

**TOWN OF FRAMINGHAM PLANNING BOARD
SEPTEMBER 16, 2003**

In attendance are Helen Lemoine, Chairperson; Larry Marsh, Vice Chairperson; Ann Wells, Clerk; Tom Mahoney and Carol Spack.

Also present Jay Grande, Planning Board Administrator and Carol Pontremoli, Administrative Assistant

Meeting is brought to order at 7:45 pm

I. Administration

ANR Plans

1031 Waverly Street, Shawn Fitzgibbon's

Tom Mahoney made a motion to approve the ANR Plan located at 1031 Waverly Street, lots 1 and 2 with existing homes on lot one to be raised.

Larry Marsh seconded

Voted 5 approve to 0 oppose

Ann will like to go on the record to remind people that she disagrees with the ANR and the State allows them. She will vote to approve only because it is legal.

265 Mt. Wayte Avenue, Peter Barbieri, Attorney

This is at the intersection of Mt. Wayte and Dudley Road. It is a parcel of land over 39,000 square feet in an R-1 zone which requires 8000 sq feet with 65 feet of frontage. They would like to take the existing lot and subdivide into three lots.

All three lots would meet the Zoning By-laws requirements. There would be grading, lot two has some wet lands that have been subtracted from the area. Ann asked about the drainage system. Peter noted they are doing infiltration on the lots. Carol asked if Peter knew how the houses would be facing. In lot three, the house would face lot one, and lot one house will face Mt. Wayte and lot two will also face Mt. Wayte.

Ann asked Peter to explained somewhere in the 1940's the town came in relocated and expanded Dudley Road. There was a plan that was recorded but was not done correctly in the Land Registration office to affect the certificate of title for this parcel. The lot line will then change.

Helen wanted to note on the application, the Treasurer has noted the taxes have been paid. Under the signature, which is not typical of where comments would have been written, it appears to say, Highway Easement in Mt. Wayte should be granted to the Town. Peter agrees with what Helen said and noted that is what is noted on lot 4. Peter noted they are planning to build single family homes.

Could not get name, an abutter, has concerns with the road levels. (Can't hear the speaker).

Peter notes that anything that is done will slope to the wetlands. The abutter is speaking of lot four which is a little piece that allows the road to be straightened out.

Abutter approves of the buildings. Peter gave her a copy of a plan that notes lot four is not a build able lot.

Jay would like know if the Conservation Commission has approved this and asked if it affects the frontage.

Tom Mahoney made a motion to approve the ANR plan located at 265 Mt. Wayte, shown by plans drawn up by the Jillson Company, dated June 30, 2003 where it shows lot four as being a non-build able lot.

Larry seconded the motion

Voted 5 approve to 0 oppose

II. Public Hearings

Discussion on The Arcade of Downtown Framingham

In attendance is John Thomas, Beal's & Thomas, Southborough representing Framingham Acquisition, LLC

They are before the Board tonight to provide you with some changes of on the Arcade project as it evolved over the past few months. There is a change of acres. It was 3.7 acres and now has 4.6 acres since they have procured five residential properties. In terms in the number of units, they have gone from 230-250 up to 260 units. They had a range of commercial property of 40,000 to 70,000 square feet and now have 80,000 sq feet. Approx 35,000 sq feet of the space may extend to 40,000-45,000 for the hotel. Parking for the site has increased has gone from 380 spaces to 430 spaces. These numbers may change. Potentially Concord St would have a small plaza. Major changes would be on Richardson Court which opens to the main lobby of the complex. There will still be access on Kendall Street. They have gone with a closed court yard with an outdoor pool, and a parking structure with approximately 5 levels.

The Arcade as it extends toward the parking structure in an easterly direction will have a plexi-glass roof going out to Concord St. There will be building areas for commercial spaces.

The construction project has three separate projects characterized by Concord Street Building, the existing Amesdale Building, the Arcade and Prindeville Buildings, and lastly the construction of new residential units and the parking structure. There will be a restaurant and retail stores. There is an area where they are considering an extended stay hotel.

