



# FRAMINGHAM PLANNING BOARD

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Planning Board Members: 2015 MAR 20 A 10: 43  
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Victor A. Ortiz  
Thomas F. Mahoney

TOWN CLERK  
FRAMINGHAM

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 Amendment of an Approved Decision for Sign Review Approval in Conjunction with a Special Permit Application dated August 10, 1994 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, an application pursuant to Sections II.A.2.e., III.E., VI.E., and VI.F of the Framingham Zoning By-law requesting a modification to an Approved Planning Board Decision for Sign Review Approval in Conjunction with a Special Permit for Site Plan Application dated August 10, 1994 (August 10, 1994 Decision). An application was filed to modify the Planning Board's August 10, 1994 Decision, specifically to amend Condition A. Site Identification Signs and Condition B. Store Front/Rear Signs for a New Building located in the parking area of Kohl's formerly Bradlees ("Kohl's") as denoted in the August 10, 1994 Decision figure (New Building) of the Shoppers World Regional Shopping Center to allow for the installation of a monument sign that is 13' with 3 identification panels for Kohl's, Chick-fil-A, and Pier 1 Imports, along Route 30, in addition to the installation of 3 wall signs with a total area not to exceed 75 square feet. The project is located at 1 Worcester Road (New Building), located in the Business (B) Zoning District and in the Regional Center (RC) Overlay District. Said parcel is shown on the Framingham Assessor's Map Sheet 344, Block 108, Lot 20.

Notice of the public hearing for the applications for modification to the Planning Board's August 10, 1994 Decision for a New Building was published in "The Metrowest Daily News" on February 17, 2015 and February 23, 2015 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 March 5, 2015 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on March 19, 2015. On March 19, 2015 the Planning Board voted to close the public hearing for an Application for a modification to the Planning Board's August 10, 1994 Decision, specifically for the New Building for the modification of Condition A. Site Identification Signs and Condition B. Store Front/Rear Signs.

On March 19, 2015 the Planning Board **APPROVED** with conditions said Amendment of an Approved Decision for Sign Review Approval in Conjunction with a Special Permit Application dated August 10, 1994 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.

**Decision of the Framingham Planning Board on the  
Applications of Chick-fil-A  
For Amendment of an Approved Decision for Sign Review Approval  
in Conjunction with a Special Permit Application dated August 10, 1994  
For 1 Worcester Road (New Building –Kohl’s Parking Area), Framingham, MA**

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TOWN CLERK  
FRAMINGHAM

**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, an application pursuant to Sections II.A.2.e., III.E., VI.E., and VI.F of the Framingham Zoning By-law requesting a modification to an Approved Planning Board Decision for Sign Review Approval in Conjunction with a Special Permit for Site Plan Application dated August 10, 1994 (August 10, 1994 Decision). An application was filed to modify the Planning Board’s August 10, 1994 Decision, specifically to amend Condition A. Site Identification Signs and Condition B. Store Front/Rear Signs for a New Building located in the parking area of Kohl’s formerly Bradlees (“Kohl’s”) as denoted in the August 10, 1994 Decision figure (New Building) of the Shoppers World Regional Shopping Center to allow for the installation of a monument sign that is 13’ with 3 identification panels for Kohl’s, Chick-fil-A, and Pier 1 Imports, along Route 30, in addition to the installation of 3 wall signs with a total area not to exceed 75 square feet. The project is located at 1 Worcester Road (New Building), located in the Business (B) Zoning District and in the Regional Center (RC) Overlay District. Said parcel is shown on the Framingham Assessor’s Map Sheet 344, Block 108, Lot 20.

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The Planning Board voted to approve an Application for a modification to the Planning Board’s August 10, 1994 Decision, specifically for the New Building for the modification of Condition A. Site Identification Signs and Condition B. Store Front/Rear Signs with conditions on March 19, 2015.

During the review of the proposed project, the Applicant filed with the Planning Board various plans required for an Application for a modification to the Planning Board’s August 10, 1994 Decision, specifically for the New Building for the modification of Condition A. Site Identification Signs and Condition B. Store Front/Rear Signs. 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 project at 1 Worcester Road, stamped with the Town Clerk on December 24, 2014;

2. FORM G – Request for Modification for the project at 1 Worcester Road, stamped with the Town Clerk on December 24, 2014;
3. Development Impact Statement for Chick-fil-A, 1 Worcester Road, dated December 2014;
4. Sign renderings for Chick-fil-A to include Individual Channel Letters and Multi-Tenant Monument Sign, prepared by Anchor Sign, dated February 19, 2014, revised through October 10, 2014;
5. Sign renderings to include Chick-fil-A Directional Signs, prepared by Anchor Sign, dated April 25, 2014, revised through January 30, 2015;
6. Letter from Attorney Peter R. Barbieri, RE: Chick-fil-A Signage, dated February 3, 2015;
7. Chick-fil-A Proposed Sign Plan written description (Client Files/35414/0002/08332587.DOCX); and
8. Letter from Attorney Peter R. Barbieri, RE: Standing Sign, dated March 18, 2015.

