

FRAMINGHAM PLANNING BOARD MEETING
August 12, 2003

Present: Helen Lemoine, Chairperson; Larry Marsh, Vice Chairperson; Ann Welles, Clerk; and Carol Spack. Tom Mahoney came at 7:50 pm
Also in attendance, Jay Grande, Planning Board Administrator, and Carol Pontremoli

Meeting came to order: 7:30 pm

I. Administrative

ANR's

265 Mt. Wayte Avenue – continued to September 9, 2003

14 & 24 Second Street – continued to September 2, 2003

Helen explained the Board would like to entertain a motion to table the hearing on 45 Nixon Road until after discussion of Route 9/ Temple Street and CVS, 1280 Worcester Road.

Helen asked for a Motion to table the Public Hearing on Ford's Meadow, 45 Nixon Drive until after both Route 9/Temple Street and CVS.

Larry Marsh made the motion

Seconded by Ann Welles

Voted 5 in favor and 0 opposed to table Ford's Meadow until after Route 9/Temple Street and CVS

Administrative Business:

Associate Member's position -Jay noted the Board of Selectmen selected September 4, 2003 to have a joint meeting with the Board of Selectman. The Planning Board is required to meet with the Selectman regarding the Associate's position on the Board. Jim Lagerbom is the only candidate. Jay will ask for a September meeting.

Doeskin II - Jay would like to hire a 593 person for the 81W Hearing for Doeskin II project. He would like to approach applicant for funds and then follow with getting proposals. He asked Ann how we can prepare ourselves and have Jay outline the major issues for some preparation.

Jay knew of one consultant, Nick Palmer who he did another project and did it well. This will be for storm water. Jay is open to other individuals.

Larry asked if they were talking about the scope of the plans. Ann suggested some site visits were in order. Jay mentioned the Town Engineers have taken this as far as they can.

II. 7:45 pm Open Public Hearing

Discussion on Mass. Highway Dept Traffic Proposal for Rte 9/Temple Street and Update on Route 9/Temple Street Traffic Improvements by Boston Properties.

In attendance: Jim Rosenfeld, Boston Properties and Paul Galvani, Attorney

Helen made some opening comments letting everyone know the scope of discussion. Mr. Rosenfeld will give overview by Boston Properties. Followed by Board and then the public will have a chance to speak. Public will be asked to step to the microphone, state his/her name and street address.

J. Rosenfeld noted this project has been a three process- zoning changes which ran into many months of discussion. There have been many months where traffic engineers were going over Route 9 and Temple St. There was a very detailed plan which is set in stone for the improvements which will cost \$900,000. Mr. Rosenfeld will give update on project and to note roadwork will commence as well. To release mitigation towards a larger plan to decide whether there is any interest.

Also in attendance are Scott Weiss, and Mark Louro from VHB.

Scott gave overview of the project. Also mentioned they have had many lengthy discussions with Massachusetts Highway Department. (MHD). They are current at the 75% stage. There are three components:

1st phase is to widen eastbound Rout 9 – Old Worcester Road

2nd Temple St North of Old Worcester Road

3rd modifications to jug-handle. Full signal is also in third phase which will finalize the improvements on Route 9 eastbound.

Carol Spack asked for an explanation again about the Eastbound Lane of Route 9. She mentioned most is public but some private land will be taken – in front of Stop & Shop, dentist and other merchants. Important to note: property will be taken by Boston Properties at no cost to Town of Framingham.

Mark Louro explained proposed changes. MHD came to Boston Properties and asked them to design the project and they came back with Concept 6. They are looking for safety and better traffic control. The have looked at drafts at what is being done. They would like to eliminate jug handle and double left turns. The extent of the project will take Old Worcester Road - with extension going out some 1500 feet throughout the intersection

Larry asked what the Town should look forward to. Is there any new specifications? Mr. Louro responded that MHD is looking at better flow of project and to try to get on TIP- could take 5 years or more to be scheduled.

Larry noted this is the 3rd meeting since the Planning Board asked MHD for specifications and there are no substantial improvements to flow of traffic. If they close Old Worcester Road, there would be a serious impact on residents.

Helen would like the Board to have their own traffic office give some professional input. Helen reads letter from Art Scarnio from GPI to public. Helen mentions she has concerns with time of the project.

