



## FRAMINGHAM PLANNING BOARD

MEMORIAL BUILDING • ROOM B-37 • 150 CONCORD STREET • FRAMINGHAM, MA 01702-8373  
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**Planning Board Members:**  
Stephanie Mercandetti, Chair  
Christine Long, Vice-Chair  
Lewis Colten, Clerk  
Victor A. Ortiz  
Thomas F. Mahoney

**Planning Board Staff:**  
Amanda L. Loomis, Planning Board Administrator  
Alexander Mello, Associate Program Planner  
Sean P. Dugan, Administrative Assistant

### TOWN OF FRAMINGHAM PLANNING BOARD

#### Notice of Decision

#### Regarding the Application of Daniel Candee For Site Plan Review, Special Permits for Use and Dimensional Relief to Off-Street Parking Design Standards, and Public Way Access Permit 125 Newbury Street, Framingham MA

On December 1, 2014, the Applicant, Daniel Candee, filed with the Planning Board, and on December 2, 2014, the Planning Board filed with the Town Clerk and Town Departments, applications for Site Plan Review (Section VI.F.) and Special Permits for Use (Sections II.A.5.a. and VI.E.), Dimensional Relief to Off-Street Parking Design Standards (Sections IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access Permit pursuant to Article VI, Section 8 of the Framingham General By-laws. Applications were filed to construct a 21-bed acute care rehabilitation hospital in 15,996 gross square feet of an existing building; site modifications will include a modification to the existing entrance, a covered drop-off ramp, installation of new stairs, and associated site improvements. The project is located at 125 Newbury Street, located in the Light Manufacturing (M-1) Zoning District. Said parcel is shown on the Framingham Assessor's Map Sheet 350, Block 0117, Lot 0008.

Notice of the public hearing for the applications for Site Plan Review, and Special Permits for Use and Dimensional Relief to Off-Street Parking Design Standards, and Public Way Access Permit was published in "The Metrowest Daily News" on December 4, 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. Continued sessions of the public hearing were held on January 15, 2015. On January 15, 2015 the Planning Board voted to close the public hearing for Site Plan Review (Section VI.F.), Special Permits for Use (Sections II.A.5.a. and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Sections IV.B.3.g. and VI.E.), and Public Way Access Permit (Article VI, Section 8).

On January 15, 2015 the Planning Board **APPROVED** with conditions said application for Modification of a Site Plan Review, Special Permits for Use and Dimensional Relief to Off-Street Parking Design Standards, and Public Way Access Permit for 125 Newbury Street and a **DECISION** was filed in the office of the Town Clerk on January 16, 2015.

*Stephanie Mercandetti, Chair*  
**FRAMINGHAM PLANNING BOARD**

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

2015 JAN 16 A 9:59  
TOWN CLERK  
FRAMINGHAM

**Decision of the Framingham Planning Board on the  
Applications of Daniel Candee  
For Site Plan Review, Special Permits for Use and Dimensional Relief to Off-Street Parking  
Design Standards, and Public Way Access Permit  
125 Newbury Street, Framingham, MA**

**Date of Decision: January 15, 2015**

### **STATEMENT OF FACTS**

On December 1, 2014, the Applicant, Daniel Candee, filed with the Planning Board, and on December 2, 2014, the Planning Board filed with the Town Clerk and Town Departments, applications for Site Plan Review (Section VI.F.) and Special Permits for Use (Sections II.A.5.a. and VI.E.), Dimensional Relief to Off-Street Parking Design Standards (Sections IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access Permit pursuant to Article VI, Section 8 of the Framingham General By-laws. Applications were filed to construct a 21-bed acute care rehabilitation hospital in 15,996 gross square feet of an existing building; site modifications will include a modification to the existing entrance, a covered drop-off ramp, installation of new stairs, and associated site improvements. The project is located at 125 Newbury Street, located in the Light Manufacturing (M-1) Zoning District. Said parcel is shown on the Framingham Assessor's Map Sheet 350, Block 0117, Lot 0008.

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The Planning Board voted to approve the Site Plan Review, Special Permits for Use and Dimensional Relief to Off-Street Parking Design Standards, and Public Way Access Permit with conditions on January 15, 2015.

