



FRAMINGHAM PLANNING BOARD

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2015 MAR 20 A 10:43

TOWN CLERK
FRAMINGHAM

Planning Board Members:
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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 Chick-fil-A

For an Site Plan Review, Special Permit for a Drive-thru Facility, Special Permit for a Reduction in the Required Number of Parking Spaces, and Public Way Access Permit 1 Worcester Road (New Building – Kohl's Parking Lot), Framingham MA

On December 24, 2014, the Applicant, Chick-fil-A, filed with the Planning Board, and on December 24, 2014, the Planning Board filed with the Town Clerk and Town Departments, applications for Site Plan Review (Section VI.F.) and Special Permit for Drive-thru Facility (Section V.J. and VI.E), and a Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law and Public Way Access Permit in accordance with the Framingham General By-law Section VI, Article 8. The Application was filed to construct a single story 4,815 square foot Chick-fil-A in the northeast corner of the Kohl's/Bradlees parking area with a drive-thru, landscaping, site improvements, and patio seating. The parcel is located at 1 Worcester Road, located in the Business (B) Zoning District and Regional Center (RC) Overlay District. Said parcel is shown on the Framingham Assessor's Map Sheet 344, Block 108, Lot 20.

After the notice of the public hearing was published in "The MetroWest Daily News" on January 12, 2015 and January 19, 2015 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 January 22, 2015 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on February 12, 2015, March 5, 2015, and March 19, 2015 for Site Plan Review (Section VI.F.) and Special Permit for Drive-thru Facility (Section V.J. and VI.E), and a Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law and Public Way Access Permit in accordance with the Framingham General By-law Section VI, Article 8.

On March 19, 2015 the Planning Board **APPROVED** with conditions said Application was for Site Plan Review, Special Permit for a Drive-thru Facility, Special Permit for a Reduction in the Required Number of Parking Spaces, and Public Way Access Permit for 1 Worcester Road (New Building – Kohl's Parking Lot) and a **DECISION** was filed in the office of the Town Clerk on March 20, 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 MAR 20 A 10:43

TOWN CLERK
FRAMINGHAM

**Decision of the Framingham Planning Board on the
Application of Chick-fil-A**
**For Site Plan Review, Special Permit for a Drive-thru Facility, Modification to the Planning
Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required
Number of Parking Spaces (Section IV.B.1.c. and VI.E.), and Public Way Access Permit
1 Worcester Road, Framingham, MA**
Date of Decision: March 19, 2015

STATEMENT OF FACTS

On December 24, 2014, the Applicant, Chick-fil-A, filed with the Planning Board, and on December 24, 2014, the Planning Board filed with the Town Clerk and Town Departments, applications for Site Plan Review (Section VI.F.) and Special Permit for Drive-thru Facility (Section V.J. and VI.E), and a Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law and Public Way Access Permit in accordance with the Framingham General By-law Section VI, Article 8. The Application was filed to construct a single story 4,815 square foot Chick-fil-A in the northeast corner of the Kohl's/Bradlees parking area with a drive-thru, landscaping, site improvements, and patio seating. The parcel is located at 1 Worcester Road, located in the Business (B) Zoning District and Regional Center (RC) Overlay District. Said parcel is shown on the Framingham Assessor's Map Sheet 344, Block 108, Lot 20.

After the notice of the public hearing was published in "The MetroWest Daily News" on January 12, 2015 and January 19, 2015 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 January 22, 2015 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on February 12, 2015, March 5, 2015, and March 19, 2015 for Site Plan Review (Section VI.F.) and Special Permit for Drive-thru Facility (Section V.J. and VI.E), and a Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law and Public Way Access Permit in accordance with the Framingham General By-law Section VI, Article 8.

The Planning Board voted to approve the for Site Plan Review (Section VI.F.) and Special Permit for Drive-thru Facility (Section V.J. and VI.E), and a Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law and Public Way Access Permit in accordance with the Framingham General By-law Section VI, Article 8, with conditions on March 19, 2015.

