

1 MINUTES
2 PLANNING BOARD
3 April 8, 2003
4

5 Those present: Helen Lemoine, Tom Mahoney, Carol Spack, Ann Welles, Larry Marsh
6 Also present: Jay Grande
7

8 The Chairman called the meeting to order at 7:30 p.m. She said Larry Marsh and Ann
9 Welles have asked to make a comment of personal privilege. Larry said that he was sorry
10 to see Sue Bernstein leave the Board. He thought she was the driving force in many of the
11 good things the Board has achieved. He spoke highly of her dedication, commitment and
12 contribution to the Town and Board in matter in which the Planning Board corners itself
13 with. Larry said he saw her as a mentor and will miss her presence on the Board. He
14 recognized Carol Spack as a new member and welcomed her on Board. Ann Welles said
15 she echoed Larry's sentiments.
16

17 I. Reorganization
18

19 Helen handed over the gavel to Tom Mahoney to oversee the reorganization votes.
20

21 **Motion by Larry Marsh nominated Helen Lemoine as Chairman. Seconded by Ann**
22 **Welles. Vote: unanimous.**
23

24 **Motion by Tom Mahoney to nominate Larry Marsh as Vice Chair. Seconded by**
25 **Carol Spack. Vote: unanimous.**
26

27 **Motion by Helen Lemoine to nominate Ann Welles for Clerk. Seconded by Larry**
28 **Marsh. Vote: unanimous.**
29

30 Jay will draft the appropriate letter to the Town Clerk. The gavel was given to Helen
31 Lemoine as Chair. Helen thanked the Board for their vote of Chairmanship. She said the
32 past year has been the most difficult the Board has encountered and thanked Board
33 member for their endurance over the past year.
34

35 II. Administrative Items
36

37 ANR Plan: 74 Nicholas Road Jay said there were some amendments to the plan
38 and John will address those. Attorney John DelPrete, Jr. represented the Applicant. It is
39 for David Brossi Realty Trust. It is presently the site for an automotive repair facility.
40 Condominiums are across the street to the right. The aqueduct abuts the property. Dave
41 said they are asking to split the existing lot into two lots. The ZBA allowed special
42 permits to build two two-family homes. They meet adequate square footage and frontage
43 requirements. Helen said the taxes have been paid and the Town Engineer recommends
44 endorsement with no special comments. Ann asked if each lot has its own access. Dave
45 said they will each have a separate driveway. A long time ago it used to be a gas station.
46 In 1987-88 the tanks were removed. The zoned B-2, 8000 square foot for residential use.
47 Jay said he wanted to make sure the ZBA decision is referenced and the plan and it is.

1 The abutters names are noted as well. There was a typographical error that will be
2 corrected.

3
4 **Motion by Tom Mahoney that the Framingham Planning Board endorse the**
5 **approval not required plan of land in Framingham, Massachusetts dated January**
6 **15, 2003 by Union Survey Associates for the owner David Brossi Limited Partners**
7 **for the sub-division of two lots shown as lot 817A and 817B as shown on the west**
8 **side of Nicholas Road. Motion seconded by Larry Marsh.** Discussion: Jay said the
9 purview of the Board concerning ANR lots is frontage and area and in terms of
10 complying with zoning, those are determinations made for an ANR plan. Jay said
11 another equation is that the frontage has to provide adequate access to the site. Ann did
12 take a look at the property. The Building Commissioner determines zoning. John said
13 the Board endorses the plan without sub-division approval which is required if the
14 applicant is building roads. Jay said the Board notes that there is a violation if there is
15 one. **Vote: 4-0-1. Carol Spack abstained.**

