

Town of Framingham Planning Board Meeting
March 23, 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 7:10 pm

I. Miscellaneous Administrative

ANR Plans

103 Spruce Street

Roger Dowd, Attorney, Steve Starr, Starr Realty, and Terry Ryan, Applewood Survey

This is an ANR plan for 7 lots, lots are all conforming and they will not be asking for waivers. Jay asked about lot 6 & 7 to make sure they are conforming. The taxes have been paid. The Town Engineer has not Carol wants to know what the tree cover is. Terry noted it was forest and went to the show the area on the plans. Tom noticed the land lock parcels are not marked. Terry noted they are not their lots. There is a parcel of open space and Terri feels this is unlikely to become a greenspace. Roger noted there is access to a house from the back lot. Carol asked about driveways. Terri noted there is only one. Carol asked about a buffer on a particular lot. Terry noted the house in question is lower in topography.

Tom made a motion to approve the ANR lot on 103 Spruce Street shown on plan April 13, revised on 3/23/04 by Starr Construction with Applewood Engineering.

Larry seconded

Voted 5 approve and 0 oppose

II. Public Hearings

Public Hearing for Site Plan Review, Special Permit for Use, Special Permit for Reduced Dimensioned Parking Spaces, Special Permit for Reduction in Required Number of Parking Spaces and Special Permit for Off-Site Parking Facility, Interchange 12.

Helen read the notice into the record

Paul Galvani, attorney, James Rosenfeld, Boston Properties, and Frederick DeAngeles, Attorney for Boston Properties

Paul explained they are coming before the board to ask for an extension because they have been involved in the approvals and has documented this for the board in document #454-04. Paul gave a brief chronology of the decision.

Jay mentioned he brought his up at the Infrastructure meeting and there were no comments. Jay noted there have been some minor changes to the Rugg-

Gates had any impact to the owners? Jim noted there was none. Larry asked if the two year extension would be enough time. Jim Rosenfeld noted they are going through the process with Mass Highway and it is a very long process. Carol asked if they would be willing to come back one year from June to report and give an update on the status of the project. Paul noted they are willing to give a status report and feels they will need more than a year for the filing process. Paul assures the Board that he will keep them informed. Paul noted they could add one sentence regarding a status update

Robert O'Neil,

He would like to make a note on the generosity to the Board and feels this will be

Kathie McCarthy, Precinct 10

She would like to know how many abutters on route 9 have been notified by certified return receipt? Jay noted they have met the statutory requirements. Kathie feels they were not notified in the beginning and have been notified. She noted there have been issues regarding sidewalks, and improvements. Kathie feels the board has not addressed items in the past two years.

Helen interrupted Mrs. McCarthy and asked her to ask a question. Ann also asked the question. Kathie continued to give a chronology of the two years. Helen noted asked Mrs. McCathy if she is in favor of the extensions or not. Mrs. McCarthy noted if this has anything to do with the abutters that did not receive certified notices then she is not in favor.

Helen asked Jay if other Town Department have responded. Jay noted there is no reason for them to give comments.

John Stacy, Town Meeting Member and EDIC

He recently started commuting on Route 9, Interchange 12 at 8:30 pm and has noticed a back up of traffic. Helen noted that traffic studies have been made and the mitigation package dealing with this will address them.

Sue Bernstein recalls as part of the extension there is a \$300,000 mitigation.

Jim Rosenfeld noted the money is already in the hands of the town.

Helen asked for questions from the members of the Board.

Carol asked Jay if the departments had any comments. Jay noted he was unclear as to what they would respond to. Carol noted the comments from Mr. Stacy regarding traffic. Jay would hope that any department that has not responded before now would need to explain why they have not had comments prior to tonight's meeting.

Larry commented there has been no development. Jay noted Kathy Bartolini in the audience and she was in the meeting with Jay and again reiterated no department had comments on the extension of these decisions. Tom noted it has been written and taken into account the future impact of traffic.

Helen asked if Jay would look for a blanket voted.

Tom made a motion to amend or modify see tape 1320.

