

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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FRAMINGHAM

Town Clerk Stamp

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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
Raphaela Morais-Peroba, Community Outreach Coordinator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

Regarding Decision of the Framingham Planning Board on the Application of Kendall Street Realty, Nancy E. Teti, Trustee for Preliminary Subdivision Plan for the Property Located at 0, 92 & 110 Kendall Ave and 9999 (RR) Kendall Lane

On June 27, 2016, Kendall Street Realty, Nancy E. Teti, Trustee filed with the Planning Board and on June 27, 2016, the Planning Board filed with the Town Clerk, the application for a Preliminary Subdivision Review for the creation of 8 lots, the construction of a new road, stormwater management, and associated site as shown in the plan entitled "Preliminary Plan – Kendall Corner Subdivision on Kendall Ave in Framingham, MA," dated March 14, 2016. The property is located at 0, 92, and 110 Kendall Avenue and 9999 (RR) Kendall Land, in the General Residential (G) Zoning District, with the Framingham Assessor's Parcel ID of 137-54-2090-000, 137-54-1037-000, 137-54-0190-000, and 137-54-1106-000.

Following publication of a public hearing notice in "The Metrowest Daily News" on June 30, 2016 and July 7, 2016 and the mailing of a notice to parties in interest under the By-Law and G.L. Ch. 41 §81-T and the Rules and Regulations Governing Subdivision of Land in the Town of Framingham, March 2008, the Planning Board opened the public hearing on July 14, 2016. A continued public hearing was held on August 4, 2016.

On August 4, 2016 the Planning Board **APPROVED** the Preliminary Subdivision application with recommendations for the property located at 0, 92, and 110 Kendall Avenue and 9999 (RR) Kendall Lane. The **DECISION** was filed in the office of the Town Clerk on August 5, 2016.

Christine Long, Chair

FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to M.G.L. Ch. 41. §81-BB.L. and Ch. 40A, Sec. 17 and must be filed within 20 days after the date of filing of this Decision in the office of the Town Clerk.

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Planning Board Members:

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TOWN CLERK
FRAMINGHAM

2016 AUG - 5 A 9: 21

**DECISION OF THE FRAMINGHAM PLANNING BOARD
ON THE APPLICATION OF KENDALL STREET REALTY, NANCY E. TETI, TRUSTEE
FOR PRELIMINARY SUBDIVISION PLAN
FOR THE PROPERTY LOCATED AT 0, 92 & 110 KENDALL AVE AND 9999 (RR) KENDALL LANE
DECISION DATED AUGUST 4, 2016**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 FRAMINGHAM ZONING BY-LAW (APRIL 2016 – PENDING ATTORNEY GENERAL APPROVAL) AND THE RULES & REGULATIONS GOVERNING SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM DATED MARCH 2008

General Property Information

Project Number: PB-020-16
Property Address: 0, 92 & 110 Kendall Ave & 9999 (RR) Kendall Lane
Assessor’s Information: 137-54-2090-000, 137-54-1037-000, 137-54-0190-000, and 137-54-1106-000
Zoning District: General Residential (G)

Application Information

Application(s): Preliminary Subdivision
Date application(s) were filed with the Planning Board: June 27, 2016
Date application(s) were filed with the Town Clerk: June 27, 2016

General Project Contact Information

Applicant Name: Kendall Street Realty Trust, Nancy E. Teti, Trustee
Applicant Address: PO Box 218, Sherborn, MA 01770
Landowner Name: Same as applicant
Project Contact Name: Pat Teti
Engineer Name: Vito Colonna (PE No. 47635), Connorstone Engineering and Varoujan Hagopian (LS No. 49665)
Engineer Company: Connorstone Engineering, Inc

Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) June 30, 2016 and (7 days prior) July 7, 2016
Date of abutter/7 Abutting municipality/parties of interest mailing: June 28, 2016
Date of opening public hearing: July 14, 2016
Date(s) of continued public hearings: August 4, 2016
Applicant’s Representatives in attendance at the Public Hearing(s): Attorney George Connors
Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair, Victor Ortiz, Clerk, Thomas Mahoney, and Stephanie Mercandetti (absent on July 14, 2016 - the Mullin Rule was filed with the Town Clerk on July 27, 2016)

