

**Town of Framingham Planning Board Meeting
March 25, 2004**

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

Meeting was called to order at 7:10 pm

I. Miscellaneous Administrative

ANR Plans

220 Edmands Road

Applicant has asked for an

Tom made a motion to accept

Ann Seconded

Voted 5 approve and 0 oppose

II. Public Hearings

Continued Public Hearing, Site Plan Review Approval and Public Way Access Permit, 11 Beech Street.

Helen turned the gavel over to Ann since Helen and Larry were away when this was heard.

John DelPrete, Attorney and Joanne Thompson

Jay asked about the lighting. John noted there was building mounted lights that shown down. Carol asked about the placement of the dumpster. John noted it will be on the right side to the rear with gates swinging out. Ann asked if this would interfere with snow storage. John said no. Joanne explained the landscape design. Carol asked if there would be an irrigation system. Ann commented that an irrigation system would be on the decision and would need to be on the plans. The date of the revised set of plans will be dated March 24, 2004.

Jay commented some of the departments have not responded but they have passed the 35 day period. He felt the DPW letter of December 16, 2004 was a critical piece.

Ann asked if there were any questions regarding the plans. Jay would like to go over the decision page by page. Jay noted under Infrastructure/Site Design/Landscaping was the only item on page three that had changes. Page four item 18 is the Planning Board's standard construction schedule. She noted this for the benefit of the audience. Carol had a comment on item 21 page four. Regarding the installation of control signs and would also write a sentence there will be a right turn only.

Ann wanted to note this hearing proceeded with only a quorum of three.

Tom made a motion for the PB to approve as discussed tonight #470-04

Carol Seconded Voted 3 approve and 0 oppose

III. Continued Public Hearing, Special Permit for OSRD and Definitive Subdivision Plan Approval, Ford's Meadow, 45 Nixon Road

Documents 469, 471, 472, 474, 476 & 479

In attendance were Paul Galvani, attorney, Stew Mayer, Nexum Development and Judy???? and Tina, Landscape Architect

Tina gave an over view of the landscaping. She spoke about the grading, stone retaining walls, slope and zigzag of evergreen woods. There are also insidious evergreens.

She is showing what is disturbed and what will not be disturbed on the parcel of land. She noted the abutters and spoke about two in particular that are lower and she will speak about them later.

She noted there is a swale and located all of the significant vegetation. This will be done in the field. She noted a lighter gray area which will be clear cut. There will be a 3-4 retaining wall on the lower right hand side of the plans. Stew passed around photo's taken two weeks ago showing different landscaping. They had photos of each abutter's site. She had noted tree protection notes on the plan. Jay asked about the plan. She said 1" equals 40 feet.

Stew noted there was language written in conjunction with Conservation easement. The landscape architect will be the first person in and will mark the trees.

She noted the grading is what the Engineers have signed off on.

Larry asked for a point of interest and asked how much time their landscape presentation would take.

Ann asked if there is any disturbance between the well and the road. It is the existing road. She noted the vegetation options. They have not done a full survey as yet. Written on the plan is a palate of vegetations to give a basic idea of what they will be proposing.

Helen asked the board for questions.

Ed James asked what goes around the retention area. Tina noted it is already forested. They can finesse this a little more. He asked if there are buffers regarding leaves, would this be a problem. Tina noted this would enhance it as it would keep the ground loose.

Ann asked about the retaining wall and asked if it will be native stone. Stew explained they try to use the older stones found on the property. Ann asked about the wildflower meadow. She feels it will be fine except when the homeowner takes over and it will be left and just be mowed. Tina's wildlife meadow typically needs to go through a berm.

Ann asked about the Skinnion's letter and asked Stew to explain. Stew answered it would be about 25 feet which will allow 4 cars. He would like to make it large enough for a car to make a three point turn to go out on to the road. Ann would like to see this restricted to close proximity of the street so people would not have unrestricted use.

Larry asked how many feet from road to Skinnion's. Stew answered about 150 feet. Larry also asked about the Skinnion's notation regarding the road. Jay would like to see a turnout. Larry asked what the opinion of the Board

will be. They were in agreement they would be satisfied with a turnout that would accommodate two cars.

