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MINUTES PLANNING BOARD February 11, 2003 Meeting
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Those present: Helen Lemoine, Ann Welles, Sue Bernstein, Tom Mahoney, Larry Marsh
Also present: Jay Grande

I. Continued public hearing for Brimstone

Jay reviewed the changes made to the document. Attorney Peter Barbieri represented the Applicant. On page 2, Attorney Barbieri said the new date should be March 14, 2003. Jay said the plans do show the limits of work on the roadway and the plans have been received. There were some typographical errors noted. Peggy questioned the location of the gate. Mr. Barbieri said it is shown on the sketch and the wording will match the plan. The total square footage and open space that is being dedicated has been noted on Page 3. Another change was related to the water tank and labeling the water tank easement and addressing the value of \$31,000. Sue asked about the value of the water tank. Peter said the value is not to exceed \$31,000. Jay thought the condition document would address that more closely. There were no changes on Page 5. A minor change was made on Page 6 stating the approval shall be made in writing. Paragraph 12 on Page 8 was changed to show the set of restrictions and a prohibition was included against removing the approval for any tree removal requirement. That was included to not allow individual homeowners to remove any trees at their own discretion. The Homeowners Documents are still subject to the Board's review and approval prior to the release of any lots, Jay said. There is a schedule of maintenance and landscaping provision that is attached to the Homeowners Documents, Jay said. Peter said the sub-division approval also addresses those concerns. Helen said some items appear to be missing but they appear in the sub-division documents. There will be an on-going restriction in the Homeowners Documents that restricts tree removal, Peter said.

John Bertorelli addressed the issue of the value of the water tank. John said he was authorized by Town Meeting to expend up to \$18,000 in connection with the necessary easements. \$7,500 has been spent already so he is limited to spend \$10,500 under the current appropriation. He said the bids will be opened on February 26th. He has requested Mr. Franchi accept a lower amount. Peter said the applicant is not looking for a cash payment for the easement but rather a swapping of interest and charges. The original figures were based on a smaller size area for the tank. Peter said the cash amount would be written "not exceed \$10,500" and the remaining amount to be worked out with the Town for services "in-kind". Town Counsel was concerned about putting in any language dealing with this. Members agreed to put in the amount of \$10,500 for a cash payment in the narrative. The proposed condition would read the "related improvements for a cash payment not to exceed \$10,500." Peter said it was an assumption that this is assuming everything is done and the project moves forward. Peter questioned the language regarding the wells and Board of Health approval and well protocol. The issue was whether the Board of Health requires quality and quantity tests and therefore the Planning Board wanted to retain some jurisdiction over this, Sue said. Jay said under

1 section 7. P.2. in the absence of a public water system connection, language states that
2 individual water systems will be satisfactory to the Planning Board and the Board of
3 Health. Peter said it was the satisfaction of the well protocol. The protocol was fully
4 reviewed by the Board of Health 1 ½ years ago. Peter thought the issue of the protocol
5 was addressed in the report dated July 31, 2001. Sue did not think it addressed quality.
6 The sub-division regulations state that when it is not public water supply, the Planning
7 Board has jurisdiction over wells. If well water passes the state minimum for drinking
8 water, the Planning Board can not make any other requirement, Tom said. Peter said the
9 Board of Health is on record that they haven't checked out any wells in that area for any
10 reason. Jay said language does give the ultimate authority to the Board of Health and the
11 Planning Board has to find it satisfactory. Larry read the pertaining section to the Board.
12 Board of Health approval will be noted on the plans and relating documents. Sue asked
13 that at a future date, the representative from the Board of Health be asked to explain their
14 requirements and regulations regarding wells. Larry requested writing a letter to the
15 Board of Health outlining concerns and issues raised by residents of Carter Drive so they
16 are prepared to address those when they come in to speak with the Board. Helen agreed.
17 A resident of the area said the BOH has never tested her water and questioned how much
18 the Board of Health pays attention to the quality issue. John said that when a building
19 permit is applied for, the applicant has to build the well and have it tested by the BOH. If
20 it passes Town of Framingham specifications, then they are allowed to proceed with
21 construction.