16
17 III. Update, CVS, 1280 Worcester Road

18
19 Scott Weiss and Mark Moreau from VHB were present. Scott stated they understood
20 CVS was on for a public hearing for April 28th. Scott said the special permits were
21 issued and received for the project. The store has been constructed. Several items are
22 outstanding. All of the necessary permits from Mass Highway have been obtained so
23 CVS can move forward with the mitigation at Route 9 with the signal timing and
24 changes. The posts are up and capable of being flashed. They are in the position to have
25 all the work done by the 28th. Through permitting efforts with Mass Highway, they
26 required a few changes. One was a modification to the signal timing and the right turn
27 out onto Route 9. Scott said they were able to convince Mass Highway to compromise
28 their requirements on some of the timing issues but he did not think there was ability to
29 compromise on the no right turn out onto Route 9. CVS is extremely interested to move
30 to completion and open their store. Scott said he recognized the Board is not ready to
31 entertain that discussion tonight but he was hoping to have some direction provided by
32 the Board to allow the project to open. Scott said another item is that there is stock ready
33 to go on the shelf. They would like permission to bring that into the store. Scott said he
34 has not talked to anyone about that option. Helen asked if the Board wanted to hold the
35 public hearing on the 28th or re-open the hearing. A subsequent traffic study was done
36 due to the fact that Mass Highway will not allow a right turn out onto Route 9, Scott said.

37
38 Larry said this was the 3rd time that the Board has heard the same issue. He said he did
39 not think the Board could comment on the specifics of the project but said this was a very
40 contentious process. There was a year's worth of hearings and the Board was precise in
41 terms of what it asked for. The entrance/exit onto Route 9 was important, he said. This
42 intersection is one of the top ten as far as traffic counts in Massachusetts and on one of
43 the busiest intersections. He said the major concern in the beginning with the Board was
44 to deter traffic off Temple Street. Larry said he would not oppose discussing it but would
45 be uncomfortable handling it as an administrative item. He thought it should be reopened
46 to public comment. If a 593 is to be hired, it should be done inside the public hearing
47 process, Larry said. Scott said he was hoping to get some direction from the Board to
48 help him make the process as beneficial and efficient as possible on the 28th. Jay said the

1 application would be a new application when the hearing is opened. He said it is called
2 modification but the Board would be starting at the beginning. Ann said there needs to
3 be 4 vote on the special permit and she stated she abstained the last time the project was
4 before the Board administratively. Jay said a new application would be filed and there is
5 a fee. It would be a new hearing. The site plan hearing could be reopened as a
6 modification to the site plan but the way the decision is structured is such that both
7 decisions have the same conditions and reference the same plan. Jay said for the purpose
8 of direction at this meeting, the applicant should file a modification to the site plan which
9 requires 3 affirmative votes and then a special permit application which requires a super
10 majority vote. There is advertising constraints and staff meetings involved in that
11 process. Scott said that CVS is placed at risk because they have spent construction
12 dollars and he questioned spending mitigation funds for the proposed signal
13 changes/timing. Scott said his advice to CVS would to not move forward. Mike said
14 CVS is adding a right turn lane and pushing the stop line farther back and Mass Highway
15 will not accept that. Mass Highway has indicated they will not allow an allocated lane
16 at that point.

17
18 Board members concurred that the public hearing would be the appropriate route. Jay
19 was asked to begin the public hearing the process, once the applicant has filed an official
20 application from CVS. Sue did not believe the Board needed to wait to hire a 593 until
21 that happened. Larry and Helen did not agree to hire the same 593 consultant that was
22 hired the first time. Jay would ask Art Scarneo of GPI if he had a conflict with providing
23 a 593 consultant review on this project. Jay said another option could be Bruce
24 Campbell. Larry suggested seeking proposals from both firms. Larry thought GPI might
25 be advantageous because they are involved in the review of the Boston Properties
26 mitigation. Scott said if it is going to be re-advertised for a new special permit, the issue
27 at hand is the right turn out and a modification that results from the elimination of that
28 turn. Jay said he would seek a legal opinion as well. Tom suggested Rizzo Associates as
29 a review consultant. Scott said CVS is willing to go ahead with the mitigation, but he
30 said again that it puts CVS at risk. That is a condition of approval, as a technical point,
31 Jay said. Helen said she would not advise him to advise CVS not to move forward with
32 the construction mitigation. Scott asked about stocking the store and if an occupancy
33 permit was needed. The Planning Board is the only department between them and an
34 occupancy permit. Larry was not in favor of allowing stock in the store. Scott asked
35 about locating trailers on site to house the stock. Larry said he would not want to see
36 trailers on a Route 9, visible location. He was not sure trailers would not be allowed
37 without a permit. He thought that was an issue for the Building Commissioner.

