

Framingham Planning Board

Memorial Building • Room 205 • 150 Concord Street
Framingham, MA 01702-8373
(508) 532-5450 • planning.board@framinghamma.gov



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2016 JUN -3 P 2:01

TOWN CLERK
FRAMINGHAM

Town Clerk Stamp

Planning Board Members:

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

Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

**Regarding the Applications of RCS Learning Center
for the Properties located at**

82 Edmands Road and 874 (Rear) Edgell Road, Framingham, MA

On April 11, 2016, the RCS Learning Center, filed with the Planning Board, and on April 11, 2016, the Planning Board filed with the Town Clerk, for Minor Site Plan Review under Dover Amendment Uses, M.G.L. Ch. 40A, Section 3 and a Public Way Access Permit to construct a two-floor school with a basement, in addition to: stormwater improvements, off-street parking, and other associated site improvements. The property is located at 82 Edmands Road and 874 (Rear) Edgell Road, zoned as Single Family Residential (R-4), and the Framingham Assessor's Parcel ID is 37-24-5615 and 37-24-5231.

After the notice of the public hearing was published in "The MetroWest Daily News" on April 27, 2016 and May 4, 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 May 12, 2016 at 6:30 pm in the Ablondi Room, Memorial Building, Framingham. Continued public hearings were held on May 23, 2016 and June 2, 2016.

On June 2, 2016 the Planning Board **APPROVED** the applications Minor Site Plan Review under Dover Amendment Uses, M.G.L. Ch. 40A, Section 3 and a Public Way Access Permit for the properties located at 82 Edmands Road and 874 (Rear) Edgell Road and a **DECISION** was filed in the office of the Town Clerk on June 3, 2016.

Christine Long, Chair

FRAMINGHAM PLANNING BOARD

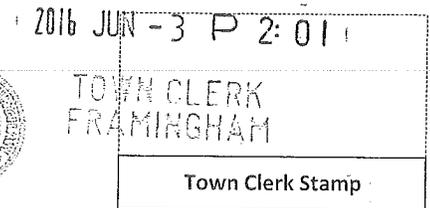
Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

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TOWN OF FRAMINGHAM - PLANNING BOARD
Notice of Decision
Regarding the Applications of RCS Learning Center
for the Properties located at
82 Edmands Road and 874 (Rear) Edgell Road, Framingham, MA

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that in the applications of RCS Learning Center for Minor Site Plan Review under Dover Amendment Uses, M.G.L. Ch. 40A, Section 3 and a Public Way Access Permit to construct a two-floor school with a basement, in addition to: stormwater improvements, off-street parking, and other associated site improvements. The property is located at 82 Edmands Road and 874 (Rear) Edgell Road. The opening public hearing was held on May 12, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on April 27, 2016 and May 4, 2016. Continued public hearings were held on May 23, 2016 and June 2, 2016. The Planning Board APPROVED said applications on June 2, 2016 and the decision was filed in the Office of the Town Clerk on June 3, 2016. For additional information please see the Planning Board's webpage at 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.

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TOWN CLERK
FRAMINGHAM

**DECISION OF THE FRAMINGHAM PLANNING BOARD
FOR THE PROPERTY LOCATED AT 82 EDMANDS ROAD AND 874 (REAR) EDGELL ROAD**

DECISION DATED JUNE 2, 2016

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

General Property Information

Project Number: PB-009-16
Property Address: 82Edmands Road and 874 (Rear) Edgell Road
Assessor's Information: 37-24-5615 and 37-24-5231
Zoning District: Single Family Residential (R-4)

Application Information

Application(s): Limited Minor Site Plan Review and Public Way Access Permit
Sections of the Framingham Zoning By-Law under review: Minor Site Plan Review, Section VI.F.2.a
Sections of the Framingham General By-Laws under review: Public Way Access Permit, Article VI, Section 8
Date application(s) were filed with the Planning Board: April 11, 2016
Date application(s) were filed with the Town Clerk: April 11, 2016

General Project Contact Information

Applicant Name: RCS Learning Center
Applicant Address: 6 Strathmore Road, Natick, MA 01760
Landowner Name: Northside, LLC and Nobscot Realty Trust
Landowner Address: 286 Union Avenue, Framingham, MA 01702
Project Contact Name: Attorney Peter Barbieri, Fletcher Tilton PC
Engineer Name: Bert Corey
Engineer Company: Schofield Brothers, LLC

Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) April 1, 2016 and (7 days prior) April 20, 2016
Date of abutter/7 Abutting municipality/parties of interest mailing: April 25, 2016
Date of opening public hearing: May 12, 2016
Date(s) of continued public hearings: May 23, 2016 and June 2, 2016
Applicant's Representatives in attendance at the Public Hearing(s): Attorney Peter Barbieri, Fletcher Tilton PC, Bert Corey, Schofield Brothers, LLC, Richard Rankin, Ci Design Inc., and Vinod Kalikiri, Senior Project Manager, VHB
Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair (absent on May 23, 2016, filed the Mullin Rule form with the Town Clerk on May 27, 2016), Victor Ortiz, Clerk, Thomas Mahoney (absent on June 2, 2016), and Stephanie Mercandetti

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DECISION OF THE FRAMINGHAM PLANNING BOARD FOR THE PROPERTY LOCATED AT 82 EDMANDS ROAD AND 874 (REAR) EDGELL ROAD

DECISION DATED JUNE 2, 2016

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

General Property Information

Project Number: PB-009-16

Property Address: 82Edmands Road and 874 (Rear) Edgell Road

Assessor's Information: 37-24-5615 and 37-24-5231

Zoning District: Single Family Residential (R-4)

Application Information

Application(s): Limited Minor Site Plan Review and Public Way Access Permit

Sections of the Framingham Zoning By-Law under review: Minor Site Plan Review, Section VI.F.2.a

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Date application(s) were filed with the Planning Board: April 11, 2016

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General Project Contact Information

Applicant Name: RCS Learning Center

Applicant Address: 6 Strathmore Road, Natick, MA 01760

Landowner Name: Northside, LLC and Nobscot Realty Trust

Landowner Address: 286 Union Avenue, Framingham, MA 01702

Project Contact Name: Attorney Peter Barbieri, Fletcher Tilton PC

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Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair (absent on May 23, 2016, filed the Mullin Rule form with the Town Clerk on May 27, 2016), Victor Ortiz, Clerk, Thomas Mahoney (absent on June 2, 2016), and Stephanie Mercandetti

Planning Board Approval Information

Date of Plan Approved by the Planning Board: March 21, 2016, revised on May 19, 2016 and May 31, 2016

PROJECT DESCRIPTION

The Project at 82 Edmands and 874 (Rear) Edgell Road is a protected use, classified as a Dover Amendment Use¹. A Project classified as a Dover Amendment Use is reviewed under the Framingham Zoning By-Law with specific review standards set forth in Article 20: Regulations Governing Applications for Site Plan Review for Dover Amendment Uses. The Planning Board adopted Article 20 to assist in the review of Dover Amendment Uses, which are partially exempt from the Framingham Zoning By-Laws under M.G.L. c. 40A, Section 3.

The property will consist of three buildings (one new building and two single family houses). The new building will be a total of two floors plus a basement. The basement (roughly 10,000sf) will be occupied by the Mini Miracles, LLC (daycare center). The other two floors (roughly 40,000sf) will be occupied by RCS Learning Center, LLC. Mini Miracles, LLC and RCS Learning Center, LLC will each have separate entrances with associated parking located near each of the entrances. The two single family homes that are located near Edmands Road will be retained for staff housing.

HEARING

The Framingham Planning Board held a total of three public hearings during the review of the Project located at 82 Edmands Road and 874 (Rear) Edgell Road. Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair; Lewis Colten, Vice-chair (absent on May 23, 2016, filed the Mullin Rule forms with the Town Clerk on May 27, 2016); Victor Ortiz, Clerk; Thomas Mahoney (absent on June 2, 2016); and Stephanie Mercandetti. During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney Peter Barbieri, Fletcher Tilton PC; Bert Corey, Schofield Brothers, LLC; Richard Rankin, Ci Design Inc.; and Vinod Kalikiri, Senior Project Manager, VHB.

Summary of Meeting Minutes

Attorney Barbieri presented a report on the traffic, height and bulk of the building, hours of operation, landscaping, public way access, and other site improvements. Mr. Corey provided an overview of the project and the existing conditions of the site. Mr. Corey explained the use of the existing curb cut with a slight expansion in width, in addition to the circulation of the site, the layout of the parking lot, proposed walkway/sidewalks, and the stormwater retention system. Mr. Kalikiri provided an overview of the project specifically as it relates to traffic. (Attorney Barbieri stated that the traffic information provided is outside of the preview but is being provided as a courtesy.)