22
23 Peter said that #34 on page 13 was the re-draft to address the change that allows for a
24 \$5,000 payment up front and \$500 per lot at the time of issuance of building permits for
25 the lots. The funds go to the Framingham Conservation Trust Fund for the maintenance
26 of the open space. Peter said they would draw up the restriction but the filing of the
27 restriction will be up to the Town. Peter said the language as written allows for either the
28 Town or a non-profit entity to have ownership of the land. It will be in the Homeowners
29 Association document with a restriction going to the Town or SVT. Krista, of Sudbury
30 Valley Trustees said SVT might be inclined to accept an interest in the land with the town
31 holding a conservation restriction over the land. Larry thought the original proposal was
32 \$10,000 in cash and SVT wanted \$30,000 for the maintenance of the land. Peter said the
33 original plan offered trading the cost to build the replication of the land. Larry was not
34 happy with the language as written. He was not anxious to turn the land over to the
35 Town. This land is adjacent to land that is already controlled by SVT and he thought the
36 logical thing was to turn it over to SVT. Krista said that would need to be approved by
37 the SVT's Board. Krista said they prefer more than \$10,000 but it was her opinion that
38 the Board may agree to that amount and she would recommend SVT accept this proposal.
39 Krista said her Board will meet on March 28th and she will bring it to them at that time
40 and get back to the Planning Board thereafter. Larry said he did not want the Town to
41 take the land over for maintenance. The language reflects that an independent third-party
42 holds the restriction so that it is not given to the individual homeowner.

43
44 There was a change in #37 that was agreeable to the Board. The water tank will be
45 bonded once it is built.

1 **Motion by Tom Mahoney that the Framingham Planning Board close the public**
2 **hearing for the application of Pasquale Franchi for the special permit for open**
3 **space residential development off of Woodstock Drive and Brimstone Lane.**
4 **Seconded by Sue Bernstein. Vote: 4-0.** Due to confusion over when Ann joined the
5 Board and when the project was advertised by the Board, Ann Welles did not vote. Jay
6 reviewed his file and it was determined the project was advertised on June 18, 2002. Ann
7 joined the Board in April 2002.

8
9 Peter asked that the sub-division hearing be continued. Helen said the public hearing for
10 the special permit was closed and the Board would continue the public hearing for the
11 sub-division definitive plan.

12
13 **Motion by Tom Mahoney that the Framingham Planning Board approve the**
14 **application of Pasquale Franchi for the special permit for open space residential**
15 **development off of Woodstock Drive and Brimstone Lane as shown here in**
16 **Document 149-03 as modified this evening. Seconded by Sue Bernstein. Discussion:**
17 **Sue requested a friendly amendment that prior to the Chair signing the decision, the**
18 **Board review the language modified tonight to make sure it reflects the discussion.**
19 **Amendment seconded by Ann Welles. Vote on motion and amendment: 5-0.**

20
21 II. Continued Public Hearing for Special Permit for Planned Unit Development,
22 Villages at Danforth Farm, off Danforth Street: Traffic review

23
24 Tonight's discussion will focus on traffic, Helen said. Larry said the memorandum from
25 VHB came in tonight's packet and there was no time for Board members to review it.
26 Scott Weiss said that document was not intended to be part of tonight's discussion. Jay
27 said he did not distribute VHB's response to the Town of Wayland to the Board because
28 it was just received.

29
30 Scott Weiss, VHB, addressed the Board. He said the initial traffic study was done in
31 April 2002. They have been reviewing the impacts and gone through a series of analyses
32 evaluating several scenarios and made revisions to the analysis. The latest revision was
33 regarding the proposed traffic improvements related to the development. GPI has
34 submitted a review and comment of those improvements and suggested changes. Scott
35 showed a graphic summary of the intersection improvements that have been proposed to
36 date and reflecting some changes recommended by GPI. The intersections show new
37 signalization, updated vehicle detection systems and improve the efficiency of some of
38 the operations. At McGrath Square they also included a fiber optic no turn on red for the
39 south bound right turn movement which allows the restriction of that movement during
40 certain time frames. Some of the signalization has been upgraded in some instances, he
41 said.

