

Town of Framingham Planning Board Meeting February 17, 2004

In attendance are Helen Lemoine, Chairman, Larry Marsh, Vice Chairman, 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 7:35 pm

- II. Miscellaneous Administrative
Approval of Meeting Minutes
September 16, September 23, December 2, December 9 and January 27, 2004

Occupancy Permit
405 Cochituate Road

Bond Reduction

Arthur Street has a wire from the utility pole. Jay has two contacts with N-star requesting the wire be relocated but for some reason this has not happened. Jay would like to retain \$1000.00. Jay will also write a letter. Larry made a motion to reduce the bond to \$1000.00
Seconded by ?. Voted unanimously.

Farm Pond – Jay would like to get a written response. He recommends at some point needing to have a traffic study. Nothing in his \ Phase one Development for Parkside was closed. The Planning Board accepted \$500,000 for mitigation. There is \$80,000 left but the Senior Center is due to close very quickly. Larry noted the \$80,000 was earmarked for furniture, carpeting and other items.

Larry moved to release the \$80,000 for furniture, fixtures, and carpeting
Tom Seconded
Voted 5 -0 to approve.

Carol Spack noted the new parking lot and asked if this would be taken into the review. Carol asked about the \$20,000 payment. Chris Petrini has sent a letter requesting this payment. Jay will check with Town Counsel. Jay noted the study is for the intersection and the parking lot would only add 70 spaces.

II. Public Hearings

Continued Public Hearing for Definitive Subdivision Plan Approval, Modification to a Scenic Road, and Public Way Access Permit, 70 Fenwick Farms, 70 Fenwick Street
(To be continued to February 24, 2004)

Continued Public Hearing for Special Permit for Mixed 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 Permit, The Arcade, 101-175 Concord Street, 29, 31-45, and 47 Frederick Street and 80 Kendall Street

In attendance are Michael Gaitlin and Edward Clinton.

Michael gave an update and met with MAPC. They have also met with Public Works Department and are making some head way. The applicant is trying to meet with the abutters. They had a meeting today with Bob DeShaw.

Ed Clinton introduced Kate ? She gave a historical overview of the Town of Framingham. She noted the first building was the Amsden built in ? but collapsed. The Fitts Brothers bought it and rebuilt it.

The Prindeville Building is very typical of the time period. It is the anchor and has an important role.

The Delaney building was built in 1925. It is in fair condition.

The Arcade was built in two sections. The first section was built in 1925 by Ashton ? They were the same builders who built the Memorial Building. The second section was built in 1936.

The applicant is in the process of ? They are working to try to save the interior part of the Arcade and they have worked very hard to have the new building blend in.

Ed Clinton spoke on the function of the site. The original Arcade is the focal point. There are three projects in one. He shows the first floor plans. He explained there will be commercial space on the first floor and loading docks. The new section will be used as the residential site. The enclosed arcade goes to the garage. The first floor has commercial space. On the second floor will be residential one-bedroom two bedroom units.

(see tape at 200 count)

There will be a difference from the 5th an 6th floor with the 6th floor having a roof garden.

The brick used will be yellow color and red colored bricks to formulate the design of the building. The trusses that make up the Arcade will be brought to the garage which will make up the pedestrian spine.

Beals & Thomas is the Landscape Architects. There will be a roof garden on the fifth floor. There will be a courtyard with decorative paving and a pool area with a perimeter seating wall that would have a brick face to it.

The lighting will be the Framingham fixtures that already exist. Along Concord Street they propose similar brick pavement that matches the Memorial Square.

The courtyard will have 8x8 pavers with a decorative arch similar to the Arcade.

They have proposed Victor Stanley benches. There would be black waste receptacles and a bike rack. In the pool area, there will be a seating wall with some columns in the Greek Revival style. It would be surrounded with a fence to keep children away from the pool area. There would be low level lighting that will light up the courtyard and pool area. They are looking at prefabricated caps and copings. Mr. ??? brought in several types of brick, cap and a universal board fence that will be six feet with a trellis on top.

Helen asked our consultants to give their impressions.

Bruce Leish, Carol R Johnson Associates and Mike Davis, Bergmeyer who have been hired on behalf of the Planning Board to do a review.