The Planning Board discussed their comments and/or concerns, which included: locations of the playgrounds, use of the cart paths, ledge removal/blasting, drop-off/pick-up of students, site circulation, fire

¹ No zoning ordinance or by-law shall...prohibit, regulate or restrict the use of land or structures for religious uses or for educational purposes...provided, however, that such land or structure may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements – MGL Chapter 40A, Section 3 cited in the Planning Board Rules and Regulations, Article 20: Regulations Governing Applications for Site Plan Review for Dover Amendment Uses, October 25, 2015

and emergency safety, and review of the site plans, height/bulk/architectural renderings, lighting plans, and landscape plans.

During the course of 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 made from the application and public hearing process resulted in the development of the conditions contained within this Decision.

FINDINGS

Having reviewed the application filed by the Applicant, all plans and reports filed by the Applicant and its representatives, having considered the correspondence from the Conservation Commission, Department of Public Works, Framingham Fire Department, Department of Inspectional Services (Building & Wire), Framingham Police Department, the Planning Board, Department of Community & Economic Development, and the Technical Review Team within the Town of Framingham that have reviewed the Project, having considered testimony from members of the public, and having viewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law, including the requirements of Sections VI.F. of the Framingham Zoning By-Law to the extent required for a Dover Amendment Use under Article 20: Regulations Governing Applications for minor site plan review for Dover Amendment Uses. The Applicant also applied for a Public Way Access Permit, Article VI, Section 8 of the Framingham General By-Laws. Specifically, the Planning Board makes the following findings:

A. Section VI.F.6.a Retain Community Character

According to the Dover Amendment, M.G.L. c. 40A Section 3 and the Planning Board Rules and Regulations Article 20.3.3 the Applicant is not required to comply with the provisions related to “Retain Community Character” as referenced in the Framingham Zoning By-Law Section VI.F.6.a. In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

B. Section IV.F.6.b. Traffic, parking, and public access

According to the Dover Amendment, M.G.L. c. 40A, Section 3 and the Planning Board Rules and Regulations Article 20.3.3.9 the Applicant is not required to comply with the provisions related to the “Traffic” portion of Section VI.F.6.b of the Framingham Zoning By-Law. In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

1. RCS Learning Center estimates it will enroll approximately 100 students and employ approximately 140 teachers and related professionals.

2. RCS Learning Center's hours of operation are between 7:00a.m. to 3:00p.m., with an afterschool component extending the hours of operation from 3:00p.m. to 7:00 p.m. (students arrive via buses/vans between 8:15a.m. to 8:45 a.m. and leave via buses/vans between 2:15p.m. to 2:5p.m.).
3. Mini Miracles Daycare estimates it will enroll approximately 110 children and employ 25 professionals.
4. Mini Miracles Daycare hours of operation are between 7:00a.m. to 6:00p.m. with drop-offs and pick-ups at various times specifically between the hours of 7:00a.m. to 9:15a.m. and 3:30p.m. to 6:00p.m.
5. The afterschool program is expected to have an enrollment of approximately 50 students requiring 10 full-time school staff who will remain on campus after the traditional school day ends at 3:00 p.m. It is anticipated that approximately 10 additional staff members will arrive at school and the daycare sometime during mid-afternoon.
6. The Applicant provided a Vehicular Capacity Analysis Summary & On-Site Circulation memo, dated May 23, 2016 as a courtesy to interested parties, although such analysis is not required. The Project is expected to generate roughly 72 new vehicular trips entering and 66 new vehicular trips exiting the site during peak morning hours for a total of 138 new vehicular trips.
7. The Project is expected to generate roughly 47 new vehicular trips entering and 52 new vehicular trips exiting the site during peak evening hours for a total of 99 new vehicular trips.
8. The percentages of new site-generated vehicular traffic are estimated to flow as follows: 20% of new traffic traveling on Edmands Road (to/from - west); 20% of new traffic traveling on Water Street (to/from - east); 28% of new traffic traveling northbound Edgell Road, and 32% of new traffic traveling southbound on Edgell Road.
9. Further, the Applicant provided a Signalized Intersection Capacity Analysis, which depicted the Level of Service (LOS) for 2016 Existing Conditions, 2023 No-Build Conditions, and 2023 Build Conditions.
10. The traffic during a weekday morning hours (Edgell Road at Edmands Road) LOS includes: LOS of an E for the 2016 Existing Conditions, LOS of an E for the 2023 No-Build Conditions, and LOS of an F for the 2023 Build Conditions.
11. The traffic during a weekday evening hours (Edgell Road at Edmands Road) LOS includes: LOS of an D for the 2016 Existing Conditions, LOS of an E for the 2023 No-Build Conditions, and LOS of an F for the 2023 Build Conditions.
12. Therefore, the inclusion of the Dover Amendment Use will have a significant impact on the LOS in future years. Table 7: Signalized Intersection Capacity Analysis provides a 2023 Build Conditions with Improvements, shows a 2023 Build Conditions with Improvements yield a LOS for E for both weekday morning and evening hours, which is consistent with 2023 No-Build Conditions. Therefore, it would be recommended that the Applicant install/construct the Project with the recommended "Improvements" as recommended by the Table 7 Analysis.
13. Although the Town cannot require a Dover Amendment Use to mitigate its impacts to traffic, the Town can request that the Applicant review its impacts on traffic and release both the children, teachers, and professionals on a staggered non-peak schedule to alleviate some of