Larry seconded

Voted 5 approve and 0 oppose

Moved the Framingham Planning Board

Larry seconded

Voted 5 approve and 0 oppose

Moved the Framingham Planning Board

Larry Seconded

Voted 5 approve and 0 oppose

Moved the Framingham Planning Board

Larry Seconded

Voted 5 approve and 0 oppose

Moved the Framingham Planning Board

Larry Seconded

Voted 4 approve, 0 opposed and 1 abstention (Helen)

Continued Public Hearing for Definitive Subdivision Plan Approval,
Modification to a Scenic Road, and Public Way Access Permit, Fenwick
Farms, 70 Fenwick Street

Paul Galvani, attorney, Peter Lavoie, Guerrier and Halnon, and Domenic
Venuto, Fenwick Development, LLC

Jay gave an update and noted a concern with street trees and asked them to
work with Engineering to avoid cutting down street trees on Fenwick Street.

Jay noted they worked with the Engineering and was able to move the road
which is now sufficient. He also noted Peter Lavoie went out to the property
and marked the trees and has tried to keep all trees intact unless necessary.

Jay also noted the Traffic and Safety officer noted there are

The Town Engineer is in the audience tonight to answer questions if needed.

There was also a question on a vernal pool which has been disclaimed by the
Conservation Commission.

Ann asked about the trees in close proximity to the driveway and would like
to see something in place to protect during construction.

Carol asked Jay or abutters if there was an appeal on the Conservation
Committee's decision.

Steve Rifkin, abutter noted he was told there is a 60-day window and he along
with some direct abutters will be preparing an appeal.

Carol noted there will be pumps installed where there is a house below the
topography.

John Bertorelli, Town Engineer

Noted they recommended small pumps located in the houses, which would entail 3-4 houses.

Helen asked for comments as they went over the decision.

Jay noted they had sub-division regulations as of 2000. Jay also wanted to note the supplemental material noted on the bottom of page one.

Page two Jay felt an acknowledge of ?????

Page three addressed scenic road and access

The board went over the conditions: item 12 they added the idling clause.

Under 14A they added the detention basin with forbay

Under 16 & 17 provides for some oversight.

Under 19, Jay was concerned with the fill.

Paragraph 20 should memorialize an exhibit that would make it unlawful to clear cut the site. Helen would like that as long as it is qualified. Domenic asked the Board if he had the right to clear cut the lots if he wanted to but not that he wants to. Helen answered he does not.

Ann made note she does not want to see the applicant have the ability to change. Paul noted they could add some verbiage to capture what Ann and Carol is trying to protect. Jay suggested they would add another sentence and make 20 into 20 AND 20B.

Under 25, Carol asked if a fence was required. Jay noted it is questionable.

Peter Lavoie noted it is a 3-1 slope. The board is in agreement that there is no fence. Tom noted there could be a safety factor and with this one being small. Jay noted they will delete condition 25.

Carol asked if there is a transformer on the property. Domenic noted Nstar give them notice of the transformer after they present signed plans.

Jay asked the Town Engineer regarding a provision regarding anything further that DPW will need.

Jay asked the abutters regarding the fencing and gave them a copy of some decorative fence. The abutters would like to have black vinyl chair link fence. Chris Bracken, abutter - She noted they were approached in the beginning of the process and asked for a black vinyl chair link fence.

Jay would hope new property owners would replace the fence when needed.

Larry feels this is an area that is out of the Board's jurisdiction. He also noted you do not use a chair link fence for screening. Ann noted the jurisdiction of the Planning Board is for the screening. To meet the objective it would be a solid fence or a vegetative buffer. The abutter said they would prefer a fence. Helen feels the Board is missing the point and it would have to be a solid fence.

Steve Rifkin noted the applicant would be removing a fence and thus would need to replace a fence.

Ann would like to see a wooden fence.

Special Provisions:

Carol asked where the text from # 34 came from regarding the ANR.
Domenic noted they would change the wording to say modify a scenic road.

Jay asked about an easement. Paul noted they can make reference to a ten foot easement to the town and the other information would go to the narrative.

Jay noted on page 8, the sidewalks and pedestrian improvement. Ann asked if there is a dollar amount that can be connected to linear feet. Peter noted that John Bertorelli should retain control and \$5000.00 which would be \$18.70 per linear foot for the curbing.

