



## FRAMINGHAM PLANNING BOARD

MEMORIAL BUILDING • ROOM B-37 • 150 CONCORD STREET • FRAMINGHAM, MA 01702-8373  
 TELEPHONE [508] 532-5450 • EMAIL: [planning.board@framinghamma.org](mailto:planning.board@framinghamma.org)

TOWN CLERK  
 FRAMINGHAM

**Planning Board Members:**  
 Stephanie Mercandetti, Chair  
 Christine Long, Vice-Chair  
 Lewis Colten, Clerk  
 Victor A. Ortiz  
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**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 Clairmont Realty, LLC

#### For Site Plan Review, Special Permits for Reduction in the Required Number of Parking Spaces and Dimensional Relief to Off-Street Parking Design Standards, and Public Way Access Permit 655-685 Cochituate Road, Framingham MA

On December 22, 2014, the Applicant, Clairmont Realty, LLC, filed with the Planning Board, and on December 22, 2014, the Planning Board filed with the Town Clerk and Town Departments, applications for Site Plan Review (Section VI.F.), Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access Permit (Article 8, Section VI) pursuant to the Framingham General By-laws. Applications are for the removal of two existing buildings on the premises, the conversion of a portion of the existing warehouse space to retail space, the reconstruction of the parking lot to provide additional parking spaces, the construction of a new drainage system, installation of new lighting, and landscape improvements. The Project is located at 655-685 Cochituate Road, and is located in the Light Manufacturing (M-1) Zoning District, and Regional Center (RC) Highway Overlay District. Said parcel is shown on the Framingham Assessor's Map Sheet 346, Block 110, Lot 3.

Notice of the public hearing for the applications for Site Plan Review, and Special Permits for a Reduction in the Required Number of Parking Spaces and Dimensional Relief to Off-Street Parking Design Standards, Public Way Access Permit was published in "The Metrowest Daily News" on December 22, 2014 and December 29, 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 January 8, 2015 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on January 22, 2015 and February 5, 2015. On February 5, 2015 the Planning Board voted to close the public hearing for Site Plan Review (Section VI.F.), Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access (Permit Article 8, Section VI) pursuant to the Framingham General By-laws.

On February 5, 2015 the Planning Board **APPROVED** with conditions said applications for Site Plan Review (Section VI.F.), Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access Permit (Article 8, Section VI) pursuant to the Framingham General By-laws) for 655-685 Cochituate Road and a **DECISION** was filed in the office of the Town Clerk on February 6, 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.

**Decision of the Framingham Planning Board on the  
Applications of Clairmont Realty, LLC  
For Site Plan Review, Special Permits for Reduction in the Required Number of Parking  
Spaces and Dimensional Relief to Off-Street Parking Design Standards,  
and Public Way Access Permit  
655-685 Cochituate Road, Framingham, MA**

**Date of Decision: February 5, 2015**

### STATEMENT OF FACTS

On December 22, 2014, the Applicant, Clairmont Realty, LLC, filed with the Planning Board, and on December 22, 2014, the Planning Board filed with the Town Clerk and Town Departments, applications for Site Plan Review (Section VI.F.), Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access Permit (Article 8, Section VI) pursuant to the Framingham General By-laws. Applications are for the removal of two existing buildings on the premises, the conversion of a portion of the existing warehouse space to retail space, the reconstruction of the parking lot to provide additional parking spaces, the construction of a new drainage system, installation of new lighting, and landscape improvements. The Project is located at 655-685 Cochituate Road, and is located in the Light Manufacturing (M-1) Zoning District, and Regional Center (RC) Highway Overlay District. Said parcel is shown on the Framingham Assessor's Map Sheet 346, Block 110, Lot 3.

Notice of the public hearing for the applications for Site Plan Review, and Special Permits for a Reduction in the Required Number of Parking Spaces and Dimensional Relief to Off-Street Parking Design Standards, Public Way Access Permit was published in "The Metrowest Daily News" on December 22, 2014 and December 29, 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 January 8, 2015 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on January 22, 2015 and February 5, 2015. On February 5, 2015 the Planning Board voted to close the public hearing for Site Plan Review (Section VI.F.), Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access (Permit Article 8, Section VI) pursuant to the Framingham General By-laws.

