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MINUTES PLANNING BOARD MEETING January 28, 2003

Those present: Tom Mahoney, Sue Bernstein, Larry Marsh, Ann Welles

Also present: Jay Grande

I. Miscellaneous Administrative

Tom Mahoney stated the Chairman is absent this evening and he will be chairing the meeting.

Jay said there were plans to review and sign. He suggested that be held until the end of the meeting. There are no ANR plans. In the packet over the weekend there was an administrative agenda with a few items.

Jay said Babies 'R Us is proposing an outside compactor. That is the only change they are proposing. It will be around the back of the store. They are not screening the unit. Tom said it appeared to be inside the building. They are installing a new door into the existing steps. The stairs are on top of the slab. It extends out the back. Tom estimated 8-10' from the building. Sue suggested putting shrubs in front of it for screening purposes. Tom said it is already on a 12' X 12' pad.

II. Continued Public Hearing, Definitive Subdivision Plan, Public Way Access Permit and Modification to Scenic Road, 546 Edgell Road.

Jay said the applicant revised the subdivision plans as a result of the last meeting with the Board. That has been distributed to the town departments. He said this plan does not involve the creation of a new roadway. The proposal is a common driveway for both lots. The existing home is to be demolished. The Police Department has submitted their comments and have no issues. ConCom do not have any issues as well. The Building Department provided information dealing with the scenic road and minimum lot area and frontage. Jay said there are no outstanding issues. He said the Planning Department has issued a letter noting the variances requested. Jay said the Board's decision will have a condition noting compliance with the ZBA for the project. The Fire Department found the plans acceptable. DPW has issued an updated letter. Jay stated that Engineering will now be submitting their letter combined with the DPW letter. Sue said she is recusing herself from this hearing. Jay said the original DPW letter said the plans were insufficient. Their recent letter addresses drainage but does not address their earlier comments. Larry said when someone recuses themselves, they should not sit at the hearing. Sue excused herself from the hearing. Larry asked when the public hearing was opened. Jay said it was the week before Thanksgiving. This is the second hearing. Jay said ZBA and DPW should be included as conditions of approval. Jay said there is no road involved. There are two motions relating to the definitive subdivision plan. One is to grant the waivers, including the waiver of the frontage where they are 5" short. In addition, the various subdivision standards, enumerated in the DPW letter which relates

1 to roads, design standards, impact statements and park areas. Jay said while the ZBA
2 approved the variance, the Board needs to make a similar judgment that frontage can be
3 waived. Jay said the next motion would be related to the public way access permit. The
4 last one is the scenic road. He said it was important to note there are no trees or stone
5 walls being impacted by this project. The scenic road determination will be that there is
6 no impact and no determination will have to be filed.

7
8 Larry asked if the Chair envisioned voting on this tonight. Tom said he would
9 like to see the decisions. Jay would recommend closing the hearing. The decision will be
10 similar to open lots and is not intense. There are two separate determinations and they
11 are boiler plate, Jay said. Jay did not see any issues with closing the hearing.

12
13 Roger Dowd, attorney, represented the applicant and addressed the Board. Roger
14 showed the original lot lines on the plans. He said lots were bought and re-divided and it
15 resulted in one conforming lot and a second lot that is 99.95. That amounted to 5” short
16 of the frontage requirements. The ZBA granted the waiver of the one lot and 3 waivers of
17 the other lot. Roger said the Board would need to grant a waiver of access. Jay said it
18 could not be filed as an ANR because of the technical issue. Roger said the building they
19 will be tearing down is over 50 years old but there is no historic value to the building.
20 Larry asked about an earlier decision by the Board approving the subdivision plan of land
21 for a land that was inches short of frontage requirements. Jay said the Board approved the
22 plan but it was subsequently appealed by the neighbors. The Court upheld the Board’s
23 decision and that applicant is here tonight to have those plans signed by the Board, Jay
24 said. Jay said there was discussion of the frontage and Jay remembered that Sid Gorovitz
25 said it was an error of the surveyor. The ZBA had granted the appropriate variances but
26 the applicant still needed to come for subdivision review for the 5” they were short. Jay
27 said the question is whether the access is adequate. Roger said the Board is allowed to
28 look at the factual evidence and make a determination based on discretion.

29
30 Ann said in looking at decisions being based on the greater good for the
31 neighborhood, she would rather see the single drive with the two lots than two drives for
32 two lots. Tom said both houses will be set back from the road farther than the existing
33 house. Tom asked for questions and comments from the audience. Jay said the
34 requested waivers require a majority vote. Since there is only a quorum, it has to be a
35 unanimous vote, Jay said. The variances have been granted by the ZBA.