The Applicant has filed with the Planning Board various plans and reports required under Site Plan Review (Section VI.F.) and for a Special Permit for Drive-thru Facility (Section V.J. and VI.E), and a Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law and Public Way Access Permit in accordance with the Framingham General By-law Section VI, Article 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. Form A – Application Cover Letter for 1 Worcester Road, Project Number PB-034-14, stamped with the Town Clerk on December 24, 2014;
2. Form E – Site Plan Review for 1 Worcester Road, Project Number PB-034-14, stamped with the Town Clerk on December 24, 2014;
3. Form F – Public Way Access Permit for 1 Worcester Road, Project Number PB-034-14, stamped with the Town Clerk on December 24, 2014;
4. Form G – Request for Modification for 1 Worcester Road, Project Number PB-034-14, stamped with the Town Clerk on December 24, 2014;
5. Form L – Special Permit for 1 Worcester Road, Project Number PB-034-14, stamped with the Town Clerk on December 24, 2014;
6. Letter from Kenneth L. Stern, Senior Vice President of Peripheral Development, DDR, RE: Applications for Site Plan Review and Special Permit Chick-fil-A, 1 Worcester Road, dated December 15, 2014;
7. Letter from Attorney Peter Barbieri, RE Chick-fil-A, dated December 31, 2014;
8. Development Impact Statement for Chick-fil-A, 1 Worcester Road, Framingham, MA dated December 2014;
9. Stormwater Drainage Report for Chick-fil-A, prepared by Bohler Engineering, dated February 3, 2015;
10. Transportation Impact Assessment for Chick-fil-A Restaurant, prepared by Vanasse & Associates, Inc., dated December 16, 2014;
11. Letter from Vanasse & Associates, Inc.; RE: Chick-fil-A Restaurant, 1 Worcester Road (Route 9), Framingham, Massachusetts, dated January 27, 2015;
12. Site Development Plans for Chick-fil-A, 1 Worcester Road, prepared by Bohler Engineering, dated October 21, 2014, revised on February 3, 2015 and March 11, 2015;
13. Letter from Attorney Peter Barbieri, RE: Chick-fil-A Signage, dated February 3, 2015;
14. Letter from Joshua G. Swerling, RE: Proposed Chick-fil-A, 1 Worcester Road, dated February 6, 2015;
15. Overall Site Plan indicating the locations of the Security Cameras for 1 Worcester Road – Chick-fil-A, prepared by Bohler Engineering, dated October 10, 2014, revised February 3, 2015; and
16. Long-term Stormwater System Operation and Maintenance Plan.

The Planning Board received correspondence from the Framingham Board of Health, the Framingham Conservation Commission, the Framingham Department of Public Works, the Framingham Fire Department, and the Framingham Police Department. 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 1 Worcester Road, dated December 24, 2014, stamped with the Town Clerk on December 24, 2014;
2. Public Way Access Permit Checklist for Application Submittal for the Project located at 1 Worcester Road, dated December 24, 2014, stamped with the Town Clerk on December 24, 2014;
3. Email of comment from the Framingham Police Department, RE: 1 Worcester Road (Chick-fil-A), dated January 8, 2015;
4. Letter of comment from the Framingham Board of Health, RE: Departmental Project Review – 1 Worcester Road, dated January 21, 2015;
5. Letter of comment from the Framingham Board of Health, RE: Chick-fil-A #1 Worcester Road, Framingham, dated January 26, 2015;
6. Letter of comment from the Framingham Department of Public Works, RE: Chick-fil-A - #1 Worcester Road, Framingham, dated February 27, 2015;
7. Email of comment from the Framingham Fire Department, Subject: 1 Worcester Road Chick-fil-A, dated March 3, 2015; and
8. Letter of comment from the Framingham Conservation Commission, Subject: 1 Worcester Road – Conservation Review, dated March 5, 2015.

HEARING

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney Peter Barbieri, Jeffrey Dirk, Vanasse & Associates, Scott Goodson, Chick fil- A, Josh Swerling, Bohler Engineering.

