

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

MINUTES PLANNING BOARD February 18, 2003
--

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

The Chairman called the meeting to order at 7:30 p.m

I. Continued Public Hearing for Special Permit for Exemption from Parking Requirements and Site Plan Review Approval, 58 Park Street.

Helen said letters from the Building Department, Fire Department, Planning & Economic Development Department and Board of Health have been received. Lori Davis was present as the applicant. The Fire Department letter is dated in January. They did not understand that the right of way was the roadway, Laurie said. She has met with Fire Prevention staff. A clean letter from the Fire Department was received. The Board of Health and Planning & Economic Development had no comments. Sue referred to the letter from the DPW. They suggested moving the parking spaces in order to ensure a safer traffic flow pattern. They also suggested traffic flow signage. There is no fire access behind the building because of the undersized aisle width and they said the problem should be corrected. Snow disposal area also needs to be shown on the plans. Lori said a lot of the issues are “side” issues. The parking spaces do not change but the layout changes by utilizing the DPW suggestion. Lori said it was up to the Planning Board to require the change. They want markings so it is one way and they want five spaces moved. The vehicle pass is closer to the building. The access is one way in but two way in the other direction. There still will be handicap parking on the site. The 12” pipe will be changed to the one stipulated by the DPW. In relation to the storm drains are presently cleaned twice a year, she said. Sue asked if the plans were revised sufficiently to show the changes. Lori said they would be changed. Members concurred that all issues raised in the DPW letter were addressed.

**Motion by Tom Mahoney that the Framingham Planning Board close the public hearing for special permit for exemption from parking requirements and site plan review approval. Seconded by Larry Marsh. Vote: 5-0.**

In answer to a question, Lori said they are not putting any light poles on the site but will utilize shielded lighting from the building itself. The standard boiler plate language in the decision will need to be modified for this site. Lori will provide revised plans to Jay.

II. Continued Public Hearing, Special Permit for Use, Special Permit for Reduction in the Required Number of Parking Spaces, Public Way Access Permit, Site Plan Review, 501 Cochituate Road.

Attorney Peter Barbieri represented the applicant. Nick Palmer, civil engineer, was present as the Planning Board consultant. A letter was received from the Police and Fire Departments, Helen indicated. Peter said the main issue of concern was the access to the site. There was a comment from the Fire Department and a revised plan was submitted as

1 a result of that. He was surprised that there was still an issue with the Fire Department.  
2 A revised plan shows the Fire Department apparatus and tractor trailer maneuvering  
3 through the site. The site is for a storage facility use. Dave Alpert from Rizzo Associates  
4 could not be present but he has scheduled a meeting for this week with Joe Leone of the  
5 Fire Department. Presuming that Mr. Leone approves the issues, the other comments are  
6 standard comments. The water line is looped and they will put in fire detectors and  
7 sprinklers. Those items will be referenced in the decision. Peter said the plans show the  
8 looped water lines. Peter said a list of prohibitions, similar to the decision drafted for the  
9 self storage unit on Blandin Avenue (which will not be going forward at this point) are  
10 carried over into his proposed language for this decision. Peter said they have applied to  
11 the ZBA because the two story front section is proposed for an apartment for the  
12 caretaker. The entrance height of the island will be 8" above the roadway, Nick said.  
13 Nick said the lighting at the back part of the site is lacking. He said the by-laws do not  
14 require a minimum but he thought it was a question of the developer's insurance and rate  
15 setting. He said he thought personally it was an issue of safety. The lighting can be  
16 modified to strengthen the areas where it is weak. There is lighting on the ramp to the  
17 Mass Pike which possibly might help site lighting, Peter said.

