

**Decision of the Framingham Planning Board on the
Application of 1881 Worcester LLC c/o Parson Commercial Group, Inc.
For Modification to Site Plan and Special Permit for
Dimensional Relief to Off-Street Parking Design Standards
1881/1891 Worcester Road, Framingham, MA**

2014 DEC 19 A 9:51
TOWN CLERK
FRAMINGHAM

Date of Decision: December 18, 2014

STATEMENT OF FACTS

On November 20, 2014, the Applicant, 1881 Worcester LLC c/o Parsons Commercial Group, Inc., filed with the Planning Board, and on November 20, 2014, the Planning Board filed with the Town Clerk and Town Departments, applications for the Modification of a Site Plan (VI.F.7.d.) and Special Permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) in accordance with the Framingham Zoning By-law. The Application was filed to allow portions of an existing parking lot to remain as presently configured and to construct 35 additional off-street parking spaces with associated stormwater and site improvements. The parcel is located at 1881/1891 Worcester Road, located in the Manufacturing (M) Zoning District and the Highway Corridor (HC) Overlay District. Said parcel is shown on the Framingham Assessor's Map Sheet 463, Block 9, Lot 27.

After the notice of the public hearing was published in "The Metrowest Daily News" on December 3, 2014 and December 8, 2014 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. c. 40A, the Planning Board opened the public hearing on December 18, 2014 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. On December 18, 2014 the Planning Board voted to close the public hearing for the Modification of a Site Plan Review (Section VI.F.7.d.) and Special Permits for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.).

The Planning Board voted to approve the Applications for the Modification of a Site Plan (VI.F.7.d.) and Special Permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.) with conditions on December 18, 2014.

The Applicant has filed with the Planning Board various plans and reports required under the Modification of a Site Plan (Section VI.F.7.d.) and Special Permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) in accordance with the Framingham Zoning By-law. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various departments within the Town of Framingham that reviewed the Project. These plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference. Included with the Applicant's submittals were the following:

1. Uniform Site Plan Review Application Package, received by the Planning Board on November 20, 2014, and stamped with the Town Clerk on November 20, 2014;
2. Uniform Special Permit Application Package, received by the Planning Board on November 20, 2014, and stamped with the Town Clerk on November 20, 2014;

3. Letter from Attorney Paul Galvani, RE: Application for Modification to Site Plan Approval and Application for Special Permit for Relief to Off-Street Parking Design Standards for 1881 Worcester Road – Request for Waivers from Submittal Requirements, dated November 20, 2014;
4. Letter from MassDOT (MB141030.GL), RE: Disposition to Lease MassDOT Land, dated October 30, 2014;
5. Site Plan of Parking, 1881 Worcester Road, prepared for 1881 Worcester Road, LLC. c/o Parsons Commercial Group, prepared by Connorstone Consulting Civil Engineers and Land Surveyors, dated November 12, 2014; and
6. Stormwater Report for Proposed Parking Lot Expansion at 1881 Worcester Road, Prepared for 1881 Worcester Road LLC c/o Parsons Commercial Group, dated November 12, 2014.

The Planning Board received correspondence from the Framingham Conservation & Open Space – DPW, the Framingham Police Department, the Framingham Fire Department, and the Framingham Department of Public Works. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Special Permit and Site Plan Review Checklist for Application Submittal for the Project located at 1881 Worcester Road, dated November 24, 2014, stamped with the Town Clerk on November 24, 2014;
2. Letter of comment from the Framingham Conservation & Open Space – DPW, Subject: 1881 Worcester Road – Conservation Review, dated December 9, 2014;
3. Email of comment from the Framingham Police Department, Subject: 1881 Worcester Road, Framingham, dated December 15, 2014;
4. Email of comment from the Framingham Fire Department, Subject: 1881 Worcester Road, dated December 15, 2014; and
5. Letter of comment from the Framingham Department of Public Works, RE: Special Permit for dimensional relief to off street parking design standards #1881 Worcester Road, Framingham, dated December 18, 2014.

HEARING

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney Paul Galvani of Galvani Law Offices, Vito Colonna of Connorstone Engineering, and David Cannon of Parsons Commercial Group.