the stress on the local roadways and decrease the amount of time students spend on the road.

Parking

14. The Project is required to construct 136 parking spaces (53 parking spaces for the 210 student occupants (1 per 4 students) and 83 parking spaces for the 165 employees (1 per 2 employees)). Projects are permitted to provide ½ the required number of parking spaces when the use is intended primarily for students under the legal driving age. Therefore, the Project is required to provide 68 parking spaces. The Project has been designed to provide 162 parking spaces, of which, 39 of which will be located to the south of the building for the Mini Miracles Daycare facility.
15. The on-site parking spaces shall be constructed at the standard 9' x 18' space. The Project also includes 10 handicap parking spaces. The drive aisles throughout the site are consistently 24' wide with the exception of the round-about in the front of each entrance which has been designed to accommodate fire and emergency vehicle access and turn-arounds. The site has been designed to ensure that the queuing and/or stacking of vans, school buses, and other vehicles do not spill out onto Edmands Road. If it becomes apparent that there is insufficient room on the site for the queuing of vehicles due to substantiated reported incidents to the Police Department and/or the Applicant monitoring such back-up, then the Applicant shall be required to institute a staggered drop-off and pick-up schedule to address the deficiency.
16. The Applicant shall enforce a staggered drop-off and pick-up schedule for the RCS Learning Center, to ensure that the number of vehicles entering and/or leaving the site maintains safe conditions for all users. If substantiated reports from the Police Department reflect that the vehicular queuing causes overflows onto Edmands Road, then the Applicant may, but shall not be required to provide a traffic director/detail/crossing guard to control traffic in coordination with the traffic light at the Edmands and Edgell Road intersection.

Sidewalks

17. The Project includes interior sidewalks/walkways which shall be constructed between 5' to 6' in width to comply with the Town of Framingham's General By-Laws.
18. The sidewalks/walkways shall be constructed to lead from Edmands Road to the new building, from the building to the dumpster, and from the building to the playground area.
19. Since the property is located within close proximity to Nobscot Village Center, the Applicant shall work cooperatively with the Town to provide land area for the future installation of Town sidewalks to promote safe walkability between the Project site and Nobscot Village Center for all potential users.

Stop Sign

20. A stop sign is required to be placed on the site where Edmands Road intersects to ensure that vehicles exiting the site stop and look before entering the roadway, requiring drivers to be aware of pedestrians and bicyclist within the area.

Section VI.F.6.c. Environmental Impact

21. According to the Dover Amendment, M.G.L. c. 40A Section 3 and the Planning Board Rules and Regulations Article 20.3.3.5 the Applicant is not required to comply with provisions related to “Environmental Impact” as referenced in the Framingham Zoning By-Law Section VI.F.6.c In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

Section VI.F.6.d. Health

22. According to the Dover Amendment, M.G.L. c. 40A Section 3 and the Planning Board Rules and Regulations Article 20.3.3.6 the Applicant is not required to comply with the provision related to “Health” as referenced in the Framingham Zoning By-Law Section VI.F.6.d In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

Section VI.F.6.e. Public Services and Utilities

23. According to the Dover Amendment, M.G.L. c. 40A Section 3 and the Planning Board Rules and Regulations Article 20.3.3.7 the Applicant is not required to comply with the provisions related to “Public Services and Utilities” as referenced in the Framingham Zoning By-Law Section VI.F.6.e In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