Planning Board Approval Information

Date of Plan Approved by the Planning Board: March 14, 2016, prepared by Connorstone Engineering, Inc., 10 Southwest Cutoff, Suite 7, Northborough, MA 01532

Notice of Preliminary Subdivision Review

Pursuant to M.G.L., c. 41, Section 81-S and the Rules and Regulations Governing Subdivision of Land in the Town of Framingham dated March 2008, the Framingham Planning Board will hold a public hearing on Thursday, July 14, 2016 at 7:00 p.m. in the Ablondi Room, Memorial Building, located at 150 Concord Street, Framingham, Massachusetts. The public hearing will be held to consider the application of Kendall Street Realty Trust for a Preliminary Subdivision for the property located at 0, 92, & 110 Kendall Ave and 9999(RR) Kendall Lane. The applicant is proposes to construct 8 new house lots, with associated site improvements. The property is zoned General Residential (G) and is listed as Framingham Assessor's Parcel Id: 137-54-2090-000, 137-54-1037-000, 137-54-0190-000, and 137-54-1106-000. The application and plan submittal is on file for review in the Planning Board Office, Room 205 of the Memorial Building and available online at www.framinghamma.gov on the Planning Board Webpage.

PROJECT DESCRIPTION

The Applicant, Kendall Street Realty Trust, Nancy E. Teti, Trustee, proposes to construct 8 residential lots in accordance with the Town's Rules & Regulations Governing Subdivision of Land in the Town of Framingham dated March 2008. The site is currently a vacant lot, which contains an extensive amount of wetland. Said wetlands limit the amount of construction that is allowed on the property. The project provides stormwater management on-site though a stormwater basin and intents on connecting to public sewer and water.

The Applicant is requesting that the Planning Board review and approve proposed subdivision road with a 40' street width rather than the 60' street width as required under Section VII. B. Table 1, Minimum Design Standards.

HEARING

The Framingham Planning Board's public hearing for the Project located at 0, 92, & 110 Kendall Avenue and 9999 (RR) Kendall Land opened on July 14, 2016, and was continued to August 4, 2016. 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; and Stephanie Mercandetti (absent on July 14, 2016 – the Mullin Rule was filed with the Town Clerk on July 27, 2016). During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney George Connor, Connorstone Engineering

Summary of Meeting Minutes

At the July 14, 2016 opening public hearing, Attorney Connor provided a brief overview of the project and the location of the property. Attorney Connor further discussed the surrounding wetlands, the constraints of the property, and further provided historical review of the property. Attorney Connor stated that into the record that the proposed application is only a preliminary plan and the Applicant is looking for comments from the Planning Board.

Ms. Long requested that the Planning Board Administrator provide a brief overview of the project review. Ms. Loomis stated that she met with the Technical Review Team and has received comments from several departments.

The Planning Board members made the following comments.

1. A request for clarification regarding Parcel A. Attorney Connor referenced the location of Parcel A on the site plan and stated that Parcel A could potentially be another future buildable lot.
2. Statements of concern regarding the width of the pavement for the duplex units.

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.

Review of Documentation

During the public hearing process, the Planning Board received comments, both written and oral from the Applicant, Municipal Officials and Departments. Correspondence from Municipal Officials and Departments is as follows:

1. Statement of comment from the Framingham Police Department, received via ACCELA on June 28, 2016;
2. Statement of comment from the Framingham Fire Department, received via ACCELA on July 11, 2016;
3. Statement of comment (email) from the Department of Public Works, received on August 4, 2016;
4. Statement of comment (email) from the Board of Health, received on August 4, 2016; and
5. Statement of comment (letter) from the Conservation Commission, dated August 1, 2016 and received on August 4, 2016

Recommendations

The Planning Board, having reviewed all plans and related documentation, finds that pursuant to Section V.D. of the Town's Rules & Regulations Governing Subdivision of Land in the Town of Framingham dated March 2008 that the Preliminary Plan, with several modifications, complies with Section VII. Design Standards and Specification.