The Planning Board voted to approve the Site Plan Review (Section VI.F.), Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access Permit (Article 8, Section VI) pursuant to the Framingham General By-laws with conditions on February 5, 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-Law for Site Plan Review (Section VI.F.), Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section

IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way (Access Permit Article 8, Section VI) pursuant to the Framingham General By-laws. 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. Form A – Application Cover Letter for the property located at 655-685 Cochituate Road, Project Number PB-031-14, stamped with the Town Clerk on December 22, 2014;
2. Uniform Site Plan Review Application Package for the property located at 655-685 Cochituate Road, Project Number PB-031-14, stapled with the Town Clerk on December 22, 2014;
3. Uniform Special Permit Application for the property located 655-685 Cochituate Road, Project PB-031-14, stamped with the Town Clerk on December 22, 2014;
4. Letter from Attorney Paul Galvani, RE: Application for Site Plan Approval and Application for Special Permits for Reduction in the Required Number of Parking Spaces for 655 Cochituate Road, dated December 8, 2014;
5. Development Impact Assessment, Clairmont Realty, LLC, for Site and Building Improvements at 655-685 Cochituate Road, prepared for: Clairmont Realty LLC, prepared by MetroWest Engineering, Inc., dated December 5, 2014;
6. Stormwater Report, 655 Cochituate Road, prepared for Paul Finger Associates, Prepared by MetroWest Engineering, Inc., dated September 2014, revised December 2014;
7. Site Plan for 655 Cochituate Road, prepared by Paul Finger Associates, MetroWest Engineers, Inc., Precision Land Surveying, Inc., and HDS Architecture, dated March 10, 2014, revised December 2, 2014 and January 26, 2015; and
8. Letter of response from MetroWest Engineering, Inc., RE: Proposed Site Plans for Planning Board Site Plan Review Application, 655 Cochituate Road Site Improvements – Framingham, dated January 28, 2015.

The Planning Board received correspondence from the Framingham Board of Health, Framingham Community & Economic Development Department, Framingham Conservation Commission, the Framingham Fire Department, the Framingham Police 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 655-685 Cochituate Road, dated December 22, 2014, stamped with the Town Clerk on December 22, 2014;
2. Public Way Access Permit and Modification to Scenic Way Permit Checklist for Application submittal for the Project at 655-685 Cochituate Road, dated December 22, 2014, stamped with the Town Clerk on December 22, 2014;
3. Letter of comment from the Framingham Department of Public Works, RE: Public Way Access Permit – 655 Cochituate Road, Framingham, dated December 31, 2014;

4. Email of comment from the Framingham Police Department, Subject: 655 Cochituate Road, dated January 6, 2015;
5. Letter of comment from the Framingham Board of Health, RE: Departmental Project Review/655 Cochituate Road, dated January 7, 2015;
6. Letter of Comment from the Framingham Conservation Commission, Subject: 655 Cochituate Road – Conservation Review, dated January 8, 2015;
7. Letter of comment from the Framingham Department of Public Works, RE: 655 Cochituate Road Site Improvements – Framingham, dated January 8, 2015;
8. Letter of comment from the Framingham Community & Economic Development Department, RE: Department Project Review, 655 Cochituate Road, dated January 16, 2015;
9. Email of comment from the Framingham Fire Department, Subject 655 Cochituate Road, dated January 30, 2015.

### **HEARING**

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney Paul Galvani, Brian Nelson, MetroWest Engineering, and Jeff Plant, Paul Finger Associates.

Attorney Paul Galvani introduced the proposed Project at 655 Cochituate Road to the Planning Board. Attorney Galvani stated that the plan was to raze the front two buildings which are currently home to North End Treats and Central Pools. Attorney Galvani noted that the rear building would be maintained, but significantly renovated. Furthermore, Attorney Galvani stated that the Central Pools would be relocating to the rear building.

