



FRAMINGHAM PLANNING BOARD

2015 FEB 13 A 9:31

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

TOWN CLERK
FRAMINGHAM

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 Jeanette and Barry Keene

For Site Plan Review, Special Permits for Reduction in the Required Number of Off-Street Parking Spaces, and Dimensional Relief to Off-Street Parking Design Standards 95 Eames Street, Framingham MA

On October 7, 2014, the Applicant, Jeanette and Barry Keene, filed with the Planning Board, and on October 7, 2014, the Planning Board filed with the Town Clerk and Town Departments, applications pursuant to the Framingham Zoning By-Law (the "By-Law"), for Site Plan Review (Section IV.I.2.d), Special Permits for Use (Section III.3.d(1), III.F.1.9, and III.G.2., and V.E.), Reduction in the Required Number of Off-street Parking Spaces (Section IV.B.1.c. and V.E.), and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.). The Application was filed to reuse the existing building as an auto body repair shop. The parcel is located at 95 Eames Street, located in the General Manufacturing (M) Zoning District. Said parcel is shown on the Framingham Assessor's Map as a portion of Sheet 116, Block 234, Lot 34B.

After the notice of the public hearing was published in "The Metrowest Daily News" on October 20, 2014 and October 27, 2014 and mailed to parties of interest pursuant to the By-Law and M.G.L. c. 40A, the Planning Board opened the public hearing on November 6, 2014 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on December 11, 2014, January 15, 2015, January 22, 2015, February 5, 2015, and February 12, 2015. On February 12, 2015 the Planning Board voted to close the public hearing for Site Plan Review, Special Permits for Use, Reduction in the Required Number of Off-Street Parking Spaces, and Dimensional Relief to Off-Street Parking Design Standards.

On February 12, 2015 the Planning Board **APPROVED** with conditions said applications for Site Plan Review (Section IV.I.2.d), Special Permits for Use (Section III.3.d(1), III.F.1.9, and III.G.2., and V.E.), Reduction in the Required Number of Off-street Parking Spaces (Section IV.B.1.c. and V.E.), and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.) pursuant to the Framingham Zoning By-law for 95 Eames Street and a **DECISION** was filed in the office of the Town Clerk on February 13, 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.

TOWN CLERK
FRAMINGHAM

**Decision of the Framingham Planning Board on the
Application of Jeanette and Barry Keene
For Site Plan Review, Special Permits for Use, Reduction in the Required Number of Off-
Street Parking Spaces, and Dimensional Relief to Off-Street Parking Design Standards
95 Eames Street, Framingham, MA**

Date of Decision: February 12, 2015

STATEMENT OF FACTS

On October 7, 2014, the Applicant, Jeanette and Barry Keene, filed with the Planning Board, and on October 7, 2014, the Planning Board filed with the Town Clerk and Town Departments, applications pursuant to the Framingham Zoning By-Law (the "By-Law"), for Site Plan Review (Section IV.I.2.d), Special Permits for Use (Section III.3.d(1), III.F.1.9, and III.G.2., and V.E.), Reduction in the Required Number of Off-street Parking Spaces (Section IV.B.1.c. and V.E.), and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.). The Application was filed to reuse the existing building as an auto body repair shop. The parcel is located at 95 Eames Street, located in the General Manufacturing (M) Zoning District. Said parcel is shown on the Framingham Assessor's Map as a portion of Sheet 116, Block 234, Lot 34B.

After the notice of the public hearing was published in "The Metrowest Daily News" on October 20, 2014 and October 27, 2014 and mailed to parties of interest pursuant to the By-Law and M.G.L. c. 40A, the Planning Board opened the public hearing on November 6, 2014 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on December 11, 2014, January 15, 2015, January 22, 2015, February 5, 2015, and February 12, 2015. On February 12, 2015 the Planning Board voted to close the public hearing for Site Plan Review, Special Permits for Use, Reduction in the Required Number of Off-Street Parking Spaces, and Dimensional Relief to Off-Street Parking Design Standards.