Section VI.F.6.f Land Use Planning

24. According to the Dover Amendment, M.G.L. c. 40A Section 3 and the Planning Board Rules and Regulations Article 20.3.3.8 the Applicant is not required to comply with the provisions related to “Land Use Planning” as referenced in the Framingham Zoning By-Law Section VI.F.6.f In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

Article VI, Section 8 Public Way Access Permit

25. The Applicant’s traffic engineer voluntarily provided a letter RE: Proposed School & Daycare Center at 82 Edmands Road, Framingham, Driveway Sight Distance Analysis, dated May 6, 2016. Table 1: Sight Distance Analysis, which shows as follows:

	Stopping Sight Distance	Intersection Sight Distance
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Location	Traveling	Required (ft)	Measured (ft)	Looking	Desired (ft)	Measured (ft)
Site Driveway at Edmands Road ²	Eastbound	265	500+	Left	420	500+
	Westbound	265	500+	Right	365	500+

Reference: Letter of Comment from VHB, Ref: 13336.00, RE: Proposed School & Daycare Center at 82 Edmands Road, Framingham, Driveway Sight Distance Analysis, dated May 6, 2016 – please reference for full Analysis

The Framingham Zoning By-Law requires that all projects be located a minimum of 100 feet away from an intersection. The Project’s driveway is located near the intersection of Edmands Road and Edgell Road. The intersection and surrounding roadways of Nobscot are heavily traveled as illustrated by the traffic analysis provided. The Applicant has located the driveway curb cuts at the furthest possible point from the Edmands Road and Edgell Road intersection. The two residential buildings, RCS Learning Center, and Mini Miracles are located off the same driveway on Edmands Road. The Applicant will ensure that queuing does not back-up onto Edmands Road from the site. In the event that the new RCS Learning Center and Mini Miracles Daycare Facility do create unsafe and/or dangerous conditions during drop-off and/or pick-up then the Applicant shall provide a traffic guard to control traffic in coordination with the traffic light at the Edmands and Edgell Roads intersection.

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’s By-Laws that include Minor Site Plan Review (Sections VI.F) pursuant to the Framingham Zoning By-Laws to the extent required for a Dover Amendment Use under Article 20: Regulations Governing Applications for minor site plan review for Dover Amendment Uses and Public Way Access Permit (Article VI, Section 8) pursuant to the Framingham General By-Laws to approve the project as modified during the public hearing process. 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 not less than a 48-hour written notice. If activity on the Property ceases for longer than 30 days, not less than a 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

² Speeds are based on the 85th percentile speed of 38 mph in the eastbound direction and 37 mph in the westbound direction

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 Department 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 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 and/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 M.G.L., c. 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 a Minor Site Plan Review and 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 Framingham Zoning By-Laws, Framingham General By-Laws, and/or the terms of this Decision may result in revocation of the permit for Minor Site Plan Review and 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 Framingham Zoning By-Law Law to the extent required for a Dover Amendment Use under Article 20: Regulations Governing Applications for minor site plan review for Dover Amendment Uses, Framingham General By-Laws, the Planning Board Rules & Regulations, 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.

Site Construction

11. 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.
12. Outside construction hours are limited to 7:00 AM - 5:30 PM Monday through Friday and 8:00 AM - 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.
13. 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.
14. In the event of blasting or compaction during the construction phase, the Developer's Blasting Operator shall provide no less than ten days' advance notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blast inspection pursuant to Massachusetts Comprehensive Fire Code: 527 CMR 1.00 et seq.
 - a. Copies of said mailing shall be furnished to the Planning Board and the Framingham Fire Department.
 - b. 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.
 - c. The Blasting Operator shall provide notice to the Planning Board and the Framingham Fire Department of any reported damage to real property.
15. The Developer's 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. Applicant shall notify all abutting residents of such blasting and/or compacting event at the time said notice is posted in a conspicuous location.
16. Said Blasting Notice Sign shall be posted at least ten days prior to any blasting on-site and abutters notified by mail within 500' of the property. The Developer's Blasting Operator shall encourage the abutting properties within 500' of the property boundaries to have their homes inspected prior to the commencement of blasting and/or compaction. Such reports shall be provided to the Developer's Blasting Operator prior to the commencement of blasting.