Attorney Galvani stated that the renovation would cost approximately \$1 million. Attorney Galvani further stated that the Project went to the Zoning Board of Appeals (ZBA) to request a variance from floor area ratio, side and rear setbacks on the parking lot, and for the percentage of open space. He stated that the ZBA granted those requests on June 16, 2014.

Brian Nelson provided the Planning Board with a visual presentation of the existing conditions of the property. Mr. Nelson stated that the site was a little over one acre in area and contained approximately 46,000 square feet of impervious surface, noting that the site is not currently equipped with stormwater controls. Mr. Nelson provided a visual presentation of the proposed changes site changes. Mr. Nelson further stated that stormwater controls would be installed on site. Mr. Nelson noted that once the project was complete there would be a 9,400 square foot reduction in impervious area.

Jeff Plant provided the Planning Board with a visual presentation of the landscape and lighting plan. Mr. Plant stated that native plant material would be utilized throughout the site. Mr. Plant walked the Planning Board through the proposed lighting plan, noting that the lower level pedestrian light plan would be appropriate for the property.

The Planning Board questioned the Applicant's Project Team about the proposed site circulation, entrance drives, parking, and dumpsters/delivery operations.

#### Site Design:

The Planning Board questioned the Applicant's Project Team as to whether both existing front buildings would be razed or if they were just going to be retrofitted with a new facade. The Applicant's Project Team responded that the North End Treats building would be razed and eliminated, while the other building would be razed and reconstructed on the existing foundation.

The Planning Board and the Applicant's Project Team discussed the use of stormwater features on-site which would reduce the amount of impervious pavement. The Applicant's Project Team noted that a majority of the parking spaces would be pervious pavers which would allow stormwater to be infiltrated back into the ground.

#### Parking:

The Planning Board stated that they were happy to see that the angled parking currently existing on the site would be eliminated. The Planning Board questioned the Applicant's Project Team about the circulation pattern of the proposed parking as well as the creation of dead ends. The Applicant's Project Team responded that the site plan provides extra space to allow for vehicles unable to find a parking space to turn around without having to back down the aisle.

Furthermore, Attorney Galvani discussed his request for a reduction in the required number of parking spaces. Attorney Galvani stated that they were seeking 61 spaces, which should be sufficient for the intended use of the site. Attorney Galvani further noted that if needed they would come back to the Planning Board for modification.

#### Entrance Drives:

The Planning Board questioned the Applicant's Project Team about the width of the proposed driveway, noting that the plans showed 21' instead of the required 24' entrance. Mr. Nelson resolved the discrepancy, stating that the entrance would be 24' to meet the Town's standard.

#### Dumpster/Delivery Operations:

The Planning Board questioned the Applicant's Project Team about the proposed dumpster location and further questioned if it was accessible without blocking other activities on-site. The Planning Board further questioned the Applicant's Project Team about the storage of materials outside of the proposed Central Pools location. The Applicant's Project Team explained the details of trash removal operations to the Planning Board and further stated that Central Pools would not be storing materials outside of the store.

### **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 including the requirements for Site Plan Review (Section VI.F.), Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access Permit (Article 8, Section VI) pursuant to the Framingham General By-laws. 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 Applicant has requested a waiver from the Traffic Impact Assessment requirement, therefore, the following information is based on findings through submitted documentation and the public hearing process. The Applicant states that there shall be no significant change in traffic within the proximity of the Project as a result of proposed Project. The Project is located within the Light Manufacturing (M-1) Zoning District and surrounded by commercial retail uses, a hotel, and restaurants. The proposed project is located within close proximity to Exit 13 of the Massachusetts Turnpike. Furthermore, one of the existing businesses currently located on-site will be relocated from the front building to the rear building. Therefore, there should be limited change in traffic for this specific use.

Although bicycling within this area is limited, there is the potential for employees and other bicyclists to access the site. Therefore, the Planning Board shall require bicycle racks to be located upon the site, preferably near the front of the site to encourage alternative modes of transportation. Furthermore, the Applicant shall not locate bicycle racks within vehicle parking spaces or in areas where there is the potential for conflict between vehicles, pedestrians, and bicyclists.