The Planning Board voted to approve the Site Plan Review, Special Permits for Use, Reduction in the Required Number of Off-Street Parking Spaces, and Dimensional Relief to Off-Street Parking Design Standards, with conditions on February 12, 2015.

The Applicant has filed with the Planning Board various plans and reports required under the By-Law for Site Plan Review (Section IV.I.2.d), Special Permits for Use (Section III.3.d(1), III.F.1.9, and III.G.2., and V.E.), Reduction in the Required Number of Off-street Parking Spaces (Section IV.B.1.c. and V.E.), and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.). 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, stamped by the Town Clerk on October 7, 2014;

2. Uniform Special Permit Application Package, stamped by the Town Clerk on October 7, 2014;
3. Site Plan prepared by Sullivan Surveying Company, LLC. for the property shown on the Assessors Map 116, Block 234, Lot 34B, dated September 29, 2014, revised October 30, 2014, January 29, 2015, and February 5, 2015;
4. Development Impact Statement Project Narrative for 95 Eames Street, Framingham, Massachusetts, Applicants: Barry and Jeanette Keene, prepared by Bowditch & Dewey, LLP;
5. Letter from Attorney Jared Otte, Bowditch & Dewey, RE: 95 Eames Street, Framingham, Massachusetts, dated October 15, 2014;
6. Environmental Impact Assessment for 95 Eames Street, Framingham, MA, Applicants: Barry and Jeanette Keene, Owner: Robert J. Kinz Family Limited Partnership, received via email on February 4, 2015;
7. Notice of Activity and Use Limitation, M.G.L. c. 21E Section 6 and 310 CMR 40.000, DEP Release Tracking No. 3-30249, Book: 64266, Page 525, Doc: NOT, 09/23/2014; and
8. Phase II – Comprehensive Site Assessment, Release Abatement Measure Completion Report, and Permanent Solution with Conditions Statement. 95 Eames Street, Framingham, Massachusetts, dated October 2014.

The Planning Board received correspondence from the Board of Health, Department of Public Works, Police Department, and Conservation Commission. 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 95 Eames Street, dated October 7, 2014, stamped by the Town Clerk on October 7, 2014.
2. Letter of comment from the Framingham Conservation Commission, Subject: 95 Eames Street – Conservation Review, dated October 7, 2014;
3. Email of comment from Lt Robert Downing, Framingham Police Department, Subject: Eames Street, dated October 16, 2014;
4. Letter of comment from the Framingham Board of Health, RE: Departmental Project Review/95 Eames Street, Framingham, MA – Proposed Use of Building for Auto Body Repair, dated November 10, 2014;
5. Letter of comment from the Framingham Department of Public Works, RE: Proposed Auto Body Repair – 95 Eames Street, Framingham, dated December 9, 2014;
6. Letter of comment from the Framingham Department of Public Works, RE Proposed Auto Body Repair – 95 Eames Street, Framingham, dated January 5, 2015;
7. Letter of comment from the Framingham Board of Health, RE: Departmental Project Review/95 Eames Street, Framingham, MA – Proposed Use of Building for Auto Body Repair, dated January 13, 2015; and

8. Letter of comment from the Framingham Department of Public Works, RE: Proposed Auto Body Repair – 95 Eames Street, Framingham, dated January 12, 2015.

HEARING

During the course of the public hearing, the following individuals appeared on behalf of the Applicant: Attorney Jared Otte of Bowditch & Dewey, LLP, Joseph Sullivan of Sullivan Surveying Company, and Applicants Jeanette and Barry Keene.

Attorney Jared Otte provided an overview of the project to the Planning Board. Attorney Otte briefly discussed the history of his client's auto body shop in Natick, noting that they were looking to relocate in Framingham. The property at 95 Eames Street has been vacant since 2010, and has undergone remediation to address the environmental issues from the previous use of the building on-site.