Attorney Peter Barbieri provided an overview of the proposed Chick-fil-A project to be located in the northern portion of the Kohl's/Bradlees parking lot. Attorney Barbieri highlighted the dimension of the proposed building which would be 4,815 square feet with a total of 138 seats. The number of seats would be distributed as 126 indoor and 12 outdoor seating. Furthermore, Attorney Barbieri presented the proposed drive-thru which would be required by the Applicant for the proposed use.

Attorney Barbieri further stated that the proposed project is located in the existing Shoppers' World Regional Shopping Center. The total number of parking spaces within Shoppers' World does not currently meet the Town's requirements for off-street parking spaces requirements. However, Attorney Barbieri noted that the Kohl's/Bradlees parking lot does not meet the required number of off-street parking spaces for the Kohl's/Bradlees Department Store use as referenced in the June 25, 2002 Planning Board Decision for a Reduction in Off-Street Parking Spaces, however based on the parking study there are a sufficient number of parking spaces to accommodate the additional business being located within the Kohl's/Bradlees parking lot. Based on the number of parking spaces provided for the entire Shoppers' World Regional Shopping Center, a modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces would be required for this project. Furthermore, Attorney Barbieri stated that the proposed project triggers Minor Site Plan Review, Special Permit for a Drive-thru Facility, and a Public Way Access Permit.

Josh Swerling provided a visual presentation of the site plan and the proposed project. Mr. Swerling stated that there was an increase in pervious area on site through the increase in landscaping noting that 94 plantings are proposed, which decreases the total impervious area and thereby further decreases the total amount of runoff from the site. Mr. Swerling further discussed the overall aesthetics of the proposed project with regards to landscaping and other green features.

Jeffrey Dirk provided an overview of the traffic study that was conducted. Mr. Dirk stated that traffic counts were done at each of the intersections during Saturday peak hours during the holiday season, and an analysis of crashes in the area. Mr. Dirk further stated that there were no changes in the levels of service when data from the project was added. Mr. Dirk stated that after speaking with the Police Department, there were no safety deficiencies in that area. Mr. Dirk further reiterated that a parking demand study was done during the Christmas season, and checks were done every 15 minutes to determine the placement of cars in the parking lot. Mr. Dirk stated that the proposed location of the restaurant was in the least utilized portion of the lot. At the February 12, 2015 public hearing Mr. Dirk discussed new information related to the parking demands throughout the site. Mr. Dirk stated that peak demand for the site was found to be on Saturday afternoons. Mr. Dirk stated that the proposed project required a minimum of 30 off-street parking spaces to accommodate the demand during peak business hours.

The Planning Board provided questions and comments regarding the proposed project to the Applicant's Project Team during the public hearing process. Topics of comments and questions included: parking design, parking configuration, pedestrian ways, and the drive-thru.

- **Parking Design:** The Planning Board questioned the Applicant's Project Team about the use of angled parking, as opposed to perpendicular spaces. Mr. Swerling responded that angled parking reduced spaces by one, but the use of angled parking greatly improved site circulation. The Planning Board expressed their concern with the angled parking near the drive-thru. Attorney Barbieri stated that project engineer would review those spaces and revise the plan accordingly to ensure safety. At a following public hearing the Applicant's Project Team presented revisions to the parking plan.
- **Product Delivery:** The Planning Board reviewed the locations of the delivery drop-off locations and further stated their concern with the potential blockage for patrons trying to access and utilize the site. The Applicant's Project Team stated that the deliveries would be made during off-peak business hours. The Planning Board further requested a detailed site plan of where deliveries would be made during off-peak business hours. The Applicant's Project Team provided the Planning Board with a visual representation of how deliveries would be made to the site.
- **Parking Configuration:** The Planning Board questioned the Applicant's Project Team regarding the proposed reduction in the required number of off-street parking spaces. Some members of the Planning Board noted concerns regarding the recent request for a reduction in the required number of off-street parking spaces associated with the Kohl's/Bradlees building, and with the continual reduction in the number of off-street parking spaces within Shoppers' World. The Applicant's Project Team noted the concern

and referenced the traffic and parking study conducted for this project, noting that during the busy season there were more than enough available spaces.