Helen asked to get back to the decision document 479-04. The Board has been waiting for the Board of Health letter dated March 24th, # 476-04. This letter reflects a unanimous vote.

Helen suggested they go through document 479-04 and just speak about the items that were changed. Paul referenced the change that was made due to the turnout for two vehicles.

Carol questioned whether it was appropriate to refer to the determination of September. Jay noted the applicant had to demonstrate that the project could sustain the 24 units. Ann wanted to have the number of days noted in 15b, 15c and 15d be removed and substitute the words reasonable time. Paul noted that item 45 should read for lot access.

Sue Bernstein noticed in the first page the list of plans and noted there are no references regarding correspondence from abutters. On page 5 condition A1, last time Carol came up with "limited to 24" plan and thinks this should be standard language. In general in the document it references Town Counsel's review of documents and should there be a notation that Town Counsel's time be reimbursed by the applicant. On item 45 has a question on the model house. Will it have running water? Stew noted they spoke about this last week and would fall under

Gail Turrack, hoping to move to Ford's Meadow. She felt that some questions would be covered tonight. How many bedrooms? The board of health has approved 72 bedrooms.

Ed James asked about a final set of documents. Jay noted we have a set of documents that have been submitted and wells. Jay noted the applicant will have to call out and note it on the plans. Helen noted the plans can change until the decision is finalized and then the plans would be revised to reflect those changes. That is the plan that will be signed off on.

Ed feels this is a dead issue but when the density was discussed on 9/3/02 it was a closed meeting. The July 9 plan was voted down. See tape 1 side b #799.

Paul noted he would like the Feb 9 letter to be noted on the decision. Jay noted the other reference regarding a change in plans should be added to #2. ***Tom made a motion to close the public hearing. Larry seconded. Voted 5 approve and 0 oppose***

Stew read a statement into the record.

Larry feels this statement was read into the record but felt the comments about a particular individual was uncalled for.

Larry asked Stew if they were not to approve, would they come again before the Board. Stew feels he would not.

Carol would like to make two statements to the Board. She feels it is advisable to have the Board use a precedent and only given approval where it is

documented that water and sewer needs have been met. She would like to see this standard used. She feels the decision made tonight will become a precedent for the future. She would like to have noted two letters March 24, 2004 from Board of Health and Letter from DPW dated January 6, 2004. Board of Health recommends a maximum capacity of 72 units and DPW states 50 units. She read a letter regarding the second well would decrease the water for the first well. She also read an excerpt from engineering letter. She finds these different standards.

Helen feels the decision does vary from some others in the past.

Tom noted the Board of Health as well as March 9 recommendation of the Health Officer notes the bedroom count would be 72 bedrooms. If the wells only can support 50 bedrooms then that will be the number. It depends on the final approval of DEP.

Larry noted we hired a 593 consultant and he gave his review which was favorable. He feels the same as Carol regarding the wells. He feels the proposal for public water supply and proposal for a shared system has never been seen so we reached out for assistance from DEW & DPW. He feels they have spent an enormous amount of time on this and we have to be comfortable ourselves to allow other individuals to make some of the decisions.

Ann doesn't feel a shared system is a problem. She has one on the Cape. She feels the PB can make a decision to be more restrictive on a project. She feels we should be very cautious and is very uncomfortable with the number that could be arbitrary. If the bedroom restriction is lowered than 72, she would feel better.

Helen noted this is an opportunity to the area and hopes we don't squander and notes we have a layer of protection that we have never had before. That is with DEP and we should wait until we hear from them. The stronger piece of this is the alternative to this and to many neighbors is not a pretty alternative and it could be worse. She feels this is an opportunity.

Jay noted we as a board feel we have to take on every ?????? No matter what the PB does, the Conservation has a final say. The Planning Board is in a position to make a decision.

Tom is speaking on two boards, PB and Open Space Plan. They have worked very hard to put a restriction on the open space and feels that no other site has these restrictions. He feels this is a great plan. The Board of Health will have records that they never had before. This will be the most documented well in the area. There will be a septic system that has almost 50% more potential. The opportunity here is to recharge the water into the ground and feels this will help relieve the water issues. He feels this is a good plan and preserves the open space.