During the public hearing Attorney Paul Galvani provided the Planning Board with a history of the existing office building. Attorney Galvani further discussed the proposed project with the Planning Board, noting the request of the Conservation Commission's for a Notice of Intent to be filed prior to the construction of the project. Vito Colonna walked the Planning Board through the proposed site plan, noting the wetlands and addressing the request for additional on-site snow storage.

FINDINGS

Having reviewed all plans and reports filed by the Applicant and its representatives, and having considered the correspondence from various Departments within the Town of Framingham that have reviewed the Project, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law including the requirements for the Modification of a Site Plan (Section VI.F.7.d.) and Special Permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.). Specifically, the Board makes the following findings:

A. Traffic Impact Standards and Absence of Vehicular Hazard: §VI.F.5.g.(1) and §VI.E.3.a.(3)

The property is located at 1881/1891 Worcester Road. The area is predominately office, commercial, and manufacturing, within close proximity to the Town's Technology Park. The proposed 35 off-street parking spaces shall serve the existing office building located at 1881 Worcester Road. The existing office building currently operates with a reduction in the required number of off-street parking spaces. A non-medical office building requires one parking space per 250 square feet of gross floor area or one parking space per two employees, whichever is greater. Although the proposed increase in the number of off-street parking spaces does not bring the office building into compliance with parking requirements; the increase will allow for an existing tenant to expand its business and remain in Framingham, and will bring the property closer to compliance with the required number of off-street parking spaces under the By-Law.

A portion of the proposed new parking lot is owned by the Commonwealth of Massachusetts, Massachusetts Department of Transportation (MassDOT). There is a lease agreement between MassDOT and 1881 Worcester, LLC. c/o Parson Commercial Group, Inc. for the portion of land under consideration. MassDOT has provided written correspondence dated October 30, 2014, regarding conditions for the use of this land, which are as follows:

- MassDOT does not have any issues with the proposed parking area since it does not have direct access to the proposed parking lot to/from Route 9, nor is "Break in Access" permitted.
- The Applicant understands that a 28 foot strip measured from the edge of the right hand travel way shall be retained on Route 9.
- The sidewalk appears to be narrow and should be widened to six feet minimum to properly comply with ADA and AAB requirements;
- The utility poles are installed inside the dynamic deflection area of the guardrail creating hazardous installation. The guardrail requires a six foot total width for installation and dynamic deflection with utility poles behind this envelope.
- The utilities should be provided with an eight foot corridor behind the guardrail. If the face of the utility pole is installed at the edge of the guardrail envelope a five foot minimum is required.

The addition of 35 parking spaces is not expected to increase traffic within the immediate area, nor will the additional spaces require a new curb cut along Route 9. The proposed parking spaces will require existing conditions to be maintained or improved for pedestrians, bicyclist, and all users of the roadway as required by MassDOT. Therefore, the Board finds that the proposed

project complies with the requirements set forth in §VI.F.5.g.(1) and §VI.E.3.a.(3) of the Framingham Zoning By-law.

**B. Environmental Impact Standards and Consistency with Intent of By-Law:
§VI.F.5.g.(2) and §VI.E.3.a.**

The existing ground cover is vegetated with a mix of trees and low brush. There are moderate slopes between 5% and 8% towards a 3'x3' box culvert running under existing railroad tracks. Wetland resource areas have been located on-site near the existing culvert running under the existing railroad tracks to the north. The proposed project is not located in an Estimated or Priority Habitat of Rare Wildlife as indicated on the 2008 Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP).

The proposed project shall construct a drainage system which has been designed in compliance with the MassDEP Standards to ensure adequate detention, and recharge of stormwater. The proposed stormwater system shall include deep sump catch basins, an oil/grit separator, and a subsurface detention/infiltration system. Surface runoff created by the proposed parking lot shall be collected by the surface inlets and routed through the stormwater management system. Pretreatment shall be provided through the catch basins and oil/grit separator. Final treatment for stormwater shall include detention and recharge through a subsurface detention/infiltration system. Overflow not captured by the system will discharge towards the box culvert during peak rate at or below pre-development levels. The existing State drainage system runs across the site would be protected pre- and post- construction and shall not be impacted by the project.