38
39 III. Continued Public Hearing to Amend or Modify a Site Plan Review Approval,
40 Exceptional Auto Body, 88 Blandin Avenue

41
42 Document 418 and 419 are the original approvals for the project which are referenced in
43 the proposed decision. Document 420 and 421 has 3 new conditions added.

44
45 Helen said that according to statute, Carol Spack as the new member, can not vote on a
46 decision where she has not sat on every hearing. Carol said she did have comments and
47 asked if she would be able to make comments on the draft document. Helen said based on
48 the policy on conduct that was delivered by the Board of Selectmen. There was some

1 discussion that she thought expressed a desire that people should not sit at the table when
2 they are sitting on a decision. Larry did not think it specifically said not to sit at the table
3 but it was specific about not participating. Ann said past practice has been that a member
4 does not participate in a process you did not sit on. If perhaps participation was earlier in
5 the process rather than at a concluding session of a public hearing, it did not seem
6 appropriate to incorporate comments from a new member. Tom said since the public
7 hearing is still open, Carol would have opportunity to make comments. She just would
8 not be able to vote on it. Helen and Ann disagreed.

9
10 Jay said there is a document from the Board of Health, 414-03. Prior correspondence was
11 received and reviewed which led to some additional conditions in the draft decision. Jay
12 said he wanted to hear about the ornamental fence because the Police have raised an issue
13 with that fence with regard with site line hazard. That document is #156-03. Joe
14 Sullivan said the height was changed to 6' from the 8'. Joe said they could consider
15 bringing the fence back 10-15' in consideration of the site line. The other fence is 8' off
16 the gutter line to provide for site distance.

17
18 Helen asked for consensus for process for someone who has not sat on the public hearing
19 and their participation. Helen thought this issue was separate from commenting during
20 the discussion of the draft document. Jay thought she could comment on the public
21 information that is available. He understood that customarily it has not been done but
22 technically he thought they had a right to do so. In terms of the vote, they do not have
23 ability to participate in that. Larry did not think it was appropriate to re-visit things that
24 have already been discussed but he thought the public hearing should be closed when the
25 Board is through and allow comments at that time because it is not new information at
26 that time. He was concerned about going through all the public hearings to revisit things
27 that were already done. Carol asked about the gate on the fence. Joe pointed to the gate
28 and where it was open. Steve Orr said he did not think it appropriate to interject a Board
29 members opinion who has not been involved from the very beginning. He also stated
30 concern about expressing any opinion after the hearing was closed because you are not to
31 entertain any new information at that point. He thought they should err on the
32 conservative side. Mr. Harrington said only the ZBA members who are sitting and
33 actually voting make comments. He wondered if the rules were different from the ZBA
34 and Planning Board. Tom said it may be a policy decision the Board needs to address in
35 the future but perhaps a decision should be made for clarity purposes. Carol said her
36 questions were more for clarification. Helen said this is the first of hearings that the
37 Board will have in the coming weeks with a new member sitting and she said she would
38 lean toward Tom's conclusion to deal with this as the 4 members who are voting on it.
39 Ann agreed.

