

Framingham Planning Board

Memorial Building • Room B-37 • 150 Concord Street
Framingham, MA 01702-8373
(508) 532-5450 • planning.board@framinghamma.gov



PERMIT | FRAMINGHAM
plan • build • grow



2015 DEC 18 P 2:38

TOWN CLERK
FRAMINGHAM
Town Clerk Stamp

Planning Board Members:

Christine Long, Chair
Stephanie Mercandetti, Vice Chair
Lewis Colten, Clerk
Thomas F. Mahoney
Victor A. Ortiz

Planning Board Staff:

Amanda L. Loomis, Planning Board Administrator
Alexander C. Mello, Associate Program Planner
STEPHANIE D. MARRAZZO, CLERICAL ASSISTANT

**TOWN OF FRAMINGHAM
PLANNING BOARD**

Notice of Decision

**Regarding the Application of Adesa Auction Boston, Asset Holdings III LP
for the Property located at 63 Western Avenue, Framingham, MA**

On November 13, 2015, the Applicant, Adesa Auction Boston, Asset Holding III LP, filed with the Planning Board, and on November 13, 2015, the Planning Board filed with the Town Clerk and Town Departments, an application for Site Plan Review. The applications were for the construction of solar photovoltaic car ports at 63 Western Avenue, located within the Manufacturing (M) Zoning District and the Solar Overlay (SOL) Zoning District. Said parcel is listed as Framingham Assessor's Parcel ID: 146-00-0656-000.

After the notice of the public hearing was published in "The MetroWest Daily News" on November 19, 2015 and November 26, 2015 and mailed to parties of interest pursuant to the Framingham Zoning By-law and M.G.L. Chapter 40A, the Planning Board opened the public hearing on December 3, 2015 at 7:00 pm in Nevins Hall, Memorial Building, Framingham. A continued public hearing was held on December 17, 2015.

On December 17, 2015 the Planning Board **APPROVED** with conditions said Application for Site Plan Review, for the property located at 63 Western Avenue, and a **DECISION** was filed in the office of the Town Clerk on December 18, 2015.

Christine Long, 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.

Framingham Planning Board

Memorial Building • Room B-37 • 150 Concord Street

Framingham, MA 01702-8373

(508) 532-5450 • planning.board@framinghamma.gov



PERMIT | FRAMINGHAM

plan • build • grow

2015 DEC 18 P 2:38



Planning Board Members:

Christine Long, Chair

Stephanie Mercandetti, Vice Chair

Lewis Colten, Clerk

Thomas F. Mahoney

Victor A. Ortiz

TOWN CLERK
FRAMINGHAM

DECISION OF THE FRAMINGHAM PLANNING BOARD FOR THE PROPERTY LOCATED AT 63 WESTERN AVENUE

DECISION DATED DECEMBER 17, 2015

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 FRAMINGHAM ZONING BY-LAW

General Property Information

Property Address: 63 Western Avenue

Assessor's Information: 146-00-0656-000

Zoning District/Overlay District: General Manufacturing (M) Zoning District

Application Information

Application(s): Minor Site Plan Review

Sections of the Zoning By-law Under Review: Minor Site Plan Review (Section VI.F.2.a)

Date application(s) were filed with the Planning Board: November 13, 2015

Date application(s) were filed with the Town Clerk: November 13, 2015

Project Number: PB-017-15

General Project Contact Information

Applicant Name: Adesa Auction Boston, Asset Holdings III LP

Applicant Address: 63 Western Avenue, Framingham, MA

Landowner Name: Landowner is the Applicant

Landowner Address: 63 Western Avenue, Framingham, MA

Project Contact Name: Tony Varvar, Empower Energies

Engineer Name: Rick Barthelmes

Engineer Company: Lynnfield Engineering

Legal Ad & Public Hearing Information

Run dates of the Legal Ad: November 19, 2015 (14 days prior to 1st public hearing) and November 26, 2015 (7 days prior to 1st public hearing)

Date of abutter/7 Abutting municipality/parties of interest mailing: November 16, 2015

Date of opening public hearing: December 3, 2015

Date(s) of continued public hearings: December 17, 2015

Applicant's Representatives in attendance at the Public Hearing(s): Jeff Wootan, Zona Power, Attorney Jill Winans, McCauley Lyman, LLC, Anthony Varvar, Empower Energies, and Alex Keller, Solaire

Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Stephanie Mercandetti, Vice-Chair, Lewis Colten, Clerk, Thomas Mahoney, and Victor Ortiz