- **Pedestrian Ways:** The Planning Board requested that the Applicant install a sidewalk from Cochituate Road connecting directly to the proposed Chick-fil-A restaurant. The Applicant's Project Team complied with the Planning Board's request by providing said sidewalk in a revised site plan. The Planning Board requested that the Applicant's Project Team provide photometrics for the proposed pedestrian sidewalk. The Applicant's Project Team revised the Project's site plans to show the photometrics along the pedestrian sidewalk as requested.
- **Drive-thru:** The Planning Board questioned the Applicant's Project Team about the use of dual order boards vs. a single order board. The Planning Board further questioned the project team about the lack of a bypass lane within the drive-thru. The Applicant's Project Team stated that the dual order board was being utilized for order accuracy by the restaurant. Finally, a concern about a possible issue that could arise in an emergency situation was voiced if a vehicle in the queuing line needed to exit the drive-thru.

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 VI.F.) and Special Permit for Drive-thru Facility (Section V.J. and VI.E), and a Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law and Public Way Access Permit in accordance with the Framingham General By-law Section VI, Article 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 Shoppers' World Regional Shopping Center is located at 1 Worcester Road, and is bound to the north by Route 30/Cochituate Road and to the south by Route 9/Worcester Road.

Furthermore, Ring Road is a roadway that runs along the outside of the main shopping center and exits onto Route 30/Cochituate Road in 2 places and into Route 9/Worcester Road in two places. The proposed Project shall be located within the northern portion of the Kohl's/Bradlees Department Store parking lot, formerly known as Bradlees Department Store. The proposed Project will be accessed through the existing Kohl's/Bradlees Department Store's entrance off Ring Road and then through the parking lot.

Vanasse & Associates, Inc. prepared a Transportation Impact Assessment, dated December 2014. The Project is a 4,815 square foot Chick-fil-A Restaurant with a 2 lane drive-thru window facility, in addition to off-street parking for 21 vehicles within close proximity to the use. The Project was evaluated for access requirements, potential off-site improvements, and safety considerations; under existing and future conditions, both with and without the proposed project.

The Project is expected to generate a total of approximately 1,066 new vehicle trips on an average weekday, with approximately 70 new vehicle trips expected during the weekdays

evening peak-hours. On Saturdays, the Project is expected to generate approximately 1,552 new vehicle trips, with approximately 126 new vehicle trips expected during the Saturday mid-day peak-hour. The Chick-fil-A does not operate on Sundays.

The existing Level of Service (LOS) within the immediate area (with the exception of the intersection of Ring Road at the Kohl's/Bradlees Department Store north driveway entrance) of the Project is a LOS C or better during the peak periods. It is expected the LOS after the addition of the Project based on a No-Build and Build condition the LOS will be C to E during the Saturday mid-day peak-hour. However, all movements along Ring Road were shown to continue to operate at a LOS A during peak periods.

Based on the Applicant's Traffic Report, the following recommendations are encouraged:

- within the proposed project site, circulating roadways should be a minimum of 24-feet in width where 2-way traffic is proposed and a minimum of 16-feet in width to support 1-way traffic;
- appropriate signs such as One-Way, Do Not Enter, etc. and pavement markings should be provided to regulate the 1-way traffic flow through the proposed drive-thru and around the perimeter of the building; and
- all signs and pavement markings to be installed within the proposed project shall conform to the applicable standards in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

Based on the findings of the Applicant's traffic review it can be concluded that the additional traffic demands that may be associated with the Project can be accommodated within the confines of the existing transportation infrastructure with implementations of the proposed traffic mitigation as further denoted within the report. Therefore, the Planning Board finds that the Project satisfies the requirements for Traffic Impact Standards and Absence of Vehicular Hazard as set for 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 Project is located outside of the 125' wetlands buffer zoning for a waterway that runs to the west of the site. The Project has taken advanced measures to ensure that stormwater runoff collects and mitigates the impacts caused by impervious surfaces. Furthermore, there will be a decrease in the impervious coverage on the site, in addition to the appropriate stormwater management measures to be installed on-site.

