan No. 160 of 1992, in Plan Book 404. Containing 2.5 acres, more or less, according to said plan. Reference to said plan may be made for a more particular description of said parcel.

Parcel Three:

A certain parcel of land situated on the Northwestern side of Washington Street and shown as Parcel "C" on a plan entitled, "Compiled Plan of Land in Franklin, Mass.," dated May 10, 1991, prepared by William J. Rossetti, P.L.S., Franklin, Mass., recorded with said Norfolk Deeds as Plan No. 160 of 1992, in Plan Book 404. Containing 7,500 sq. ft., more or less, according to said plan. Reference to said plan may be made for a more particular description of said parcel.

Meaning and intending to convey and hereby conveying the same premises conveyed to the grantor by deed dated October 4, 2006 and recorded in the Norfolk County Registry of Deeds in Norfolk County Registry of Deeds Book 24143 Page 27.

This Deed is to confirm and correct a prior Deed dated November 14, 2018 recorded in the Norfolk County Registry of Deeds in Book 36454, Page 293, which was missing the above Parcel Two (containing Parcel "B") from the description.

The Grantor is not classified for the current taxable year as a corporation for federal income tax purposes.

EXECUTED as a sealed instrument this 18<sup>th</sup> day of March, 2021.

THE FRANKLIN SPORTS MALL LLC

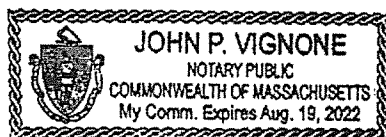
by:

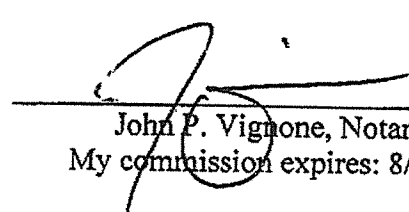
  
CARMINE COLACE,  
Manager

Commonwealth of Massachusetts

Norfolk, ss

On this 18<sup>th</sup> day of March, 2021, before me, the undersigned notary public, personally appeared CARMINE COLACE, Manager of THE FRANKLIN SPORTS MALL LLC, 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(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.



  
John P. Vignone, Notary Public  
My commission expires: 8/19/2022

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### **QUITCLAIM DEED**

**THE FRANKLIN SPORTS MALL LLC**, A Massachusetts limited liability company having a principal place of business at 2 Cochran Way, Franklin, MA, in consideration of \$1.00 and for consideration paid as stated below, grants to

**Valentina Kinch, Giannina DeGaetano, Maria Giorgio and Anna Clarke**, Trustees of the **FERRARA FAMILY REALTY TRUST**, under a Declaration of Trust dated April 29, 2002, and recorded with the Norfolk County Registry of Deeds in Book 16877, Page 71, having a mailing address of 139 Washington St., P. O Box 482, Franklin, MA 02038, with

### **QUITCLAIM COVENANTS**

A certain parcel of land situated off Washington Street, Franklin, Norfolk county, Massachusetts and shown as Parcel B on a plan entitled "Plan of Land in Franklin Massachusetts" Norfolk county, Scale 1" = 50', dated October 26, 2006, Prepared For: Franklin Sports Mall, 2 Cochran Way, Franklin, Massachusetts, drawn by United Consultants Inc., 850 Franklin Street, suite 11D, Wrentham, Massachusetts 02093, filed with the Norfolk County Registry of Deeds as page 80 in Plan Book 562, to which plan may be referenced for a more particular description.

Parcel B contains 21,634 square feet of land, more or less, according to said plan.

This Deed is given in lieu of the foreclosure of the mortgage dated December 19, 2007 and recorded with the Norfolk Deeds in Book 25387, Page 345, meaning and intending that Grantee's acceptance and recoding of this Deed shall operate as a full satisfaction of all Grantor's obligation under and related to said mortgage. The outstanding amount of the mortgage being forgiven is \$25,000.00.

**PROPERTY ADDRESS: PARCEL B, OFF WASHINGTON STREET,  
FRANKLIN, MA**

MASSACHUSETTS STATE EXCISE TAX  
Norfolk Registry of Deeds  
Date: 09-07-2018 @ 02:46pm  
Ctl#: 1153 Doc#: 80417  
Fee: \$114.00 Cons: \$25,000.00

WILLIAM P. O'DONNELL, REGISTER

NOT  
AN  
OFFICIAL  
COPY

For title, see Norfolk Deeds Book 25387, Page 343.

NOT  
AN  
OFFICIAL  
COPY

Witness my hand and seal this 16 day of July, 2018.

THE FRANKLIN SPORTS MALL LLC

By:

  
Its Manager Carmine D. Colace

COMMONWEALTH OF MASSACHUSETTS

Norfolk County

July 16, 2018

Then personally appeared the above-named Carmine D. Colace, Manager as aforesaid, proved to me through satisfactory evidence of identification, being a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged the execution of the foregoing instrument to be his free act and deed before me

  
Notary Public: Peter E. Prud'homme  
My Commission Expires: May 31, 2025