36
37 **Motion by Ann Welles that the Framingham Planning Board support the**
38 **waiver request for the reduced frontage which includes a single driveway to both**
39 **lots as shown on the definitive plan, on sheet 2 of 3 and sheet 3 of 3, on a subdivision**
40 **plan dated January 6, 2003 entitled 546-560R Edgell Road, prepared by Drake**
41 **Associates, Inc. Motion was seconded by Larry Marsh. Vote: unanimous, 3-0**

42
43 **Motion by Larry Marsh that the Framingham Planning Board determines**
44 **that the waiver request for Section 6D, Impact Statements, to vary the requirement**
45 **is in order for Section 6H and Design Standards, A-V. Motion was seconded by Ann**
46 **Welles. Vote: unanimous, 3-0.**

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2 **Motion by Larry Marsh that the Framingham Planning Board close the**
3 **public hearing for the definitive sub-division.** Ann asked if the Board needed to clarify
4 that before closing the hearing it is with the understanding that we receive further
5 correspondence from the DPW with their concerns. Jay said any approval of the
6 subdivision would be covered in the January 27th letter from the DPW. The ZBA
7 decision is noted on the plan. Jay said the scenic road is not applicable. **Motion was**
8 **seconded by Ann Welles. Vote: unanimous, 3-0.**
9

10 **Motion by Ann Welles that because there is no need for a determination**
11 **since there is no impact on trees or stone walls on a scenic road that the**
12 **Framingham Planning Board continue without making a determination. Motion**
13 **was seconded by Larry Marsh. Vote: unanimous, 3-0.**
14

15 **Motion by Larry Marsh that the Framingham Planning Board endorse the**
16 **public way access permit as outlined in the sub-division plan dated January 6, 2003,**
17 **as prepared by Drake Associates, Inc. Motion was seconded by Ann Welles. Vote:**
18 **unanimous, 3-0.**
19

20 **Motion by Larry Marsh that the Framingham Planning Board approve the**
21 **sub-division plan of land for 546-560R Edgell Road, dated January 6, 2003,**
22 **prepared by Drake Associates, Inc. and subject to the letter from the Department of**
23 **Public Works dated January 27, 2003 and the Zoning Board of Appeals decision of**
24 **December 17, 2002 and subject to the standard conditions of approval that the**
25 **Planning Board issues for sub-division and this will be brought back for acceptance**
26 **by the Board to conform the decision. Motion was seconded by Ann Welles.**
27 **Friendly amendment by Tom Mahoney to include the waivers. Amendment was**
28 **accepted.** Discussion: Technically the Board has asked for a draft decision in writing
29 before making this vote. Larry suggested holding off on this vote until seeing a draft
30 decision. Jay agreed. That will not require another hearing but meeting to discuss the
31 draft decision. **There was no vote on the motion.**
32

33 III. Continued Public Hearing for Site Plan Review Approval, 222 Cochituate Road
34

35 John McKeon represented Maple Gate Realty Trust. He said there were
36 comments about the site location, segmentation of the parking and landscaping at last
37 week's meeting and he thought he addressed those concerns with the new plan. John
38 said, on the revised sheets, there is new proposed grading for the original site location. In
39 the grading, the retaining wall is eliminated. He said the building has moved closer to the
40 side lot line. He said Schofield Brothers did preliminary survey work and he believes the
41 Board's preferred location could be achieved. The connecting road is Walsh Parkway.
42 John said from the Board's consensus, the preferred location makes more practical sense.
43 The parking will remain all on one spot. He thought the proposed parking plan, without
44 the retaining wall was more advantageous. He said there is 40.3' of frontage with the
45 newer designed plan. He said if the Board approves the development site plan, he would

1 petition the Zoning Board of Appeals to seek the relief and accept the variance for the
2 new development site plan.

3
4 He said the Town Engineer has work to do in the direct proximity with roadwork
5 and easement work and this was time sensitive to that roadwork. He said he was seeking
6 site plan approval for the site plan as proposed and as preferred. John said in absence of
7 the ZBA granting the relief, he thought the fall-back was the plan that he showed that did
8 have the segmented parking. John said it would be an approval for site plan A and site
9 plan B. Jay said it has to go to the ZBA if the plan is plan B. Tom said he could see
10 approval of site plan A. The applicant would come back to the Planning Board for a
11 modification for the site plan if he chose plan B. John said for the record, the zoning
12 requirements are stipulated on the plan and note #2 states the "location of the proposed
13 building requires variance of minimum setback distance." Jay did not think it was a
14 difficult decision in that if the Board votes approval on plan A, he could come back with
15 a different option. He questioned if the Board would require him to go through the
16 hearing process twice. Larry suggested approval of plan B subject to receiving a
17 variance. Sue said that would mean he did not have an approved plan. John thought the
18 drainage was adequate under either plan. He said the approval would allow him to ask
19 for relief, jointly, because it is the Planning Board's preference. Tom said he was
20 concerned that the ZBA might feel the Planning Board is usurping their authority.