During the review of the proposed project, the Applicant filed with the Planning Board various plans and reports required under the Framingham Zoning By-Laws and Framingham General By-laws for Site Plan Review (Section VI.F.), Special Permits for Use (Sections II.A.5.a. and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Sections IV.B.3.g. and VI.E.) and Public Way Access Permit pursuant to Article VI, Section 8. 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, submitted to the Planning Board on December 1, 2014 and stamped by the Town Clerk on December 2, 2014;
2. Uniform Special Permit Application Package, submitted to the Planning Board on December 1, 2014 and stamped by the Town Clerk on December 2, 2014;
3. Application for Public Way Access Permit, stamped by the Town Clerk on December 2, 2014;
4. Plan package containing subject overhead map, subject topography map, prepared by Shepherd Associates, LLC;
5. Plan of Land in Framingham, Massachusetts, prepared for HCLP Newbury, LLC, prepared by Schofield Brothers of New England, Inc., plan dated November 25, 2014;
6. Site Layout Plans for Reliant Rehabilitation Hospital Braintree, 125 Newbury Street, Framingham, MA 01701, prepared by Conner Design, 50 Terminal Street, Bldg #2, Charlestown, MA 02129, dated December 1, 2014, revised on December 8, 2014, December 11, 2014, and January 6, 2015;
7. Parking & Landscape Plan for Reliant Rehabilitation Hospital Braintree, 125 Newbury Street, Framingham, MA 01701, prepared by Conner Design, 50 Terminal Street, Bldg #2, Charlestown, MA 02129, dated December 8, 2014, revised December 11, 2014 and January 6, 2015;
8. Planting Schedule for Reliant Rehabilitation Hospital Braintree, 125 Newbury Street, Framingham, MA 01701, prepared by Conner Design, 50 Terminal Street, Bldg #2, Charlestown, MA 02129, dated December 16, 2014 and January 6, 2015;
9. Memorandum to Daniel Candee, HCLP Newbury, LLC, from Matt Lundsted, Project Manager, CEI, Subject: Preliminary Drainage Assessment, Job No. 687-1, dated January 2, 2015; and
10. Existing Grading Plan, Sheet C-1, prepared for Reliant Rehabilitation Hospital Braintree, prepared by Compressive Environmental Incorporated, Merrimack, NH dated January 2015.

The Planning Board received correspondence from the Framingham Conservation Commission, 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 at 125 Newbury Street, dated December 2, 2014, stamped with the Town Clerk on December 2, 2014;
2. Public Way Access Permit Checklist for Application Submittal for the project located at 125 Newbury Street, dated December 2, 2014, stamped with the Town Clerk on December 2, 2014;
3. Letter of comment from the Framingham Conservation Commission, RE: 125 Newbury Street – Conservation Review, dated December 17, 2014;

4. Email of comment from the Framingham Fire Department, Subject: 125 Newbury Street, dated December 30, 2014;
5. Letter of comment from the Framingham Department of Public Works, RE: Reliant Rehabilitation Hospital Braintree - #125 Newbury Street. Framingham, dated January 9, 2015; and
6. Email of comment from the Framingham Fire Department, Subject: 125 Newbury Street, dated January 14, 2015.

## **HEARING**

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Alok Dhanda, Connor Design, Johnathan Campbell, ALA, LWDA Architects, Attorney Bill Pezzoni, Joel Rudin, Braintree Hospital, and the Applicant, Daniel Candee.

Attorney Bill Pezzoni reviewed details of the 125 Newbury Street Project with the Planning Board, noting that the site contains 2.93 acres. Upon the parcel is an existing building consisting of 33,517 square feet. The existing building currently has one tenant which is a medical office, located within the northern portion of the building. Attorney Pezzoni noted that the prospective tenant, Braintree Rehabilitation Hospital would be leasing the southern portion of the building with a total square footage of 15,996 square feet. Braintree Rehabilitation Hospital, would site a 21 bed outpatient rehabilitation facility at 125 Newbury Street. During the presentation, Attorney Pezzoni highlighted specific features of the site that would be modified, altered, or upgraded; improvements to the southern portion of the site include designated handicap parking spaces within close proximity of the entrance of the building, construction of a handicap ramp for accessibility, designed loading area for ambulance parking, and increase landscaping along the perimeter of the building, within the parking lot, and along the property boundaries.

