

Town of Framingham Planning Board Meeting February 24, 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

- I. Miscellaneous Administrative
 - Approval of Meeting Minutes
 - September 16, September 23, December 2, December 9 and January 27, 2004
 - Administrator Report
 - Signing of Approved Plans
 - ANR
 - Shoppers World, TJX Modification

- II. Public Hearings
 - Continued Public Hearing, Modification or Rescission of Definitive Subdivision Approval, Doeskin II, 70 Carter Drive
 - (to be continued)
 - Helen asked Jay to update the board. Jay noted that some issues are still open and wanted the Board and consultants to have some time to go over the information. Jay received the information this afternoon and could not get Peter Baril or /town Counsel to attend tonight's meeting
 - Continued to March 23rd 9:00pm

TJ Maxx, Matt Reilly, Architect

He is here before the Board to speak about a compactor behind the building. He passes out pictures and showed the Board a plan which shows a screened wall which is approximately 9 feet tall that will obstruct some of the view of the compactor.

Ann asked how long the compactor and container would be.... Matt noted it is about 20 feet.

Helen asked about the building permit. Matt noted there is a building permit being pulled due to the electrical component.

Tom is concerned with the platform and stairs, the distance between the ballard and container would be a tight squeeze. Jay will have the building inspector to ask him to check the egress.

Carol asked Jay about the by-laws. Jay explained that this would come under the jurisdiction of the Building Inspector.

Matt did not know if there wee night deliveries after hours.

Tom made a motion to ask Jay to write a letter to the Building Commissioner with notations regarding items discussed.

Carol seconded

Voted 5 approve and 0 oppose

7:35 pm Background information for Special Meeting, re: the Preserve at Emerald Valley

In attendance is Bill Merriman, Conservation Commissioner, Michele Gzenda, Conservation Administrative, and Steve Orr.

Bill gave an overview of a parcel of land called The Preserve at Emerald Valley. This is between Edmands, Winch and grove streets. The applicant brought before the commission a plan regarding a wetlands in the area. The commission was told that it was the whole proposal. There is a bridge which will go from Grove Street to the site . The area appeared to be 6,680 square feet. The commission thought the area was over the 5000 sq ft within their jurisdiction. Due to the greater amount of the footage other criteria had come into play. The Conservation Commission denied it due to lack of information. About 46,000 sq ft of the wetland were part of a tree cutting and removal of foliage. The DEP approved the plan. Conservation Commission has hired expert witnesses. The applicant has since submitted a new plan that shows wires would be entrenched in six feet of dirt under the bridge. The applicant has declined to present a complete set of plans for the project. An attorney from Ashland, Mr. Beatty has written a letter on behalf of Madeline Fafard. Mr. Merriman read excerpts of the letter into record. It was written on December 17, 2003 to Mr. Sisisky who passed it on to the Selectman. He also read into the record a response from the Town Counsel dated January 14, 2004.

Helen asked about other information that may have transpired. Mr. Merriman noted there is heated litigation. An verbal settlement offer has been made to the Town which is currently on the table.

Larry asked again what the replication was again. Mr. Merriman noted it is a 1 to 1 ratio. Larry asked what the applicant would need to meet regarding requirements. Mr. Merriman noted that commission would like to see a reduction on the wetlands. His board cannot approve a project that is more than 5000 sq ft. Mr. Merriman would like the Planning board to recognize warrant 1 which is what Conservation Commission has written.

Helen told Mr. Merriman that she felt the Board would back this warrant. Helen asked the Board how they could support this article. Tom gave a point of information that this article is to expend funds to back the Conservation Commission.

Mr. Merriman read into the record, Article 1.

Tom feels this does come under part of the planning Board especially a site plan, Ann feels that the Board should back the Conservation Commission.

Larry asked what the cost would be? Mr. Merriman noted an attorney from Macgregor and Associates has been hired..

If they don't do anything but just go through the motions the cost would be approximately \$100,000.

A middle of the road approach with witness would be roughly \$200,000. For an intense approach, cost would be approximately \$300,000.

Mr. Steve Orr.

Ann asked what extend this litigation would have on "the disturbed area".

Mr. Merriman does not feel this will set a precedent.

Carol feels that backing Conservation in this would be good especially since the Planning Board denied this project when it was before the board.

Jay issued two decisions which were both denied. He would like to note that complaints against the Board shortly after the decisions were filed. The Planning Board is again in the midst of the litigation. He feels if we don't support the commission.