Bruce wants the project to be the best that it can be. He and Mike have had less than a week to go over the plans and would like to set the tone and have an off-line meeting after they give their comments to the Board. They will then come back to the board and then again meet with the applicants. Bruce has separated his comments into sections. The first is the streetscape. The proposal calls to remove all the street trees. He is not in favor of that. He feels they should keep the existing trees. He also noted the bump-outs should be brick. He feels the colors are fine. If it were possible, he would like to see five benches and two light poles and also repair the stairs and have the banister fixed. Regarding the crosswalk, it would be nice if the crosswalk could be changed.

Neighborhood impact: Bruce notes the planting should be more massing with denser plantings. Planters on the street, and ground cover are almost impossible to keep maintained. He would rather see more trees and grass. He also notes how the neighborhood will be impacted by the 6 story garage. He also notes he might have the garage on the inside with the residential units on the street side.

He notes there is a canyon effect between the building and garage that may cause security issues. He feels there are issues with the accessible access. He believes the circular drive may be better served as a complete circle instead of a half circle. Bruce likes the benches and feels the only comment would be to bump them up to a sturdier bench. He notes the fancy lights that will sit on the garage are not enough. The only open space he sees would come to approximately 15,000 sq feet of space. He feels that may be made up with the roof gardens. In the pool area they may be sandwiched if they do more screening for the residential area. The roof gardens should have more color and texture. He feels they will have to work hard to keep things growing.

Michael Davis, principal to Bergemeyer

He applauds the applicant for this project. In general he feels this is very complex and the architecture produces single solution answers.

He has three categories.

Massing standpoint. He feels a single entry building is inconsistent. He feels there may be better used with multiple buildings coming together for the same project. (Side 2 count 590)

The elevations seem to be the right ones. He applauds the applicant. He would like to challenge the applicant to note there are differences in the buildings that are currently on site and would like to ask the team to take a more historical look at it. He would like to see a developed elevation for the Arcade building. He would like to know where the public realm would be. He would like to see a better balance with the buildings.

Helen asked for comments.

Ann Welles' comments concern the massing effects. She didn't think about the canyon area. She agrees with Bruce that the plantings were bland. She is concerned with the Frederick Street. She agrees with Bruce with the removal of nine trees and replacing them with four. She is concerned how people will experience the general area of the sidewalk. She would like to see an obligation to the lighting and landscaping.

Larry Marsh he feels all the presentations were excellent. He knows the developer has put forth a good idea but he wants to keep this project moving and not to slow it down by having to reorganize. He would like to have the applicant and consultant get together on the outside to work together.

Tom Mahoney also agrees this is a wonderful project. He feels our consultant knows what the Board would like to see and will work together to bring this to fruition.

Carol Spack would like to thank our consultants. She would like to see some way to take the architectural feature and work with it. She agrees that the scale of a single building solution may not be as friendly as a multiple building project. She feels these designs do not invite the public to come to the public areas of this project. She would like to see this area as a place for people to come to downtown.

Ed Clinton notes the Arcade will bring people by keeping the rhythm of the spine of the Arcade. He would be glad to go over his ideas with the Planning Board's consultant.

Jim Lagerbom has a question regarding the positioning of the loading dock. He feels this project is moving along very nicely. He would like to know if they have done any market research on the hotel.

Mike Perry noted they are in the process of doing the market research. If they find it to be negative, they have the option to use it as commercial space. Ann asked if they would consider in keeping the retail space around the Arcade. Mr. Clinton noted they gave that a great deal of thought. Michael Perry noted he will be unable to get the rents for the commercial space. He also notes they need to get the number of residential units in order to get the financing for this project. The rents for downtown Framingham are much lower than other towns. He will be lucky to get \$1700 a month for the apartments.

Ann noted there are many towns where there are residential units on the first floor.

Robert O'Neil, 46 Irving Street feels the developer has done an excellent job. He also would like to see this project continue and he feels this will bring in more developers that willing to do more.

Sue Bernstein hopes the Board will take a look at the plans and not just let the consultants do it. She has brought some pictures of Beacon Hill and notes the windows and balconies.

Steve Cosmos, Landscape Architect, Town Meeting member. He would like to comment on the massing effect. He would like to make the community better. He would like to see a single row of apartments in front of the garage. He feels there is a harsh back for the residential area. He would also like to see an anchor store to bring people in instead of the garage. The cross street would be another good idea. He could see this project on Speen Street. He feels the details and thought are there but feels the Board needs to listen to their consultant's comments.

Helen would like the applicant and consultants to work together and that would be the Board's goal at the next meeting.

Jay noted they will speak on traffic and parking in general on the February 24th meeting. He would like to see architecture on March 9th after the Town Meeting.