42
43 At Concord Street/School Street intersection, they concur with GPI's recommendation
44 that the center island be eliminated. That center island includes a memorial plaque
45 mounted on a stone and although that memorial is not historically significant, they have
46 had feedback from the Historical Commission that indicates an acceptance that the

1 memorial be relocated. The improvements will allow a standard “T” intersection with
2 alignment for separate right/left turns onto Concord Street and adding a separate north
3 bound left turn onto School Street. Larry asked the cost of mitigation for each
4 intersection, level of service before and after and what phase of the development it is
5 proposed for be outlined in the presentation. Art Scarneo said that would be part of his
6 presentation. Ann also asked if there was widening involved, if the existing right of way
7 allows for that. At McGrath Square it operates at a level “F. With the improvements, it
8 will operate at an “E” or “D”. There are no widenings proposed in that area and therefore
9 no right of way takings. There are no eminent domain takings planned or proposed. Any
10 widenings are within existing rights of way, Scott said. At Concord Street/School Street,
11 the revised mitigation goes from level of “F” at un-signalized intersection to a level
12 service “C-D” as signalized. In the evening peak hours, cars that would be returning to
13 the PUD would be going in the opposite direction than the heaviest queue. The queue
14 would not likely be longer than it is at present at School Street.

15
16 At School Street/Hamilton Street intersection, the island will be enlarged so that vehicles
17 approaching from the west heading east will be turning right farther away from where
18 they do today. That provides additional sight distance for those vehicles on Hamilton
19 Street and the left turn movement. They also propose a sign asking vehicles to utilize
20 their turn signals. There is a minor widening on the corner of Hamilton Street to allow
21 for any vehicles making the right turn, the ability to make the turn without imposing time
22 on other traffic. He said it is within the right of way and would move the curb back
23 approximately 5’. They did not look at signalizing that intersection because of the
24 overall rationale of how many signals should be in a corridor. The level of service is
25 currently “F” and it will remain an “F” even though it shows improvement. The
26 sidewalks are being moved and pedestrian flow remains intact.

27
28 At Old Connecticut Path/Hamilton Street intersection, a left turn lane heading north
29 bound on OCP for access onto Hamilton Street is proposed. There is no widening
30 contemplated but more effective use of the pavement that is there today. The level of
31 service remains the same (“F”) before and after. He said the change will help facilitate
32 flow in the area. Scott did not think the queue would be severely impacted. He said
33 signalizing the intersection would create a stop pattern and longer queues for a turn. If
34 Danforth were two-way traffic it would have no effect on Hamilton and OCP. Art agreed
35 with Scott’s suggestion for this intersection. By creating a left turn lane, it will improve
36 it over a no-build situation. There is a low volume of traffic making a left onto Hamilton.

37
38 At the intersection of OCP and School Street, there are no roadway widenings proposed.
39 There is a plan to stripe out a separate right turn lane for south bound OCP to turn onto
40 School Street which is the predominant movement today. The level of service is an “F”
41 today and will be a “C” after the modification. There will be a pedestrian crossing in
42 place. Sue said that area is heavily residential and she said she would request the
43 minimum impact that traffic lights can have both in design and configuration. Scott said
44 they are planning to meet with the traffic committee to update them on the proposals.

45

1 At the intersection of Danforth Street/OCP intersection, it is proposed to have a single
2 wide lane approach which allows the opportunities for cars to get side by side but does
3 not force that condition. It allows cars to stagger and visibility is provided. A 4'
4 widening is proposed but there are no takings proposed. The road width will be
5 approximately 36'. The modification can be provided without impacting any property.
6 The level of service is an "F" and will be an improved level "F". They would not
7 recommend signalizing this intersection. Art said there will be gaps provided as a result
8 of other signalization such as at West Plain. Art said that if after monitoring initial
9 mitigation, there is a demand or need for exclusive left turn lane, that could be done in
10 the future. Art recommends monitoring 4 intersections, i.e., OCP/Riverpath,
11 OCP/Danforth, School/Hamilton and OCP/School. Ann said that in the special permit
12 those would be named specifically before determining a final mitigation list. Larry said if
13 mitigation is required as a result of the conditions that the Board monitors, the money has
14 to be in the covenant to do that. Ann said general language could be used to renegotiate
15 those terms.