40
41 Attorney Paul Galvani said he thought the outstanding issues were the choice of fence.
42 Rob Lopez had a choice of fences at the last hearing. He was looking at cedar, solid
43 wood fencing. In terms of landscaping, the original plan for the warehouse had been
44 reviewed and they tried to stick with that plan in this design. The only change that Joe
45 knew of he had landscaped the entire sidewalk in the old plan. All the landscaping in the
46 sidewalk was removed. Ann asked about the selection of fence. Rob said it would be a
47 cedar fence with a finished board across the top. It was square capped posts. It was cedar
48 and unpainted with the spike side to the inside. The fence would be held back as far to

1 the retention basin and the sidewalk to enlarge the landscape area. Joe said another
2 change in the landscape plan was the area up to the ConRail fence was landscaped and it
3 was not on the actual property. That area has been removed from the new landscape plan.
4

5 Helen asked for public comment. Paul DeMarco introduced himself. He asked about
6 truck entrance and the ability of trucks to block the street while waiting for the gate to
7 open. He said he would like to see sidewalks and no parking signs placed along the
8 street. He said there is a problem on Blandin Avenue presently with parking along the
9 street. He stated concern that there are a lot of body shops in the area and air quality in
10 the summer. Ann said at the last hearing, some of these issues were raised. She said that
11 she wanted to suggest language stating no tow trucks owned or operated with the
12 business will be allowed to idle or park on Blandin Avenue. Paul asked about side
13 streets. Ann said that condition could be added as well. Joe said there is room to stack 3
14 trucks before the trucks would back up onto the street. Rob said there are a lot of garages
15 that do not comply with the spray regulations but he will have 2 state of the art spray
16 rooms that are OSHA approved. He does not need permits from DEP. Paul said there is
17 a condition that they have to construct a sidewalk across the front of the property. That
18 satisfied Paul's concern. Larry asked about mitigation. Ann said there is mitigation
19 language in the decision saying there was sufficient mitigation in the area for other
20 projects. Paul said the primary mitigation was the sidewalk. The previous project had
21 filed a traffic report and the findings were due to the extensive reconstruction of Route
22 135, there was sufficient mitigation that the level of service would be acceptable. Jay said
23 this is a Brownsfield site and having it return to the tax rolls was a benefit. Larry said
24 mitigation is based on traffic impacts. Mitigation will be listed as the sidewalks,
25 Brownsfield and getting the property back on the tax rolls and improvements on Route
26 135. The value is \$625,000. That will be inserted in the body of the document. Jay will
27 update the fiscal impact standard based on the work. Joe thought the sidewalks would be
28 estimated at \$12-15,000. Larry offered language stating mitigation being determined at
29 \$18,000 with \$15,000 for the sidewalks and the remaining being waived. Marilyn Cohen
30 asked about crosswalks. There are no crosswalks. Paul said in comparison to the
31 Grainger Building, the setback is 50' and Grainger is 50.7'. Jay said the revisions to the
32 plan need to be noted in the decision, i.e. landscaping, detail on the fence, etc.
33

34 **Motion by Larry Marsh to close the public hearing on the special permit and**
35 **modified site plan review. Seconded by Tom Mahoney. Vote: 4-0.**
36

37 **Motion by Larry Mahoney that the Framingham Planning Board approve a special**
38 **permit for the application of RML Realty Company, LLC, for special permit for use**
39 **as outlined in the decision dated April 8, 2002 and to be amended to the language**
40 **discussed this evening, document #421-03 as amended this evening.** Paul Galvani
41 said that 3 conditions were added by Jay. #32 is verbatim as what is in the original
42 decision and the language that was put in under the conditions of approval incorporates 1-
43 24 of the original decision. Paul said 32 is a landscaping provision but it is in the body of
44 the decision. That will be deleted. The additional condition will be to the effect that no
45 trucks/vehicles used in connection with the business on the site will park or idle on the
46 public streets abutting or adjacent to the premises. Tom said there is no mention of the
47 towing. It was just a reference under hours of operation, Paul said. Tom realized that but
48 it is a proposed use so it should be added there as well. The document will be re-drafted

1 based on the comments of this evening and correct the numbering. **Motion was seconded**
2 **by Tom Mahoney. Vote: 4-0.**

3
4 **Motion by Larry Marsh that the Framingham Planning Board approve the**
5 **application of RML Realty Company, LLC, to amend or modify the site plan for 88**
6 **Blandin Street as outlined in document dated April 8, 2002 , document #420-03 as**
7 **modified this evening in discussion. Seconded by Tom Mahoney. Vote: 4-0.**

8
9 IV. Public Hearing for Special Permit for Mixed Use Development, Kendall Building,
10 79-80 Concord Street

11
12 The Applicant stated they propose are 37 units and 3 handicap units. Jay asked the
13 applicant walk through the building, off site parking and on site parking. Larry said this is
14 the first public hearing. The first time the Board heard the presentation, it was in an
15 informal discussion context.