This meeting will be continued to February 24 at 8:45 pm

Continued Public Hearing for Special Permit for Dimensional Relief from Off-street Parking Design Standards, Site Plan Review Approval and Public Way Access Permit, 1283 Old Worcester Road

Helen read the notice into the record

In attendance is Paul Galvani, Jim Rosenfeld, Boston Properties, and Ken Staffier, VHB, Dr. Steven Blum

Boston Properties is obligated to do and has worked out an agreement with Dr. Blum and Dr. Schwartz.

Due to grading and traffic and safety issues there will be a new curb cut on Old Worcester Road with keeping the 20 parking spaces. With a few minor areas they are staying within the current layout.

Jim Rosenfeld noted they are widening the road to allow for a left hand turn. They are changing the entrance to the property and making minor changes to the area. They are closing out the existing entrance and curbing a radius that will be landscaped. There will be minor grading by taking one foot. The area that will be disturbed will be matched to that which is existing and a wall will be built.

Jay noted Conservation and Fire Dept, Police do not have any issues. John Bertorelli, DPW noted the trench drain cannot be located in the street. Jay noted the department review comments were due today. He doesn't feel Board of Health will respond. Jay asked Paul Galvani to draft a decision.

Jim noted he is very pleased that this is going forward.

Ann likes the idea of the stone wall. She asked about the trench drain.

Steve noted the drain won't be an issue.

Ann wanted to know the impact on the gas station on Route 9. Jim feels there is no impact to the gas station.

Tom was concerned with the trench drain.

Steven noted there will be no problems and water will go to the storm drain.

Ann asked about the trees. Steve noted there are a couple of honey locust that are not doing well and will be removed. They will also replace an existing maple tree.

Kathie McCarthy, Precinct 10 – The dentist are their neighbors and welcome them to the neighborhood. She notes this (see tape 2 beginning)

She feels this project has had a rubber stamp. Netta Davis did not receive a notice for this hearing. She asked the Planning Board for notices from the departmental review and has not received anything. She did receive some information at tonight's meeting but has not had a chance to read it.

She feels the Board should consider the parking spaces and hopes there would be a better system and congratulates Boston Properties. She feels the board has not asked for the public's input. She wants to know what is safe.

Helen feels Kathie's characterization of pathetic is improper. (See tape 2 and re-listen to Helen's comments.) Helen wants the public to know that one and a half years ago this was brought to the Board and it has done its best to keep the public informed.

Larry would like to note that the speaker is out of line. He feels that all this is a technicality to make this happen.

Jay noted on the abutters list that Ms. Davis was sent a notice and the file has been available to the public.

Jim Lagerbom did receive a notice and Netta Davis no longer lives in that home so she may not have gotten that meeting.

Carol Spack wanted to note a letter dated February 10th Document 210-4 has five issues.

Carol read into the record the letter (doc #210-04)

Paul Galvani answered Carol's question regarding the parking issues. He pointed this out on the plans. The westerly and northerly side is not being touched at all. Paul noted that Drs. Blum and Schwartz have been very accommodating and Paul is trying to meet their needs.

Carol asked if the Board could have the waivers tie into the ??

Jay noted there is a good parking plan on C2.

Tom Mahoney asked about the layout. Tom feels that Paul has the ability to take or reconfigure the curb.

Jim Rosenfeld said they could do that.

Paul noted if they changed the use it would trigger another special permit.

Jay noted two documents 277-04 and 277A-04.

On the special permit under findings, Jay would like to note ??

He would like to have a date certain for filing and site letters for DPW and ????

On the Site Plan there is some standard language used and like wise with the post amble.

Mark Dempsey, Metrowest Center for Independent Living.

He noted the accessible space does not have a sign in front of it.

Jim noted if there is not one currently there, he will put it there.

Mark Dempsey asked about a need for a striped area for accessible van space.

Steven noted this is correct and they will look at it.

Helen asked them to look into this.

Joel Winett tmm Precinct 7 asked if there is land taking at the gas station. He also asked about the ???

Scott Weiss, VHB showed a plan where there is a slight offset to the Dentist office and the widening of the gas station and there is a 50 sq foot taking of the property.

Helen asked Jay again if the Police did send their comments and they approved it.

Carol asked Paul about the 8000 sq ft and below the 20 spaces and she would like to link this project.

