

Framingham Planning Board Meeting August 5, 2003

In attendance were Helen Lemoine, Chairperson, Larry Marsh, Vice Chairperson, Anne Welles, Clerk, Tom Mahoney and Carol Spack. Also present were Jay Grande, Planning Board Administrator and Carol Pontremoli, Administrative Assistant.

Meeting was called to order at 7:40 pm

Administrative

ANR Plan – 265 Mt Wayte Avenue – deferred to next meeting, Tuesday, August 12, 2003 according to Jay Grande.

49 Edmands Road – Sanctuary at Hop Brook Definitive Subdivision

Jay Grand referenced document number 736-03, a memo from Valerie Mulvey, Town Clerk which certifies that no Appeals were filed in connection with the Definitive Subdivision Plan entitled the Sanctuary at the Hop Brook. Jay Grande asked the Board to review document number 739-03, the proposed Covenant Contract for the Sanctuary at Hop Brook to be signed by the owners and majority of the Board Members. Jay Grande also noted that the Board will be endorsing the plan for recording.

Applicant and owner are present. Contract will be signed by Planning Board Members and Applicant (brought the plan back to their offices for more signatures and notary stamp).

**Motion by Larry Marsh to Execute Covenant Contract and sign the plan.
Seconded by Tom Mahoney.**

The Vote was 4 in favor, 0 opposed and 1 abstaining. Carol Spack abstained, since she was not on the Board when the hearings and review commenced for this subdivision.

Members to sign contract

Members to sign plans.

Enterprise Car Rental – Moved to September 9, 2003 agenda per Mr. Joseph Jenkins.

740-03 Parkside Senior Service, LLC – Jay Grande asked for deletion in terminology specifically to delete the words capping the mitigation dollars for the off-site traffic improvements for Phase II. Larry asked for a recap. Jay said the Town of Framingham will received \$500,000 for the Community Center and \$80,000 for remaining offsite mitigation in Phase I.

The cost for off-site mitigation in Phase II is \$399,000 which is the estimated cost. The terms and conditions of the Decision continue with the Special Permit until the

Commencement of Phase II. When Parkside sends the checks for \$500,000 and \$80,000 it should be kept in a separate account for Senior Center.

Larry express thanks to Jay for all his hard work on this project.

Motion by Larry Marsh to endorse and support the letter dated July 23, 2003 as amended correspondence #740-03 which provides agreement in payment for Phase I mitigation from Parkside Senior Services, LLC as amended.

Tom Mahoney seconded the motion.

Vote 5 approve and 0 oppose was unanimously in favor.

Wal-mart – Jay Grande reported that nothing is happening with the landscaping. The Board suggested Jay write a letter to Wal-mart outlining the following items; Landscaping needs to be corrected and also that a parking lot lamp which is down and will need to be repaired.

Helen asked the Board if they agreed with Jay sending the letter.

The Board agreed.

Salem End Road/Temple Street – Jay let the Board know that Rich Howorth will be assigning a purchase order number which the Opticom installation can move forward tomorrow on Wednesday, August 6, 2003.

Associate Member –

Helen requested the Board to pick a date to go before the Board of Selectmen to choose an Associate Member for the Planning Board. Jay spoke with Karen Potter via e-mail that Jim Lagerbom was the only applicant. The Planning Board will be available either September 4 or September 11 to go before the Board of Selectmen. A majority of Planning Board members will need to attend.

Ford's Meadow, 45 Nixon Road

Jay gave a brief update. GZA is looking at storm water, septic and wells. The hearing is scheduled for August 12, 2003 and will have information available on the storm water system. The Board's attorney, for certain questions on this application Mark Bobrowski will provide input on the one lot versus the multiple lot questions.

Ann asked if the Board will have enough information at that meeting. Jay mentioned GZA will have sufficient information on storm water, but will need additional time to review septic and wells.

Inclusionary Zoning By-Law

A final draft has been produced and will take the drafts back to the different groups and also Housing Partnership, Sam Swisher's will administer it. Joe Mikielian's group will enforce it. A draft could be adjusted within 2 weeks after the Board reviews and makes any changes and then it would be possible to have By-Law, completed by November, 2003. A review of the draft By-Law is scheduled for the Board's meeting of September 9, 2003.