The Applicant shall construct a sidewalk within the frontage of the property along Cochituate Road to compliment the need for additional access to the recently completed section of the Cochituate Rail Trail as it is a connector between Saxonville in Framingham and the Natick Downtown.

The site presently has adequate access from Cochituate Road. Cochituate Road currently is striped with a turn only lane, which allows drivers to make left-handle turns into the site without causing traffic congestion. Therefore, 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 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 the Framingham Zoning By-Law: §§ VI.F.6.b. and VI.E.3.(a).(4).**

The proposed Project involves extensive renovations to the site, which include razing of the front two buildings, reconstruction of one of the front buildings, a new façade on the rear building, Low Impact Development (LID) stormwater features, and increased landscaping. The site will not have any negative impacts to the air quality, temperature or wind conditions on the site or to adjacent properties, nor shall there be any impacts made by the Project which would cause solar glare. The Project will not generate any radiological emissions and will not be storing any hazardous materials on-site. Furthermore, the Project will not cause erosion or sedimentation to abutting streets or properties and will not increase the risk of flooding to abutting streets or properties.

The Project is bordered by vegetated wetlands to the west and south. According to the NRCS Soil Survey, soils on the site belong to the Urban Land soil series, which are not classified within

a hydrologic soil group due to the high levels of development in the area and the amount of disturbance to natural soils. The Applicant shall only install native landscaping on site in accordance with the requirements of the Framingham Conservation Commission.

An extensive Stormwater Report prepared by MetroWest Engineers, Inc. dated September 2014, revised in December of 2014, and has been submitted as part of the application package. The existing property contains 45,822 square feet of impervious area. The redevelopment of the property will reduce the impervious area by 9,381 square feet, for a total of 36,441 square feet. According to the Report, there shall be no impact from flooding due to the proposed installation of permeable pavers. Permeable pavers shall be located within three areas of the site, and shall handle run-off from the roofs of the buildings and off-street parking areas. The groundwater within the area shall not be negatively impacted due to the installation of stormwater controls using Best Management Practices. Furthermore, the site currently does not contain stormwater control, therefore stormwater is left untreated and runoff flows onto the easterly abutting off-street parking lots. Once the Project is completed and stormwater controls have been installed, there shall be a significant decrease in both peak runoff rates and total runoff volume discharged from the Project site. Therefore, the Project will improve rather than cause any negative impact on the municipal stormwater drainage system.

LID features proposed to be installed will provide treatment of stormwater runoff using current design best management practices and stormwater will be managed by the extensive use of infiltration measures. LID features include permeable Pavers throughout portions of the site. These pavers are Eco-Stone permeable pavers where all runoff from the proposed bituminous concrete pavement driveway, parking area, roof surfaces, and landscaped areas will be collected and infiltrated through the permeable paver and recharged back into the ground. The inclusion of these pavers alone will result in a significant reduction in the peak flow and volume of stormwater during all major storm events. The Applicants engineer has provided a maintenance program for the pavers, in addition to a Long-term Pollution Prevention Plan for Stormwater Management Standards, which the Applicant agrees to abide to.

Furthermore, the Project contains an existing building which is presently connected to municipal sewer and water services, and local electric service. The Project will not require any upgrades to existing electric, sewer, and water services. Accordingly, there will be no impacts to the municipal water and sewer utilities as a result of the construction project.

