

## Framingham Planning Board

Memorial Building • Room B-37 • 150 Concord Street

Framingham, MA 01702-8373

(508) 532-5450 • [planning.board@framinghamma.gov](mailto:planning.board@framinghamma.gov)



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### 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, AICP, Planning Board Administrator  
Stephanie D. Marrazzo, Clerical Assistant

## TOWN OF FRAMINGHAM - PLANNING BOARD

### Notice of Decision Regarding the Application of Capital Group Properties for the Property located at 29 Pleasant Street, Framingham, MA

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TOWN CLERK  
FRAMINGHAM

Notice is hereby given in accordance with M.G.L. c. 40A §15 that in the applications of Capital Group Properties for modification to the following previously approved Planning Board Decisions for the property located at 29 Pleasant Street: Special Permit for Common Driveway filed with the Town Clerk on July 10, 2015, Special Permit for Land Disturbance filed with the Town Clerk on October 3, 2014, and Public Way Access Permit filed with the Town Clerk on November 7, 2014, for the property located at 29 Pleasant Street. The opening public hearing was held on February 22, 2016, and notice of the public hearing was published in "The MetroWest Daily News" on February 8, 2016 and February 15, 2016. The Planning Board APPROVED said application on February 22, 2016 and the decision was filed in the Office of the Town Clerk on February 23, 2016. For additional information please see the Planning Board's webpage at [www.framinghamma.gov](http://www.framinghamma.gov).

*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**

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TOWN CLERK  
FRAMINGHAM  
Town Clerk Stamp

**Planning Board Members:**

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**TOWN OF FRAMINGHAM - PLANNING BOARD**

**Notice of Decision**

**Regarding the Application of Capital Group Properties  
for the Property located at  
29 Pleasant Street, Framingham, MA**

On February 1, 2016, 2016, the Applicant, Capital Group Properties, filed with the Planning Board, and on February 1, 2016, the Planning Board filed with the Town Clerk, applications to modify the following previously approved Planning Board Decisions for the property located at 29 Pleasant Street: Special Permit for Common Driveway filed with the Town Clerk on July 10, 2015, Special Permit for Land Disturbance filed with the Town Clerk on October 3, 2014, and Public Way Access Permit filed with the Town Clerk on November 7, 2014. The property is zoned Single Family Residence (R-1) and Neighborhood Business (B-1). Said parcel is listed as Framingham Assessor's Parcel ID: 090-25-9003-000

After the notice of the public hearing was published in "The MetroWest Daily News" on February 8, 2016 and February 15, 2016 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 February 22, 2016 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham.

On February 22, 2016 the Planning Board **APPROVED** the modification to the following previously approved Planning Board Decisions for the property located at 29 Pleasant Street: Special Permit for Common Driveway filed with the Town Clerk on July 10, 2015, Special Permit for Land Disturbance filed with the Town Clerk on October 3, 2014, and Public Way Access Permit filed with the Town Clerk on November 7, 2014, for the property located at 29 Pleasant Street, and a **DECISION** was filed in the office of the Town Clerk on February 23, 2016.

***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.

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### Planning Board Members:

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

**DECISION OF THE FRAMINGHAM PLANNING BOARD  
FOR THE PROPERTY LOCATED AT 29 PLEASANT STREET  
DECISION DATED FEBRUARY 22, 2016**

### General Property Information

Property Address: 29 Pleasant Street (Lots #1, 2, 3)

Assessor's Information: 090-25-9003-0

Zoning District/Overlay District: Single Family Residential (R-1) and Neighborhood Business (B-1) Zoning District

### Application Information

Application(s): A request to modify the Planning Board's Decisions for a Special Permit for Land Disturbance, Section IV.G.4.a. and V.E of the Framingham Zoning By-Law (Decision dated October 2, 2014), Public Way Access Permit, Article VI, Section 8 of the Framingham General By-Laws (Decision dated November 6, 2014), and a Special Permit for Common Driveway, Section IV.E.2. and V.E of the Framingham Zoning By-Law (Decision dated July 9, 2015)

Date application(s) were filed with the Planning Board: February 1, 2016

Date application(s) were filed with the Town Clerk: February 1, 2016

Project Number: PB-003-16

### General Project Contact Information

Applicant Name: Capital Group Properties

Applicant Address: 259 Turnpike Road, Southboro, MA

Landowner Name: Integral Builders, Inc. (formerly George and Sarah Vanghese)

Landowner Address: 225 Nonotuck Street, Northampton, MA

Project Contact Name: Peter Bemis, Engineering Design Consultants, Inc.

Engineer Name: Peter Bemis

Engineer Company: Engineering Design Consultants, Inc.

### Legal Ad & Public Hearing Information

Run dates of the Legal Ad: February 8, 2016 (14 days prior to 1<sup>st</sup> public hearing) and February 15, 2016 (7 days prior to 1<sup>st</sup> public hearing)

Date of abutter/7 Abutting municipality/parties of interest mailing: February 2, 2016

Date of opening public hearing: February 22, 2016

Applicant's Representatives in attendance at the Public Hearing(s): Jim Harrity, Intergral Builders, Inc.

