

**Town of Framingham Planning Board Meeting
April 20, 2004**

In attendance are Tom Mahoney, Chairman, Ann Wells, Vice Chairman, Carol Speck, Clerk, Sue and Andrea Carr-Evans. Also present is Jay Grande, Planning Administrator and Carol Pontremoli, Administrative Assistant.

Meeting was called to order at 7:30 pm

I. Miscellaneous Administrative

Carol Spack asked if she could request the minutes from Finance Committee of its weekly reviewing of the Planning Board request for funding to bring minutes up to date.

II. Continued Public Hearings on Proposed Zoning Amendments for April 27, 2004 Town Meeting

There are Articles 31 to 37.

Article 37 was withdrawn by the sponsor and the Board voted it back

Article 32 was discussed and continued to this week.

Sue asked in lieu of Donna Jacobs being on vacation that the Board should discuss how to record the changes made tonight. Jay will keep a record, there are the video and audio tapes.

Article 32, Senior Residential Community. There was a recap of the first changes made to the article last week. The Board needs to pick up at the Age Restriction. Sue feels the Condo Association should be the party to govern the age restriction.

Tom has a comment on page three, under item 7, is overly restrictive. Tom would like to have no work done from date of the actual filing under this by-law. He would like to add after the pre-application process... Ann mentioned the implications were the expectations that the developer would have consequences to avoid the risks for the worst kind of preparation.

Carol would like to add to the first sentence "with the exception the customary pre-development site testing". Sue gave an example where there is a rationale where someone would need to place a road for vehicles to go onsite to do testing. Tom noted that particular project had already come before the Board as a re-conference meeting. Andrea feels no one needs to clear cut trees to do perk testing. Ann would like to have control to be able to monitor these types of situations. Tom again noted the current wording allows no construction at all. Jay asked if the Board has the authority to be prohibitive.

Sue feels there may be a need to create a road, cut trees etc. and would like to go to a more restrictive place across the line. Tom feels the Board should take responsibility. Jay suggested the Board continues through the remaining article in case there is any other major issue.

Carol asked about a comment in the graph on page three regarding the wording in the asterisk. Jay feels this is working against the standard for the application. Carol noted the explanation on page three is a good place to define our exercise of the Board's powers of discretion. Ann would like to continue where the asterisk stops. Jay noted this is an expensive. Andrea asked about the bedroom count. She would like to have DEP involved and still feels the density is important.

Tom gave his analogy of this section of the article.

Sue brought up section 8 and asked what Town Counsel requested to be added.

In section 9 Carol Spack felt that 12 parking spaces was high. Sue noted if someone had a function these would be appropriate. Jay feels you will need parking for the amenities and depending on how the driveways are laid out we may not want to quantify it. Tom feels the parking is in the latitude of the Planning Board.

Jay asked to go back to section 8 and read what James Wagner had noted for the second paragraph. Carol read the sentence adding "to reflect".

In item 11, Common Open Space Standards of 30% in an SRC is too little. Ann noted if you take bigger and bigger chunks away you will have less and less to work with. Carol asked Andrea about a question she had about exclusive use areas.

Carol Spack feels the Board has taken away in section 11 but section 12 is giving it back. Sue asked what builder would take away from his buildable area to put pools, tennis courts, etc. Sue asked to make a note to come up with a number.

Carol would like to leave it up to the applicant to decide what he would like to do. Jay.

Carol noted in section 14, it states there is a preference for Affordable units to go to current Framingham residents.

Ann noted her mother as an example where she moved in with Ann while she was ill. Sue suggested a two tier residents.

Sue is concerned with 15B. Relative to the last circumstance, it doesn't make sense to have the definitive sub division approval should be null and void.

The special permit makes the definitive and should not be considered alone. A definitive plan approval must be given co-incident with the special permit.

Jay suggested the wording "subsequent to".

