

## **Town of Framingham Planning Board Meeting January 27, 2004**

In attendance are Helen Lemoine, Chairperson, Larry Marsh, Vice Chairperson, Ann Welles, Clerk, Tom Mahoney and Carol Spack. Jim Lagerbom came in late. 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 – 121 Worcester Road, Wal-mart

Jim Hanrahan, attorney representing

Wal-mart is looking for a permanent occupancy permit. The site is essentially complete and feels all other conditions have been complete with the exception to the Shoppers World connection. There were complications due to the lease and the land-owners consent. The easement agreement would require acceptance by Shoppers World and Wal-mart. There is a net loss of 4-6 spaces. Jim proposed in his letter to have the Board keep the \$275,000 bond for the landscaping. Larry asked about the 4 spaces that would be lost. Shoppers World would like to have Wal-mart allocate the spaces. For the benefit of the Board members that were not on the Board at the time, Larry feels this has been a long time coming and doesn't feel that they should hold up their permit. Carol Spack would like to have some type of thought for pedestrians. Ann feels the same as Larry. She feels the loss of 4-6 spaces would be minimal. On landscape performance, she feels that Wal-mart has tried to cope with a series of problems and does not have an issue as long as they retain the bond. Tom agrees with this and would agree to a permit. Jay is concerned this will set a precedent and he also feels the Board should take a longer look at this as he is not comfortable with this. He wants to wait until spring and notes the Building Inspector has issues with trailers on site. Jim Hanrahan notes not having a permit but giving a temporary permit would be a hardship. The store manager should be directly responsible for the store but the construction manager runs it until there is a final permit. This causes breakdowns in communications. Ann notes that she is inclined to go ahead especially when they are putting up a bond as well as the 593 consultant fees.

**Larry made a motion to recommend to approve the permanent occupancy permit for Wal-Mart with the understanding the bond stays in place for the landscaping and with the understanding if further monies for the mitigation is required to do conformance review, they will be forthcoming.**

**Tom seconded.**

**Voted 4 and 1 oppose (Carol Spack opposed)**

**571 Worcester Road, Baystate Lincoln Mercury**

Jim Hanrahan attorney

He feels the site is complete with the exception of some bases on light fixtures but feels the landscaping would not be able to be reviewed until Spring.  
Jim is asking for a temporary permit until April 29, 2004.

**Tom made a motion to recommend an extension of a temporary occupancy for Baystate Lincoln Mercury be extended to April 19, 2004)**

**Larry Seconded**

**Voted 5 approve and 0 oppose**

Jay will verify the funds for the 593 funds. There will be a review for the landscape review and design services for a performance review.

**1 Worcester Road, Kohl's**

Jim Hanrahan attorney

Jim is asking for a temporary permit until April 29, 2004. They did have a conformance review by Fuller. There is a punch list mostly replacing some chipped curbing and replacing some plants before the end of the fall. This is will completed in the Spring

**Tom made a motion to recommend a temporary occupancy permit for Kohl's until April 29, 2004**

**Larry Seconded**

**Voted 5 approve to 0 oppose**

**Discussion, Private Well Regulations,  
(To be rescheduled)**

## **II. Public Hearings**

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

In attendance is Paul Galvani, attorney and Stew Mayer Nexum Development

Paul explained they met with Jay, John Bertorelli, Joe Mikielian

Jay noted documents #212-04, and 211-04

Jay went out to the site to look at the trees and stone wall. He feels the plan is straight forward and Jay asked Stew to expand on it.

Stew Meyer brought along pictures taken from spring, summer and fall. He pointed out some trees that are dead. He also pointed out a drawing that the landscape architect did showing the stone wall. He pointed out the tree area that was to be removed. He feels there would be a meadow view.

Ann went out and agreed with the site distances. She also walked it and also agrees with Stew's characterization of the trees. She wanted to make sure that Stew would replace some fallen stones to rebuild the wall.

Ann would like to note, there is an existing fir tree out of the radius. Stew would like to remove it and replant it. He mentioned it is a nice tree.

Carol complimented Stew on his presentation but wanted to know about the parking. Stew noted they would be only removing a bent mailbox. He noted they would only see a turnout.

Tom had a point of information and asked how will the Public Way Access Approval permit affect the other permit before the Board. Jay noted if you look at it from an objective point of view, the access from the site distance point of view is appropriate. There are other issues the Board has on the table. These two items are conclusive and would not be something the Board would make a negative finding on.

Paul Galvani feels this should not be tied to a building permit.

Sue Bernstein noted it would seem the same logic should apply to the Public Way Access.

Carol is troubled that the Board is willing to talk about the access to the project when the Board has not reached a conclusion on the development.

Helen feels this is not controversial and in the name of efficiency we are not creating any difficulty and is willing to go forward. Carol notes this would be an approval and be dangling out there.