16
17 Art said there are conditions that are common that require monitoring and still leave the
18 ability for further mitigation.

19
20 At Riverpath Drive and OCP, the existing pavement would be widened so that cars can
21 get side by side but not striping as such to require it. The roadway is narrow today (24')
22 and they propose a 30' roadway. The widening would occur in an easement that exists in
23 that area. He said the intersection operates at a level of "F" and will remain an "F". The
24 analysis is overly conservative, he said. A signal is proposed at West Plain and OCP and
25 that will positively affect this intersection. The analysis shows a result of 14 minute
26 delay. Art said the models have a limitation. As the demand increases and capacity
27 decreases, adding a one vehicle trip, independent of the project could add a 10 minute
28 delay, he said. He said the reality is the intersections are not going to work as poorly as
29 the models state.

30
31 Signalization is proposed for West Plain Street/OCP intersection. He said there is some
32 minor widening that is being considered farther back from that intersection. He said that
33 has yet to be discussed with the town of Wayland.

34
35 The intersection is not a Framingham intersection and there is not confirmation from the
36 town of Wayland that they will accept a traffic light there. Helen asked what the fall-
37 back position for that intersection would be should they not accept a traffic signal. Scott
38 said they are looking at the School Street/West Plain Street intersection or signalization
39 of Riverpath Drive/School Street. Scott said it may be necessary to have access to some
40 properties but there are no construction easements that are proposed. There will not be
41 landtakings. There may be some effect to private property on a temporary basis to allow
42 some of the work. Larry said when the Board goes through the covenants, the applicant
43 would have to have approval from the Town of Wayland before they could get building
44 permits. Larry said that the intersections should be addressed according to what phase
45 they are being modified. At the end of Phase I, if monitoring shows the improvements

1 are not going to work, there should be a mechanism to deal with density in Phase II,
2 Larry said.

3
4 Art said OCP/West Plain Street, while he recognizes the location is not in Framingham, it
5 is recommended. The estimate for that signal and roadway widening, retaining walls, etc.
6 is \$401,000. This should part of Phase I. Concord Street/School Street improvements
7 are estimated at \$420,000. OCP/Riverpath improvements are estimated at \$0 because
8 Art's rationalization was it is their access. VHB is estimating that work at approximately
9 \$800,000. OCP/Danforth Street is estimated at \$100,000. VHB's estimate is \$140,000.
10 OCP/Hamilton Street intersection modifications are estimated at \$47,000. Art
11 recommended that 25% design plans for the mitigation measures at each of the five
12 locations be submitted with the definitive sub-division of the site plan. Art said
13 approvals from DPW and traffic safety commission should be in place upon submission
14 of the site plan. Phase II mitigation of McGrath Square is estimated at \$650,000.
15 School/Hamilton is estimated at \$120,000 by Art's determination. OCP/School Street is
16 approximately \$330,000.

17
18 Helen opened the meeting to public discussion. Rene Mandel addressed the Board. She
19 stated concern with traffic on OCP and traffic entering right onto Riverpath. Rene said
20 that side streets would be more impacted than the applicant is presenting. Scott said in
21 relation to the traffic at Brownlea, it is closer to the curb than OCP. He acknowledged
22 that it was a difficult street to pull out of. The volume of traffic coming out of the
23 development is not such that it would be a constant flow, he said. Matt Zettek addressed
24 the Board and stated concern regarding foot traffic at McGrath Square. Greg Doyle,
25 President of Save Our Towns addressed the Board and said on behalf of the residents and
26 businesses, the traffic will be too much. If the Board considers expending \$2 million in
27 improvements where the levels of service will remain level "F", he hoped the Board
28 would consider downsizing the project. He suggested a lower number of units to produce
29 a level "B" or "C". Jeanette Burger addressed the Board and is an abutter to the project.
30 She stated concern with the traffic and thought the project would have considerable
31 negative impact to the neighborhood. Scott said the numbers projected for Riverpath
32 during the peak morning hour are 40% higher than industry standard projections.

33
34 Larry said that 3 out of the 5 intersections in Phase I are not moving from a level of
35 service of "F". He asked Art to look at downsizing to see if it would make a difference in
36 those levels. Art will address those concerns and pedestrian flow through McGrath
37 Square. Sue said a comment was made that there were intersections within 1000 feet that
38 were not reviewed and she would like them noted and the rationale for why they were not
39 studied.