16
17 The building is located along Kendall Street and Concord Street. There is access to a rear
18 parking area. The handicap accessible spots will be located in the rear of the site. There
19 is an existing ramp at the rear of the building. The second floor has a mix of two and one
20 bedroom apartment units. Utilizing the construction in today's code, all will be fire
21 rated. There will be a laundry room on each floor. The second floor is where the two
22 ADA units will be located. There will be a two bedroom and one bedroom which will be
23 accessed by a stair lift. The elevator is extremely small and will be refurbished but will
24 not accommodate a wheelchair. The undersized unit will be unit #208. Part of that area
25 is a ballroom presently and in order to accommodate means of egress through the area,
26 the back side of the ballroom will be partitioned off to accommodate the one bedroom
27 unit. The third floor has a mix of two and one bedroom units. The chair lift terminates at
28 the second floor. There is a fourth floor. The stairs for each of the floors is under
29 construction right now. The building permit was obtained in a filing with the town. Some
30 fire protection work is being done in the stair area as well. If Town Meeting approves
31 residential use on the first floor, they would have two units there. Helen referred Board
32 members to Document #401, Police Department Safety Officer Lt. Trask. He has
33 concerned over reducing the number of parking spaces. Document #417 from Donna
34 Jacobs in the Framingham Planning & Economic Development Department. Their
35 suggestion is all residential units comply with the minimum size requirements. They also
36 suggest the project may be too dense for the building. Further it suggests that some
37 amount of recreational amenities be provided on site. They also echo concerns about the
38 number of parking spaces. Jay referred to document #346-03 from DPW which also
39 includes comments from Engineering. Document #379-03 is from the Fire Department.
40 There were no issues from ConCom (Document #269-03), or Inspectional Services
41 (Document #343-03). Jay thought there was a need to have a meeting with the
42 departments to address some key concerns. The applicant stated they have received
43 copies of the stated documents. Jay said typically there is a separate meeting with DPW
44 and suggested the applicant schedule that meeting.

45
46 Ann asked about the rent. The range is \$1350 for 2 bedroom and \$1150 for 1 bedroom.
47 Ann asked about the location of dumpsters, delivery entrances and parking. The retail on
48 the first floor, the deliveries are through their front doors. The main entry to the

1 apartment units are on Kendall Street. The parking entrance is also on Kendall Street.
2 There is an egress door from the new stair tower, one in the front and one in the rear. The
3 entrance for the handicap is to the rear of the building where the ramp presently is. The
4 entrance to those two future units are right at their parking spots. There is a dumpster
5 shielded by a fence. The emptying of the dumpster will inhibit the handicap spaces
6 during the time it is being emptied. The applicant has not looked into modifying the first
7 floor façade. Ann asked if it was their intent. He said the cost is very high and until there
8 is a cash flowing process, the focus is getting the interior fixed. Ann said her concern
9 was the by-laws were written in such a way that the focus be on the architectural aspects
10 of the building and part of revitalizing the downtown in the design standards is to take
11 advantage of the historicity of the building. Helen read from the by-law. Document
12 #417-03 states the building's historic value. The applicant said there is no guarantee that
13 the original façade is underneath what is there. Once it is taken off, it has to be replaced
14 which he thought spoke to his concern of cost. Ann questioned replacing the undersized
15 apartment with an amenity. The applicant said the apartment is 17' below the minimum
16 size. He said there are several units where the maximum size is exceeded. He thought if
17 the unit were removed, it would then be used for storage. Because of the bearing wall, it
18 really can not be moved, he said. The wall is also bordering the wall to the stair. He said
19 that set up the configuration of the apartment.