- Site Circulation and Pedestrian Access – The Planning Board requested information regarding the locations of the lobby and the proposed parking lot. The Applicant's Project Team stated that the parking was in the rear of the building while the lobby was located in the front of the building. The Planning Board noted that the distance between the lobby and parking lot was significant, and requested that a few parking spaces be relocated closer to the lobby. This relocation of parking spaces may detour patrons who would be dropping off vehicles or waiting for inspection from parking in the handicap parking spaces.
- Landscaping – Joseph Sullivan provided an overview of the existing conditions on the site, further noting the increase in landscaping. With an increase in landscaping, the amount of paved area on the site will decrease.
- Parking Configuration – The Planning Board questioned the Applicant's Project Team about the number of parking spaces required for the use on this site. The Applicant's Project Team noted that 27 parking spaces were required. The Planning Board stated that there may not be a need for all 27 parking spaces, and therefore, the reduction of parking spaces could result in additional landscaping. The Planning Board further questioned the Applicant's Project Team about the opening of the gate, located within the center of the parking lot. The Applicant's Attorney provided the dimensions of the opening, noting that the opening was 24' wide.

The Board questioned the Applicant's Project Team about the storage of vehicles on-site. The Applicant's Project Team noted that there would be a few vehicles stored on-site pending repair or pickup, but no long term storage.

- Environmental Impact – The Planning Board questioned the status of the Brownfields on-site, further questioning where the project status was with regard to remediation. Attorney Otte stated that the documents regarding the environmental conditions were being reviewed with the owner of the property. The Applicant's Project Team further noted that if the environmental conditions could not be remediated the applicant would reconsider its use of the property. The Applicant's Project Team provided an update on February 5,

2015 regarding the provided Environmental Impact Assessment, in addition to an overview of the revised plans as requested by the Planning Board and Town Departments.

- Auto Body Related Uses –The Planning Board questioned the Applicant’s Project Team about the associated uses that coincide with auto body repair. The Planning Board specifically asked about the number of spray booths that would be located within the existing building. The Applicant’s Project Team noted that there would only be one spray booth, which is environmentally friendly, meets all required specifications, and would not have adverse environmental impacts.

The Planning Board further asked about towing operations as part of the use. The Applicant’s Project Team noted that their Applicant does not and will not be engaging in towing operations.

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 By-Law including the requirements for Site Plan Review (Section IV.I.2.d), Special Permits for Use (Section III.3.d(1), III.F.1.9, and III.G.2., and V.E.), Reduction in the Required Number of Off-street Parking Spaces (Section IV.B.1.c. and V.E.), and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.). Specifically, the Board makes the following findings:

A. Traffic Impact Standards and Absence of Vehicular Hazard: §§ IV.I.6.a. and V.E.3.a.(3)

The property, 95 Eames Street, is located within a predominately residential and manufacturing area, within the southern portion of Framingham. The proposed use of an auto body shop is not expected to increase the number of vehicle trips compared to previous uses of the site. The reuse of the existing building at 95 Eames Street is not expected to decrease the level of service below levels when the property was utilized as a dry cleaning operation. The Applicant has agreed not to offer towing storage on the property therefore, limiting the amount of large trucks to the site.

Therefore, the project is consistent with the purpose and intent of the Framingham Zoning By-law and, 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 §§ IV.I.6.a and V.E.3.a(3) of the Framingham Zoning By-Law.

B. Environmental Impact Standards and Consistency with Intent of By-Law: §§ IV.I.6.b. and V.E.3.(a).(4).

The building on the Property was originally constructed in 1973 and was used for various industrial purposes, including a dry cleaning facility. Such use ended in 2010, and the property has remained vacant since that time. The property currently has an Activity and Use Limitation (AUL) imposed on it by MassDEP, recorded in the Middlesex South District Registry of Deeds

in Book 64266, Page 525. The AUL limits any modifications to existing impervious surface on the site. The Applicant's Site Plan proposes to provide additional parking as well as additional landscaped area within the restrictions of the AUL while allowing access to the garage doors located on the southeast side of the building for its use. The Applicant's proposal will allow for a modest redevelopment of the Property which will remove existing encroachments and allow for the use of the Property which is consistent with the surrounding neighborhood.