Larry asked about item 42 and asked what it would do. Jay noted this is usually in the covenant and sometimes there is confusion.

Carol asked about item 43. Jay noted the applicant under ??U ??????????
Regarding a bond. Tape 1 side two 771

There are two waivers: reduction of right of way and sidewalk on one side

Helen asked for questions:

Sue Bernstein asked about page 4, #4 – the approval is limited to 9 lots and can it be specified on the plans.

In item 14 regarding the responsibilities for the Association regarding the easement and the maintenance. Jay noted this is not a public common area.

Jay

Feels it is a utility easement.

Under item 24 regarding stormwater management and basin. She would like to know if there should be mention the revegetation.

Sue would like to see Wyndstone basin as a model.

Chris Bracken – how many trees have been marked and what is the footage behind the houses

Peter Lavoie noted there is 120 trees and ??? footage.

???????? 39 Fenwick St

Asked about the sidewalks. Jay explained the sidewalks would go around three quarters of the subdivision. It will not be on Fenwick Street. She wants to clarify how many trees will be cut. She also asked about the vernal pool.

Ann noted that the vernal pool and the detention basin will be re-engineered.

Helen noted the abutters should go to Wyndstone basin and see how it is constructed into a rolling hill.

Helen asked Tom to close the public hearing

Tom moved to close the public hearing

Larry seconded

Voted 5 approve and 0 oppose

Tom Made a motion to waive the requirement for width of right of way
Larry seconded
Voted 5 approve 0 oppose

Tom made a motion to waive the sidewalks.
Larry seconded
Voted 5 approve and 0 oppose

Tom made a motion to approve
Larry seconded
Voted 4 approve and 1 oppose (Carol Spack

Tom made a motion to approve
Larry seconded
Voted 4 approve and 1 oppose (Carol Spack)

Helen
Carol thanked the applicant and also wanted to explain her vote and reflected
the she could not ????????????????

Peter Barbieri
(ask Jay about this item – did not see it on the agenda
Continued Public Hearing for Modification or Rescission of Definitive
Subdivision Approval , Doeskin II, 70 Carter Drive (To Be Continued to
March 25, 2004 at 7:15 pm)
To be continued to April
Peter is strongly opposing the continuation. He and the applicant has provided
the board with many documents and feels the board has sufficient time to go
over the information.

Jay feels he will need more information
Carol feels the Board has been proactive and the process going forward
Ann feels the same way as well as Tom.
See tape 2 #62

Continued to April 13, 7:35 pm

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

Michael Gatlin, Attorney and John Thomas, Beals & Thomas
John distributed a detail summary of changes and additional changes relating architectural details that came about from meetings with Town consultants.

Ken Cram noted they have met with Traffic and Safety committee and supplied DPW a memo. They have looked at a series of mitigation measures that could help the area.

They are: Lift and MBTA program and to subsidize the T program. They discussed a "Zip Car". Bicycle facilities and shower facilities.

Tenant survey would go out to tenants on a yearly basis.

In terms of off-site the traffic monitoring program. They would look at what can be done. Some items would be prohibition of left hand turns on Frederick street. Keep a portion of Frederick St a one-way. Memorial Square and remove the left turn from Union Avenue towards Lincoln Street. This would need to be re-striped. At the intersection of Hollis and Irving and prohibit left turns on to Irving Street. Monitoring program at the garage itself. They would count and observe the spaces – see how long a car uses a space and find out what the capacity would be.

Helen asked our consultant from Art Scarnio, GPI noted a large concern with just monitoring traffic. He feels mitigation should be in place to have some leverage to handle problems. He has a major concern of site distance. The proposed driveway does not meet the stopping distance. There is a 30 mile an hour speed zone. He would like to see it meet the minimum site distance. If the Board does not meet the minimum and there is an accident the Town of Framingham would be liable. He believe it would consist of 8 feet.

Regarding Concord and Frederick St would become a one way and parking on Frederick Street. Having a signal in downtown would not be feasible. He feels the suggestions of the no left-hand turns are good options. Concord St and Union Avenue has a problem but they have noticed there are arrogant drivers using the rotary and blocking it. This is creating a gridlock. He feels a Do not block rotary. Art feels thinking out of the box is important. At the Waverly St, adding an additional signal would not do anything. At Concord and Frederick st if one becomes a one-way it would be a difficult location if the cars came out at Bishop and Concord Sts. At Union Avenue and Lincoln Street at Friendly's would need to have a channelized left turn. He feels those are critical traffic components that would require relief.