The Applicant shall install drainage improvements which include deep sump catch basins with oil and gas traps. The Department of Public Works has recommended that the proposed grease interceptor depicted on the plans be required to have two sewer manholes, one upstream and one downstream of it. The Applicant shall coordinate locations of the sewer manholes with the Department of Public Works

The Applicant's Stormwater Drainage Report, dated February 3, 2015 provides a comparative analysis of the pre- and post-development site stormwater runoff conditions. The Report references the Massachusetts Department of Environmental Protection Stormwater Management

Policy Handbook and Stormwater Management Standards and the Town of Framingham's Rules and Regulations Governing Subdivision of Land in the Town of Framingham. Based on the findings in the Report, the Report concludes that there should be a reduced peak in stormwater runoff rates below the 100 years storm level while decreasing impervious area on-site, increasing groundwater recharge, and the increase in stormwater quality.

Furthermore, the Applicant has provided a Long Term Stormwater Operation & Maintenance Plan. The Department of Public Works requests that the Applicant revise the plan to include:

- "Deep sump catch basins, inspection and cleaning frequencies should be consistent with maintenance standards outlined in MassDEP's Stormwater Handbook, Volume 2, Chapter 2. The post-construction inspection frequency should be changed to 4 times per year and the cleaning frequency should be changed to 4 times per year or whenever the depth of deposits is greater than or equal to ½ of the depth from the bottom of invert of the lower pipe in the basin."
- "The infiltration pond, the inspection frequency should be consistent with maintenance standards outlined in MassDEP's Stormwater Handbook, Volume 2, Chapter 2. The post-construction inspection frequency should be changed to include inspections after every major storm during the first 3 months of operation and twice a year thereafter and when there are discharges to adjacent resource areas."
- "The infiltration basin should drain completely within 72-hours following precipitation."

The Project is not expected to have any adverse impacts on air quality in the vicinity of the site as no changes are proposed to the overall operation of the facility. There will be short-term air quality impacts resulting from construction activities, but should be insignificant and temporary. The Project does not impose any Flooding, Erosion & Sedimentation issues, nor shall the storage of hazardous materials be stored on-site; the building should not adversely affect temperature or wind conditions; nor shall there be any light or noise impacts caused by the project. The Project does propose adequate system capacity, infrastructure to support the project, and appropriate sewage disposal. Therefore, the Planning Board finds that the Project as proposed complies with the requirements of §§ 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 Project is expected to have a positive economic benefit to the immediate area and to the Town of Framingham. The current assessed value of Shoppers' World is \$89,720,200.00 it is expected that there will be an increase in the total local tax revenue from \$3,671,350.00 to \$3,690,905.00. The cost of construction is estimated at \$100.00 per square foot; there value of the site will increase by \$477,900.00 upon completion of the Project. Chick-fil-A anticipates the creation of 15 construction jobs associated with the Project, and will hire approximately 80 full/part-time employees for their operations. Therefore, the Planning Board finds that the Project as proposed complies with the requirements 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 in the Shoppers' World Regional Shopping Center in the Business (B) Zoning District, and the Regional Center (RC) Overlay District. The site is abutted primarily by

commercial uses. The Project is consistent with the surrounding like uses. Furthermore, the Applicant agrees to provide a sidewalk from Route 30/Cochituate Road to the Project for pedestrian accessibility. The Applicant has also agreed to provide bicycle racks to accommodate alternative modes of transportation. Therefore, the Planning Board finds that the Project satisfies the Community Impact Standards and Site Appropriateness as 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).