1255 Worcester Road, Dimple, Inc. dba Quiznos

Jay noted there are going before the Zoning Board of Appeals for hearing but doesn't feel it comes under Planning Board's review. There are traffic control circulation issues and applicant has not made any appearance before us. More important the ZBA should be aware of these issues. Helen mentioned she has serious issues regarding parking and traffic circulation. Jay suggested he and Donna draft a letter to applicant.

New Applications

1065 Grove Street for Scenic Road hearing where the individual wants to reconstruct the stone wall. The applicant is David DiPietri

Derby Street Extension a subdivision for single family homes with less than 12 lots. The applicant is Riverpath Associates, LP, and National Development.

Route 126/Route 30 Intersection Improvements

Larry Marsh asked about the Route 30 median strip. Jay Grande defers to Ann Wells. She mentioned there is a continuation of how best to use the money. Jay and Ann met with Peter Sellers, DPW because they wanted to start a new hard-scape standard for DPW using vertical granite curb, cobblestone then another granite curb. Ann also noted there is a new wrinkle that Mass Highway needs to approve that hard-scape as acceptable detail. That is happening at Route 30. Two issues came up, first is Mass Highway may not wish to pay for the cobblestone element and second is that the specifications for the retaining walls due to cut in grade to widen road. The retaining wall is approximately 4 feet high and 100 feet long. DPW asked if it were possible to stone face the wall to be consistent with other walls in the area. The estimated cost would be between \$40,000 and \$50,000. Tom Mahoney remembers Mass Highway has 10% cap on increases to the project and anything above 10% will need to be funded by the Town. Helen thought the Town would need to check to make sure this is a separate line item not to impact 405 Cochituate Road

Larry asked if the wall is on private property. Carol Spack wanted to know if they would be able to replace the lost trees and could they bring this up with Peter Sellers?

Kathy McCarthy, Precinct 10

Regarding TIP- didn't they have an open meeting? She is surprised that someone didn't catch the wall issue before now.

Helen responded that this has been a ten year project there have been many eyes viewing this project and changes. The issue could have slipped through. John Bertorelli, Town Engineer did go to Town Meeting regarding the easements.

Ann responded to Kathy's surprise by saying how Pete Sellers is working very hard to limit these kinds of omissions.

Helen gave a point of interest which is any mitigation money earmarked for general areas, she would like to allot some money to aesthetically improve Hardy and Concord Street by removing the jersey barriers, etc. She suggested perhaps the Selectmen and Planning Board along with DPW can work on this.

8:40 pm - Public Hearing

FABCO, Public Hearing for Modification to a Scenic Road and Public Way Access Permit for 140 Winch Street

Helen read the public notice into the record then asked Jay to give overview
Jay introduces Fermo Bianchi, the applicant who is asking to increase the width of the existing opening in the stone wall by four feet on each side. The stone wall is currently 13 feet. Mr. Bianchi would like to increase the opening to 21 feet. (On North side, 100-150 feet from Grove Street) Jay stated the Plan and Application were circulated to Planning Department, Board of Selectmen, Tree Warden, Public Works, and Town Engineer and Traffic and Safety Officer.

The Tree Warden, Danny Nau was in attendance and noted there were no trees involved.

Ann Welles mentioned the By-Laws say if the driveway is for a single family home it shall not exceed 12 feet with 2 feet on either side. Ann has had an opportunity to conduct a site visit to assess the site distances at the proposed driveway entrance. She drove by the site area twice in both directions to assess the increased opening and was asked what it looked like? Ann stated there was no site distance issues and notes it is one of the straighter parts of Winch Street.

Mr. Bianchi mentioned he would be turning in the ends of the stone wall and reusing the stones so it is rounded.

Helen asked Jay how quickly they could have information from other departments.

Motion by Tom Mahoney to approve Modification to a Scenic Road and Public Way Access permit for 140 Winch Street subject to approval from Department of Public Works consistent with the dimensions permitted in the Scenic Road By-Law.