40
41 Andrea Carr-Evans addressed the Board and talked about bicycle travel. She asked about
42 any proposals to consider access to the Cochituate Rail Trail. Jay said there is a report
43 from the Bicycle Coalition in the file. Helen asked for comments from residents of
44 Wayland. Mr. Layden, town official from Wayland addressed the Board. He said
45 Wayland has been talking with the developer regarding the intersection at West Plain.
46 They have not signed onto any commitment to that intersection because they want to

1 make sure they know the impacts onto other streets and intersections as a result of that
2 signalization. Once they have done their analysis they will report back to the Board, he
3 said. Eric Goldberg addressed the Board and said there was no discussion as to whether
4 the mitigation measure in Wayland was intended to offset the burden of the 25% increase
5 of traffic flow to Framingham or West Plain Street. Scott said the proposed improvement
6 at West Plain Street and OCP addresses the operational and safety deficiencies noted at
7 that intersection. He said it would improve the level of service from an “F” to a “C”. Jay
8 said they did receive a petition from residents of Wayland asking for modifications to that
9 intersection.

10
11 Helen stated that the public hearing would be continued to Tuesday, February 25th at
12 8:00 PM.

13
14 III. Nexum Development, Nixon Road

15
16 Stu Mayer and Rob Harrington were present. They stated that the detention basin will be
17 addressed with the Conservation Commission in the next week and a half. The well
18 regulations changed within the last two years. Ann hoped the Board would determine a
19 593 consultant regarding the waste water system and the legality of how the Board should
20 proceed. Ann was concerned that the applicant is seeking 26 waivers. The septic system
21 application does not show any details. Because the application was submitted with a
22 request for so many waivers, it has raised the anxiety among the neighbors, Ann said.
23 Stu thought they were not asking for technological, water, hydrological waivers without
24 thorough review. He said they have been in contact with the Board of Health and
25 Engineering and anticipates having to answer all their concerns and questions. The plans
26 are in process now, he said. Ann thought that their associating no cost to the open space
27 and open space residential development was inappropriate. She said she would not vote
28 for any reduction in the application fee. Ann said the application with the request to
29 waive so many of the normal regulations, would affect her ability to vote. Rob said that
30 having to deal with departments that want different things and working through their
31 rules and regulations, it was their hope to get all departments in agreement before
32 bringing the specifics to the Planning Board. Members were in agreement that the fees
33 should not be waived for the application. Sue suggested hiring a 593 review and urged
34 the applicant to complete the submission so that the departments and board members
35 could appropriately evaluate some of the issues that need to be discussed. Sue asked that
36 they withdraw their requests for waivers until they are known in reality. She further
37 hoped that the plan would be reviewed by a landscape architect. Jay suggested reviewing
38 the waivers after the staff review. He anticipated some conflicts that Rob was concerned
39 with could be resolved with regard to storm water, etc. The BOH has a 45 day clock in
40 order to provide a report to the Planning Board, Jay said.

41
42 Helen opened the hearing to the public. George Harrington addressed the Board. He
43 raised the issue that the plan provides no provision for access to abutting vacant land as is
44 required by section VII.P.2.e. of the Planning Board Rules and Regulations. He urged
45 the Board to require compliance to that requirement and not to grant a waiver to that
46 provision.

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The average size lot is approximately 20,000 sq.ft. The applicant has met with the Board of Health on some issues already. The roadway and septic are large issues with the BOH. Jay said there were a number of options for consultant review. Jay asked if there should be a 593 on waste water or if Bob Cooper was going to undertake that.

Helen said that the review would be continued to March 4, 2003 at 7:30 p.m. Jay said he wanted to discuss the 593 component and look at the plans with Karen in terms of submittal requirements, to determine what issues are incomplete, etc.

The meeting was adjourned

Respectfully submitted,

Nancy Starr-Ferguson
Recording Secretary

**These minutes were approved, with changes and/or amendments, at the Framingham Planning Board meeting of May 3, 2004*

Thomas Mahoney, Chairman