Ann understands the merits of this project. One thing she wants to go on record saying that just because she

Point of order from Sue Bernstein – There was comments regarding the ***Tom made a motion to approve the waivers in Doc 478-04 less item F, Larry Seconded***

Voted 5 approve 0 Oppose

Tom made a motion to approve waiver I

Larry Seconded

Larry understands there is some consistency in the 500 feet. If we have a cluster proposal before us it is inherent in the nature of some cluster designs

Voted 4 approve and 1 opposed (Carol Spack)

Table this vote and go to the OSRD

Tom made a motion to approve the waivers listed in 479-04 with the exception on Waiver # f

Voted 4 to 1 opposed (Carol Spack)

Tom made a motion Waiver F

Larry Seconded

Voted 4 approve and 1 oppose (Carol Spack)

Tom made a motion

Larry Seconded

Voted 3 approve 2 oppose (Carol Spack and Ann Welles)

Tom made a motion to approve the application

Decision dates 3-25-04 in doc 478-04

Larry Seconded

Voted 2 approve, 2 Oppose (Carol Spack and Ann Welles) and 1 abstention (Larry Marsh)

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 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

Mike gave an overview of the project. He thanked the Board and members of the other Boards that have been involved.

He explained it is a vital restoration of the downtown Framingham area. He noted that Police has mentioned crime in the area,

He noted this project would be an asset to the traffic problem, greenspace, and taxes, as well as a commercial uplift to the area. He urges everyone to take a look at the project and recognize the good points and to recognize financing is

difficult and if the opportunity is lost it will be a long time before anyone will placed their own money in another project like this.

Mr. Gatlin has chosen this town to live and work into this town and request the Board to grant them an approval.

Helen asked Jay if he would like to

Robert O'Neil, He has done research on cities that have done revitalization in their downtown area. It all starts with a project of this stature. This project will affect the life of the Town Hall, Commercial and neighborhoods. He would like to go on record as

Sue Bernstein she had asked Jay to ask the applicant for a phasing plan. She is looking to find out if approved how will it affect the downtown, parking, businesses and how long of a duration would downtown feel the affects.

She believes this applicant due to financing will be required to supply 20% of the affordable housing. If the Board grants this approval she would like a condition if the Town passes the by-law for affordable house this applicant will be grandfathered. She would like to see a condition

Peter Cook, Chairman of Housing, lives on Edgell Road

He is speaking to approve this project and feels that 20% would be vital.

He feels this town should try to attract capital for the revitalization. This money will also position the town to receive money for improvements. It will attract other business and would like to give our downtown a heart and hopes the Board will not pass up a chance like this and hopes the Board will vote an approval.

Bob DeShawn would like to remind everyone if the Board approves this he would like to have money used in his precinct.

Ted Welty, Metrowest Chamber of Commerce

This project is a growth project and re-use of a building. He will supply jobs, and provide housing for people to live in the town who have spendable income.

Archie Lyons, Prec 4

I have severd in 9 years in school committee, townmeeting member. He is concerned if this project is turned down nothing will come of the downtown area. He feels this project will allow growth. He stressed that if turned down nothing will come of the area. He hopes the Board will support this project.

Jerry Couto, Architect in Town of Framingham

Early on the applicant had six meetings before coming to the Planning Board. He feels the community has had a chance to be heard. He feels this is a start

to the growth in our area. He would guess the tax revenue could reach \$400,000.

He noted the Board had a chance earlier this evening to vote on a special project and denied it. He hopes that common sense and smart sense will allow this project to proceed.

Mr. Sisinsky, Chairman of the Selectmen.

He appreciates the time the Board has spent on this project and congratulated Helen and Larry on a good job.

He also wants to ask the Board to approve this project, he feels this will give a our town a jump start. He noted there have been bumps in the road and feels they could all be worked out in the decision.

Chris Ross, Selectmen

He comes to this project as housing as an issue. He noted they worried about where the money would come from that would give us a start. This project will have a positive factor on affordable housing. He feels this will be a first big opportunity to turn this town around. He urges the Board to approve.

Ginger Estey, Selectmen

She is very interested in the revitalization of our Town.

She is wearing another hat. She would like to ask the board to please negotiate with the applicant to share the load regarding the water and sewer systems.