Larry also has concerns with timing. If MHD said this would be a 5 year project, it could go on for 10 years. If we wait for a MHD project, we will have lost what we first sought and asked why would we want to wait? It is the job of the Board whether or not to give green light.

Ann Welles would like to amplify time issues; Gulf Station or McDonalds on taking of property; and notes impact too much for both residents and businesses. Tom Mahoney noted they have worked long and hard for these improvements and he doesn't want to see this lost – we could do it and stick with our original plan. Carol Spack wasn't here for original concept but as a taxpayer would like to send a message to the MHD of no.

Larry said “Bird in the Hand” “Take Jim Rosenfeld’s money and run”.

P. Galvani noted one item the Board should do is put this in writing to MHD.

Helen opens discussion to public

Kathie McCarthy, Precinct 10, complained notices were not sent out and in the beginning not all abutters were notified and this is the first meeting that abutters have come to. She explained she thought it was difficult to get to Route 9 when the light is green on Old Worcester Road – light is usually red at Rte 9. She suggested in the past that they make two lanes – but no one listened.

Ann Welles made a Motion to retain and not change or otherwise modify the decision of Boston Properties.

Larry Marsh Seconded

Voted 5 in favor and 0 opposed

Helen cautioned public that this simply limits projects under the Planning Board’s realm. Should MHD want to bring this up again they can. Helen wants to make sure everyone is aware of this and wants to go on record saying this. The public needs to stay alert, stay in tuned and stay informed. Stay in contact with Town Meeting members and we will let people know who should be kept in the know.

Helen closed hearing to public.

Carol Spack would like Planning Board to develop a letter to MHD and make it a goal. Ann noted making a proposal which saw opportunity to cash in. MHD asked Boston Properties to use their own money. MHD won't be back unless there is another project with that has a lot of money.

J. Rosenfeld submitted a letter #767-03 piece of process would require to be in touch with Selectmen.

Helen made known this should be considered at next meeting as an administrative item. If anyone has any suggestions for letter they should give them to Jay Grande.

Comment: MHD was using Boston Properties money as bait. MHD does not have money for this project.

8:35 pm Helen called a 3 minute recess to allow for set up of next hearing
8:40 pm Helen brought meeting back.

Continued Public Hearing for Modification to Approved Site Plan Review, Special Permit for Use, and Modification to Special Permit for Reduction in Required Parking, CVS, and 1280 Worcester Road.

In attendance: Mark Andrews, attorney; Scott Weiss, VHB, Mark Louro, VHB and P. Galvani, attorney

Jay gave a summary which stated the Planning Board has issues with site designs. (doc. 765.03), update from VHB on Salem End Road (744-03).

P. Galvani spoke regarding landscaping there is more to be done; site work will be completed and bonded. He drafted a proposal decision on modification that notes all previous conditions on approval paragraph 23.

Jay made some minor modifications to proposal. He would need to get decision of approval.

Helen noted Salem End/Temple St lights have been in operation for a month. Scott Weiss, VHB will go into the information. Jug handle has continued to move along with the efforts of Mark who got the pole removed, cable wires moved.

Scott Weiss, VHB gave overview and also mentioned they did additional counts and adjusted field operations and note in table 6 #1 (see letter)

Ann noted the Daylor review suggests lamphere to be removed, transformer should be longer, conduits on poles should be painted, boulders on Northeast corner moved to the mulch area, gravel at verge of Temple and did DPW have

any input regarding snow removal? And lastly she wanted to know if this could be added to workweek cleanup.

Larry said he thought before, we go through the decision he would like to know what the Board's concerns are and he appreciates paper updates and could they get input from Board as well as public.

Ann has driven through the area often and she feels it is really functioning well. She noted they may be some backup over the bridge by reservoir but not major delays. This could be different when schools and college open again.

Helen said she could not add any more than had already been said and she noted she too had equally good experiences driving through the area.

Larry asked for clarification if this was reopened because MHD. He wanted to know if the Planning Board asked the applicant to install lights and make sure they were functioning and working properly before project continues. It was suggested we open the hearing to get public response. Larry also would like more discussion on jug-handle. There is also a 3rd memo handed in by Town Counsel before meeting which states not to give occupancy permit.