20
21 Helen said the applicant is the first one to use the mixed use by-law and thought it
22 important that the community be the beneficiary of a solid project. Larry said the
23 primary concerns he would have are similar to the preliminary hearing. With regards to
24 the historic value and the external impacts of the project on downtown , he wanted to
25 hear other comments on the architecture. Larry said he was more concerned about the
26 external impacts of the project. There were concerns raised at the preliminary hearing
27 about parking. He wondered if they considered use of the parking garage that is being
28 proposed next to the Arcade Building. The Applicant said he was not sure when the
29 garage would happen. He said Mr. Perry also has a parking problem and until the garage
30 is built, that will not be rectified. Larry said if it is permitted after this is permitted and
31 the spaces are available, and a lease is signed with the Fitts' what happens at that point.
32 He said he would work out an arrangement with the Fitts' and lease closer ones to his
33 building. That contingency is taken into consideration in his lease with the Fitts. He will
34 make that document available to the Planning Board. Carol asked there was discussion
35 about sharing spaces with the town of Framingham. There was discussion about use of
36 the Town parking garage. Carol asked about on site play space. The applicant said the
37 by-law does speak to indoor recreation but she wondered if it was realistic to think the
38 public would use a common space outside their apartments. She thought the money
39 could be put elsewhere such as a park that is already established in the area. Another
40 strategy is to provide some sort of meeting space to be used by the local residents of the
41 building. The economics of that has not been addressed however.

42
43 Tom echoed earlier comments about the façade of the building. He said there are two
44 parts to the revitalization of the downtown. One aspect is to bring people through the
45 downtown through the residential aspect of it. The other is the historic aspect of it and
46 that is part of the restoration. He urged the applicant to find out what is underneath the
47 façade and if it could be repaired. Ann said while no one would be unrealistic about the

1 options for a building like this but thought there were creative ways to reestablishing a
2 feel for the original streetscape.

3
4 Helen opened the hearing for members of the public to speak. Gerry Couto addressed the
5 Board. Gerry said there is a requirement to provide parking for 8800 square feet of retail
6 which is another 44 spaces which has not been addressed. Gerry said he was in favor of
7 the development of this building but urged the Planning Board to hire 593 design
8 consultants and if the first floor is not changed to reflect more the historic nature of the
9 building, it should be denied. Marilyn Cohen addressed the Board. She thought the idea
10 of having first floor apartments was a good one. She did not know if the handicap spaces
11 had been addressed for the businesses on the first floor. Marilyn was not sure if a
12 chairlift was acceptable to ADA. The applicant said the handicap units will have laundry
13 facilities in their units. The chairlift is the same chairlift that is in the Town Hall. It does
14 meet ADA requirements. Another way to facilitate getting to the second floor from the
15 first floor is similar to a lift but is more like a shaft. Until and if Town Meeting approves
16 those handicap units on the first floor, plans have to be made to accommodate those units
17 on the second floor. Donna Jacobs addressed the Board. Donna said she thought the
18 project could work and urged all parties to work together to come to solutions. She said
19 the development impact statement has been filed for the Arcade Project. She thought it
20 might be advantageous to have a meeting with them. Todd Robecki addressed the Board.
21 He said he supported the concern of the façade improvement. He thought most of the
22 original material was still in tact on the facility at least on the first floor.

23
24 Tom said at the last informal discussion, there were concerns relative to residential on the
25 first floor. Tom said the Board wanted to see that happen as well. Larry asked about a
26 593 design review. Carol thought someone with historic background would be helpful.
27 Donna Jacobs had a list of names she could make available. Tom asked if there were
28 any construction issues that would interfere with downtown traffic, etc. There are no
29 concerns on the interior that will impact the sidewalks, the applicant said. Jay asked if a
30 traffic study was needed. Members did not believe one was needed. There are impact
31 statements that will need to be expanded. Ann referred to document #419-02 raises the
32 issue that perhaps the project will be subject to MEPA review. It is in the National and
33 State listing of historic register. It is within the district but not as a specific building,
34 Diane said. Jay said it is in the certified district. Ann said if it is listed or within a
35 district, it has the same status. Ann suggested they look into whether they have to do a
36 MEPA review. Helen said a 593 is a peer review so the applicant will need to submit
37 something for him to review. Jay will work out a timeline with the applicant.