Ann asked what the dimensions of the courtyard and the restaurant. John answered the courtyard will be 100 feet by 100 feet and the restaurant will be approximately 7000 sq. feet. She also wanted to know about the parking structure and how many floors would be below ground. She asked about the circulation on the parking garage.

The lots that are southeast of the garage, how close are the buildings to the garage. Mr. Thomas noted there are 10 foot setbacks. Ann also asked if it was possible to have a model to scale where they could see the actual project. They felt they could present one.

Jay wanted to note they filed an Environmental notification form in October, 2002. They received a certificate from the Secretary from Environmental Affairs in November, 2002. In that letter, they mentioned an EIR. Jay asked if they have filed that yet. Mr. Thomas noted they have filed a draft of an environmental impact form and did receive certification and have now filed a change to the project. Jay would like to have the Board see a summary of the issues, and how they were responded to, particularly the historical issues.

Carol is concerned with the extended stay hotels. It would be helpful to have a shadow study. Her final comment is on the photograph and what materials for the façade of the buildings.

Mr. Thomas noted that brick similar to the color already existing.

Larry feels that they have given the town a super project and the additional property will enhance the project. He feels they are doing a good job with revitalizing the downtown area. He does have a question regarding residential units and wanted to know if they would be rental or condominium.

Mr. Thomas answered they will be rental units broken down to one third being one bedrooms, two thirds being two bedroom. Larry asked if they had a target date for filing. Mr. Thomas feels December or January filing date.

Tom would like to echo how far this project has come along with the progress and feels this will compliment downtown. He notes he has not read the traffic report and asked if they could briefly give an overview. Mr. Thomas noted they have scoped all aspects. They may be the recipient of funding along the way and outside funds.

Helen asked if anyone would like to make a comment or have a question.

Sue Bernstein, from the beginning she has had some concerns regarding the density of the project and would be interested in seeing a model. She is also interested in the room of the project adjacent to the parking garage where six floors will be over looking the parking structure. Since this is historically significant that the location in addition to any consultant it might be prudent to hire an architect consultant in historical aspect of the project.

John Stacie, Town Meeting Member was hoping the arches would be wider. .

Mr. Thomas noted the restaurant will be adjacent to the arcade and will open into the arcade so it won't look like sidewalk café. John asked if they address the first floor apartments. Mr. Thomas noted they are trying to decide if it should put the hotel on the first floor. They are debating if this area should be made commercial space. They are trying to keep the hotel with the residents so people will be going to bed approximately the same time.

John also asked about the residences are considered affordable? Kathy Bartolini noted when they looked at them the rent was \$1100 a month and doesn't feel this would be affordable.

Helen would like to make it clear tonight that what they heard tonight is just an informal discussion. Once the application comes forth, all this will be discussed again so they can get full input on it.

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

In attendance is Paul Galvani, attorney. Joe Sullivan, MacCarthy & Sullivan Engineering, Stew Mayer.

Larry raised the issue on GZA report. Ann would like to make a note to be careful that the waivers might be affected by data or recommendations that we don't have the GZA's report.

Joe Sullivan noted that Deshang Wang wants more tests which will begin on Thursday for Septic. Their main interest is they don't want to review it and he does not either.

Helen asked Jay if he has a plan to go over the waivers.

Jay noted they are listed in chronological order. If a Board member wants to pass on one because it will require additional discussion they can do so. Number one is the design by utility companies for approval of the plan. It is apparent by the presentation by the applicant which made sense an OSRD development.

Ann would like to make sure that Public Works would review it at the appropriate time. It is a condition of improvement. Joe Sullivan noted the utility companies will not look at the plans until they have been approved. The utility companies feel it is a waste of their time to review them and then not have the plans approved.

Helen would like to get a poll of the Board. She would like to remind the Board and public that there the point of making a decision on waivers. The first being in the public interest and second not be inconsistent with the subdivision regulations.