Tom made a motion regarding Article 1.

Carol seconded

Voted 5 approve and 0 opposed

Helen once again noted that the continued public hearing for Doeskin II has been continued.

Peter Barbieri stated an objection to the March 24 date. He feels

Administrative

Helen went over the upcoming schedule. She notes the meeting on March 9, 2004 is full but the Board will need to stop to go to town meeting in between hearings.

Helen noted that Tuesday, March 2, 2004 is an election night and no hearing can be heard. The board agreed to do administrative items from 7:00 pm to 9:00 pm.

Tuesday March 23 will be the last evening that this current board will be getting together. Jay and Helen would like to add another date as back up to complete any unfinished business before the Board take on new members from the election.

Continued public hearing for special permit for mixed use, special permit for exemption in the required number of parking spaces, special permit for reduction on the required number of parking spaces, special permit for offsite parking plan approval and for public way access, The Arcade, 101 – 175 Concord Street, 29, 31 – 45, and 47 Frederick Street and 80 Kendall Street.

Topic: Traffic & Parking

Helen asked to have document number 307-04, 308-04, 314-04, 315-04, 317-04.

Michael Gatlin, attorney and John Thomas, Beals & Thomas are representing the applicant.

Glen Weiss, Town of Framingham EDIC

He would like to note the reasoning for mixed use and its impact. He read a letter from EDIC and noted its full support for the project as long as it takes care of the existing commercial and residences. He notes several different ways this will impact the town.

Mike Gatlin notes a letter which is distributed and also notes some changes that were made to the model.

Ken Cram was introduced to do the traffic impact. He notes there are seventeen intersections that have machines taking counts. They have taken old counts and bumped them up. He notes the commercial space will be mostly specialty shops and they have taken that into account. He notes there is MBTA and when the trains stop in downtown area there is a backup of traffic. There is some impact on the intersections and a few models that will fail. There are two methods of lights, signal and non-signal intersections. He notes the unsignalized intersection is typically low impact. He spoke about what they could do to help the impact off the unsignalized intersections. The depression project would eliminate the back up on Union, Concord, Irving and Hollis streets.

They proposed a traffic monitoring program and to help work with the town and mitigate the impacts.

The transportation plan will have lift bus schedules, MBTA schedules, Zip Cars.

Carol asked about Bishop and Hartford Street intersection to get out to Route 9. She also asked about the intersection of Bishop and Route 135. Mr. Cram noted they did not go out that far. Carol asked if they would take it under advisement.

Carol asked about the train tracks and did he feel they would stay. She also asked about the Lift Program. Mr. Cram noted they will supply schedules only. She asked about bicycle lanes? She recalls there being bike racks and wanted to know what does one do with their bike once they take it out of the rack.

Mr. Thomas will speak on the parking issues. He distributed a handout. There will be 22 open-air spaces and 563 spaces located in the garage. They will be requesting waivers for reduction on the 2 spaces per unit to 1.25 spaces. For retain from 5/1,000 ft to 4 spaces/1000 feet. There will be 260 parking spaces reserved for assignment to residential units. He noted several similar properties with regards to parking. Mr. Thomas presented a summary by

different uses in the building. He looked at evening peak hours between 6:30 and 7:30 pm. He notes that shared parking will be rare.

Bob St. Martin, Time Bond

He will deal with traffic circulation, parking spaces and ??????

He notes there will be 13 handicapped accessible spaces. Eight in the garage and five outside. Two will be van accessible inside the garage and one will be outside. He notes a rectangle garage is the most efficient. They tried to minimize the footprint and decided to go underground. They looked at efficiency in the parking area. They strive between 300-33-. Anything over would be inefficient. They set the grade for the garage at 2% slope. They will provide a window walls in the garage. They have two stair towers which allows site of an egress. He showed tow plans and he noted the panels on the garage will be sandblasted rose color.

Mr. Thomas wants to bring out two points. The Board was interested in the Frederick side home. The applicant purchased them to alleviate those issues. Mr. Beals showed to drawings depicting what the street would look like with the garage. It shows the height, scale and details of the garage.

Art Scarnio, noted he has worked with this Board since 1995. He noted a plan he brought and pointed out what he has done in the Town of Framingham.

Heather Moniker has noted four items from traffic study. Traffic counts should be within twelve months of the site plan. She noted that peak speed should have been conducted on the roadways where ?????. There were no site drives. She also notes that 1000 feet should be studied and some intersections were left out. They did increase the traffic study for the 2002 counts. They agree with the rates and use and size of the development. She feels they may have underestimated the office component. The impact of the project would not change. They did not it show volume to capacity ratio's.