Attorney Pezzoni stated that the Building Commissioner originally sent the 125 Newbury Street Project to the Zoning Board of Appeals. The Zoning Board of Appeals took the Project under consideration, and then referred the Project to the Planning Board for review based on the specifications of the project.

John Campbell presented the proposed changes to the interior of the building. Mr. Campbell provided an overview of the composition of the rooms within the tenants lease space; Mr. Campbell further noted that the rehabilitation facility has been designed to state guidelines for rehabilitation facilities.

Joel Rudin provided the Planning Board with an overview of the Braintree Rehabilitation Hospital and their operations. Mr. Rudin stated that Braintree Rehabilitation Hospital currently operates in Natick at the Leonard Morse Hospital as a satellite facility. Mr. Rudin noted that a majority of their patients are from Framingham; therefore the decision was made to relocate the facility to Framingham. Mr. Rudin noted that the goal of Braintree Rehabilitation Hospital is to continue to run operations as they have in Natick. The average patient stay at Braintree Rehabilitation Hospital is 10 days; with approximately 15-16 patients per day.

#### Use:

The Planning Board questioned the Applicant's Project Team if a community meeting was held prior to the submittal of an application with the Planning Board. The Applicant's Project Team informed the Planning Board that the Zoning Board of Appeals held a public meeting, where residents were notified of the public hearing. The Planning Board noted their concern with the proposed change in use of medical office space to a rehabilitation facility; the Planning Board wanted to ensure that abutters were properly notified and that they would not be negatively impacted nor would the proposed project increase traffic as a result of the change in use. The Applicant's Project Team noted that the portion of the building that will be utilized by Braintree Rehabilitation Hospital is within the southern portion of the property, which does not abut residential uses.

The Planning Board further questioned the Applicant's Project Team to discuss the proposed food service, whether food would be prepared on- or off-site. The Applicant's Project team stated that food would be brought in three times a day from an off-site service.

#### Parking and Site Layout:

The Planning Board questioned the Applicant's Project Team about the proposed layout of the parking lot and whether the parking lot would remain as is or be reconstructed. The Planning Board suggested the Applicant completely revise and reconstruct the parking lot. It was further noted that if the Applicant were to reconstruct the parking lot, he should consider reclaiming the parking lot with a 3" mix since the parking lot is currently in poor condition. The Planning Board further noted that the addition of the landscaped islands will be helpful for safety.

The Planning Board further questioned the Applicant's Project Team about the possible installation of a sidewalk along Newbury Street. The Planning Board stated that a sidewalk would provide pedestrian accessibility throughout the area, specifically for the abutting charter school. The Applicant agreed to take the request for an installation of a sidewalk into consideration. The Planning Board noted that Framingham is a Complete Streets Community and is working towards a goal of making the Town pedestrian friendly.

The Planning Board questioned the Applicant's Project Team about the concerns of the Conservation Commission regarding the catch basins and the stormwater management system. The Applicant's Project Team noted that they were having the system videoed to determine the condition of the systems.

#### Handicap Accessibility:

The Planning Board questioned the Applicant's Project Team about the location of the proposed handicap accessible ramp and the location of the handicap parking spaces. The Planning Board stated their concerns regarding the accessibility of the handicap ramp if an ambulance was parked within the ambulance parking space. The Planning Board further stated their concerns regarding individuals who were mobility limited like the clients at Braintree Rehabilitation Hospital and the areas of conflict within the parking lot as designed for the December 18, 2014 public hearing. The Planning Board further questioned how drivers would safely circulate the site in association with the handicap ramp and the ambulance parking space. The Planning Board suggested that the Applicant's Project Team consider an alternative layout for the location of the

handicap ramp and handicap parking spaces. The Applicant stated that the proposed handicap ramp was located to best service the nurse's station; further noting that the proposed ramp was located to provide accessibility for patients to utilize the outdoor courtyard.