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

### Planning Board Approval Information

Date of Plans approved by the Planning Board April 17, 2014, revised through February 16, 2016

## **PROJECT DESCRIPTION**

The Applicant, has requested modifications to the approved Planning Board Decisions, specifically: Condition #21 of the Special Permit Common Driveway (dated July 9, 2015), Condition #21 of the Special Permit Land Disturbance (dated October 2, 2014), and Condition #18 of the Public Way Access Permit (dated November 6, 2014). The Applicant has requested to remove the required residential sprinkler systems from the conditions of the approved Decisions. The residential sprinkler systems were a requirement of the Fire Department's due to limited access to the three endorsed lots. Such condition appears in the approved Planning Board Decisions and reads as follows:

*"The Applicant shall comply with the conditions from the Framingham Fire Department, dated August 25, 2014, Document #573-14 requiring the installation of residential sprinkler systems within each of the three homes."*

## **HEARING**

The Framingham Planning Board held a total of one public hearing during the review of the Project located at 29 Pleasant Street, Framingham. Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair, Stephanie Mercandetti, Vice-chair, Thomas Mahoney, and Victor Ortiz. During the public hearings, the following individuals appeared on behalf of the Applicant: Jim Harrity, Intergral Builders, Inc.

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, as well as from members of the public. Findings obtained from the application and public hearing process resulted in the modification of the respective approved conditions.

## **FINDINGS**

The Finding for the Applicant's requested modification is based on the email of comment, provided by the Framingham Fire Department, dated February 19, 2016.

### **#17 Pleasant Street (Lot 1) and #21 Pleasant Street (Lot 2):**

The access road is compliant with NFPD 1, Section 18.2. for 17 Pleasant Street (Lot 1) and 21 Pleasant Street (Lot 2) as revised. The Applicant has installed a fire hydrant in compliance with the Town's requirements at the entrance of the proposed common driveway on Pleasant Street. Furthermore, the Applicant has revised the common driveway to a width of 20' from Pleasant Street for a distance of 125' onto Lot 2 (as indicated on the Plans). Therefore, Framingham Fire Department has no objections to compliance with the building code without requiring additional fire protection features for 17 Pleasant Street (Lot 1) and 21 Pleasant Street (Lot 2) (sprinkler systems are not required per 780 CMR).

### **#25 Pleasant Street (Lot 3):**

The access road is not in compliance with NFPD 1, Section 18.2. for Lot 3. The Fire Department finds that

- 18.2.3.4.1.1 – *The fire department access road shall have an unobstructed width on not less than 20 feet...*
- 18.2.3.2.1 – *A fire department access road shall extend to within 50 feet of at least one exterior door....*

- 18.2.3.2.1.1 – *...is protected with an approved sprinkler system.....the distance in 18.2.3.2.1 shall be permitted to be increased to 150 feet.*
- 18.2.3.4.4 – *Dead-end fire department access roads in excess of 150 feet in length shall be provided with approved provisions for the fire department turn around.*

Therefore, #25 Pleasant Street (Lot 3) shall be required to install an approved sprinkler system as required by the approved Decisions for this Property.

The Planning Board finds that the request to remove of the residential sprinkler system for 17 Pleasant Street (Lot 1) and 21 Pleasant Street (Lot 2), with the installation of a minimum of a 20' driveway is consistent with the requirements of the NFPA and the Town's requirements. The request to remove the residential sprinkler system for 25 Pleasant Street (Lot 3) is not in compliance with NFPA and the Town's requirement. Therefore, Condition #21 of the Special Permit Common Driveway (dated July 9, 2015), Condition #21 of the Special Permit Land Disturbance (dated October 2, 2014), and Condition #18 of the Public Way Access Permit (dated November 6, 2014) shall require the installation of a residential sprinkler system for 25 Pleasant Street (Lot 3).

### **CONDITIONS OF APPROVAL**

The conditions of the approved Special Permit for a Common Driveway (Decision dated July 9, 2015), Special Permit for Land Disturbance (Decision dated October 2, 2014), and Public Way Access Permit (Decision dated November 6, 2014), shall remain in full effect unless modified herein this Decision.

### **General Provisions**

**Condition #21** of the Special Permit for a Common Driveway (Decision dated July 9, 2015) shall read:

The Applicant shall comply with the email of comment from the Framingham Fire Department, dated February 19, 2016 requiring the requested modifications to the common driveway, expansion of the width of the common driveway to 20' from Pleasant Street for a distance of 125' onto Lot 2 (as indicated on the Plans), and removal of the residential sprinkler system from 17 Pleasant Street (Lot 1) and 21 Pleasant Street (Lot 2). Such modification shall still require the installation of a residential sprinkler in 25 Pleasant Street (Lot 3).