Jay noted traffic should not be a concern with giving occupancy permit. He sent a letter to VHB and got input from Peter Sellers, DPW and also Traffic Control. Jay would like Board to broaden monitoring into fall & winter.

Kathie McCarthy, Precinct 10, mentioned Town Counsel's regarding stocking shelves. As far as monitoring, how many more days and also would like to know which days of the week? What times of day?

Scott Weiss said there will be 5 or 6 more separate occasions where they will be monitoring and also have a traffic counter on July 15th.

Kathie McCarthy, Precinct 10, would like the Board to take into consideration when the store will open. Kathie has also heard things are being moved in the jug-handle, and what is the impact on Route 9/Temple?

Sue Bernstein wants to re-look at intersection when school buses and college opens. There is a sign 23F which states not to block the intersection but the sign is too small and too low that moving traffic does not see it. Her suggestion is to add an additional sign for automobiles making a left turn. She noted the sidewalks need to be finished for the elderly who will be crossing.

Jay said this issue has been discussed before and there are some accessibility issues with installation of formal sidewalks.

Carol Spack said Town needs to go through and Planning Board needs to do more work. She notes there is no pedestrian crosswalk.

Ann Welles noted they can use the sidewalk from Route 9. People can go from sidewalk to sidewalk.

William McCarthy, 25 Westgate Road – has attended many meetings on mitigation and funding. He believes the budget of \$75,000 is for work on Salem End. He wants to know if CVS is going to spend \$125,000 in one week or is it only same. He also wanted to know where the employee's will be parking.

Pam Roberts, Oak Terrace Condo owner, she uses the lights and is relieved but would like to see more monitoring done in the future, especially for the fall and winter months.

Scott Weiss said Route 9/Temple Street portion has been expanded. There was a cost to relocate the pole, relocate the wires & relocate equipment. CVS has tried hard to complete this project. They are at the mercy of the power companies. Entire project will be completed by CVS. Parking for employees are one the drive through side of the building.

Ann asked where did we leave concept of granite.

Jay said these items move more slowly through the paper process. It takes time to get purchase order and the process is very slow. It would be more expeditious for CVS to absorb the cost as private. They are looking to VHB to put together design plans. Jay suggested we revisit with applicant to help move these items forward.

Paul Galvani doesn't feel that it is fair for the Board to bring up Opticom, granite and overlay now. When they started, they agreed to all that was asked and now they are being asked to go even further. He feels this is not fair.

Jay mentioned the applicant has not worked aggressively, they responded they would work with Engineering but have not. Granite curbing, overlay and Opticom should not be an effort for applicant.

Paul Galvani stated that the Board would be asking for another \$12,000 - \$17,000 for the Opticom and \$5000 for the granite and overlay.

Larry asked if the Opticom costs not being done earlier would be a condition for the opening.

Original plan was not approved.

Mark Louro, VHB said in January CVS came before the Planning Board and the Planning Board offered funds.

Larry did not know at this time if this may have been only a condition.

Ann mentioned CVS offered to pay for granite, overlay and Opticom and the Planning Board did not refuse at that time.

Sue Bernstein asked if there is money from the bond on Reservoir Ridge and asked if this couldn't help pay for this?

Paul Galvani said they will amend 23C to purchase and install Opticom- Town has funds for rest of it. The money was offered with condition that CVS got their occupancy permit for fall, 2003 opening.

Helen said she would be satisfied with the compromise. Larry, Ann & Tom also agreed with the compromise.

Modification to 23C – applicant will purchase in install Opticom.

Mark Andrews said CVS has concerns with tractor trailer trucks coming and going during peak hours of traffic. They will try to limit times preferably before 6:00 am. CVS would like to exclude the hours of 7:00 am to 9:00 am and 4:00 pm to 6:00 pm weekdays (23G).

Carol Spack has an issue and asked if the Board can amend 2nd paragraph on last page to add "written notice"

Kathie McCarthy, Precinct 10 asked if there could there be an opening with out the completion of jug-handle.

Helen said no and admitted it sounded like that but no there can not be an opening.

Larry: If after the review what happens? Is it written in the original decision? Do we have jurisdiction over traffic monitoring?