Furthermore, the Property is located within the Conservation Commission's jurisdiction. Therefore, any disruptions of the soil will require a Notice of Intent to be filed with the Conservation Commission. All landscaping within the wetlands buffer zone shall be native species.

The Project is consistent with the purpose and intent of the Framingham Zoning By-law and, 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 §§ IV.I.6.b. and V.E.3.a(4) of the Framingham Zoning By-Law.

C. Fiscal Impact Standards and Municipal Services: §§ IV.I.6.c. and V.E.3.(a).(5).

The Board finds that the Project as proposed complies with the requirements of §§IV.I.6.c. and V.E.3.a.(5). The Property has an assessed value of \$1,481,200.00. 95 Eames Street and 119 Herbert Street are considered to be one property with one tax assessment. In the event these properties are subdivided for the purpose of the Applicant purchasing 95 Eames St, the properties will be subdivided in a manner consistent with the approved site plan. Therefore, the Project is consistent with the purpose and intent of the Framingham Zoning By-law and, 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 §§IV.I.6.c. and V.E.3.(a).(5) of the Framingham Zoning By-Law.

D. Community Impact Standards and Site Appropriateness: §§ IV.I.6.d. and V.E.3.a.(1).

The Project Site is located within the General Manufacturing District (M), within the southern portion of Framingham, and to the west of Hollis Street. This is a densely populated area of Framingham, occupied by residential, commercial, and manufacturing uses. The northwestern portion of Eames Street, Waushakum Street, Pratt Street, and Arlington Street are predominately residential, given that 95 Eames Street cannot provide an adequate number of street trees, the Applicant shall provide street trees for the use within the immediate area. Past uses of the property include dry cleaning operations. The property has been vacant since such dry cleaning use has vacated the property. The reuse of said building is encouraged by the Town, however conditions of use shall be granted by the Town to ensure past uses of the site remain properly sealed and capped. Such conditions shall require the Applicant and owner of the property to maintain subsurface venting as long as the building is in use, and shall be connected to the Police Department in the event of system failure.

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 §§ IV.I.6.d. and V.E.3.a.(1) of the Framingham Zoning By-Law.

E. Parking Standards and Appropriate Facilities: §§ IV.I.6.e. and V.E.3.a.(2).

The project at 95 Eames Street requires a total of 27 parking spaces. Currently, there are a total of 9 spaces existing on-site. The Applicant has submitted an Application for a Special Permit for a Reduction in the Required Number of Off-street Parking Spaces (Section IV.B.1.c. and V.E.). Once the project is complete there will be a total of 22 parking spaces including 1 handicap parking space. If the Applicant at a later date requires additional parking, this shall require a modification to this Decision. Vehicles shall not be parked or stored on a Town Roadway. Furthermore, during the public hearing process the Applicant stated that there would be a limited number of vehicles stored on-site. Furthermore, the Applicant stated they would not be engaging in towing operations which would require additional storage area.

Therefore, the Board finds that the Project as designed, including the increase in landscape area and relocation of handicap parking spaces near the entrance to satisfy the Parking Standards and Appropriate Facilities standards set forth in §§ IV.I.6.e. and V.E.3.a.(2) of the By-Law.

F. Use: §§ III.3.d(1), III.F.1.9, III.G.2. and V.E.

The Applicant's project will change the use of the property, which is currently vacant, to an auto body shop. The Applicant currently operates an auto body shop at 10 Cochituate Street in Natick and is seek to relocate its business to Framingham. The Applicant proposes to increase the landscape area on the property in a manner consistent with the Activity and Use Limitation (AUL) imposed on the property by MassDEP.