Planning Board Approval Information

Date of Plans approved by the Planning Board October 16, 2015, revised through November 29, 2015

PROJECT DESCRIPTION

The Project is located in both Sherborn and Framingham with the majority of the Project being located in Sherborn. The Project consists of five solar canopies, located over an existing impervious area utilized by Adesa for the storage of vehicles. The land is owned and managed by Adesa and will remain under Adesa ownership after the completion of the Project. The Property located at 63 Western Avenue exceeds the required lot frontage and the necessary setback requirements for the General Manufacturing (M) Zoning District. The Project does not include the construction of new or the modification to existing curb cuts.

The solar canopies will vary in height, with the lowest point constructed at 14'6" above grade and the highest point constructed at 26'4". These heights allow vehicles to maneuver under the solar canopies without impediment or damage to either the vehicle or the solar canopy. The column foundation will be constructed roughly 10' below finished grade due to the sandy nature of the soils.

The Project, once in operation, will provide roughly 88 percent of Adesa's power. Any unused power during off hours of operation will be put back into the grid.

HEARING

The Framingham Planning Board held a total of two public hearings during the review of the Project located at 63 Western Avenue. On December 3, 2015, the Planning Board held the opening public hearing, and a continued public hearing was held on December 17, 2015. Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair, Stephanie Mercandetti, Vice-chair, Lewis Colten, Clerk, Thomas Mahoney, and Victor Ortiz. During the public hearings, the following individuals appeared on behalf of the Applicant: Jeffrey Wootan, Zona Power LLC, Anthony Varvar, Empower Energies, Attorney Jill Winans, McCauley Lyman, LLC, and Alex Keller, Solaire.

During the public hearing process, the Planning Board took under advisement all information received from members of the public that provided input during the review of this Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-law, information submitted by the Applicant, comments from town boards and officials, and members of the public. Findings from the application and public hearing process resulted in the development of the conditions contained in this Decision.

FINDINGS

Section VI.F.6.a. Retain community character

The solar canopies will not obstruct scenic views from publicly accessible locations, nor shall the Project impact natural or historic features. The solar canopies may provide screening to the extensive vehicle storage area. Furthermore, the five solar canopies provide a cover for the vehicles stored in this location during storm events and redirecting of stormwater.

Section VI.F.6.b. Traffic, parking, and public access

The Project will not have an impact on local traffic, and there will be no additional curb cuts as a result of the project. The Project area will continue to be accessible by the existing curb cuts on Western

Avenue, and the current circulation pattern shall remain post-construction. The Project was designed to prevent the loss of vehicle storage spaces, and to retain the open circulation patterns that currently exist on-site. The Property does not and will not, in the future, under existing use, lend itself to pedestrian or bicycle traffic. The Project will be adequately lit to ensure the safety of the employees and those maintaining the solar canopies.

Section VI.F.6.c. Environmental Impact

The Property is over 90 percent impervious previously used as a landfill, which has since been closed and capped. The Property does contain wetlands within the northeast area of the property located in Framingham. The Property does contain a tree lined buffer along Western Avenue in Framingham. The existing tree-lined buffer will remain undisturbed post-construction.

Wetlands exist on the property and are located to the northeast along the east side of Western Avenue in Framingham. A portion of the 100 foot buffer extends onto the northeast portion of the parking lot. The Applicant's engineer finds that wetlands are along the roadway edge. Therefore, the Applicant's engineer finds that the limit of work should be adjusted to 100 feet from the east side of Western Avenue for a distance of 300 feet. The Applicant has made the appropriate adjustments and has consulted with the Conservation Commission. If work is necessary within the 30' no build zone or the 125' wetland buffer zone, the Applicant agrees to seek the necessary permits from the Conservation Commission.

Tetra Tech served as the Applicant's engineer, and Drilex Environmental conducted a soil analysis. The analysis included eight soil borings. The borings found that there were no odors or staining and that the soil is a light brown/tan color, with a fine to medium, silty sand with a gravel consistency. There was a note of dense weather siltstone within several of the borings at depths greater than six feet. The soil analysis found reportable concentrations of Total Metals, SVOCs, and TPH, but meets the acceptable limits of Massachusetts unlined landfills, as presented in the Department of Environmental Protection Policy Comm-97-001. The tests did not indicate the presence of any listed hazardous waste nor did the soil exhibit a characteristic of hazardous waste. No parameter sampled exceeded the threshold for Toxicity Characteristics Leaching Procedure (TCLP) testing.