Jay noted the road will be monitored for 6 months after the opening.

Kathie McCarthy, Precinct 10: Is CVS monitoring their own work.

Jay said VHB will be monitoring and an outside consultant will review it and a report will be sent from Police. We don't need a consultant to monitor reports.

Paul Galvani said they just made a proposal to pick up, buy and install Opticom and they will not incur any other costs.

Helen asked if our own Safety Committee can do the monitoring. If traffic is a problem and would like to reserve the right to get some input.

Paul Galvani noted they will not do the monitoring and asked if GPI could do the monitoring?

Scott Weiss noted his company does this type of thing for a living, and putting straight forward funds can be provided.

Helen asked if there were any more questions.

Carol Spack had a question regarding the jug-handle construction, who noted the lights and asked who specified the gargantuan pole?

Larry began reading a review of expenses for two weeks prior to CVS opening. If Board feels it necessary applicant will fund consultant.

Paul Galvani suggested doing the monitoring three times with three traffic counts at Temple/Route 9 and Salem End Road.

Kathie McCarthy, Precinct 10 asked if we have Town Counsel check documents that will be amended.

Tom Mahoney made a Motion to accept Special Permit for Use to Amend to Modify for Use as put forth on August 12, 2003 shown as document (768-03) as modified here tonight.

Ann Welles Seconded

Voted 5 in favor with 0 opposed

Tom Mahoney made a Motion to amend, Modify Site Plan set forth on August 12, 2003 shown as document (769.03) as modified here tonight.

Ann Welles Seconded

Voted 5 in favor with 0 opposed

9:55 Helen called for 2 minute break

9:58 Helen brought meeting back to order

Continued Public Hearing. Special Permit OSRD Definitive Plan Review, Modification to a Scenic Road, and Public Way Access Permit, Ford's Meadow, 45 Nixon Road

In attendance: Paul Galvani, Attorney; Joe Sullivan, Architect; Stew Mayor, Nexom

Jay referenced documents 766-03 and 759-03. He started off saying they will hear some information from Matt Schuman, GZA. He has put together a report on

storm water management and he also has a letter from Mark Bobrowski of OSRD By-Law and would like to continue discussion on the waivers.

Helen has a letter which is a request from proponent regarding a question of single lot. She asked everyone to read document then they would discuss it. Helen asked if the Board had any questions.

Carol Spack asked if the condominium statute and sub-division regulations were compatible.

Paul Galvani noted these are condominiums of single family homes.

Carol Spack asked if the Condominium statute on a single lot as opposed to 24 lots. We have a one phase on condo lots.

Paul Galvani answered that Condominium's can be separate, single, or in a line.

Carol Spack would like clarification as a regular condo scheme.

Peter Baril, GZA said he has been hired to do engineer peer review on drainage design, water supply system and drainage. His initial summary on storm water data is still on-going with the applicant's engineer. The subsequent report will have more information. He has been in contact with Deshaun Wong of Carr Research. They went into thorough discussion of down slope, catch basins, silt and sediment, galley and infiltration. He has issues of valves, and hydraulic conductivity. Engineer used his own formulas so they will need to do more research and testing. Results had very high rate but he will need more soil samples and more findings. Secondly, spoke of seasonal high water table and the process for collection, recharging causes mounding and filtration.

Peter Baril would like to take three to five more soil samples to corroborate the use of the 100 feet per day value. Secondly, the issues of seasonal high water tables are fairly shallow in the recharge basin. What typically happens is the water will collect in this system and recharge into the ground and cause a mound. The issue of the soil type and mounding will reduce the infiltration beyond what is estimated in the report. Finally, he would like to re-evaluate the hydraulic conductivity and the overall filtration rates.

Ann questioned what would happen if the percolation rates were not good?

Peter noted one solution would be to increase the basin.

Carol Spack what percentage of the total job for this report and could he help rank additional information from Metrowest Engineering, additional storm-water management design, rain size analysis, and post construction maintenance.

Peter made comments with respect to making four basins larger. You can wholly rely on the information given here tonight.

Tom is very surprised the infiltration basin units are only a half foot above the ground. Hopefully your discussions with their consultant will answer any

questions. He sees too many basins in town holding water. He feels this happens due to being too close to ground water. Tom would like to see more separation for the two, at least eighteen inches above ground water.