Tom noted there was a town meeting member who was given an article which has been changed and now the town warrant does not have the necessary background and it is declined. He suggested at this rate not all will be ready for Town Meeting.

The Board chose two, Senior Residential and Affordable Housing to be the by-laws that are worked on.

III. Article 36, Affordable Housing

Tom read the hearing notice into the record. Jay noted that Town Counsel has read this article and given his input. Sue asked about page two of section

E. She doesn't understand the language in bold print. Carol tried to explain the wording that if this is a phased development to the site and will then go forward. Sue had a comment on page three, option 3 where it limits the option to R3 and R4 zones. She feels it should also include R1 zones.

Tom felt this option is more or less what Town Meeting wanted to delete this option 3.

Andrea would like to disagree with Sue and feels it is written where they need to have affordable housing.

Tom asked where it states that he has to take option 1 or option 2 before option 3. Sue feels this is a social dynamic. Ann notes this wording goes back to the enabling legislature.

Ann noted the history of the option 2 is that there would be existing units.

Sue is questioning page 5, section 10 h and i. Jay feels that anything that the Board wants done and all restrictive covenants should accompany the special permit. The Board agreed to ask Town Counsel clarify the wording restrictive covenants. The Board is choosing to add all covenants and documents.

Carol has a procedural question. She asked how they should go forward on the Options 1,2 and 3 on page three. Tom would have to say, they would have to continue it. Ann noted having a split vote among Planning Board members would be disastrous.

Tom noted three articles left, article 31, 34 and 35. He also notes there are two other items on the agenda.

Ann would like to table the zoning article discussions and go on the administrative items.

IV. ANR 49 and 87 Edmands Road Worcester Road, Jewish Community Housing for the Elderly, 49 & 87 Edmands Road.

Town Engineer recommends approval of the application and Town Treasurer has signed off.

Peter Barbieri attorney for JCHE is in attendance. He explained there is a small parcel of land owned by Mr. Black would be given to JCHE and a small parcel on JCHE property would be swapped to Mr. Black. Both owners have signed the documentation in agreement.

Carol made a motion that the Framingham Planning Board approve with respect to the swap of property owned by JCHE and Mr. Black at 49 Edmands Road. Sue Bernstein seconded. Voted 5 approve and 0 oppose.

V. Discussion – 350 Worcester Road – Long Automotive Group

Paul Galvani, Attorney and Steve from Rizzo Assoc. and Julian Hargrave. In 1998, Long's opened their business on Route 9. They are seeking permission to show four vehicles on concrete pads. They feel they are at a disadvantage in regards to other dealerships. They show plans the concrete pads and the removal of some landscaping. The concrete pads are 20-25 feet from the street. They will come back with a new plan for landscaping. Sue would not support this at all. She noted other dealerships are set higher on a hill. Sue had pictures that were taken this week where cars were shown on the street, tires were placed on the landscape area. There have been cars parked

on the landscaping.

Carol Spack could not approve this request. She finds this to be distracting to drivers on Rt 9 is where cars going into the parking lot and next door and cars are being parked on the site and almost Rt 9.

Ann does not like the idea either.

Andrea feels the same way as Carol and would not support this.

Tom noted the Lincoln Mercury dealership requested pads. The Board gave them two on the side of the building. It has taken a long time to get the landscaping.

Sue feels they have not abided by the current by-laws.

Ann asked them to look at the other dealerships. She noted they are at a corner where cars need to slow down to take a right off route 9. Carol feels there is a new dealership on Route 20 with extensive landscaping.

Paul asked if the Board would give a compromise. The Board said no. Sue brought up some sign issues.

Mr. Hargraves notes he will not win. Carol noted there are four women on the Board and they should have polled them about how women buy cars.