Section VI.F.6.d. Health

The Project is not expected to impact air quality, create noise that exceeds comfortable limits, or create noxious odors. The solar canopies have been designed to absorb heat and sun rays. Therefore, the Project is not expected to have a negative impact on abutters, vehicles, or pedestrians.

Section VI.F.6.e. Public services and utilities

The Project requires no public services, and therefore, shall not impact Town infrastructure. The Project will offset the power consumed by Adesa, reducing the demand on the electrical grid. The five solar canopies will provide roughly 88 percent of the power used by Adesa. Unused power, during off hours, will be fed back into the grid.

Section VI.F.6.f. Land use planning

The installation of the five solar canopies is consistent with the Town's Master Land Use Plan. The Town of Framingham became a Greener Community in 2013, which required the creation of a solar by-law and identification of locations for solar projects. The Property was one of three sites designed for the Solar Overlay District. Furthermore, through the Zoning By-Law, the Town encourages the use of solar carports.

CONDITIONS OF APPROVAL

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Town's By-Laws, relevant to this review. Accordingly, the Planning Board votes are pursuant to relevant provisions of the Town By-Laws that include a permit for Minor Site Plan Review (Section VI.F.2.a.) pursuant to the Framingham Zoning By-Laws. Said approval from the Planning Board is 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, Building Commissioner, and the Town Engineer 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 Town 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 why 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 will 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 Minor Site Plan Review 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 Minor Site Plan Review 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 no violation has occurred, a request may be made to the Planning Board, which will provide the owner an opportunity 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 and after a duly noticed public hearing including notice to the owner by first class mail, the Planning Board 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. The Applicant shall provide regular maintenance of all facilities, bi-annual inspections (spring and fall), and provide the required maintenance of the solar canopies and the underlying pavement in good condition, until replacement or removal of the solar canopies is required.
13. 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

14. The Applicant shall perform daily cleanup of construction debris, including soils, on Town streets within 200 yards from the entrance of the site driveways, caused by site construction.
15. 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 nor 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.

16. Any work within the public right of way shall be required to have a police detail during the duration of said work for the purpose of public safety.
17. In the event of blasting or compaction during the construction phase, the Developer's Blasting Operator shall provide seven days advance notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blast inspection pursuant to 527 CMR 1.00 et seq. Copies of said mailing shall be furnished to the Planning Board and the Framingham Fire Department. Copies of the blasting monitoring reports, noting any vibrations in excess of that allowable by regulation, shall be mailed to the above-referenced property owners, Planning Board and the Framingham Fire Department at the termination of blasting operations. The Blasting Operator shall provide notice to the Planning Board and the Framingham Fire Department of any reported damage to real property. The Blasting Operator shall post a Blasting and/or Compaction Notice Sign in a conspicuous location along the roadway to inform the public of the proposed blasting for the property. Said Blasting Notice Sign shall be posted at least ten days prior to any blasting on-site and abutters notified within 300' of the property. Applicant shall notify all abutting residents of such blasting and/or compacting event at the time said notice is posted in a conspicuous location.
18. The Applicant shall protect any vegetation that shall remain post-construction, with temporary protective fencing or other measures, prior to the start of construction.

Environment

19. All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
20. The Applicant shall check all stormwater features prior to and at the end of each construction day. In the event of a multiple day storm, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made immediately.
21. The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattles around the stock piles in case of a storm event, in addition to the temporary dust control requirements.
22. Snow storage shall be on-site in the snow storage areas designated on the Final Approved Site Plans. Snow storage shall not obstruct sight lines to preserve public safety and the Applicant shall remove excess snow from the site as may be necessary within forty-eight hours after the end of a snow event, in order to preserve public safety.
23. The Applicant agrees to obtain the necessary permits from the Conservation Commission, in the event that work is to be conducted within the 30' no build zone or the 125' wetland buffer.

Special Provisions/Periodic Conformance Reporting and Review

24. The Applicant shall provide the following performance guarantees for the Project.
 - a. Prior to the issuance of the building permit, the Applicant shall provide the Planning Board Administrator with a detailed, itemized cost estimate for the total projected scope of work associated with the decommissioning, clean-up, and removal of the solar

canopies fully located in Framingham and the removal of the entire solar canopy, where a portion of the solar canopy is located within Framingham.