## **FINDINGS**

Having reviewed all plans and reports filed by the Applicant and its representatives, having considered the correspondence from various Departments within the Town of Framingham that have reviewed the Project and having viewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law and Framingham General By-law requirements for Site Plan Review (Section VI.F.), Special Permits for Use (Sections II.A.5.a. and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Sections IV.B.1.c and VI.E.), and Public Way Access Permit pursuant to Article VI, Section 8. Specifically, the Board makes the following findings:

### **A. Traffic Impact Standards and Absence of Vehicular Hazard: §§ VI.F.6.a. and VI.E.3.a.(3)**

The proposed Project at 125 Newbury Street is a change in use from a commercial office building/private adult education facility to a medical rehabilitation facility. The proposed project is located within the Light Manufacturing (M-1) Zoning District; therefore it is not uncommon for large commercial trucks to frequent the roadways within this area. Furthermore, the proposed Project is located within a mixed use area, containing both residential and commercial properties. To the north of the site there are residential homes and to the south is one of Framingham's largest and most dense commercial areas. Traffic within this area operates at an acceptable Level of Service. The proposed Project will introduce an average of three vans per day, which shall utilize the Whitter Street entrance. Based on the proposed number of patients and staff associated with the facility, it would not be expected that the introduction of this type of use would degrade the Level Service within the immediate area.

The Project site contains two entrances, one entrance is off Newbury Street and the other is off Whitter Street. The main entrance of Braintree Rehabilitation Hospital will be facing the southern lot line, therefore it would be expected that a majority of vehicles going to the proposed Project will use the entrance off Whitter Street.

The parking layout and location of the handicap accessible ramp have been design to prevent points of conflict, and shall not cause vehicles to queue on Whitter Street associated as a result of vehicles within the proposed Project. Furthermore, the project has been designed to provide pedestrian safety, and ensure points of conflict between pedestrians and vehicles have been minimized.

The Project is consistent with the purpose and intent of the Framingham Zoning By-law, therefore, based on the information provided by the Applicant's Project Team during the application and public hearing process, the Planning Board finds that the Project satisfies the Traffic Impact Standards and Absence of Vehicular Hazard as set forth in §§ VI.F.6.a. and VI.E.3.a(3) of the Framingham Zoning By-Law.

**B. Environmental Impact Standards of By-Law: §§ VI.F.6.b. and VI.E.3.(a).(4).**

The Applicant has requested a waiver from the Environmental Impact Assessment requirement; therefore, the following information is based on findings through submitted documentation and the public hearing process. The proposed Project does not create any significant emission of noise, dust, fumes, noxious gases, radiation, or water pollution, or any other similar significant adverse environmental impacts. The 125 Newbury Street does not contain wetlands nor is the Project located within a wetland buffer zone or flood zone.

The Conservation Commission requests the Applicant to review the catch basins on site to ensure they can manage the sites stormwater needs. Furthermore, the Conservation Commission requires that all catch basins and stormwater management system be reviewed prior to the reconstruction of the parking lot to ensure these features adequately service the Project and are designed to meet the future needs of the site.

The Project has been designed to minimize any adverse impacts on temperature levels or wind velocities on the site or to abutting properties. Furthermore, the Applicant will not be modifying the existing outdoor lighting; therefore, there shall be no change in existing conditions which cause glare or spillover onto abutting properties.

The Project is consistent with the purpose and intent of the Framingham Zoning By-law, therefore, based on the information provided by the Applicant's Project Team during the public hearing process, the Planning Board finds that the Project satisfies the Environmental Impact Standards as set forth in §§ VI.F.6.b. and VI.E.3.a(4) of the Framingham Zoning By-Law.

**C. Fiscal Impact Standards and Municipal Services: §§ VI.F.6.c. and VI.E.3.(a).(5).**

The Applicant has requested a waiver from the Fiscal Impact Assessment requirement; therefore, the following information is based on findings through submitted documentation and the public hearing process. The Property has an assessed value of \$4,229,900.00. The estimated value of the proposed project is approximately \$2,000,000.00; the current total local tax revenue from the site is \$175,000.00; after the completion of the project the post-development local tax revenue will increase to approximately \$200,000.00. The Project is consistent with the purpose and intent of the Framingham Zoning By-law, therefore, based on the information provided by the Applicant's Project Team during the public hearing process the Planning Board finds that the Project satisfies the Fiscal Impact Standards and Municipal Services as set forth in §§VI.F.6.c. and VI.E.3.a.(5). of the Framingham Zoning By-Law.