**Tom made a motion for Board to approve the Scenic Road Permit subject to the Special Permit and/or the subdivision approval for Ford's Meadow, 45 Nixon Road**

**Larry Seconded**

**Voted 4 approve to 1 opposed (Carol Spack)**

Continued Public Hearing for a Public Way Access Permit.

Jay noted the Board needs to make a determination that the access proposed is safe and does not create traffic conflicts.

**Tom made a motion to approve the Scenic Road Permit subject to the Special Permit and/or the Subdivision Permit**

**Larry Seconded**

**Voted 4 approve and 1 oppose (Carol Spack)**

Stew Mayer asked for five minutes of the Boards time to speak on aesthetics and existing vegetation. He shows two alternatives for the slopes. He is looking at a 1-1 approach. He noted that he spoke with Peter Baril and feels that Peter did not feel a non-structural slope was a good idea. He did not have a problem with a stabilized slope.

Helen asked Stew to point out the differences in the buffering. Stew went to the easel and pointed it out.

Kathy Vassar, Precinct 1 asked Stew if he knew how many trees are between the 40 foot area. Stew doesn't have a number but notes it is a very thick buffer with tree thickness being a few inches. She feels that Tom Mahoney or someone from the Town should be on site when the 1-1 is being constructed to monitor it.

Helen asked Tom to give his consensus. Tom would like to see our 593 consultant's review.

Tom noted the applicant is on the right track. The Board's 593 Consultant received the calculations of the stability of the 1-1 slope. Larry noted the Board is basically saying to go ahead with the 1-1 slope subject to our 593 Consultant's review.

Sue Bernstein, would like to remind the board the applicant is to submit a plan of the site with the trees that will be removed. She would like to know if that has been done or when it will be forthcoming. Stew noted one of the outstanding items which will be addressed is the articulation of the roadway itself and with that they will be able to make an assessment of the trees. With respect to the lots, they will be done on a one to one basis.

**This hearing will be continued to February 17 at 9:15 pm**

**Public Hearing for Special Permit for Mix Use, Special Permit for Exemption in the Required Number of Parking Spaces, Special Permit for Reduction in the Required Number of Parking Spaces, Special Permit for Off-Site Parking Plan Approval, Site Plan Review Approval and for Public Way Access, The Arcade, 101 – 175 Concord Street, 29, 31-45, and 47 Frederick Street and 80 Kendall Street.**

Helen read the public hearing notice into the record.

In attendance for this project is Michael Gatlin, Edward Clinton, Clinton Design Associates –Architect, John Thomas, Beals and Thomas, Land Planners and Civil Engineers, John Thomas noted they are representing Michael Perry and Roger Lambert the Principals representing the Acquisition. The site comprises of 4.5 acres of land. There are 5 residential buildings on Frederick and 1 on Kendall Streets. There are no wetlands. There is minimal vegetation on site. Ground water is at elevation which is two feet below the elevation of the basements. There is ample water to supply for the sites. They have down sewer and there is an adequate street drain. With regards to off-site there is a constraint on Bishop Street. The project site is about 4 acres, 400, 000 sq feet. There will be a structure with a max of six stories, the garage has 7 levels for parking. There is no change in impervious coverage. Ed discussed the design elements. The first was the façade's. The arcade will be restored and enlarged. There are one story buildings to be removed. On the Plan, the tan color is existing buildings, the brown is new buildings. They have entered into a memorandum agreement with the Historical (state). For the new building, there will be an entrance, and a building drop-off. There is handicapped parking next to the Arcade. There is a parking garage in the northeast section of the site. There is a residential section with two loading areas. The main feature is the arcade which is a covered walkway with a connection to the parking garage

approximately 200 feet in length. The amenities for building residents will include a pool area. Another space for the residences is the Courtyard which is about 10,000 sq feet. There is a walkway for accessibility with a seasonable fountain, there could also be outside seating and tables. There are a number of gardens and a roof top garden. The streetscape includes a southerly plaza which will take a rumble street, take the parking spaces away and will be shown as the plaza. There will also be a seating wall that will balance with the Memorial Square area. The primary crosswalk will be to the Memorial Building. There will be a recreation frontage for sidewalk improvements. There will be plantings at the location where there would be a plaza area that might have seating and not take away from the commercial businesses. The landscape materials will be plantings and medium size flowering trees. Edward Clinton showed a presentation which included three dimensional, reality and shadow studies.

Helen noted that Jim Lagerbom will be sitting on the hearing from now until the election of March 30, 2004.

Bob Deshaw asked what will happen after the election. Helen explained that Jim Lagerbom will be the fourth voting member if the permit process goes passed the March 30, 2004.

Larry wanted to thank Mr. Perry and noted this will be a \$50MM project.

This is a wonderful project and the great creative concept. This is very visionary.

Helen asked the board for questions or comments.

Jay started with the 593 consultant. DPW will be requesting SEA Consultants as a review and post monitoring. The DPW are still defining their scope of the work.