- 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.
25. Prior to the issuance of a final use and occupancy permit, the Applicant shall submit an as-built plan stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plan in a form acceptable to the Town of Framingham, Department of Public Works, Engineering & Transportation Division (DPW). The as-built plan shall be submitted in both hard copy and electronic formats (PDF and AutoCAD). 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 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 the DPW a minimum of 5 business days in advance of the Applicant seeking a final certificate of occupancy sign-off so as to allow time for the DPW to review and submit approval of information thereof. The Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.
 26. The Applicant shall install signage on the lowest point of the solar canopy stating "caution" and the height of the clearance.
 27. The Applicant shall provide the Planning Board Administrator with a decommissioning, maintenance, and removal manual for the solar canopy.
 28. The Applicant shall provide the Chief of the Fire Department, the Chief of the Police Department, the Department of Public Works Director, and the Planning Board Administrator with a copy of project summary, electrical schematics, the final as-built plans, and the emergency response plan. Such emergency response plan shall provide explicit instructions on the shutdown of the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation.
 29. The Applicant shall provide the Planning Board Administrator, prior to the solar canopies being placed in service, with a copy of the interconnection service agreement between the Applicant and Eversource regarding delivery of the power generated by the solar canopies to the electric grid.
 30. In the event of discontinuation of use, decommissioning, and/or removal of the solar canopies. The Applicant, owner of the property, and/or the operator of the solar canopies shall notify the Building Commissioner by certified mail of the proposed date and the procedures of such activities.

WAIVERS

The Applicant has requested the following waivers:

- Section 3.1.2.6 of the Planning Board's Rules & Regulations – Project Review Guidelines: The Applicant has requested a waiver for the location of pedestrian areas, walkways, flow patterns and access points, and provision for handicapped parking and access, and bicycle accommodations. The Applicant states that “this is a canopy over an existing parking area and does not change the existing use of this area including pedestrian areas, walkways, flow patterns or access points. In the area shown on the site plan there are no handicapped parking spaces or bicycle accommodations.”
- Section 3.1.2.7 of the Planning Board's Rules & Regulations - Project Review Guidelines : Locations and dimensions, including total ground coverage, of all driveways, maneuvering spaces and aisles, parking stalls and loading facilities, and proposed circulation of traffic. The Applicant states that the canopy is over “an existing parking area and does not change the existing driveway, maneuvering spaces and aisles, parking stalls and loading/unloading facilities or existing circulation of traffic.”
- Section 3.1.3.2 of the Planning Board's Rules & Regulations - Project Review Guidelines: The Applicant has requested a waiver for 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. The Applicant states that the canopy is “over an existing parking area. The survey and site plan show the existing tree lines but no additional landscape features, planting areas or improvements will be made.”
- Section 3.1.3.3 of the Planning Board's Rules & Regulations - Project Review Guidelines: The Applicant has requested a waiver for a photometric plan showing both the intensity of illumination expressed in foot-candles at ground level to the property's boundaries and the location, orientation, height, wattage, type, style, and color of outdoor luminaire(s) for all existing and proposed lighting. Photometric plan and details should be designed in accordance the Article 22: Site Plan Review Lighting Requirements, in the Planning Board's Rules and Regulations, herein. The Applicant states that “other than existing lighting on the property, zero light candles will be added at lot lines and LED lighting will be added underneath the canopies primarily for security. All lighting will be dark sky compliant.”
- Section 3.1.3.4 of the Planning Board's Rules & Regulations - Project Review Guidelines: The Applicant has requested a waiver from the submittal requirement that requires the submittal of dimensions of proposed buildings and structures including gross floor area, floor area ratio, total lot coverage of building, and breakdown of indoor and outdoor floor area as to proposed use. Area dimensions to include Lot Coverage of Building, Paved Surface Coverage, and Landscaped Open Space and Other Open Space, with percentages of these items to be provided and to total 100 percent of the lot area. The Applicant states that “there are no proposed buildings but the proposed parking canopy structure is detailed on the site plans. This currently is the intake area for vehicles and as such is a very large parking area which has been paved for almost 40 years. There is no Landscaped Open Space or Other Open Space and as such remains 100% intake parking area.”