18  
19 Nick said when a fire truck enters the site, it takes full advantage of the radius. The  
20 canopy protrudes 5' at the front of the building and Nick suggested possibly eliminating  
21 that or raising it to the second floor. Peter was amenable to that suggestion. Nick said if  
22 the doors swing outward on the three story building and a car is coming around, there  
23 may be a safety issue. Peter did not know the direction the door would swing and  
24 thought those were issues that are dealt with in the construction phase. Peter will make  
25 note of it for the decision. Regarding the C-2 drawing, the property line to the retaining  
26 wall shows 28'. Nick thought in his calculations it would require 30'. Nick did not think  
27 it was anything that needed to be determined this evening but something that should be  
28 looked at further and said it could be built but it would be a field condition. They are  
29 showing their limit of disturbance, and if they are going to hold to it, they are going to  
30 need field conditions, Nick said. Sue said rip-rap is noted there and asked if it was placed  
31 or dumped. Peter said it is referenced in the decision and it will be placed rather than  
32 dumped.

33  
34 Sue said she reviewed the decision document. She said she noticed that the mitigation  
35 cost was calculated at \$40,200 and asked how it was based. Peter said it was based on  
36 development costs of \$1,305,000. Sue said that with regard to traffic and parking, the  
37 site plan decision states the applicant shall provide and be responsible for traffic  
38 mitigation. The second paragraph states they are responsible for \$40,000 and then states  
39 the applicant shall issue payment to the Board for use for other off-site improvements  
40 including the downtown area. She asked if that was how Board members wanted the  
41 language. Sue was not sure it should be that definitive. Helen agreed. Possible  
42 language might be traffic improvements offsite or other areas as specified by the Board.  
43 Sue said the document references that the consultant was a landscape architect and he is a  
44 civil engineer. There is no irrigation but the standard irrigation language is in the  
45 document. Sue suggested the changes were minor modifications and edits. #26 states  
46 prior to the issuance of a "temporary occupancy permit" and it should state any

1 occupancy permit. Peter said some of the language was carried from the decision for 405  
2 Cochituate Road. Peter said in the Order of Conditions with the ConCom, they are  
3 required to clean out some of the illegal dumping that the gas station has participated in.  
4

5 **Motion by Tom Mahoney that the Framingham Planning Board close the Public**  
6 **Hearing for the application of Premier Holding Company, LLC, for site plan**  
7 **approval, public way access permit as well as special permit for reduction in**  
8 **parking requirements for 501 Cochituate Road subject to final review by the Fire**  
9 **Department for the outstanding issues. Seconded by Larry Marsh.** Discussion: Ann  
10 asked if the ZBA does not grant permission to have a resident manager, would that effect  
11 the decision by the Planning Board. Helen said it did not. **Vote: unanimous.**  
12

13 Miscellaneous Administrative: Members decided to assign meeting minutes of previous  
14 meetings. There are 8 sets of outstanding minutes that need review.  
15

16 Sue suggested that a letter be sent to the Ashland Planning Board regarding their review  
17 of the Rail Transit Village and another project that Fafard is doing. Based on prior  
18 studies that the Framingham Planning Board has done, there will be traffic impacts on  
19 Framingham intersections. She suggested that Ashland look at specific impacted  
20 intersections in Framingham for possible mitigation. Both projects will have 500 units.  
21 Members agreed that the Board should be on the record with Ashland.  
22

23 There was informal discussion regarding the stone wall on Kotsiopolous' property and  
24 documents requested from Nexum and Ford's Village. There is a decision for 281  
25 Concord Street and McManus in the package tonight. The Board acknowledged there is a  
26 submission by Depetri for mixed use.  
27

28 III. Public Hearing to Amend or Modify a Site Plan Review Approval, Exceptional  
29 Auto Body, 88 Blandin Avenue.  
30