Ken Cram wanted to restate the property line has been shifted six feet.

Larry asked what the traffic count would be between peak hours. Ken Cram gave Larry some numbers. Larry feels the applicant is asking for the mitigation be put off until after the project is build. Larry does not remember ever doing that. The Town would not have any options after that. Larry feels this is very difficult and there would be restrictions. He feels this is misleading and doesn't feel it would be any easier after. One thing someone should look at is mitigation money for a downtown garage there removing

street parking in the down town area. He doesn't feel he is any further tonight on mitigation than the last meeting.

Ann asked about a dollar amount. Jay noted if you applied mitigation to parking and ?????? there would be a 3 % of \$1.5 MM. Jay is interested in what it would take for them to open their front doors. Jay noted in the draft decision it is broken out. Ann like Larry's idea. She mentioned that in the past she has asked for police presence in the square to educate the public on how to drive through the area.

Jim Lagerbom asked about the value of the project. Jay noted there was a \$71 million dollars but the applicant noted \$52 million.

Tom agrees with his colleagues regarding the lack of mitigation. He feels some may be good ideas and feels they are inexpensive. He likes the left turn at Lexington St. He likes the no left turn to get onto Concord Street. He notes Gordon Street is strictly residential and doesn't make sense to him to have cars go from a main street through a residential street back out to the main street.

Tom does not feel there is any major improvement of the downtown. He wants the development to be here and wants to see a good solution.

John Beals feels if there was a good solution, the combination of his people and the Planning Board's consultant would have found it. Ken Cram noted there are thousands of cars going through Concord Street during peak times and the Arcade Project will only be adding 100+ cars more.

Kathy Bartolini wants to address When the MBTA station was moved, there mitigation is for the timing. Mass Highway and MBTA did not consult with each other and the timing is now totally off. The consultants for the MBTA failed to include the four way intersection and therefore made the rotary break. The MBTA and Kelsey are to suppose to be coming back and redoing it at their expense.

Carol Spack agrees with Tom and would like to see the applicant come back with a some ideas. She would like to ask Art Scarnio three questions. They are regarding the bridge on Concord Street, truck counts, and ???????? Art addressed Carol's concerns but noted there are a lot of indefinite answers since we are not aware if there is a hotel, how many restaurants and other elements.

Larry asked if they approved this, could the mitigation money be used to place a public parking garage on the parking lot site.

Kathy answered the \$1mm would not cover the cost of the garage. She noted there could be some money from PWED and C????????

Helen asked if seed money would help get a garage. Larry asked if there is a garage for 300 cars, what could the dollar amount be. Art Scarnio mentioned it would be \$4+mm.

Larry feels the town has to do something.

Ann asked about the timing issues or would there be other issues that MBTA could address. She also asked if TRSC make any ????

Ann asked Art once mitigation is tied in, would we have to wait until construction was done.

Jay asked Art what the signal coordination and physical improvements would be.

Art noted traffic monitoring for \$20,000 after construction. Left turn onto Concord St \$20,000. He suggests \$30,000 for intersections.

Helen tried to summarize and notes the Board is looking for money for mitigation and wonders if they are looking for money for immediate use now and then the balance for a later date. She would like to know if the Board is interested in looking at the philosophical ideal of putting money aside and would like to get a sense if the applicant and the board are

John Thomas also notes he would like to mention the sewer and feels money will need to put aside for the that

Carol appreciates Helen's question and wonders who the major players are. She feels the applicant, and the Town and also see Framingham State College. She would also like to ask about uses that would generate pedestrian usage. Mike Gatlin feels these ideas are fine but notes they are out of his jurisdiction and feels the Board should not hinder their decision on those items.

Ann wondered if the money could be used to purchase some real estate for a parking lot. Ann respects and feels they should listen to the applicant. She notes that money set aside for sewer will stay with sewer and traffic will stay with traffic.

Larry thought maybe some funds could be earmarked for study and hire an urban planner to do a study.

