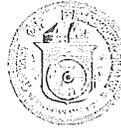


Framingham Planning Board

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



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2016 JUL 22 P 12:291

TOWN CLERK
FRAMINGHAM

Town Clerk Stamp

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

Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator
Raphaela Morais-Peroba, Community Outreach Coordinator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision Regarding the Application of Milca Lopes for the Property located at 39 Howard Street, Framingham, MA

On July 5, 2016, Milca Lopes, the Applicant filed with the Planning Board and on July 5, 2016, the Planning Board filed with the Town Clerk, the Application for a Request of an Extension of Time to a previously approved Modification to a Site Plan Review and a Special Permit for a Reduction in the Required Number of Parking Spaces Planning Board, dated July 31, 2014. The property is located at 39 Howard Street, in the Central Business (CB) Zoning District, and found on the Framingham Assessor's Parcel ID 128-86-3159-000.

After the notice of the public hearing was published in "The MetroWest Daily News" on July 7, 2016 and July 14, 2016 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. c. 40A, the Planning Board opened the public hearing on July 21, 2016 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham.

On July 21, 2016 the Planning Board **APPROVED** the application for a Request of an Extension of Time to a previously approved Modification to a Site Plan Review and a Special Permit for a Reduction in the Required Number of Parking Spaces Planning Board, dated July 31, 2014, for the property located at 39 Howard Street a **DECISION** was filed in the office of the Town Clerk on July 22, 2016.

Christine Long, Chair
FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to M.G.L. c. 40A, Section 17 and must be filed within twenty days after the date of filing of the Decision in the office of the Town Clerk.

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Thomas F. Mahoney
Stephanie Mercandetti

Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator
Raphaella Morais-Peroba, Community Outreach Coordinator

TOWN OF FRAMINGHAM - PLANNING BOARD

**Notice of Decision
Regarding the Application of Milca Lopes
for the Property located at
39 Howard Street, Framingham, MA**

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that the application of Milca Lopes for a Request of an Extension of Time to a previously approved Modification to a Site Plan Review and a Special Permit for a Reduction in the Required Number of Parking Spaces Planning Board, dated July 31, 2014 for the property located at 39 Howard Street was APPROVED by the Planning Board on July 21, 2016 and the decision was filed in the Office of the Town Clerk on July 22, 2016. The opening public hearing was held on July 21, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on July 7, 2016 and July 14, 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 M.G.L. c. 40A, Section 17 and must be filed within twenty days after the date of filing of the Decision in the office of the Town Clerk.

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Planning Board Members:

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Lewis Colten, Vice Chair
Victor Ortiz, Clerk
Thomas F. Mahoney
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**DECISION OF THE FRAMINGHAM PLANNING BOARD
FOR THE PROPERTY LOCATED AT 39 HOWARD STREET**

DECISION DATED JULY 21, 2016

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 (APRIL 2016 PENDING ATTORNEY GENERAL APPROVAL)

FRAMINGHAM ZONING BY-LAW

TOWN CLERK
FRAMINGHAM

2016 JUL 22 P 12:31

General Property Information

Project Number: PB-022-016
Property Address: 39 Howard Street
Assessor's Information: 128-86-3159-000
Zoning District: Central Business (CB)

Application Information

Application(s): Request for an extension of time for a previously granted decision
Sections of the Framingham Zoning By-Law under review: Central Business District (Section II.I), Off-street Parking Regulations (Section IV.B), Special Permit (Section VI.E), and Site Plan Review (Section VI.F)
Date application(s) were filed with the Planning Board: July 5, 2016
Date application(s) were filed with the Town Clerk: July 5, 2016

General Project Contact Information

Applicant Name: Milca Lopes
Applicant Address: 22 Major Hale Drive, Framingham, MA 01701
Landowner Name/Address: Same as the Applicant
Project Contact Name: Attorney Arthur White, 600 Worcester Road, Suite 401, Framingham, MA 01701
Architect Name: Thomas Rovero, Architect, 1 Morses Pond Road, Wellesley, MA 02482

Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) July 7, 2016 and (7 days prior) July 14, 2016
Date of abutter/Seven abutting municipalities/parties of interest mailing: July 8, 2016
Date of opening public hearing: July 21, 2016
Applicant's Representatives in attendance at the Public Hearing(s): Milca and Delio Lopes, Applicant/Owner and Attorney Arthur White
Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair, Victor Ortiz, Clerk, and Thomas Mahoney

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Planning Board Members:

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

DECISION OF THE FRAMINGHAM PLANNING BOARD FOR THE PROPERTY LOCATED AT 39 HOWARD STREET

DECISION DATED JULY 21, 2016

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 (APRIL 2016 PENDING ATTORNEY GENERAL APPROVAL)
FRAMINGHAM ZONING BY-LAW

General Property Information

Project Number: PB-022-016
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Assessor's Information: 128-86-3159-000
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Application Information

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

July 31, 2014 Decision Information

The Approved Planning Board Decision under consideration for this request for an extension of time: Application of Milca Lopes for Modification to a Site Plan Review and Special Permit for Reduction in the Required Number of Parking Spaces, 39 Howard Street, Framingham. The Decision was granted by the Planning Board on July 31, 2014, and filed with the Town Clerk on August 1, 2014. The Applicant has recorded the Decision with the Middlesex South Registry of Deeds, in accordance with Condition 8 on September 11, 2014 (Book: 64217, Page: 244, Document: DECIS)

PROJECT DESCRIPTION

The Applicant/Owner of the property located at 39 Howard Street has requested an extension of time for the July 31, 2014 Planning Board Decision. The Applicant/Owner proposed to renovate the first floor of an existing building, which is currently vacant and underutilized. The basement of the property at 39 Howard Street is utilized as the bakery for Pao Brasil Bakery located at 596 Waverly Street. Renovations and use of the first floor include a retail bakery with seating and total occupancy not to exceed 40 seats, along with tenant spaces for retail/office businesses.