31 Helen read the notice into the public record. Attorney Paul Galvani represented the  
32 Applicant. Sue said in looking at the plans, there were a number of required sheets that  
33 were not part of the plans. She said there was no cover sheet or index sheet, there was no  
34 FAR given on the zoning and there is no landscaping plan. She asked that in the future,  
35 all submissions should be complete. Joe Sullivan, engineer stated that there was a cover  
36 sheet. A floor area ratio was indicated, Paul said. The applicant, Robert Lopez was also  
37 present. Nelson Golden is the Business Manager and was also present. Mr. Lopez is the  
38 owner of the property and the owner of Exceptional Auto Body and Exceptional Towing.  
39 He purchased the site with the intention of constructing a building for his own business.  
40 He said the site has previously been before the Planning Board because it was  
41 contaminated from its long term use as an auto salvage yard. They have entered into a  
42 Brown fields Agreement with the Town which provides that they will clean up the site  
43 and pay 100% of the real estate taxes of the principal. The town has waived the back  
44 interest and penalties. The terms are contained in the agreement which has been signed  
45 by the Town. The Board's previous decisions for special permit and site plan approval  
46 were dated January 4, 2000, approving a storage and warehouse facility with a total gross

1 floor area of 28,620 square feet. It also allowed for storage of various vehicles and  
2 parking for 119 cars. Paul said the use is for Exceptional Auto Body. The gross floor  
3 area is 25,980 square feet. The FAR is 0.29. The footprint is 22,040 square feet. The lot  
4 area is 2.50 acres. The landscape open space is 23.6% or 21,150 square feet. Parking is  
5 shown at 82 spaces. Those spaces would be for temporary storage of vehicles and  
6 employees. Rob Lopez has demolished a concrete building and there is nothing on the  
7 site right now. Skater's Paradise is in the same location. Paul said the plans basically  
8 stayed with the site plan that was previously approved. There are six overhead doors and  
9 additional doors on both sides of the building. Paul said there is a landscaping schedule  
10 listed. Joe Sullivan will provide copies of the landscaping plans for Board members.  
11 Paul indicated that the building is metal sided. The intention is that essentially all the  
12 vehicles that are being worked on will be accommodated inside the building. The  
13 building will hold 40 vehicles. There will be a holding area for towed cars. The entire  
14 site will be fenced in. Mr. Lopez said they tow for the town and they are required to keep  
15 the vehicles in secured storage which requires lock-up for 24 hours. At times, cars are  
16 impounded and they remain for weeks. Nothing can leave without Police approval. The  
17 town likes a minimum of 26-30 spaces just for towing, he said. He would not consider  
18 renting spaces. His business does detail work, towing, mechanical repairs and  
19 inspections and he did not think 82 spaces were too many. He employs 15 people plus  
20 two truck drivers, he said.

21  
22 Rob said that a fence around the site will have plastic slats to shield the site from the  
23 streetscape. He did not think one would see much of the sight when they were driving  
24 by. The driveway opening is approximately 32' including the rounding. The building  
25 elevation is 18' at its highest height. The ridge is approximately 3 ½ feet higher. Sue  
26 said that would be visible over the fence. On the Blandin Avenue side the building will  
27 be decorative stone and appear different from the sides. Sue suggested landscaping to  
28 soften the view from the street. The detention basin which was shown on the previous  
29 plan will be utilized. The depth is 4' and the length is approximately 120'. It is 12' wide  
30 at the bottom. It is the same detention basin that was originally approved. The  
31 landscaping plan was done by Rico Associates and mirrored the last reviewed plan. It  
32 changed a little because of the bump out of the building. There are no letters from Town  
33 Boards and Departments. The next staff meeting is next week, Joe said. Ann referred to  
34 a letter from DPW dated January 11<sup>th</sup>. There are a few comments where they questioned  
35 the detention basin and if it was reviewed in the event of 100 year storm, details on the  
36 catch basin, and sewer connection. The Fire Department speaks to accessibility if it were  
37 a gated facility. Joe said it will be gated and accommodations will be made for the Fire  
38 Department. Ann said it was in close proximity to a residential area and asked how  
39 noisy an operation it was. Rob said the building he presently uses a steel building and  
40 has no insulation on the side walls and there is no problem with shop noise. The new  
41 building will be insulated. The body shop itself will be separated by a wall from the  
42 mechanic bay so all the noise will be toward the rear. Tom said he would be concerned  
43 with noise if the overhead doors remained open.