Carol had two comments on waiver number one. She wonders if they are setting a precedent. Jay is asking for a positive statement. Jay noted the positive statement is for the orderly development of the OSRD and is necessary to delay the development utility plan until the approval of this review.

Helen asked the Board if they are in favor of waiver 1. They voted 5 approve 0 oppose.

Jay would like to make a statement where waiver 2 and 11 should go together. He is note the applicant has proposed a meandering sidewalk that doesn't comply with the Board's standards and who would maintain it. Jay feels the applicant will need to explain why this is in the public's interest and secondly explain why the concerns raised by DPW are not an issue.

Stew noted there the roadways would be maintained by the association and the other benefit would be to enhance the aesthetics of the overall development.

Larry had a comment regarding the letter from Public Works. They expressed a concern that even though the intent of this cluster to have the association maintain the road, the public works concern is that someday the residence may take over the roadway but would be unable to do that. He is in favor of meandering sidewalks.

Tom agrees a meandering sidewalk would make less disruption of the surroundings. He would like to ask one question, the roadway in general will town vehicles be able to use the roadway.

Carol feels the Board should look favorable on the meandering sidewalks.

Helen asked the Board if they would approve waiver 2 and 11.

Voted 5 approve 0 oppose

Waiver 3 is to vary the requirements to identify major trees.

Helen asked Stew to explain this. Basically there are specific areas that would have houses. Those areas would need to have trees cut. He noted that in other projects they did the best they could and would continue to do that.

Larry asked Stew about the pumping station. Stew noted they are still working on this but the structure is no larger than a tool shed. Larry feels that any area of disturbance should be shown. Larry doesn't have a problem in concept but would like to cover himself by adding some terminology.

Kathy Vassar asked about the area of the water tank? She also asked about removing the large trees on the top.

Stew Mayer responded by saying it is a 32 acre site with exception of septic area with outcrop at the top. He grants that 60% of the property is not going to be touched.

Larry feels the public good is the cluster concept.

Jay said the initially the applicant submitted identification of trees related to the road that was going to be impacted. Jay needs to know if the Board feels there are additional areas of concern that they would like to add. Larry and Carol responded yes. Jay feels the Board needs to identify the areas.

Ann also is concerned with the two leaching fields being only four feet apart. She feels they should be 10 feet apart.

The Board would like to defer this waiver it identify the trees.

Waiver 4 - variable requirements to show Land Court Certification.

Joe Sullivan is proposing a condominium association type and hopes it will be accomplished before the Board takes a vote.

Helen asked the Board if they would approve waiver 2 and 11.

Voted 5 approve 0 oppose

Waiver 5 - variable requirements for road standards and minimum center line.

Jay would like to include this with numbers 7 and 8.

Larry asked about the roadway. Jay responded that DPW equipment would have trouble getting their vehicles down the street. The Fire Department felt they would not have a problem getting safety vehicles down the road. The right of way is 40 feet and the pavement width is 22 feet with the minimum center line radius is 25 feet.

Kathy Vassar – She understands the road would not allow access to the abutters property. Helen noted this is discussed in a different waiver.

Waiver 6 – request to provide no stub road to the adjacent undeveloped property. Helen would not be in favor of waiving this by an enormous request by abutters to not cut through. She feels this would not be in the public’s best interest by connecting the roads. Larry asked if the stub road was opened how many acres of undeveloped land will be affected. Joe noted the area has steep slopes and feels there would be minimal. Larry feels if they approve this waiver the Town would end up in Land Court. If we are going to vote the waiver, what does the waiver require by the Regulations point of view? He believes the applicant has to make a case for the public’s interest. Carol feels there should be a better site plan. Helen feels it should be up to the Board and not the developer to make a case for the public.

Ed James had three points that he presented with regards to the road way and other developments. He also feels the traffic impact on Dartmouth Road would be incredible and doesn’t feel this would be in the public’s best interest.