21
22 Ann was concerned to hear comments from Bruce Leish on the plan presented
23 tonight, or plan A. Sue said the retaining wall was a concern of Bruce but that is removed
24 under plan A. Jay said the DPW letter is still needed. Larry was concerned with
25 approving both plans. Jay said if plan B is approved, how the Board would bring him
26 back if he was denied by the ZBA. If it is approved subject to ZBA approval, Jay asked
27 what condition would allow him to come back to the Planning Board for plan B. Larry
28 said the fee would be waived at that point. John said the scope is less in plan A. One curb
29 cut is being eliminated. Tom said his preference was to vote plan A. Sue said she would
30 rather approve B than A. Sue asked if he was amenable to a condition stating that if he
31 was granted relief, he would come back with plan A. There are no letters on plan B.
32 There needs to be a general condition because there is no letter from DPW on plan A.
33 Jay did not expect any concerns. John Bertorelli said the only issue from DPW would be
34 with Engineering and he had no concerns with the plan. Fire has submitted their report.
35 Police do not have any issues as well. An official landscape plan on A has been
36 submitted to Jay. Members reviewed the landscaping plan. Sue suggested clustering the
37 plants. Ann did not think the plan was acceptable. Larry suggested working on the
38 landscape plan between now and the next hearing when the draft decision could be
39 reviewed. Bruce Leish said on plan A, he liked the fact that the handicap ramp to the
40 second floor is deleted and there is no retaining wall. He questioned movability within
41 the interior the building however. John said there will be a mechanical lift on the exterior
42 5 stairs and an elevator installed. One could gain handicap access to all floors of the
43 building because of the elevator. There will be a conference room on the lower level.
44 There are exterior stairs on the outside that will access the second level as well. Bruce
45 said there was a 10' stair and asked if he intended to place a landing between the five
46 stairs. He thought that might be a matter of the building code. John said he would have to

1 meet various codes such as ADA, Fire, Building, etc. and he intended to do that. John
2 noted he will need 2 interior staircases to meet building department code and fire code.
3

4 Ann said in looking at both plans, she thought the landscaping was sparse. In the
5 past, the Board has hired consultants to make it clear to the applicant that it's done
6 without partiality. Sue asked if the applicant was willing to do it off-line with herself and
7 Ann. He said he was amenable to that and felt he had met the requirements. Sue said the
8 Board adopted a policy that where there was a reasonable amount of landscaping, a
9 consultant was hired to help design the plan. Sue said this project falls between a small
10 project and a large one. John said a landscape designer did the plan. Sue was concerned
11 that a landscape architect review the plan. John said he would hire someone. Tom saw
12 it more as an issue of timing. Sue said if the applicant is seeking a variance, that could
13 take 2 months. Sue said the first plan could be approved, as is, and then work on the
14 second plan. John agreed. Sue further suggested that if it turns out the variance is
15 denied, and plan A comes before the Planning Board, then prior to getting the building
16 permit, he would address the issue of hiring a landscape architect. Tom said if he does
17 get the variance, the 593 is already on board, in that scenario. Sue and Ann agreed. Jay
18 suggested it would cost \$1500. Jay said he will work the language into a draft decision.
19

20 Tom said the public hearing would be continued to February 25th at 9:30 p.m.
21 The Board will be ready to vote on the decision that evening.
22

23 III. Miscellaneous Administrative:
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25 Jay said an ATM request will be coming forward for 1183 Worcester Road. It is
26 an existing carwash site. The by-law requires 3 parking spaces and the ATM would have
27 2 spaces. There is already one employee at the car wash. The applicant will come in for
28 an informal next week.
29

30 Jay had two plans for Board members to sign. The plans are for BOSE and
31 Triangle Realty. If BOSE regenerates an extension for the permit, the plans will continue
32 to be valid, Jay said. Sue said there is a letter from Parkside relative to the bond. She
33 asked if the approvals were in place or if they expired. Jay said that could be reviewed at
34 another time and he will check the files. Larry asked if the bonds should be split out for
35 Parkside. The current extension expires June 30, 2003. Jay thought that might be a smart
36 move.. Larry wanted the \$500,000 for their not developing the second site and asked
37 how it could be split. Jay said the applicant should come before the Board for a
38 discussion.
39

40 **Motion by Ann Welles and seconded by Larry Marsh to adjourn this**
41 **evening's meeting. Vote: unanimous.**
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43 Respectfully submitted,
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45 Nancy Starr-Ferguson
46 Recording Secretary

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**These minutes were approved, with changes and or amendments, at the Framingham Planning Board meeting of October 26, 2003.*

Helen Lemoine, Chairman