**Condition #21** of the Special Permit for Land Disturbance (Decision dated October 2, 2014) shall read:

The Applicant shall comply with the email of comment from the Framingham Fire Department, dated February 19, 2016 requiring the requested modifications to the common driveway, expansion of the width of the common driveway to 20' from Pleasant Street for a distance of 125' onto Lot 2 (as indicated on the Plans), and removal of the residential sprinkler system from 17 Pleasant Street (Lot 1) and 21 Pleasant Street (Lot 2). Such modification shall still require the installation of a residential sprinkler in 25 Pleasant Street (Lot 3).

**Condition #18** of the Public Way Access Permit (Decision dated November 6, 2014) shall read:

The Applicant shall comply with the email of comment from the Framingham Fire Department, dated February 19, 2016 requiring the requested modifications to the common driveway,

expansion of the width of the common driveway to 20' from Pleasant Street for a distance of 125' onto Lot 2 (as indicated on the Plans), and removal of the residential sprinkler system from 17 Pleasant Street (Lot 1) and 21 Pleasant Street (Lot 2). Such modification shall still require the installation of a residential sprinkler in 25 Pleasant Street (Lot 3).

**VOTES**

**A modification to the previously approved Decision for Capital Group Properties for a Special Permit for a Common Driveway, dated July 9, 2015**

The Planning Board voted four in favor, zero opposed, and zero in abstention to grant a modification to Condition Number 21 of the approved Special Permit for a Common Driveway, dated July 9, 2015 to allow the Applicant, Capital Group Properties to construct a 20' wide common driveway from Pleasant Street for a distance of 125' onto Lot 2 (as indicated on the Plans) and the removal the residential sprinkler systems from 19 Pleasant Street (Lot 1) and 21 Pleasant Street (Lot 2). Such modification shall still require the installation of a residential sprinkler in 25 Pleasant Street (Lot 3).

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

**A modification to the previously approved Decision for Capital Group Properties for a Special Permit for a Land Disturbance, dated October 2, 2014**

The Planning Board voted four in favor, zero opposed, and zero in abstention to grant a modification to Condition Number 21 of the approved Special Permit for a Land Disturbance, dated October 2, 2014 to allow the Applicant, Capital Group Properties to construct a 20' wide common driveway from Pleasant Street for a distance of 125' onto Lot 2 (as indicated on the Plans) and the removal the residential sprinkler systems from 19 Pleasant Street (Lot 1) and 21 Pleasant Street (Lot 2). Such modification shall still require the installation of a residential sprinkler in 25 Pleasant Street (Lot 3).

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

**A modification to the previously approved Decision for Capital Group Properties for a Special Permit for a Public Way Access Permit, dated November 6, 2014**

The Planning Board voted four in favor, zero opposed, and zero in abstention to grant a modification to Condition Number 18 of the approved Special Permit for a Public Way Access Permit, dated November 6, 2014, to allow the Applicant, Capital Group Properties to construct a 20' wide common driveway from Pleasant Street for a distance of 125' onto Lot 2 (as indicated on the Plans) and the removal the residential sprinkler systems from 19 Pleasant Street (Lot 1) and 21 Pleasant Street (Lot 2). Such modification shall still require the installation of a residential sprinkler in 25 Pleasant Street (Lot 3).

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

By: \_\_\_\_\_  
Christine Long, Chair, Framingham Planning Board  
Date of Signature: February 22, 2016

### Exhibits

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports as required by the Framingham Zoning By-Law. During the public hearing process the Applicant and its professional consultants submitted revisions to plans in response to requests by the Planning Board and 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: 29 Pleasant Street, stamped with the Town Clerk on February 1, 2016, Project Number: PB-003-16
2. Form G, Request for Modification Applicant, Property Address: 29 Pleasant Street, stamped with the Town Clerk on February 1, 2016, Project Number: PB-003-16
3. Site Plan, Proposed Utilities, Lots 1, 2, & 3 at 17, 21, 25, & 29 Pleasant Street, prepared for George M. & Sarah Varghese, 29 Pleasant Street, prepared by Engineering Design Consultants, Inc., dated November 24, 2015, revised through December 15, 2015
4. Site Plan
5. Site Plan, Lot 2 & 3 Revisions, Lots 1, 2, 3 at 17, 21, 25, & 29 Pleasant Street, prepared for Capital Group Properties, 29 Pleasant Street, prepared by Engineering Design Consultants, Inc., dated February 16, 2016
6. Site Plan, Fire Apparatus Turning Radii, Lots 1, 2, 3 at 17, 21, 25, & 29 Pleasant Street, prepared for Capital Group Properties, prepared by Engineering Design Consultants, Inc., dated February 16, 2016
7. Existing Conditions (Alternative) and Site Development Plan (Alternative), 17, 21, 25, & 29 Pleasant Street, prepared for Capital Group Properties, dated April 17, 2014, revised through February 16, 2016
8. Common Drive, 29 Pleasant St, Video + PDF Plans

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

1. Email of comment from the Framingham Fire Department, Subject: 29 Pleasant Street, dated February 19, 2016