The following decision is based on the above-referenced documents, all testimony including public input, and revisions made to the submitted preliminary subdivision plan dated March 14, 2016. Specifically, the Planning Board requests that the Applicant review the following Subsections of the Rules and Regulations Governing Subdivision of Land in the Town of Framingham, March 2008 and further review and consider Town Staff recommendations and revise accordingly. The following list of items shall be reviewed and modified by the Applicant and incorporated into the future definitive subdivision plans in order to comply with all Town regulations:

Department Comment Requirements

1. The Applicant shall comply and/or work with the Department of Public Works regarding the requirements set forth in the correspondence from the Department of Public Works, RE: 92 Kendall Ave, dated August 4, 2016.
2. The Applicant shall comply with the requirements set forth in the ACCELA correspondence from the Fire Department, dated July 11, 2016, stating that the project shall comply with Chapter 18 of the Massachusetts Comprehensive Fire Safety Code.
3. The Applicant shall comply and/or work with the Conservation Commission regarding the requirements set forth in the correspondence from the Conservation Commission, Subject: 0, 92, 110 Kendall Avenue – Conservation Review for proposed subdivision, dated August 1, 2016.
4. The Applicant shall comply and/or work with the Board of Health regarding the requirements set forth in the correspondence from the Board of Health, dated August 4, 2016.

Subdivision Rules & Regulations Requirements

5. Section VII.A.6 Character of the Land: During the public hearing process it has been stated that Parcel A may be intended on becoming a buildable lot. Parcel A does not meet the lot size requirements set forth in Section IV.E of the Framingham Zoning By-Law, and is predominately located within the 125' wetlands buffer. Furthermore, the proposed development has three stormwater basins, which may indicate the potential of flooding, improper drainage, and/or unsuitable soil conditions. The Applicant will be required to provide soil testing and hydrological calculations for the filing of a definitive subdivision plan.
6. Section VII.B.2.g Locations and Alignment of Streets: The Applicant has requested a waiver from Section VII.B.2.g to allow for the construction of a 40 foot Right of Way, incorporating the Very Low Volume Local Road standards of MassDOT. This request for a reduction in the Right-of-Way is consistent with other recently approved residential cluster subdivisions.
7. Section VII.B.2.i Locations and Alignment of Streets: The Applicant shall be required to provide stopping distances in accordance with Section VII.B.2.i. and further install a stop sign at the intersection of Kendall Avenue and the subdivision.
8. Section VII.B.3.e. Dead End Streets (permanent): the cul-de-sac shall be designed to accommodate stormwater and also serve as community open space.
9. Section VII.B.4.f.Adequacy of Access: The subdivision plan shall provide for a system of pedestrian circulation within the subdivision, and to abutting neighborhoods. This system shall connect with existing sidewalks if they exist in the vicinity of the project.
10. Section VII.C.5 Curbing: The Applicant shall provide granite curbing in accordance with the Department of Public Works and Section VII.C.5.
11. Section VII.B.6.b. Sidewalks: In order to facilitate pedestrian circulation and access from the subdivision street(s) to schools, parks, playgrounds, other community facilities or other nearby streets, the Planning Board may require perpetual unobstructed easements at least 20 feet in width to accommodate sidewalks or walking paths. Easements shall be indicated on the Plan.
12. Section VII.C. Stormwater and Surface Water Drainage and Management: all construction shall be in accordance with the current specifications of the Department of Public Works, and shall be consistent with the provisions of the 2016 Massachusetts Small MS4 General Permit signed April 4, 2016 that shall become effective July 1, 2017.
13. Section VII.C. Stormwater and Surface Water Drainage and Management: The Applicant shall review Section VII.C Stormwater and Surface Water Drainage and Management and shall design the subdivision accordingly. The site has been designed with three rather large stormwater basins that may be reduced or consolidated if Lots 8, 7, 6, 5, and Parcel A were reconfigured to ensure that flooding does not occur within an areas that is saturated with abutting wetlands.
14. Section VII.H: All utilities shall be located below ground in accordance with Section VII.H.
15. Section VII.K. Street Signs: The Applicant shall be required to install a stop sign at the intersection of the new subdivision road and Kendall Avenue for the purposes of public safety.
16. Section VII.L. Driveway Entrances: Driveways shall be offset from each other and from all intersections to eliminate potential traffic conflicts and other hazards. In the event that the proposed residential dwellings are developed as two-family units, the driveways where possible should be consolidated to reduce the number of curb cuts.