The Applicant has provided a Stormwater Operations and Management Plan and Long-term Pollution Prevention Program, dated September 16, 2014 for the proposed project. The Stormwater Operations and Management Plans and Long-term Pollution Prevention Program has been drafted to ensure the minimum efforts necessary to guarantee stormwater collection and treatment of sedimentation and erosion control system for the site operates in accordance with the Massachusetts Department of Environmental Protections (DEP) stormwater management policy.

The Project is not expected to have any adverse impacts to air quality in the vicinity of the site as no changes are proposed to the overall operation of the facility. The project is not expected to produce hazardous emission.

Therefore, the Board finds that the Project as proposed complies with the requirements set forth in §VI.F.5.g.(2) and §VI.E.3.a. of the Framingham Zoning By-law.

C. Fiscal Impact Standards and Municipal Services: §VI.F.5.g.(3) and §VI.E.3.a.(5)

The Project is expected to have a positive economic benefit to the immediate area and to the Town of Framingham. The anticipated project cost is \$225,000.00. The proposed project will create a total of 10 construction jobs. The proposed parking lot will not have any impacts on town services or infrastructure. All stormwater will be treated on-site prior to infiltration back into the ground. Therefore, the Board finds that the Project as proposed complies with the requirements set forth in §VI.F.5.g.(3) and §VI.E.3.a.(5) of the Framingham Zoning By-law.

D. Community Impact Standards and Site Appropriateness: §VI.F.5.g.(4). and §VI.E.3.a.(1)

The Project is located in the General Manufacturing (M) Zoning District, within the Highway Overlay (HC) District. The site abuts lands utilized primarily for office, commercial, and manufacturing uses. The proposed off-street parking spaces would directly support a local business expanding within the existing office building located at 1881 Worcester Road.

The Applicant understands that the portion of the proposed off-street parking lot is owned by MassDOT; whereby MassDOT can terminate the agreement for use by providing a six month notice in the event that MassDOT needs the land for maintenance, operation, or expansion of the transportation facilities.

Therefore, the Board finds that the Project satisfies the Community Impact Standards and Site Appropriateness as set forth in §VI.F.5.g.(4) and §VI.E.3.a.(3) of the Framingham Zoning By-Law.

E. Parking Standards and Appropriate Facilities: §VI.F.5.g.(5) and V.E.3.a.(2).

The proposed project provides 35 additional off-street parking spaces which shall be constructed in accordance with the Zoning By-law. The additional 35 off-street parking spaces shall increase the total number of parking spaces on the Property to 234 and bring the Property closer to compliance with the number of parking spaces required for the existing office building located at 1881 Worcester Road.

The Applicant has requested a special permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.). The proposed parking spaces are located within five feet of the proposed lease line. Although the off-street parking spaces will be within five feet of the proposed lease line, there is a distance of 15 feet between the sidewalk along Route 9 and the off-street parking spaces, and approximately 28 feet from the breakdown line to the proposed off-street parking spaces. The distance between the proposed off-street parking spaces and the sidewalk allows for the installation of best management practices for stormwater, maintenance of existing vegetation, and new landscaping.

Therefore, the Board finds that the Project as designed, increases the number of parking spaces on-site, although the office building does not meet the required number of off-street parking spaces, the addition of 35 off-street parking space increases the number of parking spaces on-site, thereby decreasing the void in the required number of off-street parking spaces. Therefore, the Board finds that the proposed project satisfies the Parking Standards and Appropriate Facilities standards as set forth in §VI.F.5.g.(5) and §VI.E.3.a.(3) of the Framingham Zoning By-Law.

CONDITIONS OF APPROVAL

The Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Framingham Zoning By-Law including the requirements for the Modification of a Site Plan (VI.F.7.d.) and Special Permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.).

Accordingly, the Board votes, pursuant to relevant provisions of the Framingham Zoning By-Law, to approve the Applications for the Modification of a Site Plan (VI.F.7.d.) and Special Permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.), subject to the following conditions:

General Provisions

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Administrator to review this approval.
2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given 48 hour written notice. If activity on the Property ceases for longer than 30 days, 48 hour written notice shall be given to the Planning Board Office prior to restarting work.
3. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached 24 hours a day, seven days a week.
4. A copy of this Decision shall be kept on the Property.
5. Prior to the issuance of any building permit, an electronic copy of the approved Site Plan shall be provided to the Planning Board Office for distribution to Departments, in order to be reviewed for compliance with this Decision. The Site Plan shall be revised if necessary to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the Site Plan, the Decision shall take precedence.
6. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with MGL, Chapter 40A, Section 17. The Applicant agrees to submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
9. This approval for the Modification of a Site Plan and Special Permit for Dimensional Relief to Off-Street Parking Design Standards shall lapse within two years from the date the Decision is recorded at the Middlesex South Registry of Deeds, not including such

time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.