Jim Winn, GPI The project includes calculations ?????? The counts were taken at 5:00am, 10:00 am and 5:00 pm. He feels there will be an overlap of the uses at 7:00pm. He feels there is 4 spaces per 1,000sf is correct but would like to increase. The number of 563 spaces does not include the 10,000sf of space that they left out. This will be a good opportunity to have shared uses. To preclude they feel on a busy day there will be a shortage of spaces where cars will be looking for street spaces.

Art wants to remind the Board they are fact finders and are only concerned with the nature of the mixed use. Art feels the applicant is correct and concurs with Ken Cram but feels there should be some mitigation as a back fall if needed.

Helen asked the Board for comments.

Larry would like to share his comments and hopes this will be a great project. He feels the traffic does impact the neighborhood. He is concerned about the

parking. He feels regarding waivers he is concerned. He would like to have the applicant pick some other sites other than Edgewater or Charles are strictly residential and feels there should be more data regarding projects that has mixed use and submit those figures. He would like to see more data. John Thomas would like to clarify why they used residential facilities. They used these sites were done to access the appropriateness of the 1.25 spaces is more than adequate. Cronin's Landing is mixed use. They never observed more than 2.5 feet. He feels the data they presented is sufficient. These figures are starting figures. Ultimately, the Board would have to state the number of spaces.

Ann asked about the numbers at Cronin's Landing she asked about the count at 5:00am. She hoped she doesn't hear about the depression. The ratio for parking spaces per unit? Mr. Winn noted yes but if he gets the information he will pass it along. John mentioned about 10% usage but it really was 7%. Art answered Ann's question regarding the restaurant is very popular what happens then, Art feels they will need to increase the peak times. Mr. Winn noted there is not a lot of room for a very crowded restaurant and all residents to be parked in the area.

In general, she hopes the applicant has taken and will the board will have a response.

Tom would like to speak on traffic in general. He notes these studies were done in 2002 and feels Memorial Square was not complete and ??????????/? Tom would like to see some updated figures. He would like to see how those intersections will be impacted and what they will do to correct these areas.

John Bertorelli, Town Engineer

There are intersections in the Town that are not functioning. They will be looking for some improvements and they are in the process of getting S&R the contractor back.

Carol would like to comment on the Memorial Square rotary which accepts cars, van, tractor trailer trucks and what would this do to the density. She would like to know what special conditions would be required for fire and emergency vehicles at peak times. She also would like to pick up on the EDIC impact on displacement of current residents/employers/employees. Carol asked of there were to be some parking for the town offices. Mr. Thomas said a garage will be used for the public.

Ann noted in GPI's memo – they are looking for mitigation for four intersections. She would like to clarify that the applicant will also add Lincoln and union.

Tom would like to follow up with John Bertorelli and would like to see how regular traffic would impact the downtown area. He particularly notes the time between 4:00 pm and 7:00 pm.

Jay feels this is a downtown problem and does not want to get bogged down and hoped to figure out a strategy Mike Gatlin feels this has been a problem Robert O'Neil, 46 Irving Street – In 1996 ??????.

In answer he feels there was Rte126 overpass and hopes

Sue Bernstein, did they take into account what the vacancy rate of apts will be. Will the parking be free? Mr. Beals notes the intention is to be free. Sue noted if there is a fee for the garage- people will not use it. Regarding the rotary at Memorial Square noted there was a change in the right of way and it backs. Has there been any consideration to having the parking garage in the parking lot of the Memorial Building with a smaller parking garage on the project site.

Ann asked if GPI will look to see if there will be a need for sidewalks. Jay summarized and noted that the applicant will go to Traffic and roadway safety meeting on March 10th. They will be looking for a well developed plan. Further Jay would like a long term plan to look at the downtown issues. He would like the traffic management strategies and ??????. This hearing will be continued to March 9 at 7:45pm but may be later so people can attend.

Continued public hearing for Definitive Subdivision Plan Approval, Modification to a scenic road, and public way access permit, Fenwick Farms, 70 Fenwick Street
Documents 299-040, 313-04 and 309-04
In attendance Paul Galvani, Attorney, Domenic Venuto and Peter Lavoie

Ann made a motion to start a hearing after 10:30 pm
Tom seconded
Voted 5 approve and 0 opposed

Jay gave an update on the project and suggested the applicant will speak on the vernal pool, waivers and the scenic road modification. The trees are posted and the tree warden will give their report. Town Engineer will also speak in the letter form DPW.