38
39 Helen stated the continued public hearing would be held on May 5th at 8:30 p.m.

40
41 V. Miscellaneous Administrative

42
43 Ann referred to the meeting minutes of January 2nd and indicated some grammar
44 changes. Page 3, line 22: strike words “highway overlay was not done”.

45
46 **Motion by Tom Mahoney that the Framingham Planning Board approve the**
47 **minutes of January 7, 2003 as amended. Motion seconded by Larry Marsh. Vote:**
48 **4-0. Carol Spack did not vote.**

1
2 Ann referred to some grammar errors and missed words. On Page 4, line 4: insert the
3 word “definitive” before the words site plan review phase.
4

5 **Motion by Larry Marsh that the Framingham Planning Board approved the**
6 **minutes of January 7, 2003 as amended. Motion seconded by Tom Mahoney. Vote:**
7 **4-0. Carol Spack did not vote.**
8

9 Helen referred to the meeting minutes of January 21, 2003. She noted spelling and
10 grammar changes.
11

12 **Motion by Larry Marsh that the Framingham Planning Board approved the**
13 **minutes of January 21, 2003 as amended. Motion seconded by Tom Mahoney.**
14 **Vote: 4-0. Carol Spack did not vote.**
15

16 Jay said the traffic study for 500 OCP came in late today for Hardy Street. The Notice of
17 Decision was filed late on that project and the appeal period is still running on it. They
18 wanted an extension to June 30th. Board members concurred.
19

20 Farm Pond off Dudley/Cushing site
21

22 Larry stated the Senior Center Study Committee is scheduled on the warrant for the
23 Annual Town Meeting. Larry said it was the intent of the developer at Farm Pond, that
24 \$500,000 would be available for a senior center, if not on site at Farm Pond then
25 elsewhere. Larry expressed concern that the second phase of Farm Pond was not going to
26 come on line and he wanted to pursue the funds. Jay thought it important that Town
27 Meeting take a vote on what they are going to do and then collect those funds for a
28 specific building fund for wherever that building is being proposed. Jay said there is no
29 ability to put it in a reserve fund. Jay said he did speak to the owner who said he would
30 abide by the commitment of \$500,000. Larry said the money should be set aside for the
31 senior center and he was concerned the funds would go into the general fund. Larry
32 thought Jay should seek advice of Town Counsel. The \$500,000 is tied to Phase 1 and is
33 bonded and is at the Board’s discretion, Larry said.
34

35 Larry said separate from those funds was traffic mitigation. Originally there was
36 \$589,000 for traffic mitigation. Approximately \$85,000 has spent at the Board’s
37 discretion on projects but Larry stated there were been no traffic impacts in the area as a
38 result of the Villages at Farm Pond. Larry said there is a clause stating “at the discretion
39 of the Board monies can be allocated for other offsite traffic improvements or another
40 benefit within the study area for the senior benefit”. Larry proposed getting the traffic
41 consultant on board to ensure that the funds are no longer needed for traffic. If that is the
42 case, the Board can deal with the reallocation of the funds for a site area for the seniors or
43 whatever is appropriate. Helen thought that was a good idea. Members concurred to
44 having a traffic study to conclude the issue.
45

46 The Chapel parking lot: They did not get the grant for the chapel parking, Jay said. The
47 money is probably encumbered, Jay said. Helen raised the issue of writing a letter asking

1 that the funds be returned if they are not going to be used for that issue. The Board had
2 matched money for a specific grant. Jay will follow up.