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 Property has an assessed value of \$1,795,400.00. The estimated value of the proposed project is approximately \$1,000,000.00; the current total local tax revenue from the site is \$73,468.00; after the completion of the project the post-development local tax revenue will increase to approximately \$96,000.00. Central Pools will be relocated to the back building which shall be renovated. The front building, which shall undergo extensive renovations, is expected to

result in upgraded commercial space that would be suited for one or more retail or banking uses. The substantial upgrades to the buildings and the overall site are expected to have a positive impact on this section of Cochituate Road which is entirely commercial. Therefore, 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 Project is located within the Light Manufacturing (M-1) Zoning District, to the east of the Massachusetts Turnpike ramps, and to the west of Speen Street. This is a heavily travelled area that consists entirely of commercial uses, including a motel, several convenience stores/gas stations, a self-storage warehouse, restaurants, and various retail and office uses. Clairmont Realty, LLC has owned the property since January of 2010. Robert Orfaly is the principal owner of the property and further owns and operates Central Pools, which has been a tenant at this location for many years. The site improvements proposed include additional parking, improved circulation, a new drainage system, landscaping, lighting, LID features, renovation to the existing rear building, and reconstruction of a front building. The proposed upgrades are expected to have a positive impact on the immediate area.

Therefore, since the Project is consistent with the Findings herein as represented by the Applicant's Project Team, the Planning Board finds that the proposed development of this 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 existing site configuration contains 27 off-street parking spaces. After the completion of the Project the site will contain 61 off-street parking spaces, an increase of 34 off-street parking spaces. In accordance with the Framingham Zoning By-law the site requires a total of 80 off-street parking spaces; therefore, the proposed Projects significantly decreased the off-street parking space deficit.

The new front building currently does not have a prospective tenant. It is expected that the tenant for the front building would be a retail store and/or a financial institution. The front building will be constructed with a gross floor area of 7,370 square feet. When the tenant for the front building is identified, the Applicant shall review the number of off-street parking spaces based on the demands of the tenants. If the number of off-street parking spaces does not meet the demand of the uses at 655 Cochituate Road, the Applicant shall seek a further reduction in the required number of off-street parking spaces from the Planning Board through modification of this Decision.

The Town of Framingham is a Complete Streets Community, with efforts set forth in the Town's Master Land Use Plan and Open Space & Recreation Plan. To encourage alternative modes of transportation and support future Town Complete Streets endeavors the Applicant shall install bicycle racks within the front area of the site, away from potential conflicts with vehicles.

Furthermore, the Applicant shall not install the bicycle racks within any of the provided off-street parking spaces.

Central Pools which is currently located in the larger of the front buildings which shall be reconstructed as part of this Project, will be relocated to the rear building which shall receive a new façade. According to the Applicant, Central Pools is a low intensity use, with no more than three employees on-site at any one time. Central Pools is not the type of use that generates a high volume of customer traffic, therefore not requiring a significant number of parking spaces.

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. 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 Cochituate Road. The existing curb cut off Cochituate Road shall be reconfigured to provide additional turning radius and improved circulation within the site. Therefore, the Planning 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, including the requirements for Site Plan Review (Section VI.F.), Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access Permit (Article 8, Section VI) pursuant to the Framingham General By-laws, Accordingly, the Planning Board votes, pursuant to relevant provisions of the Framingham Zoning By-Law, to approve the Applications Site Plan Review (Section VI.F.), Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-law and Public Way Access Permit (Article 8, Section VI) pursuant to the Framingham General By-laws, 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, Special Permits for a Reduction in the Required Number of Parking Spaces 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 Site Plan Review, and Special Permits for a Reduction in the Required Number of Parking Spaces 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 Framingham Zoning 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 Framingham Zoning 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. 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.
13. Parking pavement markings shall be in white. Fire zone and traffic markings shall be as per the applicable code.
14. 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.
15. Lighting shall be installed as shown on the Final Approved Plan, with LED lights.

#### **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. Snow storage shall be on-site, and shall not utilize or block any parking spaces. 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.

20. The Applicant agrees to continually maintain the permeable pavers as prescribed in the Stormwater Report Maintenance Plan dated September 2014, revised December 2014 in perpetuity.
21. The Applicant agrees to comply with the Framingham Conservation Commission's Order of Conditions (OOC). Furthermore the Applicant agrees to submit an O&M Covenant to for the Framingham Conservation Commissions review and approval, which shall be signed by the Planning Board.
22. The Applicant agrees to comply with the correspondence from the Framingham Conservation Commission dated January 8, 2015. Specifically, the Applicant agrees to install only native plant species on-site.