All buildings within the Shoppers' World Regional Shopping Center fall under the parking code Regional Shopping Center. Parking for a Regional Parking Center is based upon 1 parking space per 200 square feet of gross leasable area. Kohl's/Bradlees Department Store has a total leasable area of 102,644 square feet. Therefore, including the Chick-fil-A building will result in a total of 107,459 square feet, which requires a total of 538 parking spaces. Based on a 2012 parking study there are currently 551 parking spaces, including 12 handicapped parking spaces. The addition of Pier 1 Imports (to be located within a portion of the Kohl's/Bradlees Department Store) add to the reduction in off-street parking as approved by the Planning Board in the June 25, 2002 Special Permit for Reduction in Off-Street Parking Space Decision by 5 parking spaces for a total of 546 to remain on-site. The Chick-fil-A restaurant will result in a loss of 25 parking spaces therefore further reducing the June 25, 2002 Special Permit Decision to 520 parking spaces. Based on the parking study provided by the Applicant, 520 parking spaces will more than satisfy the needs for the parking demands of Kohl's, Pier 1 Imports, and Chick-fil-A.

The parking study provided by Vanasse & Associates, Inc. found that the demand during peak parking hours (weekday midday peak-hour occurred at 12:40pm) required 250 parking spaces, or approximately 45% of the available 551 parking spaces. The parking study further found that peak parking hours (weekday evening peak-hour occurred at 4:00pm) required 223 parking spaces, which is approximately 40% of the available 551 parking spaces. Lastly the parking study found that the demand during peak parking hours (Saturday midday peak-hour occurred at 1:20pm) required 281 parking spaces, which is approximately 51% of the available 551 parking spaces. It should be noted that the parking found the majority of the occupied parking spaces to be located to the south and east of the Kohl's/Bradlees Department Store building, with limited utilization of the parking spaces in the northwest corner of the parking lot, the proposed location of the Project.

Furthermore, the Applicant is requesting to further reduce the number of off-street parking spaces through a modification of the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces. The main Shoppers' World Regional Shopping Center within Ring Road is at a deficit for parking, however the Kohl's/Bradlees Department Store parking area far exceeds the required number of off-street parking spaces. Based on the scale and proximity of the Kohl's/Bradlees Department Store Parking area and the stores within the main portion of Shoppers' World there is little to no available pedestrian walkways between the two complexes. The excess number of parking spaces within the Kohl's/Bradlees Department Store parking area shall remain after the construction of Chick-fil-A. It should be noted that Logan Express formally leased the southern portion of the Kohl's/Bradlees Department Store's parking area and did not strain the ability to park within the complex.

Therefore, the Board finds that the Project as designed, including the decrease in the number of parking spaces on-site satisfies the Parking Standards and Appropriate Facilities standards as set forth in §§ VI.F.6.e. and VI.E.3.a.(2). of the Framingham Zoning By-Law.

F. Drive-thru Facility: §§ V.J. and VI.E.

A dual order board drive-thru is associated with the Project. The Project meets all of the requirements for a drive-thru facility within the Town of Framingham, specifically each of the two drive-thru lanes can accommodate 5 vehicles each prior to the ordering stations and a minimum of 7 vehicle queuing spaces prior to the pick-up window. Additionally, the drive-thru is separated from the parking lot and pedestrian access ways therefore decreasing any potential conflict between vehicles and pedestrians. Furthermore, the design of the drive-thru does not allow for queuing vehicles in the drive-thru to block parking spaces for patrons who choose to go inside to order. The only requirement of the Project that does not comply with regulations is the 2 customer service related parking spaces. However, the Project does provide other areas for customers to park for post drive-thru service. Therefore, the Planning Board finds that the drive-thru facility as designed satisfies the Drive-thru Facility standards as set forth in §§ V.J. and VI.E. of the Framingham Zoning By-law.

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

Access to/from the site would be through the Kohl's/Bradlees Department Store parking area. The parking area currently has three curb cuts off Ring Road, which shall not be modified. The Project is located within the northern portion of the exiting Kohl's/Bradlees Department Store, with no new curb cuts or access points created on Route 30/Cochituate Road or Ring Road. Therefore, the Planning Board finds that the development complies with the Public Way Access Permit set forth in the Framingham General By-law, Article VI, Section 8 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 By-Law including the requirements for Site Plan Review (Section VI.F.) and Special Permit for Drive-thru Facility (Section V.J. and VI.E), and a Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law and Public Way Access Permit in accordance with the Framingham General By-law Section VI, Article 8.