VI. Babies “R” Us, One Worcester Road - Trash Compactor

Jay noted they are putting a larger compactor on the property. Sue noted on the ring road there is a parcel of land that is landscaping. Jay asked if the Board would like a letter stating there will be no removal of the landscaping. Sue noted there is a higher landscaping so the compactor is somewhat hidden. There was also a question as to how the dumpster is unloaded? Jay suggested there were enough questions that would warrant the applicant coming before the Board next week.

Jay is meeting with Traffic and Roadway Safety Committee tomorrow They will review a public way access permit for Wayside Group. Jay noted he will be representing the Planning Board on this. He is concerned about making a planning board statement. They do not have any jurisdiction on this project. Jay feels he should abstain from this vote rather than speak for the Board.

Tom has a question on a previous Traffic and Roadway Safety Committee.

Jay noted GPI was there. DPW has asked them to appear.

Tom noted there should be a discussion on who should appear before committee's but wanted to save this item for a future discussion. He would like to go on with the Articles.

VII. Article 31, Definitions

Tom read the hearing notice into the record.

VIII. Affordable Housing Unit (AHU) – There was not questions.

IX. Qualified income-eligible household – this is a state definition and has no issues.

- X. **Developable Site Area** -Carol had a general comment and would like to add a phrase to “a”. as for time to time amended. She would like to add the qualification. Sue asked if this would be relative to “b” also. Carol agreed. Sue asked if they could relist a,b,c, & d and then have a comment at the end. Tom has issues with the by-laws and has problems with the slopes. He also would like to note the flood plain. He doesn’t understand from an engineering point that higher than 15% is build able. Jay notes this has to be a workable by-law or you will be pushing people in the other direction. Carol wants to know if this will be carried forward. Carol asked what would be the percentage criteria from an engineering point of view. Tom went on to give an explanation. Sue noted she has done a lot of homework on this. She does not disagree that you can build on a 15% slope. She notes it is possible to build on this land but the land has been demolished.
- Ann would like to treat this as if it is in three parts. The percentage number in the by-laws in an over 55 development but is concerned with the quality level. It does not restrict on slopes greater than 15% and they have sufficient erosion control methods in place.
- Jay is worried there is a loophole. Sue noted if it appears that a developer is doing this to circumvent there is sentence in the article to cover this.
- Tom suggests they put the percentage with each of the by-laws. Sue has done some homework on several properties and notes it is not possible to predict. Sue feels the point over a certain distance is valid. There should be a number that would be realistic.
- Ann feels if you look at the over 55, there is specific needs and feels that the open space set aside should be of good quality land.
- Jay notes that the slope issue here is the density on a hillier site should be less than the density on a flatter area which could be denser.
- Sue and Carol would consider 50 on 15%. Ann would consider 100 on 15%. Carol asked what it would take for the Board to be in census. Tom feels no one has been able to justify to him that 15% is the number.
- Sue made a motion that a slope of 15 %.
- Jay is not saying what the magic number would be, but when you look at an acreage, that has soil characteristics, those slopes not suitable for building purposes.
- Andrea would like to change the wording to say the common space slope to be less than 15%. Sue noted this would put the housing on the slopes.
- Ann asked how many people want to vote.
- Sue noted on the erosion there should be 15% and the work itself would be under 15%.
- Carol would like to work at this and continue it. She feels they have a density bonus but not a bonus for under density.
- Ann would like to sleep on this and continue to Monday.

Ann moved to continue the discussion on the articles on Monday, April 26 at 7:30 pm. Sue seconded. Voted 5 approved and 0 oppose

Tom would like to make a request that the articles before them to be the version that is looked at. He does not want any more revisions. Ann noted there are only three people writing these articles. Carol finds that the goal posts are continually moving and she finds it is difficult to follow the many versions.

Tom made a Motion to Adjourned. Carol Seconded. Voted 5 approve and 0 oppose

Adjourned at 11:45 pm

****THESE MINUTES WERE APPROVED WITH AMENDMENTS AT THE PLANNING BOARD MEETING OF OCTOBER 12, 2004.**

Thomas Mahoney, Chairman