Paul feels there is a built in constraint perhaps a modest one. This is an R1 zone. If there was an increase of the building that would trigger a special permit.

Jay would like to close this due to so many projects on the agenda.
Jay would like to make those appropriate changes.
This will be continued to March 9 at 7:30 pm to review the decision.

Tom Mahoney made a motion to have the Board start this hearing after the hour of 10:00 pm
Ann seconded
Voted 4 approve 0 oppose and 1 abstaining (Larry abstained)

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

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

Jay would like to note he has received correspondence from the Board of Health and Conservation Commission and also an un-numbered document from Peter Baril
The DEP has sent a letter that reflects their comments.

Stew thanked Jay for his review. Stew notes there was a letter from Conservation and they found there was not a vernal pool. There are still items outstanding. He also notes the sloping has become an issue. He looks at the letter from Peter Baril, GZA.
He read a letter that GZA is using the protocol the State uses.
Stew notes a letter from Bob Cooper and feels that Board of the Health is giving a conditional approval.
Paul Galvani noted there will be no new information coming from them.
Paul Galvani also notes there will be another approval process from DEP and Board of Health. The legality of the septic has been addressed.

Larry would like a clarification of 8,600 gallons, which translates to 110 gallons a day per household. Based on the water, this is a 78 bedroom project.

Tom would like to reiterate GZA's letter. He would like to note that GZA has given their technical consultants some figures to work with.

Jay noted there is a Fire Department review letter that he is waiting for. He feels there should be no surprises and would like to schedule a meeting to go over the decision document and reference the GZA letter. There is also a DEP letter that will need to be kept in mind so not to cross authorities. Jay feels they are done and have taken this the extra mile.

Ann asked about the tree removal area and would like to see limits to the tree removal on the road going in. She is also concerned that the applicant will say they are not sure how they are going to address the wall and other issues that remain and she would like to know how we will do this.

Jay notes they will make the decision subject to the conditions of Conservation. Jay feels they have a standard.

Larry asked what will happen if one of the plans are changed due to the conditions.

Jay notes that sometimes an applicant will have to come back to redo the lots. He also notes that there is no question of the design.

Stew notes it is not his intention to let this slip. They will take care of it this week. He noted there are three tree areas. Conservation has very strong language with regards to this area.

Ann feels there is a problem and they seem to be working on separate time lines. She wants to see everything on paper and up-to-date.

Carol asked about the water supply. She notes the letter from Bob Cooper regarding the water supply dated February 17. Has there been a source report filed with the DEP on the December well test?

Stew is waiting to hear from DEP before he makes his assessment. They are not in a position to extend this past March. Northeast GeoScience has submitted the test

Bruce Fieldman, abutter

He moved into the area 23 years ago he received a complaint regarding his neighbor not having enough water to fill her pool. He notes two years ago he mentioned there is a stream between his property and Stew's property. He keeps hearing water. He found a stream and wanted it documented. He notes his driveway has cracked since they took down some trees and feels there is something going on underground. He is concerned about the sloping. He is concerned about water and water running.

Stew noted they did not disregard his notification of the running water. They have sent people three times. Stew noted the catch basins in back yards could be the reason for the sound of running water.

Jay noted they used Brimstone as a model and will address the issues regarding the buffer area.

Edward James, abutter, commented on the tree cuttings. Stew noted there is language drafted where any trees that can be saved will be saved.

On letter from DEP regarding septic – when will the condo docs be delivered to DEP? Stew noted they will be coming after the approval of the Planning Board. Ed James asked the Board will the Planning Board base their decision on DEP letters?

Paul noted from the DEP letter the information that was pertinent to Mr. James question.

When Paul actually submits plans to the Board of Health, they will have all the documents and DEP will get a copy also. They will have to be approved and no subdivision will be allowed to be built without these approvals.

Ed James again asked in the relation to septic issues will the condo documents be delivered and will the Board approve this permit based on those documents?

Paul noted this is not a simple item. There is a process in place that could take several months.

Ed James is still asking the same question.

Ann is asking if (Tape 2 side 4)

Ann feels the applicant expects the Planning Board to approve the project.

Jay feels this is a conditional approval.

Carol feels as Ann and reads from letter from Bob Cooper dated February 17 document number 290-04. In the last sentence Bob states he feels there are too many factors yet to be considered for the Health Department to give its final approval.

Tom notes he personally has permitted subdivisions that have septic systems. It has to be approved the same way.

Jay feels the issue should be the bedroom count.