Accordingly, the Board votes, pursuant to relevant provisions of the By-Laws, to approve the Applications for Site Plan Review (Section VI.F.) and Special Permit for Drive-thru Facility (Section V.J. and VI.E), and a Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law and Public Way Access Permit in accordance with the Framingham General By-law Section VI, Article 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 precedence.
6. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with MGL, Chapter 40A, Section 17. The Applicant agrees to submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
9. This approval for Site Plan Review, Special Permit for Drive-thru Facility, a modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces, and a 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-laws and/or the terms of this Decision may result in revocation of the Site Plan Review, Special Permit for Drive-thru Facility, a modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces, and a 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 in the snow storage areas designated on the Final Approved Site Plan. Snow storage shall not be located within off-street parking spaces. Nor shall snow storage obstruct sight lines to preserve public safety. The Applicant agrees to 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.

Board of Health

22. The Applicant agrees to comply with the request set forth in the Framingham Board of Health letter dated January 21, 2015. Furthermore, abiding to the regulations set forth in the 1999 Food Code, 105 CMR 590.000, 310 CMR 7.0, and MGL 111 Section 122.
23. The Applicant agrees to comply with the correspondence received from the Framingham Conservation Commission, dated March 5, 2015. Specially, the Applicant agrees to flag any work within the 125' buffer and contact the Framingham Conservation Commission prior to any work within the 125' wetlands buffer.

Department of Public Works

24. The Applicant agrees to comply with the requests set forth in the Framingham Department of Public Works letter, dated January 26, 2015 and February 27, 2015.
25. The Applicant agrees that all signs and pavement markings to be installed within the proposed project shall conform to the applicable standards in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).
26. The Applicant agrees to provide within the proposed project site, circulating roadways should be a minimum of 24-feet in width where 2-way traffic is proposed and a minimum of 16-feet in width to support 1-way traffic.
27. The Applicant agrees to provide appropriate signs such as One-Way, Do Not Enter, etc. and pavement markings should be provided to regulate the 1-way traffic flow through the proposed drive-thru and around the perimeter of the building.

Special Provisions/ Periodic Conformance Reporting and Review

28. 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.
29. 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-in 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.
30. The Applicant agrees to install fully operationally security cameras within outdoor seating area and within the drive-thru. The applicant shall provide and maintain in good condition adequate decorative fencing for outdoor seating in perpetuity to ensure safety on site.
31. 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.
32. The Applicant agrees that all signs and pavement markings to be installed within the proposed project shall conform to the applicable standards in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).
33. The Applicant agrees not to create or construct a curb cut or access point from Route 30/Cochituate Road as a means of access or egress to the Project.

Special Permit for a Drive-thru Facility (Section V.J. and VI.E) and Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) of the Framingham Zoning By-laws

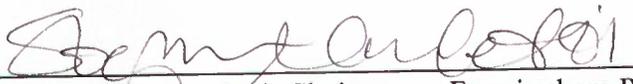
The was vote four in favor and zero opposed to granting Special Permit for a Drive-thru Facility (Section V.J. and VI.E) and Modification to the Planning Board's June 25, 2002 Decision for a Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) pursuant to the Framingham Zoning By-Laws to approve the Site Plan submitted by the Applicant, Chick-fil-A, to construct a single story 4,815 square foot Chick-fil-A in the northeast corner of the Kohl's/Bradlees parking area with a drive-thru, landscaping, site improvements, and patio seating at 1 Worcester Road.

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

Site Plan Review (Section VI.F.) of the Framingham Zoning By-law

The vote four in favor and zero opposed to granting Site Plan Review pursuant to Section VI.F. of the Framingham Zoning By-Law to approve the Site Plan submitted by the Applicant, Chick-fil-A, to construct a single story 4,815 square foot Chick-fil-A in the northeast corner of the Kohl's/Bradlees parking area with a drive-thru, landscaping, site improvements, and patio seating at 1 Worcester Road.

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

By: 
Stephanie Mercandetti, Chairperson Framingham Planning Board

Date of Signature: March 19, 2015