**D. Community Impact Standards and Site Appropriateness: §§ VI.F.6.d. and VI.E.3.a.(1).**

The proposed Project shall serve as a satellite location for Braintree Rehabilitation Hospital, which is currently located within MetroWest Medical Center. It is a Massachusetts Department of Public Health licensed 21 bed inpatient satellite location of Braintree Rehabilitation Hospital, whose main hospital campus is located in Braintree, MA. Braintree Rehabilitation Hospital at MetroWest Medical Center has been in operation at the Leonard Morse Hospital since 1995, and as such has been the sole acute inpatient rehabilitation provider to the Metrowest community for the past twenty years. Due to the expiration of its lease with MetroWest Medical Center, Braintree Rehabilitation Hospital is looking to relocate its satellite unit to 125 Newbury Street.

Braintree Rehabilitation Hospital will provide daily physician interventions, a minimum of three hours of therapy per day / five days per week, and an interdisciplinary team approach involving Medicine, Rehab Nursing, Speech Therapy, Occupational Therapy, and Physical Therapy which combines medical care and intensive physical rehabilitation. The proposed Project will create 25 construction jobs, in addition to 35 full time and 10 part time jobs.

Therefore, if the Project is consistent with the Findings herein, the Applicant's Project Team has accurately presented the proposed expansion of the business the Planning Board finds that the Project satisfies the Community Impact Standards and Site Appropriateness as set forth in §§ VI.F.6.d. and VI.E.3.a.(1) of the Framingham Zoning By-Law.

**E. Parking Standards and Appropriate Facilities: §§ VI.F.6.e., and VI.E.3.a.(2).**

The number of vehicles associated with Braintree Rehabilitation Hospital, including both visitors and staff shall be roughly 30-35. The parking lot is designed to hold 147 vehicles at one time. The Framingham Zoning By-law requires 57 parking spaces for the proposed use, there are a total of 147 parking spaces existing on-site. The number of on-site parking spaces exceeds the off-street parking space requirement.

Ambulance parking for pick-up and drop-off has been designed to decrease points of conflict with pedestrians, vehicles, deliveries. The ambulance parking space during the public hearing process was relocated to ensure all users of the handicap facility ramp can do so at any point during the day.

Snow storage shall occur in the southwestern corner of the parking lot within the landscaped area. During large storm events or extremely snowy winters, the Applicant will use several parking spaces for snow storage. At this time the Applicant has more than adequate parking spaces for the existing tenant located within the north portion of the building, Braintree Rehabilitation Hospital, and the future tenant of the remaining leasable building space.

Therefore, based on the information provided by the Applicant's Project Team and during the public hearing process the Planning Board finds the proposed Project to be consistent with the purpose and intent of the Parking Standards and Appropriate Facilities and Site Appropriateness as set forth in §§ VI.F.6.e. and VI.E.3.a.(2) of the Framingham Zoning By-Law.

**F. Dimensional Relief to Off-Street Parking Design Standards: §IV.B.3.g. and VI.E.**

The layout of the exiting parking lot is within five feet of a property boundary line. If the Applicant were to leave the parking lot as is with only minimal maintenance to the parking lot a Special Permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.) would not be required. However, the Applicant is proposing to resurface the parking lot therefore requiring a special permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.). Additionally, the Applicant is proposing to increase landscaping along the perimeter of the property line.

Therefore, based on the information provided by the Applicant's Project Team and during the public hearing process the Planning Board finds the proposed Project to be consistent with the

purpose and intent of the Dimensional Relief to Off-Street Parking Design Standards as set forth in §§ IV.B.1.c. and V.E. of the Framingham Zoning By-Law.

**G. Public Way Access Permit of the Framingham General By-law: Article VI. Section 8**

The Board finds the Project to be in compliance with the General By-law Article IV, Section 8. Access to/from the site would be via Whitter Street; no modifications were requested or proposed for the Newbury Street curb cut. The existing curb cut off Whitter Street shall be reconfigured to provide additional turning room and protection for vehicle within the site. Therefore, the Board finds that the development complies with the Public Way Access Permit set forth in the General By-law based on appropriate width of the roadways and allotted corner radii.