Seconded by Ann Welles

Voted 5 in favor with 0 opposed

9:00 pm

Continued Public Hearing for Special Permit for Mixed Use Development, Kendall Building 79-80 Concord Street

In attendance is Joel Irving, Developer; Paul Galvani, Attorney. Jay updated the Board and noted the topics of question for tonight are:

number of parking spaces, proposed location (short & long term); level of agreement on consistency for the Planning Board; archival access issues (upper level of building's egress from ground façade, roof top equipment & windows).

Paul Galvani spoke on Issue 1 – Parking Spaces. The application was to provide 30 parking spaces. Mr. Irving's hope is to get immediate abutting parking. If not he would need to have a fall-back position.

Ann wanted to know what the parking requirement would be. Paul Galvani answered by saying they did not want to provide leases but would like to provide permanent parking to residents. Mr. Irving commented that the parking is greater for business use than people living there. He further noted he spoke with some neighboring businesses and Fabric Store does not want to do long-term parking leases.

Jay mentioned under Section 4.B.2.a, Proximity to Principal Use requires off-street parking facilities shall be provided on the same lot or premises as the principal use they are intended to serve, or a lot in the same ownership adjacent to such use. Joel suggested long term parking in the parking garage on Park Street as back up.

Helen would like to have something in writing if Joel loses the short-term lease parking. Larry, Ann, Carol & Tom discussed the pros and cons regarding the safety of residents walking to and from the town garage. Joel also mentioned if the Arcade development goes through, he will have some lead time to look for other alternative parking areas. Some suggestions would be the train station, behind the Arcade or overnight parking on the streets. Other topics discussed were law enforcement in the downtown area could be increased which would provide revenue, discussion with being a suburban home owner versus an urban city dweller.

Bob O'Neil, resident spoke about downtown parking and notes this would be a test case and would require compromise and he urged the Planning Board and stores to compromise.

Ann feels the parking garage should not be a fall-back. Commercial use should not be applicant's sole responsibility. Tom would like to see something from the Town that 30 spaces would be lost in the garage.

Sue Bernstein noted she was on a downtown parking committee and they saw one big impact would be stores/business owners using on-street parking and customers would not have spaces due to employees parking at the meters.

Issue 2 – Rooftop equipment and windows

Paul Galvani said the plan was for the front of Kendall/Concord Street to stay consistent with the current building but not the back of the building. A question was asked if the façade falls under the historical commission's jurisdiction. Paul Galvani said they would require a building permit not a demolition permit which triggers actual requirement to go before the Historical Commission. Joel Irving is working with Epsilon Association which is a historical consultant.

Jerry Kudos, Vice Chair of Historical Commission for 6 years said no one has given him any presentation on this building.

Sue Berstein would like to know what treatment would be given on the southerly side.

Joel said that Epsilon would match the brick currently on the building. In addressing the roof top equipment, he said there is none; it is all located in the basement.

Carol Spack referenced Section 5.3.3 of the Zoning By-Law for the source of the Planning Board's jurisdiction.

Access Issues

Ann assessed the value at \$946,000 and the project value of \$1,000,000. She would like to establish parameters for compliance and how it is going to effect doorways and business and façade?

Joel answered these equivalent accommodations ratios of units are on the first floor. There is a question whether they go on the first floor or the second floor. It has been his intention to be ADA complaint and for the Board's information, Massachusetts has its own handicapped code which is 521 CMR which is their own version of ADA. The language is the accessibility to equivalent accommodation to the code and the code specifies certain numbers of units to be compliant which is a ratio. We are compliant. The question is do they go on the first floor or the second floor? It is our intention to comply fully. Ann is pressing for an answer as to all floors having elevators.

Mark Dempsey, MetroWest Engineers has gone to Architectural Access Board for a determination; he understood there would be a need to have elevators on every floor. Mr. Irving explained the handicapped accessible units would have laundry lookups on every floor but mailboxes would be on each handicapped door with the rest of the mailboxes in the front lobby. There would be a two-stop elevator. A suggestion was made as to what an exterior elevator would cost to build? Mr. Irving said it would cost three times that of an interior elevator.

Helen noted they were going for a variance through the Zoning Board of Appeals that has already been denied by the Town. Paul Galvani felt they could get a variance through ZBA. Helen wanted to know if the ZBA did not grant a variance, what were they going to do? Paul noted they have a fallback proposal which would be the ADA chairlift. Jay is concerned with setting a precedent that would open up all units being placed on the first floor. Carol Spack asked Paul Galvani if he could give references and sources. Paul quoted Zoning By-laws 40.A.10 for no prohibition against use variance.