Paul noted the last meeting was December 9, 2003 and then the Conservation Administrator noted a vernal pool. They filed before the conservation commission and ????????

David??? Met with the ?????? on the vernal pool. The commission voted 5 to 0 regarding that area. Paul noted they are not seeking waivers. They will be shifting the houses that allow more green space. Paul noted there is a letter from engineering which noted having an island in the middle of the cul-de-sac. Engineering does not like this scenario. There is an issue with regards to scenic road and the removal of some trees.

Peter Lavoie note on the plan that the trees being removed, was request by the tree warden. They are removing two30 oaks and one 18 inch oak.

Steve Rifkin, 39 Fenwick, asked about the percentage of trees to be cut down. There are three out of how many.

John Bertorelli, Town Engineer will comment on the site distance. He sent his civil engineer and they got a line at 12 feet. The ash tree is a standard of 15 feet. John uses 8 feet on a driveway. John noted the standards for a street is 120 feet. He doesn't agree that the speed limit of thirty miles per hour is correct.

Danny Nau notes there is a site line issue. He feels there are three white oaks. Danny doesn't feel they could replace the trees. He would like to see the applicant to look into some other.

Carol wants to go on the record in not going along with the tree cutting currently and to please look at other designs. She feels she cannot support this issue of removing the trees.

Peter Lavoie noted the first plan noted they were to take down two trees. The applicant moved the 20 feet to give abutters a larger buffer.

Jay asked if they could move the paved road and noted that paved roads do not have to be right on.

Carol is wondering if they could normalize this so all the houses are on one street. Carol asked if they removed tow lots. John Bertorelli

Tom noted if they were to move it twenty – thirty feet, they would lose one tree and not the two thirty inch oaks. John noted there is a forty foot width and this could also save the trees.

Peter noted by bowing the road out, he would move the corner lot house to the north.

Tom would like to see it bowed but have a smaller house. Domenic noted they already have made a smaller footprint for the first two homes on Fenwick.

Domenic feels there will be no more tree loss. Peter will need to verify this with the Engineering Department.

Chris Bracket 18 Fenwick Street. She would like to request the tree warden to look at a tree to look at a tree that is split on her property and their property. If they move the road 20 feet, it will impact her property. She also asked about the fence that has been proposed but doesn't know what will be placed there.

Helen asked Danny Nau to see the split tree. Jay would be the person who would decide on the fencing.

Steve Rifkin, 39 Fenwick Street

He noted backing out of the street. He feels if they went with their first concept

They would not have this problem,

Domenic asked if they could make a donation to save our tree? Ann and Helen noted there is a by-law that says they need to replace it/them on the property.

Carol asked about the placement of existing trees on the site plan. The applicant has not given them a plan.

Ann would like to suggest that the greater disturbance she feels if the applicant could draw a line of disturbances and then give the number of trees in the cul-de-sac. She knows there would be a 20-30 feet. Jay noted he did not day there would be less disturbances on the lot. Carol feels Brookbury would be a good example. Helen asked if there is and consensus before they see the applicant again.

Larry asked if Ann is correct, will the applicant be clear cutting the lot?

Domenic said No, with the exception of where the road will be place.

Domenic noted they will make every effort to not cut down trees. Carol noted they have a subdivision by-law they need to follow. Tom would like to have no-cut zones and flagged. Carol clarified that Tom is asking applicant to flag trees so they can decide on a no cut-cut zone.

John Bertorelli, Town Engineer – basically he can mark out the no-cut zones behind the house and can't be disturbed.

Ann feels they should flag all trees over 12 inches and mark them on a plan and bring the plan back.

Domenic noted they do buffers and plantings.

Carol asked if they would be willing to cut lots. She would like to present a balance view. She would like to present a balanced view. She feels that Dom has a role to play.

Helen note her dislike for this sub-division as well as her dislike of ANR;s

Ann agreed

Helen asked Domenic to ?????/

Tom made a general thought. There is a small project where the applicant did not comply. We have a large project where the applicant did the same thing. He would like to modify the regulations.

This hearing was continued to March 23, 2004 at 7:00pm

Larry made a motion to Adjourn

Ann seconded

Voted 5 approve 0 opposed

Meeting adjourned at 11:40 pm

Respectfully submitted,

Recording Secretary

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

Thomas Mahoney, Chairman