Jay is comfortable with this project as long as it does not connect the road. He doesn’t feel this project is what it is and unless it comes back to a formal public hearing process, he can’t see it modified otherwise if this is approved. He understands the long term planning concerns. Larry feels Jay’s comments to be compelling to support this situation and if we choose to go with a cluster, there would be narrower streets a smaller radius and traffic requirements.

Helen asked for voted on who is in favor of this waiver. Voted 5 approve 0 oppose.

Helen noted this brings the Board back to Department of Public Work’s concerns. Jay feels there are two points the design speed for the development and if there is a concern on move-ability. There would be a concern getting a snow plow down the street. Joe Sullivan noted there would be a 25 mile an hour posted speed.

Helen asked the Board if they would approve waiver A, B, and C.

Waiver A – granting the center line radius of 125 feet –

Voted 5 approve and 0 oppose

Waiver B – right-of-way would be 40 feet

Voted 5 approve and 0 oppose

Waiver C – pavement of 22 feet

Voted 5 approve and 0 oppose

**Waiver 8 is variable requirements for the 220 foot requirements curb
Voted 5 approve and 0 oppose**

Jay noted regarding dead ends, safety is always a concern. There are varying distances. The distance for the Board's purposes is primarily the number of units on a dead end road And what is a reasonable number to service and secondly is emergency considerations namely residential sprinklers and fire protection. You want to minimize dead ends where you can when it makes sense. This Board initially went with this proposal to reduce the potential of altering the land where feasible.

Tom remembers the whole purpose of a 500 foot dead end was if a road got blocked, a fireman could get in and hook up to a fire hydrant and service the cul-de-sac.

Helen would like to point out; she did find a recent decision where the Board found the decision was formed on each case and not passed decisions. We are looking at the whole concept for the OSRD.

Waiver 9 to vary the requirement for the length of the dead end street from 500 to 1139 feet.

Voted 4 approve to 1 oppose (did not mention who opposed)

Waiver 10 to vary the requirement for the granite curbing to provide bituminous Cape Cod Berm curbing.

Tom feels this will not be long lasting and will need to be replaced. This will not be the Town's problem but the Homeowners Association.

Ann asked if in the areas of storm-drains, and the curbing is designed to drive the water where it belongs, will it be able to adequately achieve that.

Helen asked the Board if they would approve waiver.

Voted 4 approve 1 oppose (did not mention who opposed)

Waiver 11 to vary the side slope requirements to reduce the cut and fill.

Voted 5 approve 0 oppose

Waiver 12 - deferred

Waiver 13 – requirement for the retention basin to be constructed on the individual lots. These will be individual lots that will be under common ownership.

Voted 4 approve and 1 oppose

Waiver 14 –

Waiver 15 – vary requirements for sufficient test holes.

Voted 5 approve 0 oppose

Waiver 16 – requirement to plant two trees per lot.

Voted 5 approve to 0 oppose

Waiver 17 – easements

Larry noted DPW does not recommend this. Paul reminded the Board all the lots will be common owned. Joe noted everything will be self-contained. The only one that will get the benefit will be the homeowner's association.

Voted 4 approve and 1 oppose (did not state who opposed)

Stew Meyer feels they have made significant progress and would like to go back to Jay regarding the deferred four waivers. They have a January 15, 2004 deadline to submit the landscape. He feels he will need to have more input on snow storage.

Helen suggested taking a formal vote at the next meeting.

This hearing is continued to October 14.

Continued Public Hearing for Special Permit for Mixed Use Development, Kendall Building, 79-80 Concord Street (to be continued)

Continued Public Hearing for Mixed Use Complex, Building 1, 300 Howard Street (to be continued)

Discussion, Inclusionary By-Law (Affordable Housing By-Law) Document # 834-03

Ann would like to reiterate an e-mail she had sent to the Board. She would like to note how hard Donna Jacobs has worked on this By-law and also would like to thank Karen Margolis for her hard work also.