- Section 3.1.3.5 of the Planning Board's Rules & Regulations - Project Review Guidelines: The Applicant has requested a waiver from the submittal requirement that requires the submittal of a parking plan showing the drive aisle widths, turning radius, stall heights and widths, locations of pedestrian and bicycle amenities, and landscaping. The Applicant states that the "area is an existing intake parking area. All parking aisles are 9 feet wide and vary in length. The area that is being used currently has no pedestrian, bicycle amenities or landscape."
- Section VI.F.4.a.2. of the Framingham Zoning By-Law: The Applicant has requested a waiver from the submittal requirement that requires a written summary, where appropriate, detailing the following:
 - The number of dwelling units to be built and the acreage in residential use,
 - The number of seats and/or number of employees,
 - Evidence the project is in compliance with the Town's off-street parking and off-street loading requirements,
 - The forms of ownership of the property, and
 - A summary of the provisions for ownership and maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this By-law.

The Applicant states that the canopy is "over an existing parking area and does not include any dwelling units, seats, additional off-street parking or any additional off-street loading. There

- will be no change in property ownership nor will any of this land become common or public land."
- ... Section VI.F.4.a.3. of the Framingham Zoning By-Law: The Applicant has requested a waiver from the submittal requirement that requires drainage calculations prepared by a professional engineer registered in the Commonwealth of Massachusetts. Storm drainage design must conform to the requirements set forth by the MassDEP Stormwater Management Standards and Department of Public Works, using Best Management. The Applicant states that the canopy is "over an existing parking area and does not change the existing storm drainage. The asphalt that exists is not permeable and the canopies will not alter the drainage. No new impervious area will be created. Canopies are permeable."
- ... Section VI.F.4.a.4. of the Framingham Zoning By-Law: The Applicant has requested a waiver from the submittal requirement that requires a written summary containing the Urban Design Objectives Narrative which provides a description of how the project will be designed to encourage complete streets including transit access and pedestrian and bicycle amenities, and their potential connections to the Town's bicycle and pedestrian system. The Applicant states that the canopy is over an existing parking area and does not change the Urban Design Objectives Narrative since it will not change the flow of Western Ave. There currently does not exist transit access, pedestrian and bicycle amenities either on the property or on Western Ave.
- ... Section VI.F.4.a.5. of the Framingham Zoning By-Law: The Applicant has requested a waiver from the submittal requirement that requires a written summary which outlines proposed best management practices, low impact development (LID) features, and energy efficiency features utilized on-site. The Applicant states that the canopy is "over an existing parking area and does not include any development or LID features but does include solar energy on the canopy tops."

- ... Section VI.F.4.a.6. of the Framingham Zoning By-Law: The Applicant has requested a waiver from the submittal requirement that requires a written summary of the design and location of proposed mechanical equipment, including HVAC equipment; noise levels related to mechanical equipment; information regarding possible future expansion, if relevant; location and operation of trash storage and removal systems; location and operation of loading facilities, measures taken to minimize the negative visual and noise impacts of such facilities on abutters; and hours of operation for each proposed use. The Applicant is applying for a waiver for this since this is a canopy over an existing parking area and does not include any mechanical equipment.
- ... Section VI.F.4.a.7. of the Framingham Zoning By-Law: The Applicant has requested a waiver from the submittal requirement that requires a written report of the existing and/or proposed sewer service infrastructure on-site and connection points. The report shall include a detailed description of the conditions of the pipes; a video inspection where appropriate and/or necessary; a detailed description of the anticipated impact of the project on the Town's sanitary, stormwater, and sewer infrastructure. Where such determinations cannot be made at the time of application, the report shall indicate what investigations must be undertaken by the Applicant to make such determinations; also, a timeline for completion of the report shall be submitted for review by the Department of Public Works. The Applicant states that they are "applying for a waiver for this since this is a canopy over an existing parking area and does not any changes to existing sewer service nor add any sewer service or stormwater infrastructure."
- ... Section VI.F.4.a.8. of the Framingham Zoning By-Law: The Applicant has requested a waiver from the submittal requirement that requires a written report of any proposed blasting or soil compaction activities that will take place during construction activities. The report shall include methods of abutter notification, methods for testing and data collection, and a summary of how real property damage will be investigated. The Applicant states that they are "applying for a waiver for this since this is a canopy over an existing parking area and does not require any blasting or soil compaction. Three foot diameter holes ten feet deep will be augured out and replaced with concrete foundations."
- ... Section VI.F.4.a.9. of the Framingham Zoning By-Law: The Applicant has requested a waiver from the submittal requirement that requires a written summary of water service infrastructure detailing the anticipated impact of the project on the Town's water delivery infrastructure and supply. The summary shall indicate the likely improvements to infrastructure that are necessary to accommodate the identified impacts. Where such determinations cannot be made at the time of application, the report shall indicate what investigations must be undertaken by the Applicant to make such determinations; a timeline for completion of the report shall be also submitted for review by the Department of Public Works. The Applicant states that they are "applying for a waiver for this since this is a canopy over an existing parking area and does not require any changes to water service infrastructure."
- ... Section VI.F.4.a.10. of the Framingham Zoning By-Law: The Applicant has requested a waiver from the submittal requirement that requires a written Parking Impact Report shall be submitted detailing the existing and proposed parking for the project including the following: Existing off-site neighborhood parking conditions, including identification of streets likely to be affected by the project;