10. The failure to comply with the By-law and/or the terms of this Decision may result in revocation of the Modification of a Site Plan and Special Permit for Dimensional Relief to Off-Street Parking Design Standards issued hereunder. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the By-law and/or the terms of this Decision. If the owner believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the 30 day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it; alternatively, the Planning Board may continue the public hearing, or by a four-fifth vote extend the time period in which the violation may be corrected.
11. Prior to the issuance of the building permit, the Applicant shall provide all documents and information requested by the Planning Board or Planning Board Administrator demonstrating that the Applicant has complied with, or will comply with, all conditions of this approval.

Infrastructure/Site Design/Landscaping

12. Prior to the use of the new parking area, the Applicant shall either substantially complete the landscaping improvements shown on the approved landscaping plan or post a performance guarantee in accordance with this decision. All on-site landscaped buffer areas shall be maintained in good condition in perpetuity so as to present a healthy and neat appearance. The Applicant shall follow regularly scheduled routine maintenance.
13. The Applicant shall provide regular maintenance of all facilities. The Applicant shall maintain all on-site drainage in working condition at its own expense, which shall include inspecting the catch basins twice annually (Spring and Fall) and cleaning, if necessary, to remove sediment.
14. Parking pavement markings shall be in white. Fire zone and traffic markings shall be as per the applicable code.
15. The Applicant shall construct all improvements in compliance with all applicable state and federal regulations with respect to the design of any architectural access features required under the Americans with Disabilities Act (ADA) and with 521 CMR Architectural Access Board Rules and Regulations.

Site Construction

16. The Applicant shall perform daily cleanup of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways, caused by the site construction.

17. Outside construction hours are to be between 7:00 AM and 5:30 PM Monday through Friday and 8:00 AM and 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or holidays. No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours. No vehicles are to arrive at the construction site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets

Environment

18. The Applicant agrees to minimize the use of salt in the parking area to reduce any negative impacts to vegetation and ground water.
19. The stormwater drainage system for the Project shall be in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy relating to water quality and flood control using Best Management Practices as the standard of performance.
20. Snow storage shall be on-site in the snow storage areas designated on the Final Approved Site Plan. Snow storage shall not obstruct sight lines to preserve public safety and Applicant must remove excess snow from the site as may be necessary within forty-eight hours after the snow fall ends, in order to preserve public safety.
21. The Applicant agrees to comply with the requirements set forth in the Framingham Conservation Commission's letter dated December 9, 2014, to ensure wetland protection and comply with the Wetlands Protection Act and By-law. Furthermore, the Applicant agrees to file a Notice of Intent (NOI) and abide with the conditions of the NOI.

Special Provisions/ Periodic Conformance Reporting and Review

22. The Applicant is responsible for providing the following performance guarantees for the development project.
 - a. Prior to the use of the new parking area, the Applicant shall post a performance guarantee satisfactory to the Planning Board for all improvements including landscaping, which are incomplete or not constructed, in an amount of at least the cost of such improvements.
 - b. Within 60 days after completion of the project, the Applicant shall provide the Planning Board with "As Built Plans" which shall be reviewed by the Planning Board Administrator, for certification that the landscaping has been planted substantially in accordance with the approved Landscape Plan.
23. Within 60 days after completion of the project, the Applicant shall submit an as-built plan stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plan in a form acceptable to the Town of Framingham, Department of Public Works, Engineering & Transportation Division (DPW). The as-built plan shall be submitted in both hard copy and electronic formats (AutoCAD and PDF). The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Town of Framingham, DPW. The plan shall include but not be limited to site utility improvements and tie-in dimensions to all pipes and connection points. The as-built information shall be delivered to DPW. The

Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.