Environment

17. 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.
18. All stormwater and erosion control management shall be checked prior to the start and finish of each work day.

19. The Applicant shall check all stormwater features prior to and at the end of each construction day. A multiple day storm event occurs, 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.
20. 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.
21. The Applicant shall provide straw wattles and other erosion control methods at the base of the driveway during off-construction hours to prevent runoff and erosion from getting onto the public way.

Snow Storage and Sidewalk/Walkway

22. Snow storage shall not obstruct sight lines to preserve public safety and Applicant must remove excess snow from the site as may be necessary within forty-eight hours after the snow fall ends in order to preserve public safety.
23. Bicycle racks and sidewalk amenities shall be installed in locations which shall not to restrict or limit movements for all users throughout the site.
24. The sidewalk and walkways shall be cleared of snow, leaves, and other litter throughout the year. In the event of snow, the sidewalks and walkways shall be cleared within 48 hours of a snow event. Snow shall not be stored on or impede access/use of sidewalks and walkways.
25. Sidewalks throughout the site shall be constructed to be accessible by all pedestrian users.
26. In the event that the Town should extend the sidewalk along Edmands Road on the east bound side of the roadway, the Applicant shall cooperate the Town to accomplish the construction of the sidewalk.

Framingham Department Review

27. The Applicant shall comply with all directives requested in the correspondence from the Fire Department dated May 24, 2016.
28. The Applicant shall comply with the letter of comment provided by the Department of Public Works, RE: Proposed RCS Learning Center, #82 Edmands Road, Framingham, dated May 17, 2016.

Special Provisions/Periodic Conformance Reporting and Review

29. The Applicant shall provide the following performance guarantees for the 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 not to exceed 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 the Town of Framingham with a Landscape Maintenance Bond in the sum of 20 percent of the total landscape cost to replace any trees and/or shrubs that have been improperly pruned or have died and any lawn areas needing replacement, as shown on the approved Landscape Plan. Such Bond shall be posted for a period of two years commencing with the completion and certification of the Landscape Plan, as required above.
30. 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 Work's 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 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.
 31. The Applicant shall maintain the height of all plantings and/or physical landscape features located within the driveway sight lines to two feet or less above the adjacent roadway grade.
 32. The Applicant shall enforce a staggered drop-off and pick-up schedule for the RCS Learning Center, to ensure that the number of vehicles entering and/or leaving the site maintains safe conditions for all users. If substantiated reports from the Police Department reflect that the vehicular queuing causes overflows onto Edmands Road, then the Applicant may, but shall not be required to provide a traffic director/detail/crossing guard to control traffic in coordination with the traffic light at the Edmands and Edgell Road intersection.
 33. The Applicant shall ensure that the stop sign at the intersection of the driveway and Edmands Roads is in good condition, and shall further ensure it remains free of visual obstructions, during all seasons of the year.
 34. The Applicant may consider but shall not be required to create a trail within the property for use by RCS Learning Center and Mini Miracles Daycare to allow for access from the property to the nearby Nobscot Park, aqueduct, and Nobscot Village Center.

VOTES

The Planning Board voted four in favor, zero opposed, and zero in abstention to the granting approval for Minor Site Plan Review pursuant to Section VI.F.2.a of the Framingham Zoning By-Law, Article 20: Regulations Governing Applications for Site Plan Review for Dover Amendment Uses of the Planning Board Rules and Regulations, and M.G.L. c. 40A, Section 3 for the purposes constructing a two-floor school with a basement, in addition to stormwater improvements, off-street parking, landscaping, and other site improvements, for the property located at 82 Edmands Road and 874 (Rear) Edgell Road, zoned Single Family Residential (R-4).

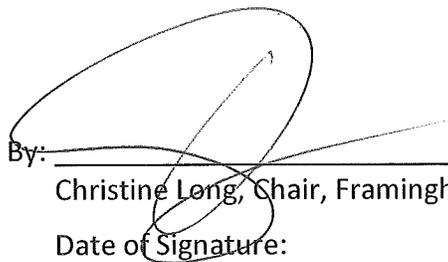
Minor Site Plan Review, Section VI.F.2.a of the Framingham Zoning By-Law, Article 20 of the Planning Board Rules and Regulations, and M.G.L. c. 40A, Section 3

- Christine Long.....yes
- Lewis Colten.....yes
- Victor Ortiz.....yes
- Stephanie Mercandetti.....yes

The Planning Board voted four in favor, zero opposed, and zero in abstention to the granting approval for a Public Way Access Permit pursuant to Article VI., Section 8 of the Framingham General By-Laws for the modification of a curb cut for the properties located at 82 Edmands Road and 874 (Rear) Edgell Road, zoned Single Family Residential (R-4).