### **HEARING**

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney Peter Barbieri, Fletcher Tilton, Scott Gibson Chick Fil-A, and Jeffrey Dirk, Vanasse and Associates.

Attorney Peter Barbieri presented the proposed sign package for Chick-fil-A to be located at 1 Worcester Road, within the Kohl's parking area. Attorney Barbieri stated that a sign package submitted identified 1 free standing sign and 3 wall signs. Attorney Barbieri stated that the submitted sign package is in compliance with the 1994 Planning Board Decision for Shoppers World regarding the square footage for permitted signs.

Attorney Barbieri presented the proposed freestanding sign which would display 3 tenants: Kohl's, Pier 1 Imports, and Chick-fil-A, which would be located along Route 30/Cochituate Road. Attorney Barbieri further stated that his client was requesting 3 signs to be located on the proposed building: one on the side that faces Route 30/Cochituate Road, one on the front of the building facing east, and a third on the side of the building that faces the Kohl's parking lot. It was stated that the proposed signs were under the square footage of the primary signs allowed by the Planning Board's 1994 Shoppers World Decision. Attorney Barbieri further stated that the request for the third wall sign would need a modification of the Planning Board's 1994 Shoppers World Decision.

The Planning Board's Staff briefly reviewed the existing tenants' signs within Shopper's World noting that several of the existing signs do not comply with the Planning Board's 1994 Shopper's World Decision, specifically TGI Fridays, Barnes & Nobles/Starbucks, John Harvard's Brew Pub, and DSW. The Planning Board Staff stated that they were unable to find old records regarding Best Buy, Paper Store, and Macy's since they also appeared to be nonconforming to the Planning Board's 1994 Shopper's World Decision particularly with regards to signage dimensional requirements.

The Planning Board further questioned the Applicant's Project Team regarding the free standing sign, the proposed wall signage, and existing Shopper's World Signage.

Free Standing Signage: The Planning Board stated that they understood that other units within the Shopper's World Complex contained more than 2 allowed signs, however, the Planning Board stated they would not permit the request for the pylon sign. The Planning Board further stated they felt a precedent would be set with an additional pylon sign that might encourage other tenants within Shopper's World to request additional freestanding signs along Route 30/Cochituate Road and Route 9/Worcester Road. Attorney Barbieri stated that the freestanding sign would assist in the visibility of Chick-fil-A from Route 30/Cochituate Road as it would notify patrons of its location in advance of the traffic light on Route 30/Cochituate Road. Attorney Barbieri asked if the Planning Board would consider decreasing one of the wall signs requested in exchange for keeping the freestanding pylon sign. Planning Board members responded that they felt that there seemed to be a consensus that did not support that proposal. The Applicant withdrew the request for a free standing sign.

Wall Signage: The Planning Board stated that they had no issues with the proposed 3 wall signs, especially since all 3 signs complied with the overall square footage. The Planning Board discussed what is allowed by the 1994 Planning Board Decision and what has been installed in the field. The Planning Board further discussed the issue with allowing a business within Shopper's World to deviate from the 1994 Planning Board Decision and possible repercussions that could result from such deviation. The Planning Board further reviewed the size of other signs within the Shoppers' World Regional Shopping Center. The Planning Board noted that a majority of the signs with the Shoppers' World Regional Shopping Center have been modified since 1994 and do not meet the requirements of the 1994 Planning Board's Shoppers' World Decision.

