

## **Town of Framingham Planning Board Meeting January 13, 2004**

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

Meeting was called to order at 7:45 pm

I.      **Miscellaneous Administrative**  
Occupancy Permits -405 Cochituate Road,

Paul Galvani, attorney for CVS Paul noted VHB did the 90 day monitoring. Jay wanted to get a consultant to look at the report. Paul disagrees – he doesn't feel the statement warrants a consultant. It is relatively short. Larry disagrees with Paul on the consultant. He feels that in the past the Board has gotten many calls regarding the traffic signals. He would like to have some money withheld for future problems.

Jay noted some minutes of the Traffic & Safety Committee. He notes that there are some minutes of the meetings that he could pass along. The next meeting for the Traffic & Safety Committee will be the second Wednesday in February.

Ann noted there has been a great improvement and is very happy with the flow of traffic and the way

**Tom motion to extend the temp occupancy permit for 60 days to March 16, 2004**

**Larry Seconded**

**Voted 5 approve to 0 oppose**

II.     **Public Hearings**  
Discussion, 824-828 Concord Street

Paul Galvani attorney, Robert Lamprey and Roland Bummel, Framingham Cooperative Bank, Bruce Ey, Schofield Brothers Engineering

This past fall the bank purchased the property known as Country Cleaners. It is 5807 feet. It contains a small building that is now vacant with 1,000 feet. Would like to have a drive-up ATM window and extra personnel.

The plan is to demolish the existing building and add a ATM Kiosk and extend the existing roof hangover to cover the ATM machine. They would also construct 8 parking spaces for employees. This would be one way existing on to Concord Street. They will need to get four permits. From the ZBA they would need to get relief for the kiosk and overhang.

And a special permit from Planning Board and Site Plan approval for the reduction of parking spaces.

Carol wanted to know what the kiosk would be 8 feet high 8-10 feet long and 5 feet wide. Carol also asked if Paul owned stocks within the bank.

Helen would like to know if the board members would be considered as having a conflict of interest. Helen would like to speak with Chris Petrini to get his opinion. She would hate to have to disqualify herself because she does her banking there for over 25 years.

Ann noted she is also a member of the historical society and would like to say that there is a kiosk in Framingham Center and would like to say that she hopes the Framingham Cooperative Bank would take note and not have a commercial looking kiosk.

Helen asked about the curb cuts.

Tom would like to see the plans blown up a little so they could see the details better. Ann asked about the existing landscaping. The existing location will stay the same. On the new location they will extend the fence, add flowers and shrubs. They would like to have a fruit tree but may be limited by the wires.

Jay wants to mention, if they proceed, they would need to have the ZBA decisions first.

Continued Public Hearing Definitive Subdivision Plan Approval,  
Modification to a Scenic Road, and Public Way Access Permits, Fenwick  
Farms, 70 Fenwick Street (to be continued)

They are dealing with design issues regarding the vernal pool and will be filing a notice of intent. Rescheduled for January 31 at 8:30 for Conservation Commission. This work will take some time weather permitting.

The continued hearing will be continued to next week administratively January 20<sup>th</sup> at 8:00 pm to sign an extension and to continue it to a date from then.

Helen suggested tentatively February 17 or February 24, 2004.

#### Zoning Discussion

In Donna Jacobs absence and Kathy Bartolini had a family commitment. David Norton wrote a By-law for Nonconforming Buildings, Structures, Uses and Lots. One of the problems ZBA has run into is having a dimensional special permit. Some older homes were zoned for one zone and since the town has made changes to the zoning districts the older home owner will need to go before the ZBA for a non-conforming permit.

David went through some of the items and explained to the Planning Board his reasoning for writing the By-laws. David used examples to drive home some of the reasoning. He noted 46 Morton St and the Dry Cleaners on Concord St.

Ann has three items but notes that under section 3, David addressed it. She suggested that items 5 and 6 be switched. The most substantive one is 7.A.1.c

regarding unsafe conditions and how quickly someone has to be repaired. She suggested they speak with Joe Mikielian.

Carol asked about what Donna's comments since David wrote these. David and Donna have written these non-conforming regulations. Carol also suggested that David Norton think about having more than three people on the ZBA Board. David noted he feels the same and has already started the process to put that into motion. He noted it is a very long process. She would like to have some conditions into item number 6. David noted they tried to do this but they cannot get people to agree. Ann noted to expand the criteria that applies to pedestrian and vehicles.

Regarding Abandonment – Jay noted there is a clause in 40B in the By-law. Carol suggested a nuisance by-law. Ann notes the nuisance by-law should be used

Sue Bernstein when you added in the use section, where Ned added a sentence, she doesn't feel if that goes far enough. She feels that consistent with intent should be referenced.

Larry asked Dave about encroachment of car dealerships. Dave noted the board has spoken about that issue. Dave noted when he wrote this it was six pages long and has been cut. They will go back and add to this in the future. Ann suggested that while David is asking Joe Mikielian maybe he could ask him for some conditions also.

Helen asked David where the ZBA and PNZ. David noted they have not met with PNZ. Dave noted he has met with his Board and they feel very good about this.

Betty Muto, Precinct 12, she would like to caution the board that making changes to item 6. She would like to just say for everyone to proceed very slowly and really look at the changes proposed. She feels in order to make changes to the by-law, but feels when they reverse they have a problem.