Ann felt she would rather stay mute than speak before ZBA and asked why the Town turned it down? Helen supports this but would not like to be part of president to overturn Town Meeting decision. She would not like to recommend a decision contrary to Town Law. She would not support sending a letter to the ZBA.

Tom did not agree with the by-law and indicate to ZBA that the Planning Board supports the units on the first floor.

Carol Spack would not support this in principal.

Kathie MacCarthy, Precinct 10, had reservations and appreciates the Board's comments and concerns on segregation.

Sue Bernstein thought the application with the ZBA sets a precedent and it is a risky president.

Mark Dempsey wanted to know if the existing elevator was working. What are the measurements of the elevator car? What is the measurement of the shaft? He also wanted to know how many entrances including the two units on the first floor?

Joel stated there are two entrances. The apartments on the 2nd, 3rd, and 4th floor has 2 egresses. There are two entrances on the main floor for the upper levels and only one entrance on the first floor units which are in the back.

John Stacy, Town Meeting Member and ADA noted that Town Meeting did not pass this; someone thought it would be a sub-standard project.

Helen asked for a consensus from the Board Members to write to the ZBA. Carol and Ann both would like to write to oppose this, Larry is going to abstain, and Tom is not opposed to two units on the first floor – but wished they could be on an upper floor. He would choose not to write to ZBA. Final consensus is not going to oppose it and that it is up to the Zoning Board of Appeals.

This will be continued to September 2, 2003 at 8:30 pm

Sue Bernstein noted she was in favor of the project but it has to be done well!

Jay had a comment on design standards for the façade; the building should reflect compliance with codes.

Public Hearing portion of the meeting is completed at 10:55 pm

Administrative

GPI (734-03) Route 9 at Temple Street Concept Plan

Jay forwarded a request to Art Scarnio on the concept plan and notes it is on the schedule for Tuesday, August 12, 2003. He asked Mr. Rosenfeld for a refresher on the site plan review and on the 9/12 interchange road improvements.

Mr. Rosenfeld had submitted notes on what the Mass Highway Department had in mind. Jay asked the Board to take a minute to read Mr. Rosenfeld's notes. MHD's goal is to eliminate the jug-handle and to do this with the least amount of disruption. Art Scarnio listed in priority his views. Carol Spack applauds this endeavor.

There is a meeting scheduled for Tuesday, August 12, 2003 for a discussion.

Kathie McCarthy, Precinct 10 is amazed this is being discussed after the 11:00 pm hour instead of during a regular administrative time slot. She would like this continued.

Ann asked about Vernon House. Helen would like to schedule a time for them to come in to give a 45 minute presentation. Helen suggested a Tuesday in October, 2003.

Larry asked about CVS. He suspects they will be coming before the Board next week to ask for an opening date. He also asked if there has been a review of the traffic flow since they turned on the lights at Salem End Road.

Helen asked the Board if there were other items.

Vernon House – center common not in district and wants to go to Town Meeting. They would like to have them come in to give a presentation approximately 45 minutes long.

Helen noted they could put it on the agenda for maybe October, 2003.

Larry asked about CVS. He noted they will be coming in next week asking for an open review of traffic flow since the lights have been turned on at Salem End Road. How are we the Planning Board going to review this?

Jay has not funded 593 review requests. They received limited input, mostly negative relative to the timing of the lights.

Helen noted the Board needs to be aware of CVS giving the public information on opening soon.

Jay will make them aware of Board's uncomfortable on signing off next week. Jay should give CVS a warning to not open and to have them give us reports and will not be given a permit without this information.

CVS has a website saying it has a store on 1280 Worcester Road and it lists hours of operation.

Moved to adjourn

Motion by Larry to adjourn

Seconded by Tom

Voted 5 approve and 0 oppose

Meeting adjourned at 11:30 pm

Respectfully submitted,

Carol A. Pontremoli
Recording Secretary

****THESE MINUTES WERE APPROVED WITH AMENDMENTS AT
THE PLANNING BOARD MEETING OF JANUARY 25, 2003.**

Helen Lemoine, Chairman