Helen noted there are issues in urban design, site plan, traffic and intermodal transportation. Mr. Clinton noted they are two thirds through the MEPA process. Helen explained why we need a peer review.

Ken Cram is here to give a traffic review. They did a full traffic impact and access study. They have analyzed 14-15 traffic data. They performed manual counts and automatic daily counts. They followed the state guidelines and used a 1% growth rate. It is approximately 1000 feet away from the MBTA station in hope that some tenants will use the rail. Traffic increases were looked at in several ways. There are approximately 150 peak hour times. There will be an increase of 275-314 peak hour trips for the hotel. The next step is to add new uses as to where people are coming from and going to. They noted 30%-40% trips are destined to North and 30%-40% toward Route 9. The main area of traffic would be Concord and Frederick St.

Larry asked about any particular mitigation or changes. Mr. Cram noted they are committed to a monitoring process. Mr. Thomas noted there will be no mitigation for traffic.

Carol asked how will traffic be getting out to Route 9. What kind of transportation and will there be a shuttle bus?

Ann has two points. The memo from the Police noted there is a one side street parking during the winter months. She realized downtown is mess and has some serious questions about double parking. She feels there will be people who own cars but will take the MBTA so the number will be doubled.

They are requesting a waiver for 2.5 spaces and asked for four spaces per thousand. Each residential unit owner will have one dedicated parking space.

Jay noted the traffic scope and that DPW asked for a 595 Consultant review. Jay would hope that if they did hire a 593 consultant that they would come on board very quickly. In terms of mitigation, that would come with the 593 Consultant.

Helen asked if the Board wanted to move forward in getting GPI for traffic, transportation and parking review. SEA will be for the water/sewer review.

Bob Shaw, Precinct 14

Asked what will happen to the businesses now located in that area? Will their rents increase?

Mr. Thomas noted they will have the option to relocate in the new building and yes the rent will increase.

Eddy Rodriguez, of 54 Frederick St. wanted to know what other houses will be effected? Mr. Thomas went to the plan and showed what will be demolished. Ann asked the applicant to meet with Mr. Rodriguez. Mr. West, 28 & 30 Frederick St - Has concerns with the traffic and small width of the street.

Mr. Katz, 17 Frederick St –also owns property on Frederick St and is concerned with traffic. Ann noted the impact and asked for a three dimensional model and asked when they will see a model. Mr. Clinton noted about two weeks. Sue Bernstein noted this will have a major impact on downtown for years to come. If you notice the easterly section of the new wing is adjacent to the parking garage and what do you think of the design.

The Board feels they will need three consultants one for sewer, one for traffic and one for urban dwelling and site plan.

Kathie McCarthy, Precinct 10 - Thanked the applicant for a good presentation and feels this is moving very quickly and hopes the Board will take some time to go over this.

**Continued to February 17 at 7:45 pm to discuss site plan issues.**

### **Discussion Zoning – Donna Jacobs**

Helen suggested the Board organize their thoughts and should get a consensus of what order the By-laws should be taken. Affordable Housing, Over 55, Artist Loft, Non conforming, Earth Removal and Erosion and Accessory Apartments.

Based on Jay's thoughts, Affordable Housing and Non-conforming should be the two to be completed first. The last meeting noted the Over 55 needs some work. He like the Earth removal, it can be a by-law or sub regulation. Helen asked if the Earth removal would be better as a by-law or a sub regulation. Donna feels it would be better as a by-law. Ann doesn't know what is possible. She feels that Affordable and Over 55.

She feels that Town Meeting will be open to both of those. Ann feels the Over 55 has been stripped too much. She would like to agree to a full draft and then take a copy and highlight in the old version and then be able to have a good draft for presentation. Tom feels that is a good suggestion. Tom and Larry would like to have electronic versions. Jay will send everyone an electronic version. Tom feels Earth Erosion and Over 55 and Affordable housing are tied together. Larry feels the same. Helen agrees. Ann feels the remaining could be whipped into shape. Donna noted the substantive changes for affordable housing one of which would be raising the number from three to quads.

Donna discussed what she and Jay felt were changes to the affordable housing. Kathie McCarthy Precinct 1-Noted that many of her friends that are 55 years old have moved out of Framingham and feels very strongly about having this for a Framingham by-law. Kathy Vassar, noted the Board was talking about the Town Meeting and adding them to the March Town Meeting. She has heard that they are postponing it to June, 2004. The board will look at the by-laws, make changes and then send them directly to Donna for compilation. Donna has asked to meet with Sam Swisher on regulations. Helen will leave it to Jay for dates that will work. February 3rd will be used for minutes. February 10<sup>th</sup> will be for the regulations.

**Carol made a Motion to Adjourn**  
**Larry Seconded**  
**Voted 5 approve to 0 oppose**

Meeting Adjourned at 12:00 am

Respectfully submitted,

Carol A. Pontremoli  
Recording Secretary

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

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Thomas Mahoney, Chairman