3
4 Carter Drive Extension (wall) Ann asked about Chris Kotsiopolous planting plan.
5 Jay said he would get copies of the plans. Ann said Kathy Vassar made a request of the
6 neighbors to notify Jay when lots are released. Ann suggested putting more onus on the
7 applicant to do such things. If notification needed to be expanded it easier to do it that
8 way, Jay said.

9
10 Carol asked what the status was of the special permit decision for the PUD. Jay said it
11 was still in draft.

12
13 Carol referred to an article in Monday's Globe describing a filing by John Stasik
14 challenging the status of the referendum petition. She thought the Planning Board should
15 issue a statement regarding the quote of one its members. Helen urged the Board not to
16 make a statement. There was discussion regarding comments in the article and
17 suppositions of who had hired whom for legal counsel. Helen noted that the Design
18 Review Committee is appointed by the Planning Board but they are out of the purview of
19 the Planning Board. Helen said she will speak to Chris Petrini regarding the topic.

20
21 Helen said the final copy of the draft decision for the PUD is still in edit process. She
22 hoped it would be in the packet for next week's meeting. In the interim, Helen said a few
23 things have come up. She recommended the Board reconsider the motion on the PUD.
24 She suggested if the motion passes, the Board reconsider the discussion next week.
25 Helen said it is customary that the Planning Board review the decision document and then
26 reaffirm the vote before signing and filing it. Also, it has come to her attention that
27 although the public hearing was closed earlier in the evening, the original vote was taken
28 well after midnight. In order to be in full compliance with the Planning Board rules and
29 regulations, a re-voting would be advisable. A motion to reconsider would allow the
30 Board to do that next week. Chris Petrini said that would be acceptable. Jay would then
31 have the draft next week and the Board could point to any modifications that may be
32 necessary. This will not be opening the public hearing. It will be a public meeting. The
33 public can not participate in it. Chris will get a copy of the decision.

34
35 **Motion by Ann Welles that the Framingham Planning Board reconsider the vote of**
36 **last week meeting regarding the PUD. Motion was seconded by Tom Mahoney.**
37 **Vote:4-0. Carol Spack did not vote.**

38
39 **Motion by Ann Welles that the Framingham Planning Board table reconsideration**
40 **to a time specific, 9:30 p.m. on April 15, 2003. Motion was seconded by Tom**
41 **Mahoney. Vote: 4-0. Carol Spack did not vote.**

42
43 That will be part of the administrative agenda. Carol asked about seeking advice of
44 Town Counsel of future matters that come before the Board and her participation as a
45 new member. Ann thought it was more a matter of process.

46
47 Maple Farms Sub-Division: Board members discussed document #407-03. This deals
48 with the bond amount. Jay said that basically the Town Engineer provides a bond

1 estimate for the subdivision improvements. Once the Board approves that, it allows the
2 applicant to seek a performance guarantee for the subdivision improvements.

3
4 **Motion by Larry Marsh that the Framingham Planning Board approve the request**
5 **for bond as outlined in the Town of Framingham DPW letter dated April 4, 2003 for**
6 **\$301,400 for Maple Farms Sub-division and as stated in document #407-03. Motion**
7 **was seconded by Tom Mahoney. Vote: 4-0. Carol Spack did not vote.**

8
9 Budget Update: Jay said he has not received a response from the Town Manager. Larry
10 expressed concern about operating without an assistant. There are legal issues in terms of
11 filing and access to deal with. Larry said if it can not be resolved, it should be taken to
12 Town Meeting. Members concurred. Jay will speak to the Town Manager tomorrow.

13
14 **Motion by Larry Marsh that the Framingham Planning Board adjourn the meeting.**
15 **Ann Welles seconded the motion. Vote: 5-0.**

16
17 Respectfully submitted,

18
19 Nancy Starr-Ferguson
20 Recording Secretary

21
22 **These minutes were approved, with changes and/or amendments at the Framingham*
23 *Planning Board meeting of May 10, 2004.*

24
25
26 _____
27 *Thomas Mahoney, Chairman*
28
29