Steve Joyce 36 Little Farm Road

He applauds the Board and hard work. He hopes the Board will approve this project.

Document 477, 467, 473, Beals & Thomas dated March 25th (unnumbered) Mike Gatlin gave our two documents. First document which is an e-mail regarding garage design issues. The second is the parking alteration plan.

Helen went over the changes on document # 477-04.

Jay noted in Item 15 – should be completed before the occupancy permit.

Ginger Estey, Selectmen had a concern with snow removal and noted the Town is limited and asked for a storage sight prior to an occupancy permit.

Jay noted he asked Town Counsel to look at this. He has modified the section on Off-site mitigation improvements.

Mike noted the \$1.5mm is still on the table but would like to talk about how the money will be used.

Carol asked about restaurant seating. The applicant noted 400 seating capacity.

Carol asked about the ratio

Mr. Perry noted the 10% cap will be in effect for 30-40 years or until they start making money. The financing is dictating the applicant to have 10%.

Helen explained what off-site mitigation means.

Larry asked if he could propose a question on mitigation. He saw an outline on

??????

He thought in item 16 is dealing with \$1.5mm. He feels he wants the other \$620,000 included in item 16.

All of the comments that Bruce Leish made added in all items in the Memorial Plaza.

Larry would like to know what the \$620,000 is going for.

John Thomas noted it represents all the work for public improvements.

Tom wants to clarify what the specifics will be.

Helen noted they will use Bruce Leish's document presented last week.

Ken Cram went over his memo document #480-04.

Larry asked about the last paragraph to page four. He would like to remove or note this is informational on traffic signaling.

Jim Winn GPI responded to Ken Cram. He agrees the last paragraph on signaling should be struck since they are not doing this.

John Thomas noted some of these costs are on going and be annually.

Larry asked about the wording for the mitigation.

Jay asked on page two, some depts. may not agree with the improvements.

Off-site sewer - \$250,000 for sewer improvements

Jay noted this was based on a conversation with Peter Sellers. This would provide partial funding on improvements.

Mike Gatlin noted there is an I & I value of \$4.50 would meet the requirement. He asked if this could come out of the \$1.5 mm.

John notes the \$250,000

Larry asked Ginger Estey about the I & I. She noted there would be a fee for I & I

Tom noted the reason we have an I&I fee is because when Boston Harbor was being cleaned up this money was used for development.

Jay asked Bruce to speak on his e-mail regarding the mitigation issues. The list was not part of the \$620,000. He went over the list.

The \$620,000 includes the sidewalks. Ann is asking Bruce what the value of his wish list would be. Helen asked for Bruce's best estimate for items. He suggest the cost would be \$

There was a discussion of items on the list and the cost. There is a problem with the westerly side on the sidewalks. John Bertorelli noted to leave the sidewalks on the westerly side alone.

Helen would like to recommend the Board pick up number that they could live with on each item and then move on.

Larry would like to propose a different approach since they do not have all the information. He feels they have identified the money, he suggests they take the balance of \$1mm and set it aside to come up with a list at a later date. Larry would like to see the money go to the street scope. If there is a balance, it could go to the traffic.

Carol would like to see the money go to a broader area. Tom agrees in concept and his issue is still \$260, 000 I&I.

Larry has a 1.250mm \$250 to traffic, \$250 to DWP

Ann moves the Planning Board to continue past midnight and revisit a cap of 1:00 pm

Larry seconded

Voted 4 approve and 1 oppose (Larry)

Straw vote: to continue this discussion to reduce the mitigation to \$1.235m

Ann – yes

Helen – yes

Tom – Abstains

Carol - Abstains.

Larry continued to try to explain to Tom about the 3%.

Item 17 is part of 16.

Jay suggests the off-sit mitigation is \$1.5 mm

Carol asked about the garage costs come into play. John noted everything in side the street line is municipal property.

Carol noted exclusions regarding signaling.

John Thomas gave an overview on Parking Demand Management Program. The struck the sentence eliminating the hotel scenario. The program involves a managed garage; there will be monitoring of the garage and studies on the streets. If there are problems that the applicant cannot solve, they would be obligated to find another site.

Jim, GPI would still recommend the managed program. He noted there will be sticker parking for the garage.