**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 and the Framingham General By-law, including the requirements for Site Plan Review (Section VI.F.), Special Permits for Use (Sections II.A.5.a. and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Sections IV.B.3.g. and VI.E.), and Public Way Access Permit (Article VI, Section 8). Accordingly, the Planning Board votes, pursuant to relevant provisions of the Framingham Zoning By-Law and the Framingham General By-laws, to approve the Applications Site Plan Review (Section VI.F.), Special Permits for Use (Sections II.A.5.a. and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Sections IV.B.3.g. and VI.E.), and Public Way Access Permit (Article VI, Section 8), 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 precedent.
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 Site Plan Review and Special Permits for Use and Dimensional Relief to Off-Street Parking Design Standards, and Public Way Access Permit 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 Site Plan Review and Special Permits for Use and Dimensional Relief to Off-Street Parking Design Standards, and Public Way Access Permit 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 issuance of a use and occupancy permit, 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. The Applicant shall submit a landscape maintenance plan to the Planning Board Administrator for approval and implementation upon approval.

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. Any dumpster or dumpster enclosure, as shown on the Final Approved Site Plan shall remain closed and locked except when trash deposit, removal and pickup operations are being conducted.
16. 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**

17. 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.
18. 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**

19. The Applicant agrees to minimize the use of salt in the parking area to reduce any negative impacts to vegetation and ground water.
20. 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.
21. Snow storage shall be on-site, located within the southwestern corner of the site within a landscaped area, and within six parking spaces. If the Applicant finds that the parking spaces are necessary for use by vehicles during the winter months the Applicant shall meet with the Planning Board to discuss alternative locations for snow storage. 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.

### **Department of Public Works**

22. The Applicant agrees to comply with the requirements set forth by the Framingham Department of Public Works, as stated in the January 9, 2015 correspondence. Furthermore, the Applicant agrees to conduct a video investigation of the sewer pipes and make appropriate changes as required by the Department of Public Works.

### **Conservation Commission**

23. The Applicant agrees to comply with the requests of the Framingham Conservation Commission as stated in their correspondence dated December 17, 2014.

### **Special Provisions/ Periodic Conformance Reporting and Review**

24. The Applicant is responsible for providing the following performance guarantees for the development project.
- a. Prior to the issuance of any final use and occupancy permit, 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. Upon completion of the project and prior to the request for a final use and occupancy permit, 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, at which time a Landscape Maintenance Bond shall be required.
  - c. The Applicant shall provide to the Town of Framingham a Landscape Maintenance Bond in the sum of 20% of the total landscape cost to replace any trees which are improperly pruned or dead trees, shrubs or lawn areas, as shown on the approved Landscape Plan, which shall be posted for a period of two years commencing with the completion of the landscaping and certification of the Landscape Plan, as required above.
25. Prior to the issuance of a final use and occupancy permit, 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 dimensions to all pipes and connection points. The as-built information shall be delivered to DPW a minimum of 5 business days in advance of the Applicant seeking a final certificate of occupancy sign-off to allow time for DPW review and approval of submitted information. The Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.

26. The Applicant agrees to install bicycle racks on-site within an area that will not create a conflict between bicyclist, pedestrians, or vehicles.
27. The Applicant agrees to require all ambulances and deliveries associated with the proposed use to enter and exit the site from Whitter Street.
28. The Applicant agrees to install a fire sprinkler system throughout the building.
29. The Applicant agrees to install security cameras near the front door for safety of patients and employees of the proposed use.
30. The Applicant agrees to seek a modification with the Planning Board if the exterior lighting within the parking lot is modified.

## WAIVERS

The Applicant requests waivers for the Verification of Community Notice Sign and the following waivers under Sec VI.F.5.:

1. a. A site plan at a scale of one inch equals twenty feet (1"=20'), or such other scale as may be approved by the Planning Board. – **The Applicant has provided a scale of 1"=25'**
2. a.1. Topography of the property, including contours at a 2 foot interval based on the most recent National Geodetic Vertical Datum (NGVD). –**The Applicant plans to reconstruct the parking lot by adding a 1 ½ inch top coat but will not be changing the topography**
3. a. 7. Location, size, and type of materials for surface paving, curbing, and wheel stops.
4. a.10 - A photometric plan showing both the intensity of illumination expressed in foot-candles at ground level within to the property boundaries and the location, orientation, height, wattage, type, style and color of outdoor luminaire(s) for all existing and proposed lighting. - **The Applicant proposes no changes to the exterior lighting in the parking lot.**
5. 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.
6. 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. – **The Applicant is not enlarging or changing the outside of the building except for a new set of stairs and ramp on the south side, facing the Santander Bank. Therefore, the impact on other buildings within 100 feet will be virtually nothing.**
7. 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. – **The Applicant is not enlarging or changing the outside of the building except for a new set of stairs and ramp on the south side, facing the Santander Bank. Therefore, the impact on other buildings within 100 feet will be virtually nothing.**

8. g.(2) - Environmental Impact Assessment– **The Applicant states there will be no changes to the exterior of the building or the parking lot terrain, the project should have not environmental impact.**

**Vote: 5 in favor, 0 opposed, 0 abstained**

**VOTE**

**Public Way Access Permit (Article VI, Section 8)**

The vote five in favor and zero opposed to granting a Public Way Access Permit pursuant to Article VI, Section 8 of the Framingham General By-Law to allow the Applicant, Daniel Candee, for the construction of a 21-bed acute care rehabilitation hospital in 15,996 gross square feet of an existing building; site modifications will include a modification to the existing entrance, a covered drop-off ramp, installation of new stairs, and associated site improvements.. The Project is located at 125 Newbury Street, said parcel is shown on the Framingham Assessor’s Map Sheet 350, Block 0117, Lot 0008.

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

**Special Permit for Use (Sections II.A.5.a and VI.E.)**

The vote five in favor and zero opposed to granting a Special Permit for Use pursuant to Sections II.A.5.a. and VI.E., of the Framingham Zoning By-Law to allow the Applicant, Daniel Candee, for the construction of a 21-bed acute care rehabilitation hospital in 15,996 gross square feet of an existing building; site modifications will include a modification to the existing entrance, a covered drop-off ramp, installation of new stairs, and associated site improvements. The Project is located at 125 Newbury Street, said parcel is shown on the Framingham Assessor’s Map Sheet 350, Block 0117, Lot 0008.

- Stephanie Mercandetti.....yes
- Christine Long.....yes
- Lewis Colten.....yes
- Thomas F. Mahoney.....yes
- Victor Ortiz.....yes

**Special Permit for Dimensional Relief of Off-Street Parking Design Standards (Sections IV.B.3.g. and VI.E.)**

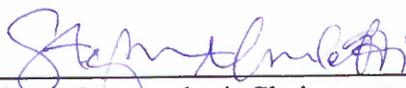
The vote five in favor and zero opposed to granting a Special Permit for Dimensional Relief of Off-Street Parking Design Standards pursuant to Sections IV.B.3.g. and VI.E., of the Framingham Zoning By-Law to allow the Applicant, Daniel Candee, for the construction of a 21-bed acute care rehabilitation hospital in 15,996 gross square feet of an existing building; site modifications will include a modification to the existing entrance, a covered drop-off ramp, installation of new stairs, and associated site improvements. The Project is located at 125 Newbury Street, said parcel is shown on the Framingham Assessor’s Map Sheet 350, Block 0117, Lot 0008.

- Stephanie Mercandetti.....yes
- Christine Long.....yes
- Lewis Colten.....yes
- Thomas F. Mahoney.....yes
- Victor Ortiz.....yes

**Site Plan Review (Section VI.F.)**

The vote five in favor and zero opposed to granting a Site Plan Review pursuant to Section VI.F., of the Framingham Zoning By-Law to allow the Applicant, Daniel Candee, for the construction of a 21-bed acute care rehabilitation hospital in 15,996 gross square feet of an existing building; site modifications will include a modification to the existing entrance, a covered drop-off ramp, installation of new stairs, and associated site improvements. The Project is located at 125 Newbury Street, said parcel is shown on the Framingham Assessor’s Map Sheet 350, Block 0117, Lot 0008.

- Stephanie Mercandetti.....yes
- Christine Long.....yes
- Lewis Colten.....yes
- Thomas F. Mahoney.....yes
- Victor Ortiz.....yes

By:   
 Stephanie Mercandetti, Chairperson Framingham Planning Board  
 Date of Signature: January 15, 2015