Public Way Access Permit, Article VI, Section 8 of the Framingham General By-Laws

- Christine Long.....yes
- Lewis Colten.....yes
- Victor Ortiz.....yes
- Stephanie Mercandetti.....yes

By:  _____
Christine Long, Chair, Framingham Planning Board
Date of Signature:

EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the Framingham Zoning By-Laws and Framingham General 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. All of 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: 82 Edmands Road and 874 (Rear) Edgell Road, stamped by the Town Clerk on April 11, 2016
2. Form E – Site Plan Review Application, Property Address: 82 Edmands Road and 874 (Rear) Edgell Road, stamped by the Town Clerk on April 11, 2016
3. Form F – Public Way Access Permit Application, Property Address: 82 Edmands Road and 874 (Rear) Edgell Road, stamped by the Town Clerk on April 11, 2016
4. Development Impact Statement for RCS Learning Center, Inc. 82 Edmands Road and 874 (Rear) Edgell Road, Framingham, MA 01701, dated April 2016
5. Stormwater Management Design and Runoff Calculations Report for Proposed RCS Learning Center 82 Edmands Road, Framingham, MA, prepared by Schofield Brothers LLC, dated March 21, 2016
6. Building Height Calculation Plan At RCS Learning Center in Framingham, MA 01701, prepared by Schofield Brothers, LLC, dated March 21, 2016
7. Permit Site Plan, Proposed RCS Learning Center Inc., 82 Edmands Road, Framingham, MA prepared by Schofield Brothers, LLC, dated March 21, 2016, revised on May 19, 2016 and May 31, 2016
8. RCS Learning Center Landscape Plan (total of 2 sheets), prepared by VHB, dated May 19, 2016, revised through May 31, 2016
9. Architectural Renderings for RCS Learning Center (total of 4 sheets), prepared by Ci, dated May 19, 2016, revised
10. Photometric Plan for RCS Learning Center, prepared by AVID Engineers, dated May 10, 2016
11. GE Lighting, Evolve LED Area Lighting: Shielding for EAS Area Light Fixtures, OLP3083 (Rev 06/08/2015)
12. GE Lighting, Evolve LED Area Light: Scalable Area Light (EASC), OLP3090 (Rev 03/24/2016)
13. Letter from VHB, RE: Proposed School & Daycare Center at 82 Edmands Road, Framingham, Driveway Sight Distance Analysis, dated May 6, 2016
14. Letter of response, RE: RCS Learning Center Project, 82 Edmands Road, Framingham, MA, dated May 18, 2016
15. Memorandum from VHB, RE: Proposed School & Daycare Center, 82 Edmands Road, Framingham, Massachusetts, Vehicular Capacity Analysis Summary & On-site Circulation, dated May 23, 2016

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

1. Public Way Access Permit Checklist, Project/Address: 82 Edmands Road/874 (Rear) Edgell Road, dated April 11, 2016, stamped with the Town Clerk on April 11, 2016.
2. Special Permit and Site Plan Review Checklist for Application Submittal, Project/Address: 82 Edmands Road/874 (Rear) Edgell Road, dated April 11, 2016, stamped with the Town Clerk on April 11, 2016.
3. Planning Board Project Review for the Property Located at 82 Edmands Road and 874 (Rear) Edgell Road, dated May 23, 2016.
4. Letter of comment from the Conservation Commission, Subject: 82 Edmands Road – Conservation Review, dated May 12, 2016
5. Letter of comment from the Department of Public Works, RE: Proposed RCS Learning Center, #82 Edmands Road, Framingham, dated May 17, 2016
6. Framingham Fire Department, correspondence received via ACCELA on May 24, 2016
7. Department of Inspectional Services (Building & Wire), correspondence received via ACCELA on April 28, 2016
8. Framingham Police Department, correspondence received via ACCELA on April 13, 2016
9. Department of Community & Economic Development, correspondence received via ACCELA on May 16, 2016
10. Letter of comment from the Department of Community & Economic Development, RE: Departmental Project Review – Additional Comments 82 Edmands Road, May 31, 2016.