The Applicant is proposing 1 spray booth associated with the auto body operations. To ensure the safety to the abutters, Beaver Dam Brook, and to ensure compliance with the AUL, therefore, the Board finds that the number of spray booths should be limited to a total of 1 spray booth.

During the public hearing process the Applicant stated that the business did not operate a towing function and therefore would not need additional storage spaces. The Board requested that no towing operations be associated with the business for the purpose of storage.

The Board finds that proposed Use to be in compliance with Sections III.3.d(1), III.F.1.9, III.G.2. of the Framingham Zoning By-law

G. Dimensional Relief to Off-Street Parking Design Standards: §§ IV.B.3.g. and V.E.

The Applicant has applied for a Special Permit for Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g. and V.E.). The parking lot along the northwest and southwestern side of the site is located on the potential property boundary. Due to the constraints of the site, the location of the existing building will not be modified and the creation of a buffer between the property line and the parking spaces is not possible. Furthermore, the parking spaces located on the western side of the building are within 5 feet of the property line, and the installation of a buffer is not possible.

The Property has the benefit of a Decision dated December 4, 1990 from the Zoning Board of Appeals which granted a number of setback and parking variances which include a variance from the parking lot side-yard and front yard setback requirements.

Therefore, the Board finds that the Project as designed, without the required buffer, satisfies the need for a Special Permit for Dimensional Relief to Off-Street Parking Design Standards pursuant to Sections IV.B.3.g. and V.E. 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 By-Law including the requirements for Site Plan Review (Section IV.I.2.d), Special Permits for Use (Section III.3.d(1), III.F.1.9, and III.G.2., and V.E.), Reduction in the Required Number of Off-street Parking Spaces (Section IV.B.1.c. and V.E.), and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.).

Accordingly, the Board votes, pursuant to relevant provisions of the By-Law, to approve the Applications for Site Plan Review (Section IV.I.2.d), Special Permits for Use (Section III.3.d(1), III.F.1.9, and III.G.2., and V.E.), Reduction in the Required Number of Off-street Parking Spaces (Section IV.B.1.c. and V.E.), and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.), 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 Use, Reduction in the Required Number of Off-street Parking Spaces, and 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 Site Plan Review, Special Permits for Use, Reduction in the Required Number of Off-street Parking Spaces, and 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 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 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.
22. The Applicant agrees to comply with the requirements set forth in the Framingham Conservation Commission's letter dated October 7, 2014 to ensure wetland protection and comply with the Wetlands Protection Act and By-law.

23. The Applicant agrees to file a Notice of Intent (NOI) with the Conservation Commission prior to any ground disturbance occurs.
24. The Applicant agrees to install only native species within the landscape areas as approved by the Framingham Planning Board Administrator.

Department of Public Works

25. The Applicant agrees to comply with requests contained in the correspondence from the Department of Public Works dated December 9, 2014, January 5, 2015, and February 12, 2015.

Board of Health

26. The Applicant agrees to comply with the requests set forth in the Framingham Board of Health letter dated January 13, 2015 and November 10, 2014. Furthermore, abiding to the following:
 - Floor drains – floor drains should not be installed in any areas where oil and/or hazardous materials would be used.
 - Oil/Hazardous Material Use – The Building Department will be reviewing the specifications for the spray paint booth, and that the exhaust from any such system will not cause nuisance odors or other environmental issues.
 - Oil/Hazardous Waste – Generation of waste oil and/or hazardous wastes must be appropriately registered for disposal of such material in accordance with local, state and federal requirements.

Special Provisions/ Periodic Conformance Reporting and Review

27. 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.
28. 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.