HEARING

The Framingham Planning Board held a total of one public hearings during the review of the request for an extension of time for a previously approved Planning Board Decision for the property located at 39 Howard Street. Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair; Lewis Colten, Vice-Chair; Victor Ortiz, Clerk; Thomas Mahoney. During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Delio and Milca Lopes, Applicant/Owner and Attorney Arthur White.

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

1. The Applicant's July 31, 2014 Decision for Site Plan Review (Section IV.I.2.a) and Special Permit for Reduction in the Required Number of Parking Spaces (Section IV.B.1.c) was approved by the Planning Board on July 31, 2014.
2. The July 31, 2014 Planning Board Decision was for the redevelopment of an existing building as a retail bakery with associated seating not to exceed 40 seats, along with tenant spaces for the retail/office business.
3. The July 31, 2014 Planning Board Decision expires on July 31, 2016. The Planning Board must find the Applicant's request for an extension of time is supported by "Good Cause" in accordance with Sections VI.E and VI.F of the Framingham Zoning By-Law and pursuant to M.G.L. c. 40A, Sections 9 and 17.

4. The Applicant has recorded the Decision with the Middlesex South Registry of Deeds, in accordance with Condition 8 on September 11, 2014 (Book: 64217, Page: 244, Document: DECIS).
5. At 2015 Fall Special Town Meeting, the Town overhauled the existing Central Business (CB) District Zoning. These rezoning efforts encourage Transit Oriented Development (TOD) style type of development. TOD promotes the use of public transportation and urban density, while encouraging development and/or redevelopment of existing properties within the CB Zoning District. The proposed use is within close proximity to the MBTA Commuter Rail Station.
6. The Applicant/Owner's has directed his attention, efforts, and financial resources towards the redevelop and expansion the Applicant's other property and business (Pao Brasil Bakery) located at 596 Waverly Street.
7. The basement of the building located at 39 Howard Street serves as the bakery for Pao Brasil Bakery retail store and eatery located at 596 Waverly Street.
8. The property at 618 Waverly Street (Silton Glass) was purchased by the Applicant/Owner from the Town at Auction in January of 2016.
9. The property located at 618 Waverly Street is in close proximity to the 596 Waverly Street property.
10. Although outside of the CB Zoning District, ownership of 596 and 618 Waverly Street by the Owner/Applicant supports the recently approved CB Zoning Districts efforts to encourage conglomeration of properties for the purposes of redevelopment.
11. The Owner/Applicant expects to move forward with the proposed redevelopment of 39 Howard Street within the next two years and therefore requests an additional two year extension of time for the July 31, 2014 Planning Board Decision.

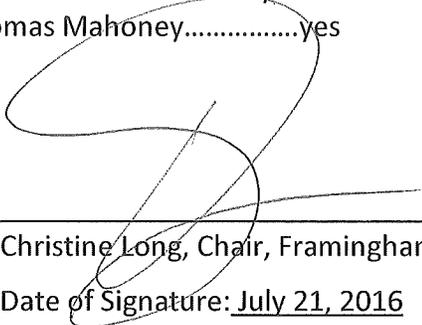
If granted the requested extension of time. The July 31, 2014 Planning Board Decision would expire on July 31, 2018. Therefore, demonstrating "Good Cause" based upon information provided during the public hearing process, the Planning Board grants the Applicant's request for an extension of time for two years from the expiration date of the original Decision for Site Plan Review and Special Permit for the Reduction in the Required Number of Parking Spaces dated July 31, 2016,, thus the new expiration date becomes July 31, 2018.

VOTES

The Planning Board votes four in favor, zero opposed, and zero in abstention to grant an Extension of Time for the approved Site Plan Review and Special Permit for Reduction in the Required Number of Parking Spaces granted on July 31, 2014, expiration date of July 31, 2016, for an additional two years, with a new expiration date of July 31, 2018. The property is located at 39 Howard Street.

Request for an extension of time for the July 31, 2014 Decision for Site Plan Review and a Special Permit for a Reduction in the Required Number of Parking Spaces

Christine Long.....yes
Lewis Colten.....yes
Victor Ortiz.....yes
Thomas Mahoney.....yes

By: 
Christine Long, Chair, Framingham Planning Board
Date of Signature: July 21, 2016

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. 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: 39 Howard Street, stamped by the Town Clerk on July 5, 2016
2. Form H – Request for an Extension of Time Application, Property Address: 39 Howard Street, stamped by the Town Clerk on July 5, 2016
3. July 31, 2014 Decision for Site Plan Review and Special Permit for the Reduction in the Required Number of Parking Spaces, recorded with the Middlesex South Registry of Deeds, in accordance on September 11, 2014 (Book: 64217, Page: 244, Document: DECIS)