Jay would like to call it out as an item. The board would like to work with the applicant

Carol asked about the first floor occupancy. If the size of the restaurant was reduced and added to commercial it would enhance the ???

Ann feels the restaurant will be a good use and would like to see it stay the same size.

Helen asked if anyone wants to pursue the conversation regarding the use. Carol is concerned with the parking adequacy.

Ann Asked Carol what would she reduce the restaurant. She would like it reduced by half.

Ann feels it would be a good idea to keep the restaurant as is to encourage people to utilize the downtown area.

Helen feels there would not be a parking problem and feels a restaurant would be good.

Ginger Estey, Selectmen

She noted she would like to see greenscape. She hadn't known there would be roof top gardens.

Helen asked Ed Clinton who worked with the consultant on the garage and he sent an e-mail. They have changed the façade.

Jay asked for a condition regarding ??????”

Ann asked about the façade. Ed noted a portion on Frederick Street. Ann noted that historical preservation is good and thanked the applicant for coming around.

Sue Bernstein noted that in none of the areas have you provided for peer review. Such as traffic. Jay would like to see a separate item requesting that.

John feels this should be part of the mitigation.

Mike Gatlin notes some items are two years time frame. Larry clarified if they were constructing they could come back for an extension

Item 20c – Mike asked about the landscaping.

Jay suggested a two year guarantee instead of a bond on the landscaping.

In item 21 Ann noted a change to add “any”.

John noted there is a phasing issue. Carol would like to change the wording which describes the pieces of the construction.

Larry asked about misplaced businesses? Helen asked Kathy Bartolini about this item. Kathy noted they would do the new business first. The business would be relocated the back of the building while in construction. Larry wants to see a relocation plan for the existing businesses.

Conformance review:

Mike does not want this to be open ended and would like to discuss this. Jay noted the Town can ask for a 593 review. Jay suggested a cap of \$10,000. Jim, GPI noted there will be many monitoring for traffic and there should be a cap. Ann suggested \$30,000 for architecture and \$30,000 landscaping. The board would like to cap and anything above and beyond that will come out of mitigation money.

Ann believes the applicant's intent would be
John suggested Supplemental Design Review
Bruce Leish – would like to see a little bit of a cushion. He has gone to many more meetings than he thought there would be.
Ann asked if \$40,000 would be a cap. \$20,000 for traffic, \$10,000 for landscaping and \$10,000 architecture.

Helen noted the Board needs to discuss a question posed by Sue Bernstein regarding Affordable housing.

Ann would like to put on the table for future discussion a second garage.
John noted there is an offer on the table in front of the Board of Selectmen.
Ann asked if they could memorialize this. Mike Gatlin noted the haven't

Ann made a motion to extend the hearing past 1:00 pm the hearing for another 20 minutes.

Larry seconded

Voted 4 approve to 1 oppose

Discussion on affordable housing – the applicant is agreeable to 10% and feels if the affordable housing is not passed by the Town by the next town meeting in April, 2004.

Helen asked about

Ralph Moore, Precinct 8

Has lived here for 58 years and has been a police officer. He feels this project has the ability to get the Town back on it's feet.

Tom made a motion to close the Public Hearing

Larry seconded

Voted 5 approve and 0 oppose

Helen went over the process. Jay and Mike can work on the final draft and circulated to Board Members and if there are not discrepancies – the board members can get back to Helen and if approved the sitting board can sign.

Jay asked Mike to go over the waivers:

Tom made a motion for the Board to grant the waivers for

Ann Seconded

Helen thanked everyone for staying late tonight and thanked the applicant for his willingness

Vote 5 approve and 0 oppose

Tom made a motion for special permit for mixed use, offsite parking and reduction in spaces and use I as modified 477-04 with all exhibits.

Seconded

Voted 5 approve and 0 oppose

Tom made motion

Larry seconded

5 approve and 0 oppose

Tom made a motion to approve a

Larry made a Motion to Adjourn

Ann Seconded

Voted 5 approve to 0 opposed

Meeting adjourned at 1:15 am

****THESE MINUTES WERE APPROVED WITH AMENDMENTS AT THE PLANNING BOARD MEETING OF JANUARY 11, 2005.**

Thomas Mahoney, Chairman