Kathy Bartolini agrees with the Board and notes there is a parking committee where they are discussing these issues. Kathy notes they have been speaking with Framingham State for their parking needs. One of the items they are looking at are them leasing parking lots and shuttle. Kathy noted if they had a mixed use in the business district they have tried not to have them become student dorms.

Helen asked the Board to look at document #458-04.

Bob DeShaw feels the proposed changes given tonight would only make the traffic worse. He feels the infrastructure need a lot of work and will cost a great amount of money.

Jay noted under the Mix Use the applicant cannot go above 3%. Joe noted the cap based on the value is \$780,000.

Helen asked Jim Winn, GPI. There is a different methodology for parking requirements and handed out a sheet (document #462-04) for Parking demand calculations and parking recommendations. He used 1.25 and would be a space requirement of 461. He notes there will be street parking that will be removed and would need to be taken into consideration. He summarized parking recommendations.

Larry asked what Jim based his recommendation on.

Larry asked John if they could build the project in phases. John said no, the project has not been designed in that fashion.

John Thomas feels they did not receive the information being distributed until last minute tonight.

John noted there are only 30 spaces that Mr. Perry rents. He mentioned the car to units ratio. He noted Cronin's Landing is the closest to their project. It was a direct 1-1 range. When he looked at the summary given out this evening, basically there are approximately 30 spaces (4%) out of the total spaces would be shared. John would like to hold off on discussing the information given out tonight.

Tom would like to address John's statement about being blindsided.

The information was given out in a prior document and he was wrong in saying he was blindsided.

Jay noted that having weekly meetings may not give the applicant and consultants time to get their findings and responses.

Ann noted the applicant and Board should take time to look at the new information and then respond.

John explained they are struggling and are trying to plan accordingly. They would like to see the parking fully accessible to the public. They have put together two scenarios and have made good observations and tell us the same numbers. John handed out the two scenarios. John went through each scenario. There is one regarding public parking. The second is non-validation parking

Larry asked John about valet parking. John noted they have not considered that option.

John feels these are more manageable.

Helen asked if the parking garage being constructed first and it is the preferred way to proceed.

Ann asked about the credit for off-site mitigation money.

Jay noted in their initial presentation, they asked for credit due to the garage. John noted it would be more beneficial to them to do that. They noticed there would be a community benefit for the public to use the garage.

Carol asked about the 30 spaces being displaced. Mike noted when the building are demolished the parking will diminish.

Ann doesn't feel that the public spaces should not be considered. Jay noted it would be public parking for the general public

Helen would like a consensus on the applicant keeping the garage solely for their use and not to open it to the public immediately.

Ann would like to know how many people in Cronin's Landing have a second car being parked off-site.

Sue Bernstein, asked about the existing parking spaces, are they residents, employees, etc

Bruce Leish, 593 Consultant for Landscaping

He would like to add some additional mitigation. He noted they would like to extend street scape which has been started, period lighting. He would like to Note five benches and two trash barrels. Repair the steps and railings for the front steps of the Memorial Building. He feels it would be appropriate to start with the middle of the square and go outwards. There would be approximately \$200,000 price tag.

Helen asked Jay what the next aspect would be. Jay is a little disappointed with applicants response. He feels there is big picture items and options and then there is the short term street scapes. He doesn't feel they can do this between now and Thursday.

Ann made a motion to suspend the time and continue the meeting until after midnight.

Larry seconded

Voted 5 approve and 0 oppose

John noted they took a short recess to discuss the dollar amount with other members of the Framingham Acquisition, LLC.

For traffic, parking and sewer and he notes they cannot commit more that \$1.5 mm.

Kathy Bartolini noted the Capital Budget for sewer improvement on Howard Street is \$1.1mm.

Helen would recommend to the Board and take the information under advisement and continue to Thursday, March 25th at

Tom made a motion to continue this until Thursday, March 25 at 8:30 pm

Larry seconded

Voted 5 approve and 0 oppose

Zoning Presentation (Cancelled)

**Tom made a Motion to Adjourn
Ann Seconded
Voted 5 approve to 0 opposed**

Meeting adjourned at 12:00 am

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

Thomas Mahoney, Chairman