Ed James wanted to know if Peter had been out to the site. He has concerns for the wetlands and also with running water going into his septic system.

Peter couldn't answer without the site visit. He did note an area of water flowing off the site onto abutting sites. He will pay particular attention to this area.

Jay feels there are details that need to be worked through and then to follow-up. Peter would like to wrap up sometime in September.

Helen asked the applicant if he would like to discuss the waivers. Helen proceeded to read the waivers.

- 1) Stew Maher would like to address test hole investigation primarily through the roadways.
- 2) Waivering the length of cul-de-sac.
- 3) If the questions in the commentary were substantive enough?
- 4) Waiver of the traffic study.
- 5) Request the offset of the sidewalks.
- 6) Waiver to constrict a one to one slope in a particular area.
- 7) Waiver to eliminate the requirement stub connections.
- 8) Basic design standards of the road, the lot took major waiver requests

This hearing is being continued to September 9 @ 9:00 pm

Ann made a motion to suspend the rules in order to proceed with the next hearing meeting.

Carol Seconded

Voted 5 approve and 0 oppose

Public Hearing for Mixed Use Complex, Building 1, 300 Howard Street

In attendance is David DiPietri and Aaron Cohen representing the applicant

Helen asked for document #755 which is the mixed use plans for 300 Howard St.

David and Aaron Cohen came before the Board tonight to start the process. They would like to do the same process as with Building Two. He would to the Board to look at the plans and give their comments and he would like to draft a decision relative to the same as their previous decision.

Jay noted there are documents in the packets – they are #770 from Fire Department, #771 from Inspectional Services and #772 from the Planning and

Economic Development and finally #755. Jay also stated they held a staff meeting and he expects more comments.

Larry questioned why they are coming before the Board when the project isn't slated for another ten years.

David said it was just for planning purposes and getting the uses for the specific buildings. He suggests he would come back to renew the Special Permit when it expires.

Larry feels the timing of this project is to get around the affordable housing that may be passed.

David said this is not the case; it is strictly for planning purposes.

Tom is concerned about the mixed use and is confused about Building One. He thought this was done and at 100%.

David said the SMOC has a long term lease on the building. When the lease expires, more than not they will convert to residential due to the building not being renovated for 50 or 60 years. If SMOC leaves, it will be difficult to find offices that would want to use the building as is. It is mostly wood and would be good for residential units.

Carol Spack asked if they considered any type of loft space.

David feels they are loft style, they have open ceiling with wood beam but would have a segregated bedroom.

Ann feels this building could be used as performing arts, good for artists because of the windows and natural light.

Bob Deshaw, Town Meeting Member

Would like to set up a mitigation committee and also the people in the neighborhood are wondering why if SMOC has a ten year lease, they can't do the landscaping to improve the looks

Sue Bernstein notes once the Board grants a permit then they are grandfathered by from any zoning by-laws. She suggests the Board add a provision as part of the decision that states if the Town passes an affordable by-law this project will be subject to the by-law.

Helen feels they would need to find out about the legality of this provision.

Marilyn Cohen, Disability Commission

Building One does not have a permanent sign for handicapped parking or for the ramp and entrance to the building. The sign they have is typically on the ground. She is also concerned that the tenant that is currently there has a ten or eleven year lease to go, she knows a hairdresser who had a lease until next year and has

essentially been evicted because of the new owner. She is concerned about SMOC's lease being broken.

Helen mentioned the Planning Board is charged with Site Plan Review and Special Permit and will review this project on what they are allowed to review.

Bob Deshawn spoke with SMOC has no plans on leaving.

Marilyn Cohen knows there are only a certain number of apartments that is going to be allowed in mixed use year by year. She wants to know when does the number start.

Helen told her it starts when the permit is pulled.

This will be continued to September 16 at 9:30 pm

Carol Spack has been thinking about the annual review process and would the Board consider a discussion on the Planning Board and the Town Manager functions where they touch.

Larry made a motion to adjourn
Tom seconded the motion
Voted 5 approved 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 MARCH 18, 2004.**

Thomas Mahoney, Chairman