44  
45 Sue requested a detail sheet of the fence in the front of the site. Helen opened the hearing  
46 to public comment. Bob DeShaw addressed the Board. He understood it was a 24 hour

1 operation and the owner does Police towing. He questioned the amount of traffic in the  
2 middle of the night. Rob said there are 4-5 employees working for the towing company  
3 but calls that are done at night are more road service. After 10:00 p.m., his business is  
4 quiet. They do Police towing one week a month. Bob's concern was traffic over Blandin  
5 Avenue and school bus traffic flow. He asked the Board to look at that issue. Rob said  
6 the use will not generate a heavy impact on traffic in the area. A resident of the  
7 neighborhood asked about the sidewalk and pedestrian crossings. They are proposing to  
8 build a sidewalk. The gentlemen said children will pull the slats out of the fence and he  
9 suggested another type of barrier. He was concerned that towing vehicles will park on  
10 the road. He suggested "No Parking" signs be placed on both sides of the street because  
11 of the amount of car repair shops in the area. There are no "No Parking" signs there  
12 presently. Rob said the purpose is not to have the customers' park on Blandin Avenue  
13 and to provide the parking within the facility. Board members agreed to ask the Traffic  
14 and Safety Committee to address the issue of installing "No Parking" signs on the section  
15 of Blandin Avenue. The entire site is in the manufacturing zone. The drainage to Beaver  
16 Brook does not go through this site, Joe said. The detention basin outlet is into the street  
17 system. The site setback is 57' from the lot line. Ann suggested lining up the setback  
18 with that of the Grainger's site.

19  
20 Tom said he would like to ensure that the cars are not double-stacked. Members  
21 concurred that 82 spaces would be sufficient. Paul said they would not have a problem  
22 with that type of condition. The facility will be able to house 40 vehicles inside and  
23 allow for 82 parking spaces on the outside and therefore should prohibit the need for  
24 double-stacking. The dumpster will be behind the building. Most of the trash will not be  
25 visible on the site. Nelson Golden said as a member of the Board of Health and a member  
26 of the Keefe Tech School Committee, neither of those boards have any issue with this  
27 site. Ann suggested extending a nicer fence rather than the slats in the chain link and  
28 adding something to the neighborhood. She thought a sidewalk was a nice contribution to  
29 the neighborhood and she hoped they did not underestimate the contribution they could  
30 make to the look of this section of town. Sue and Helen agreed that the slats in the chain  
31 link fence should be revisited. A black chain fence might be an alternative, Sue and  
32 Helen said. Larry suggested that be taken under advisement for future discussion.

33  
34 Helen said the public hearing would be continued to March 18, 2003 at 10:00 p.m.

35  
36 IV. Informal Discussion, 1455 Concord Street

37  
38 Ron Gilfix addressed the Board. The site is a warehouse along Concord Street where it  
39 goes under the Mass Pike. Ron said he talked with Jim Sheehan of the Building  
40 Department and Jay Grande and they suggested he speak to the Board to determine if  
41 there were any issues he should address before applying for any type of permit. He said  
42 he is going to be opening a business called "Blossoming Sports Performance". He said  
43 the business is a generic sports training business. The facility is mostly open space with a  
44 60' track with a faster track. It is a 15,000 square foot warehouse. He said it is not a  
45 health club. There is limited amount of weight equipment. Over 70% of the clients are  
46 youth (under 18). Ron had a sketch of the site. Sue indicated that Jay had some concerns