Carol wants to add to what Betty Muto mentioned; she feels there is an oversight in the non-conforming by-laws.

David feels they have had many cases and all have are different but feels that Framingham has been rezoned many times. Because of that, he feels that approximately 70% could be non-conforming and we would be tearing down houses so they could conform. Jay feels that Donna could give input.

side 2

Sue Bernstein stated the zoning by-laws mentioned ?????????????????? (

back.  
David asked when you reflect back to number 3, it states that you can't go

#### Senior Residential Community By-law

Jay – under A tied it to 70 percent and also tied it closely to site plan review. There is one concern – site plan review triggers mitigation and would need to speak with Town Counsel.

Larry asked Jay how about the Site Plan Review and wants to know why this is different than Cluster. Jay explained, for example you could have 20 houses on one lot which is different than having several houses with each house have an individual lot.

Carol asked about single residence districts. Jay noted that Carol would like to see other districts.

Sue Bernstein that an over 55 has to be on at least five acres which is a state reg.

Ann would like the opportunity to look at the draft that the Board was looking at and compare what has been dropped. One it doesn't call for tree marking. Ann notes they excluded basins. She is concerned with the architecture criteria; it puts four units inside instead of three. She is concerned about surviving spouses and if they are protected. She is concerned with the slopes and has strong feelings with addressing slope qualifications and be more conservative.

Jay responded that he and Donna went through this. He feels that they don't want to micro-manage this. They are adopting several other by-laws which will accompany these items. He has looked at the slope issues with Donna. Generally speaking yards can be 25%. He is very comfortable with the 25% but it depends on the yards. He would like the Board to use the 25%. The board has the ability to cluster and leave more open space.

Ann feels the streamlining is very important but this type of building is very new and as a good design, she feels there should be some criteria.

Larry wants to know how many lots are applicable to this type of residences.

Sue feels there are hundreds of acres in the North West part of Framingham.

Larry would like to have this balanced but would also like to see not so cumbersome that it would not be used.

Tom likes the streamlined version

Carol likes the streamlined version also but has seven comments to be made. She is troubled with the slopes and would want to see material as to why it has gone in a higher percentage. She supports the four units and feels the open space should be level and be able to be used by residence. She would not

want to see pumping stations on the property. She would like to see the 10% be increased and feels that 15% or 20% percent be sufficient. She also would like to limit golf courses as land use. She is also bothered by prioritizing rubbish removal.

Helen would like to point out a couple of items. She appreciates the streamlining but feels Jay and Donna streamlined some right out of the document. When writing the draft, she went on a site review, with Tom, Larry and Sue Bernstein. She wants to point out the numbers were added because of a lot of time and site plans. She noted that by adding too much into the by-law it lost its function.

Carol wants to know about preference to living in the residences, she would like to see Framingham residents having the preference for the affordable residents.

Helen noted there are other communities that have that clause.

Sue Bernstein, she wanted to thank Helen for remembering the site visits relative to spouses or live-in help. She feels that the Board would need to check with Town Counsel. Lastly, she appreciates the concept of the Special Permit. No place in the regulations does it mention the slope. She also notes the 15% is not consistent with the others that are 10%.

Helen wanted to note. The Board would need to stay within the statutes. Ann would like to note that this by-law should have priority.

Helen asked which one does not make the high priority list.

Accessory Apartment By-law will be tabled to wait for Donna.

Article \_\_\_\_ Affordable Housing.

Ann began the explanation of what the by-law says and why they wrote it the way they did. They spoke about housing rehab, helping people with down payments. They should not be co-mingled. Section four is the only area where there has been discussion. Most of the rest of the document is boiler point.

Larry asks if this is in the northwest corner of Framingham where the homes are \$700,000-\$800,000, how it will work for a developer. Ann noted he can make one unit smaller and cheaper or he could find another piece of property or he could pay outright, or arrange a density bonus.

Carol noted the primary deadlock was affordable housing would be to suggest in the new construction, they would offer density bonus or two families. The alternative would be to take the investment dollars and rehabilitate a house.

Larry feels he understands but the part he is having trouble with is that he does not understand why you would want to take an area where there are \$800,000 homes and have an affordable home which would be smaller. Helen feels this is why the developer should be given as many options as possible. Larry feels the Board should be in charge of open space. Ann feels the Board needs to see a new version with the changes made at the Housing meeting last evening. Helen agrees the Board should see the new version before making any more comments.

Planned Reuse

Ann asked if they could take this back to Donna and clean it up and then take another look at it. Helen would like to

Artist Studio Loft

Carol feels this could be a reuse also

Tom made a quick stop at Dunkin Donuts; the applicant is not close to getting a temporary permit. There are no lights, no binder, etc.

Jay will bring them in for discussion.

Sue Bernstein – Doeskin – Town Counsel sent correspondence to Peter Barbieri and asked for the \$20,000 check and \$5,000 check. Attorney Barbieri said They are waiting to go to the bank.

Jay can write a letter

Larry made a Motion to Adjourn

Ann Seconded

Voted 5 to 0

Meeting Adjourned at 11:15 PM

**\*\*THESE MINUTES WERE APPROVED WITH AMENDMENTS AT THE PLANNING BOARD MEETING OF AUGUST 31, 2004**

---

Thomas Mahoney, Chairman