29. The Applicant agrees not to park vehicles associated with the use on Town roadways.
30. The Applicant agrees not to engage in towing operations for the purpose of storage. Furthermore this condition ensures that environmental impacts are minimized as well as providing limitations regarding the intensity of use on an existing sensitive site.
31. The Applicant agrees to limit the number of spray booths to one. If additional spray booths are necessary the Applicant shall seek a modification to this Decision through the Planning Board public hearing process.
32. The Applicant and the owner of the property agree to operate the subsurface venting system on a 24 hour, 7 days a week schedule as long as the building is in use. Furthermore, the existing alarm system for the subsurface venting system which is currently configured to alert MassDEP, the owner, and the property's LSP in the event of a system failure shall be programmed to alert the Framingham Police Department if possible. If the existing system cannot be programmed to alert the Framingham Police Department, the Applicant or current owner shall alert the Board of Health and Framingham Police Department immediately upon the occurrence of a system failure.
33. The Applicant agrees not to proceed with any excavation on the site, except in accordance with the terms and conditions of the AUL, applicable municipal bylaws and state regulations.
34. The Applicant agrees to provide seven (7) street/trail trees (minimum of caliper of 2) to the Department of Public Works, for the Town to install within close proximity of 95 Eames Street to increase the amount of landscaping and street trees within the areas.
35. Any change to the use of the property or material corrections, additions, substitutions, alterations, or changes to any plans, proposals, or supporting documents approved and endorsed by the Planning Board shall require review and modification to this decision.
36. This decision shall apply only to that portion of the parcel known as Sheet 116, Block 234, Lot 34B that is shown on the approved site plan and not to the remaining portion of said parcel.

WAIVERS

The applicant requests the following waivers under Section VI.F.5.:

1. VI.F.5.a.1 - Topography of the property, including contours at a 2 foot interval based on the most recent National Geodetic Vertical Datum (NGVD).
2. VI.F.5.a.4 - Maximum seating capacity, number of employees, or sleeping units if applicable.
3. VI.F.5.a.5 - Location, dimension, type and quantity of materials for open space, planting, and buffers where applicable.
4. VI.F.5.a.9 - Provisions for storm water drainage affecting the site and adjacent parcels, and snow storage areas. Drainage computations and limits of floodways shall be shown where applicable.
5. VI.F.5.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.
6. VI.F.5.a.15 - An Area designated for the storage of waste and refuse.
7. VI.F.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.
8. 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.
9. 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.
10. 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.
11. VI.F.5.g.(1) - Traffic Impact Assessment
12. VI.F.5.g.(3) - Fiscal Impact Assessment
13. VI.F.5.g.(4) - Community Impact Assessment
14. VI.F.5.g.(5) - Parking Impact Assessment

Vote: five in favor, zero opposed, zero abstained

VOTE

Special Permits for Use (Section III.3.d(1), III.F.1.9, and III.G.2.), Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c.), and Dimensional Relief to Off-Street Parking Design Standards (Section IV.B.3.g.)

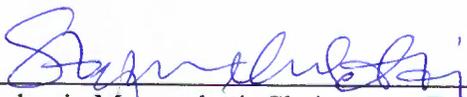
The vote five in favor and four opposed to granting a Special Permits for Use pursuant to Section III.G.3.d(1), III.F.1.9., and III.G.2., Reduction in the Required Number of Off-Street Parking Spaces pursuant to Section IV.B.1.c., and Dimensional Relief to Off-Street Parking Design Standards pursuant to Section IV.B.3.g. of the Zoning By-Law to allow the Applicant, Jeanette and Barry Keene, to reuse the existing building as an auto body repair shop at 95 Eames Street.

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

Site Plan Review (Section IV.I.2.d.)

The vote five in favor and zero opposed to granting Site Plan Review pursuant to Section IV.I.2.d. of the Zoning By-Law to approve the Site Plan submitted by the Applicant, Jeanette and Barry Keene, to reuse the existing building as an auto body repair shop at 95 Eames Street.

- 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 12, 2015