Ann doesn't feel comfortable with the bedroom count

Larry wants to know what the approval process is. Stew noted there is a pump test. The Board of Health is waiting for the quantitative data. The quality data is rolling in with the DEP. They are waiting for the test results and the labs are so backed up it could take some time to get the results.

Tom Mahoney notes in GZA's letter it says they have reviewed the data and the estimated bedrooms that GZA will support are 78 bedrooms. This would be the quantity and now they need the time to establish the quality.

Ann is still going back to the Board of Health. Helen noted that Bob Cooper had written his letter without seeing GZA's consultant's letter. Helen asked if Jay would make sure Bob Cooper received the GZA's letter and then ask Bob to write another letter that is more specific.

Carol noted in the Subdivision regs a plan needs to be submitted.

Jay noted they could put the basic framework together.

Carol suggest a forum where the PB, Board of Health and others all have input.

Ann noted in going over Brimstone, we had built a document out of a laundry list. If we do that again and we work out the document and list of promises, how will we know that all the conditions will be allowed to be put in the condo docs? Paul said he took things out of the Brimstone documents and tried to tailor them to this project. Stew has said he will do whatever it takes.

Paul notes this will be a several stage document and Paul and Stew wanted to start the process in lieu of this.

Carol mentions Section P of the sub regs regarding the quantity and quality of the well water.

Tom also feels that as a condition of approval?

Ann asked Jay ?

Tom made a motion to continue after midnight.

Ann seconded

Voted 5-0 to approve.

Helen asked Jay to speak with Bob Cooper for clarification.

Helen commented if there is any sense that this is not going to be approved, we owe it to ourselves to either make a decision to approve or disapprove.

She feels that the developer will come back with a road, fewer units and that is fine. We are doing this process to protect the neighbors. She feels the Board should make a decision and be more forthright and tell the applicant if the Board is willing to talk about going through a decision document to make sure everything is covered. If not please let us know.

Tom Mahoney feels the OSRD is the correct zoning for this site. He doesn't feel a standard subdivision is right for this site.

Stew notes he has a true drop dead date of before the election.

Ann feels the OSRD is not correctly applied and she feels that a subdivision might be better. This is marginal land and to move toward a decision, she feels she needs a letter from Bob Cooper. Helen wants to make sure the public is aware that all the members agree to get a letter from Bob Cooper.

Ann wants an approved plan with a date.

Jay asked if there should be a timeline as to the Thursday before the next meeting.

Larry commented that if Bob does not give us the letter, it will be taken as a no approval.

Carol noted that water is problematic and that the Engineering Department has noted that the water quantity for a project of this size is a problem. She feels there is a data vacuum and feels she would not be able to approve without this.

Jay feels the Board of Health agent should be the person for public information.

Larry feels we have to depend on our consultant, which is why we hired him. Ann doesn't care how he makes his decision as long as it is clear. It will be helpful if there are conditions from him spelled out.

Jay feels the Board needs two documents.

Ed James stated that back when this was discussed Larry noted if the pond was any closer to the James' property he would not vote to approve this project.

Larry made a comment about 180 feet but Jay measured it to be 70 feet. Larry feels he got the measurements vs. the date of the filing of the definitive vs. the plan they have today. He will get the numbers and have GZA look at it and then get back to Ed James.

Ed James asked if the Board would listen to a tape he has where Stew states it is 170 feet. Larry and Helen would not allow the tape to play. Ed James threw the tape on the table.

Carol is concerned that one of the issues within the GZA letter has not been addressed.

Stew noted there was a 48 hour well test and all the data was submitted to DEP and it was determined there was no difference to abutters' wells.

Carol asked if Stew will be submitting any new data. Stew answered there is no more data to be provided.

This will be continued to March 9 at 9:45 pm

**Continued Public Hearing for Mixed Use Complex, Building 2, 300 Howard Street
(To be continued to March 16, 2004)**

405 Cochituate Road.

There is an amount of \$23,000 and we are waiting for a quote on Belgian block (See tape 3 side 1)

Tom made a motion.

Ann seconded

Voted 5 - 0 to approve.

Mr. James came to the table and got the tape and started playing it in the room.

Tom made a Motion to Adjourn
Larry Seconded. Voted 5-0 to adjourn.

Meeting adjourned at 12:45 am

**These minutes were approved, with changes and/or amendments, at the Framingham Planning Board meeting of July 6, 2004.*

Thomas F. Mahoney, Chairman