24. The Applicant agrees to provide the Planning Board Office with written notice regarding the termination or alteration of the agreement between MassDOT and 1881 Worcester, LLC. c/o Parsons Commercial Group, Inc.
25. The Applicant agrees not to construct direct access from the parking lot to/from Route 9 and shall not construct "Breaks in Access". Furthermore, the Applicant agrees to retain the 28 foot strip measured from the edge of the right hand travel lane.
26. The Applicant agrees to abide by the conditions set forth in correspondence dated December 18, 2014 provided by the Department of Public Works regarding standard construction standards.

WAIVERS

The Applicant requests the following waivers for verification of informational meeting with residents, verification of Community Notice, original Building Commissioner Determination Form, and Content & Scope of Application requirements under Section VI.F.5.a.14. and 16., VI.F.5.b., c., d., and e., VI.F.5.g.(1), (2), (3), (4), and (5)

- VI.F.5.a.14. - Water service, sewer, waste disposal, and other public utilities on and adjacent to the site.
- VI.F.a.16. - Sign submittal showing sign locations and construction details which shall include the following information as may be applicable: a scaled drawing of each proposed sign showing all dimensions, colors, lettering, graphics, materials and type of illumination; scaled drawing showing all dimensions of facades proposed to contain signage and indicating the location and dimensions of the proposed sign and any existing signs; photographs of existing buildings and signs; and sidewalks, curb cuts and any landscaped or other areas in which a freestanding sign is to be placed clearly showing the location of the sign.
- VI.F.5.b. - A landscape plan at the same scale as the site plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including planting areas with size and type of stock for each shrub or tree.
- VI.F.5.c. - An isometric line drawing (projection) at the same scale as the site plan, showing the entire project and its relation to existing areas, buildings and roads for a distance of 100 feet from the project boundaries.
- VI.F.5.d. - A locus plan at a scale of one inch equals 100 feet (1"=100'), or such other distance as may be approved by the Planning Board, showing the entire project and its relation to existing areas, buildings and roads for a distance of 1,000 feet from the project boundaries, or such other distance as may be approved or required by the Planning Board.
- VI.F.5.e. - Building elevation plans at a scale of one-quarter inch equals one foot (1/4"=1'-0") or one-half inch equals one foot (1/2"=1'-0") or such other scale as may be approved by the Planning Board, showing all elevations of all proposed buildings and structures and indicating the type and color of materials to be used on all facades.
- VI.F.5.g.(1) – Traffic Impact Assessment
- VI.F.5.g.(2) – Environmental Impact Assessment

- VI.F.5.g.(3) – Fiscal Impact Assessment
- VI.F.5.g.(4) – Community Impact Assessment
- VI.F.5.g.(5) – Parking Impact Assessment

Vote: four in favor, zero opposed, zero abstained

VOTE

Special Permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.)

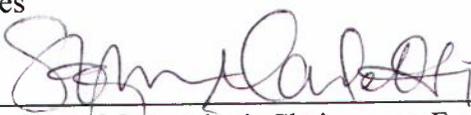
The vote four in favor and zero opposed to granting Special Permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.) of the Zoning By-Law to approve the Site Plan submitted by the Applicant, 1881 Worcester Road, LLC. c/o Parsons Commercial Group, Inc., to allow portions of an existing parking lot to remain as presently configured and for a Modification to a Site Plan to construct 35 additional off-street parking spaces at 1881/1891 Worcester Road.

Stephanie Mercandetti.....yes
 Christine Long.....yes
 Thomas F. Mahoney.....yes
 Victor Ortiz.....yes

Site Plan Review (Section VI.F.7.d.)

The vote four in favor and zero opposed to granting Modification to Site Plan (VI.F.7.d.) of the Zoning By-Law to approve the Site Plan submitted by the Applicant, 1881 Worcester Road, LLC. c/o Parsons Commercial Group, Inc., to allow portions of an existing parking lot to remain as presently configured and for a Modification to a Site Plan to construct 35 additional off-street parking spaces at 1881/1891 Worcester Road.

Stephanie Mercandetti.....yes
 Christine Long.....yes
 Thomas F. Mahoney.....yes
 Victor Ortiz.....yes

By: 
 Stephanie Mercandetti, Chairperson Framingham Planning Board

Date of Signature: December 18, 2017