17. Section VII.M. Street Tree Plantings: One street tree shall be provided for every 30 linear feet of roadway, but no less than two trees per residential lot. Therefore, a total of 20 street trees shall be provided for the 10 new lots created.
18. Section VII.N. Exterior Lighting: Street lights shall be provided in accordance with the Town's street light standards and shall be positioned not to cause glare into vehicles and/or the windows of abutting residential homes. In accordance with the new lighting throughout the Town, the Town has been utilizing 30 Watt Cree light fixtures.

General Recommendations for Amendments

19. The Applicant shall consider a reduction in the number of proposed lots. Lot numbers 5, 6, 7, and 8 are predominately located within the 125' wetland buffer. Furthermore, such reduction in the number of lots would allow for a common green within the center of the proposed cul-de-sac, which would decrease the number of stormwater basins.
20. Parcel A as presented shall not be considered a future buildable lot, it does not conform to the lot area and dimensional requirements set forth in Section IV.E of the Framingham Zoning By-Law or is there enough area as presented for a house to be constructed outside of the wetlands buffer area.
21. The Applicant shall consider installing a rain garden, which shall be maintained in perpetuity by the Property Owner/Homeowners Association/Trust of the proposed subdivision through appropriate Homeowners Association/Trust documentation that shall be provided to the Town and recorded with the deeds.

The Planning Board recommends that the Applicant address the above deficiencies as part of any future Definitive Plan submission.

Planning Board Determination

Pursuant to Section III.F., the Applicant requested waivers from Section VII.B.1.g. Table 1, Minimum Design Standards of the Rules & Regulations Governing Subdivision of Land in the Town of Framingham, which include:

- Minimum street width of 40-feet (60-foot minimum required)

The Planning Board voted five in favor, zero opposed, and zero in abstention to the grant the requested waivers to allow a reduction in the minimum street width to 40-feet where 60-foot minimum is required; as outlined in Section VII.B.1.g of the Rules and Regulations Governing Subdivision of Land in the Town of Framingham, March 2008.

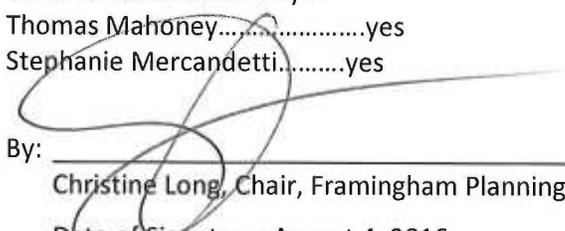
Waiver request to reduce the roadway right-of-way

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

On August 4, 2016, the Planning Board voted to approve the Preliminary Plan, entitled "Kendall Corner Subdivision on Kendall Ave in Framingham, MA" dated March 14, 2016, with the appropriate modifications as outlined herein. The Planning Board vote was five in favor, zero opposed, and zero abstaining.

Preliminary Subdivision Plan for 0, 92, and 110 Kendall Avenue and 9999 (RR) Kendall Lane

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

By: 
Christine Long, Chair, Framingham Planning Board
Date of Signature: August 4, 2016

The Planning Board's **DECISION** was filed in the office of the Town Clerk on August 5, 2016.