The game plan for each of the sub-boards to back to each of their original body and ran by the entire PUD and it is now the Planning Board's to find out if they are on the same page. The joint committee will meet again on Thursday night. Donna will need to make changes and get it to them before their meeting. They will then present the skeleton of the By-law minus sections 6C and 7B. Ann feels they have three options, first, to proceed with the skeleton and approve that and then approve PNZ concept of their minutes. Second option, we approve the skeleton of the By-law but the Board will come up with there own amendment and thirdly, present the skeleton and then offer to Town Meeting that we will come up with options at another Town Meeting. She feels the third is the least desirable. Donna, Jay and Chris Petrini had a meeting and Chris felt this was a repetitive petition. Helen asked what the process would be if it is a repetitive petition. Donna felt it would be a matter of a public hearing. Ann would note date wise it would be September 30, 2003. Helen referenced Donna's document # 834-03.

Helen asked where the number of units would be, she heard 5 or 10. Donna responded did the figures and came out to 6.

A discussion pursued regarding the number of units and whether or not a developer would have incentive to build them. Ann noted most of the subdivisions which were approved were below the numbers. Tom is concerned if the Board is trying to maintain 10% and a developer comes in with a subdivision for six units and a developer comes in with ten units – the smaller developer will be penalized.

Larry feels they have jumped into the calculations and would like to go back to the fundamental philosophy. He has not made a decision whether this is good or not. He noted if we suppose the proposed Edmands Road, Senior Housing of 150 units of non-profit relying on housing. That would create 150 units and all 150 units would count towards the quota. If that is 10%, then we could pass 1500 units of housing before we would ever have a problem with 10% again. That would be ten years of sub-divisions. He has some reservations about ever having a 40B in Framingham.

Donna has tried very hard to convince folks that this is one way to provide diverse housing for Framingham. She too has seen good and bad 40B housing. She feels the Planning Board needs the discretion and flexibility to make this work in all instances. Ann has seen the figures and feels that 10% will not be enough due to the demographics of the town. She notes that 46% of Framingham qualifies for 80% of the media income. Ann noted that some feel that developers should have more options. They spoke about having a two-family by way of getting the density bonus the option that PUZ wants to bring forward is by giving dimensional favors thereby creating an extra lot. The other options were rehabbing offsite property as an option, contributing to a housing fund, and donation of land would be other options.

Larry wanted to know, regardless of which you chose for the mix, if he was a developer he would choose the least expensive land. What would be the parameters for this? Donna noted they would need to tie it to the proximity of the subdivision. Ann also noted if you had a subdivision which you knew what the price of homes would be, then you could do some calculations to come up with a dollar value which would then go into a fund.

Donna would like to give the Board options to offer to a developer who then could pick what he would prefer to do. There was a discussion on special permits and subdivisions. Larry feels the process may be overkill. He doesn't feel he would support a proposal that would only have on-site options.

Helen noted she feels good with the options for special permits. She likes the options which Donna presented. She could not support the by-law with out the options.

Tom feels the same way. He doesn't thinks it makes sense to go below 10 units.

Carol would like to see cash options and to provide a more meaningful number of units. She likes the by-law with regards to controlling ANR plans.

Discussion, 248 Worcester Road (To be rescheduled)

Administrative Agenda

Kohl's would need a thirty day extension to address the concerns of the Board

Voted

5 approve 0 oppose

**Wal-mart would need a thirty day extension to address the concerns of the Board
Voted
5 approve 0 oppose**

Letter to Bishop St regarding building height

Synopsis of minutes

Helen signed some minutes and we need to make sure they are signed. Helen suggested September 30, 2003

CVS

Letter from Paul Galvani regarding occupancy permit

Larry felt they were asked to do counts on the street. Jay noted there are a number of items are complete. The 81W is scheduled for October 21 at 8:00 pm

Ann made a Motion to adjourn

Tom Seconded

Voted 5 approve 0 oppose

Meeting adjourned at 12:30 am

Respectfully submitted,

Carol A. Pontremoli
Recording Secretary

**These minutes were approved, with changes and/or amendments, at the Framingham Planning Board meeting of March 18, 2003.*

Thomas Mahoney, Chairman