- Projected impact of project; and
- Proposed methods to mitigate the estimated adverse impacts cause by the project related to parking such as promoting the use of bicycles, public transportation, or other appropriate means.

The Applicant states that they are “applying for a waiver for this since this is a canopy over an existing parking area and does not require any parking off site. All constructions vehicles, delivery vehicles, equipment and materials will be stored on site.”

The Planning Board voted five in favor, zero opposed, and zero in abstentions to granting the requested waivers for the requirements of Section 3.1.2.6., 7. and 3.1.3.2., 3., 4., and 5. of the Planning Board’s Rules & Regulations - Project Review Guidelines and Sections VI.F.4.a.2., 3., 4., 5., 6., 7., 8., 9., and 10. of the Framingham Zoning By-Law for the solar canopy installation at 63 Western Avenue.

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

VOTE

Minor Site Plan Review, Section VI.F.2.a. of the Framingham Zoning By-Laws

The Planning Board voted five in favor, zero opposed, and zero in abstention to grant approval for Minor Site Plan Review, pursuant to Framingham Zoning By-Laws to allow the Applicant, Adesa Auction Boston, Asset Holding III LP to construct a solar photovoltaic car canopy over an existing parking area at the property located at 63 Western Avenue as shown on the Site Plan dated November 6, 2015, revised through December 4, 2015.

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

By: _____
 Christine Long, Chair, Framingham Planning Board

Date of Signature: *December 18, 2015*

Exhibits

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments 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.

1. Form A – Application Cover Letter, Property Address: 63 Western Avenue, stamped with the Town Clerk on November 13, 2015, Project Number: PB-017-15
2. Form E – Site Plan Review Application, Property Address: 63 Western Avenue, stamped by the Town Clerk on November 13, 2015, Project Number: PB-017-15
3. Preliminary Schedule for ADESA Solar Framingham, Project: ADESA Schedule 081315, dated 11/9/15
4. Site Plans entitled ADESA, Project Address; 63 Western Avenue, prepared by Empower Energies, Solaire Generation, KPFF Consulting Engineers, plans dated October 22, 2015, revised through December 4, 2015
5. Email from Matthew Madden, Subject: FW: Adesa Solar Project, dated January 21, 2015
6. Letter from TetraTech, Re: Environmental Consulting Services, SolarBlue Construction Project, ADESA Boston, 63 Western Avenue, Framingham, Massachusetts, dated April 20, 2015
7. Letter from Mr. Jeffrey Wootan, Zona Power, LLC, Re: Special Permit for Land Disturbance, dated November 10, 2015
8. Letter from Mr. Jeffrey Wootan, Zona Power, LLC, RE: Waivers for, dated November 12, 2015
9. Letter from Lynnfield Engineering, Engineers and Environmental Consultants, Subject: Proposed Solar Array, Adesa Framingham, 63 Western Avenue, Framingham, MA and 12 Western Avenue, Sherborn, MA, LEI Job No. 573-10, dated November 18, 2015
10. Letter of from Mr. Jeffrey Wootan, Zona Power, LLC, RE: Waivers for, dated December 4, 2015
11. Letter of response from Mr. Jeffrey Wootan, Zona Power, LLC. RE: 63 Western Ave.: Comments to Draft Decision, Framingham Planning Board, dated December 16, 2015

The Planning Board received correspondence from various Town Departments who reviewed the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Town of Framingham Planning Board, Site Plan Review Checklist, Property Address: 63 Western Avenue, stamped with the Town Clerk on November 13, 2015, dated November 13, 2015
2. Framingham Fire Department, correspondence received via ACCELA on November 17, 2015
3. Framingham Department of Building & Wire, correspondence received via ACCELA on November 17, 2015
4. Framingham Police Department, correspondence received via ACCELA on November 18, 2015