1 of what was going on at the site. Ron did not have a view of the total park but he did talk  
2 to Joe Leone at the Fire Department, and he did not seem to have any issues with the  
3 proposed use. When you enter the site from Concord Street, there are 3 buildings in 6-8  
4 sections. He is anticipating using one section. The buildings are warehouse space and  
5 dead storage. There are loading docks in all the buildings. He will have to put in a  
6 handicap ramp on his unit. There is parking in the front of each area with dedicated  
7 parking. There are 19 spaces assigned to this space, he said. He said there are tractor  
8 trailers accessing the site but not on an all-day basis. The typical hours of operation  
9 would be 7:30-8:00 AM with a peak period of the business between 3:00-6:00 PM. He  
10 did not plan to open on Sunday but he would run a program on Saturday. The typical  
11 number of clients, in 90 minute sessions, would be 30. There will be one instructor per 6  
12 clients. He said there will be an occupational therapy component on site. Helen was  
13 concerned with the location of the loading docks and pedestrian traffic on the site to the  
14 access of the facility. He said there would be a viewing area where individuals could  
15 watch for their parents to pick them up or do homework. There is a driveway that goes  
16 along the back of the building, Ron noted. He did not think the truck traffic would  
17 impede his site. Larry asked if parents stayed with their children. Ron thought that the  
18 first time or two, parents would come in. After that, they would be more likely to drop  
19 them off and pick them up. This is a training facility, and there would not be any meets  
20 or competitions. Sue said the two biggest issues are the sufficiency of the parking and  
21 the safety issue with loading docks and trailer trucks with children walking in a parking  
22 lot. Ron said this would not be similar to a gym but more of a personal training facility.  
23 He said it would attract more of a professional athlete. The cost would be \$1200-\$1400  
24 per 50 sessions, so it would attract a more professional individual. Sue asked if they  
25 looked at the site on the corner of Franklin Street and Mount Wayte. He did look at a site  
26 closer to where Skater's Paradise is located. Sue suggested the site at Franklin/Mt.  
27 Wayte might be more suitable to his clientele due to the close proximity of the college.  
28 Another suggestion was Pinefield Shopping Center. Ron said he needs a site to  
29 accommodate a 60' track.

### 30 31 Miscellaneous Administrative

32  
33 Larry asked if members wanted to move into Executive Session to discuss Brimstone.  
34 Helen said given the financial conditions, Sudbury may not join in the suit. There were  
35 differing opinions of the Board's position on the case. Larry said the Board of Selectmen  
36 will ultimately decide whether to move forward with the case.

37  
38 Sue said that Karen Margolis is on the agenda for next week to discuss zoning articles.  
39 Tom said that the Planning and Zoning Committee will be talking about the zoning  
40 articles at their March 3<sup>rd</sup> meeting. Sue said the ZBA is moving forward with two  
41 zoning articles. Sue asked if the Planning Board was intending to work on zoning articles  
42 in order to get them ready for the deadline or wait until a special town meeting. Larry  
43 said that a decision was made regarding hours of Karen Margolis, and with Jay not  
44 having any help in the office, it is very difficult to plan on working on those articles  
45 before Town Meeting. Sue said she understood the staffing issue but thought the Board  
46 made a commitment regarding the mixed use article and the Over-55 zoning. Helen did

1 not think the Board was ready to bring that back to Town Meeting. The density was  
2 changed in the R-1 to address Town Meeting concerns, Sue said. Tom did not think it  
3 made sense. Helen concurred with Larry's comments in terms of preparation. Larry did  
4 not disagree but said it was not fair to burden Jay while he was understaffed. Sue said if  
5 Karen's position is cut after June, the zoning may be further delayed. There was  
6 discussion regarding funding of positions and budget cuts.

7  
8 **Motion by Larry Marsh and seconded by Sue Bernstein that the Framingham**  
9 **Planning Board adjourn the meeting. Vote: unanimous.**

10  
11 Respectfully submitted,

12  
13 Nancy Starr-Ferguson  
14 Recording Secretary

15  
16 *\*These minutes were approved, with changes and/or amendments, at the Framingham*  
17 *Planning Board meeting of June 15, 2004.*

18  
19  
20  
21 \_\_\_\_\_  
22 *Thomas Mahoney, Chairman*  
23  
24  
25  
26  
27  
28