#### **Fire**

23. The Applicant agrees to protect both the front and rear building with a fire sprinkler system, furthermore, agrees to install said system in accordance with the Department of Public Works requirements of a separate domestic and fire system water lines.

#### **Department of Public Works**

24. The Applicant agrees to comply with the correspondence from the Framingham Department of Public Works dated January 8, 2015, RE: 655 Cochituate Road Site Improvements – Framingham.

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

25. 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.
26. 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.

27. The Applicant agrees to install bicycle racks on-site, in an area free of vehicle and pedestrian conflict. Furthermore, the Applicant agrees not to install bicycle racks within designated vehicle parking spaces.
28. The Applicant agrees to provide 3 street/trail trees (minimum of caliper of 2) to the Department of Public Works, for the Town to install within close proximity of 655 Cochituate Road to increase the amount of landscaping and street trees within the areas.
29. Once a tenant for the front building has been identified, the Applicant agrees to provide documentation to the Planning Board regarding proposed use, the number of employees, the number of occupants, and any other relevant information to determine if the provided 61 off-street parking spaces will be sufficient for the proposed use and site. Furthermore, the Applicant shall not permit vehicles to idle or unload along Cochituate Road.
30. The Applicant agrees to construct five feet wide sidewalk constructed of bituminous paving within the frontage of the site along Cochituate Road as part of the project, which shall be constructed in compliance with the construction standards of the Framingham Department of Public Works.

**WAIVERS**

The applicant requests waivers for the Informational Meeting with Residents and the following waivers under Sec VI.F.5.:

- 1. 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. – **A sign submittal will be made when the building is constructed and leased.**
- 2. 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.
- 3. g.(1)a - Traffic Impact Assessment – **The proposed project will not increase the amount of gross floor area on the premises. The conversion of a portion of the existing warehouse space to retail space is not expected to have a material impact on traffic generated from the site and does not necessitate a traffic analysis. Central Pools, which is owned by the property owner, will remain a tenant. This is a low intensity use that has low parking and traffic requirements, and no changes are proposed to the operation of this business.**

**Vote: five in favor, zero opposed, zero abstained**

**VOTE**

**Special Permits for a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.)**

The vote five in favor and zero opposed to granting a Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.) and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and VI.E.) pursuant to the Framingham Zoning By-Law to allow the Applicant, Clairmont Realty, LLC., for the removal of 2 existing buildings on the premises, the conversion of a portion of the existing warehouse space to retail space, the reconstruction of the parking lot to provide additional parking spaces, the construction of a new drainage system, installation of new lighting, and landscape improvements. The project is located at 655-685 Cochituate Road, and is shown on the Framingham Assessor’s Map Sheet 346, Block 110, Lot 3.

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

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

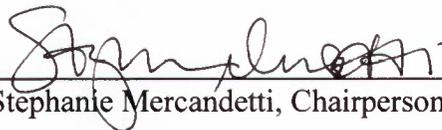
The vote five in favor and zero opposed to granting a Public Way Access Permit pursuant to the Framingham General By-Laws to allow the Applicant, Clairmont Realty, LLC., for the removal of 2 existing buildings on the premises, the conversion of a portion of the existing warehouse space to retail space, the reconstruction of the parking lot to provide additional parking spaces, the construction of a new drainage system, installation of new lighting, and landscape improvements. The project is located at 655-685 Cochituate Road, and is shown on the Framingham Assessor's Map Sheet 346, Block 110, Lot 3.

- 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 (Section VI.F.) pursuant to the Framingham Zoning By-Law to allow the Applicant, Clairmont Realty, LLC., for the removal of 2 existing buildings on the premises, the conversion of a portion of the existing warehouse space to retail space, the reconstruction of the parking lot to provide additional parking spaces, the construction of a new drainage system, installation of new lighting, and landscape improvements. The project is located at 655-685 Cochituate Road, and is shown on the Framingham Assessor's Map Sheet 346, Block 110, Lot 3.

- 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: February 5, 2015