## **FINDINGS**

Having reviewed all plans filed by the Applicant for the modification to the Planning Board's August 10, 1994 Decision, specifically for a New Building within the Kohl's parking area for the modification of Condition B. Store Front/Rear Signs, the Board makes the following findings:

### **A. Condition A. Site Identification Signs**

The Planning Board's August 10, 1994 Decision permits the construction of 4 free standing signs to be allowed, including 2 pylon signs and 2 monument signs, not to exceed 200 square feet and the height shall not exceed 20'. Furthermore, Appendix A of the Planning Board's August 10, 1994 Decision provides the locations of the 4 free standing signs. The Applicant proposed to construct an additional monument sign to be located along Route 30/Cochituate Road on the western side of the intersection of Shoppers World West Drive and Route 30/Cochituate Road. The proposed monument sign shall be constructed to the height of 13 feet, with 3 identification panels for Kohl's, Chick-fil-A, and Pier 1 Imports. Each panel would be 3' in height by 10' in width for a total of 90 square feet. The proposed monument sign would be internally illuminated. The dimensions and area of the proposed monument sign comply with the allowed 4 free standing signs as permitted in the Planning Board's August 10, 1994 Decision. Following an extensive discussion regarding the proposed installation of a pylon sign on Route 30 the Planning Board consensus was not to allow this signage based on the high probability that additional applications by other tenants would occur as a result of setting a site precedent. Consequently, on March 18, 2015 the Applicant withdrew the request to add an additional standing sign through the modification of Condition A. of the August 10, 1994 Shopper's World decision.

### **B. Condition B. Store Front/Rear Signs**

The Planning Board's August 10, 1994 Decision permits the installation of signage for buildings less than 15,000 square feet to construct 4'x30' primary signs and all Buildings are permitted to have Secondary

Signs constructed at 2'x30'. The New Building is a detached building, that is not included in the Planning Board's August 10, 1994 Decision. The Planning Board's August 10, 1994 Decision permits end units and free standing units to have 2 Primary Signs (4'x30') and 1 Secondary Sign (2'x30').

The Primary Sign total square footage as permitted by the Planning Board's August 10, 1994 Decision is 120 square feet and a Secondary Sign total square footage as permitted by the Planning Board's August 10, 1994 Decision is 60 square feet.

The proposed New Building has 3 visible sides, therefore the Applicant proposes to install 3 wall signs to be located on the southerly (Main Entry) side, easterly (Ring Road) side, and the northerly (Route 30/Cochituate Road) side. The signs as proposed by the Applicant shall be a total of 5' in height and 11'9" in length for a total area of 58.75 square feet which is less than the permitted Primary Signs and greater than the permitted Secondary Sign. The height of 5 feet includes the letter "C" (height 41.5 inches) and the Chick-fil-A crown logo. Therefore, the Applicant is seeking a modification to the Planning Board's August 10, 1994 Decision for the height of the Secondary Sign and to allow two secondary signs.

#### **CONDITIONS OF APPROVAL**

The Board finds that the Application and plans submitted by the Applicant comply with all applicable provisions for the modification to the Planning Board's August 10, 1994 Decision, specifically for Building A for the modification of Condition B. Store Front/Rear Signs. The Planning Board's Decision for a modification to an Approved Decision for Sign Review Approval in Conjunction with a Special Permit for Site Plan Application dated August 10, 1994 shall remain in full force and effect in addition to the condition for Building A. Accordingly, the Board votes to approve the requested modification to the Planning Board's August 10, 1994 Decision, specifically for Building A for the modification of Condition B. Store Front/Rear Signs subject to the following condition:

##### **General Provisions**

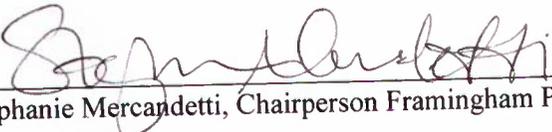
1. The New Building to be constructed in the Kohl's Parking lot shall be permitted to have 3 signs located on the southerly (Main Entry) side, easterly (Ring Road) side, and the northerly (Route 30/Cochituate Road) side.
2. The New Building shall be permitted to construct a total of 3 signs not to exceed a total of 58.75 square feet each as depicted on the submitted plans

**VOTE**

**Modification to an Approved Decision for Sign Review Approval in Conjunction with a Special Permit for Site Plan Application dated August 10, 1994, Condition B. Store Front/Rear Signs for the New Building.**

The vote four in favor and zero opposed to granting an Application for a modification to the Planning Board's August 10, 1994 Decision, specifically for the New Building to be located in the northern section of the Kohl's parking lot for the modification of Condition B. Store Front/Rear Signs to allow the Applicant, Chick-fil-A, specifically to modify Condition B. Store Front/Rear Signs for a New Building located in the parking area of Kohl's as denoted in the August 10, 1994 Decision figure (New Building) of the Shoppers World Regional Shopping Center to allow for the installation of 3 wall signs with a total area not to exceed 58.75 square feet as depicted on the submitted plans. The Project is located at 1 Worcester Road (New Building), said parcel is shown on the Framingham Assessor's Map Sheet 344, Block 108, Lot 20.

- 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