

**Town of Framingham Planning Board Meeting
April 26, 2004**

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

Meeting was called to order at 7:30 pm

7:35 pm Discussion, Babies R Us

In attendance is John Jacavone

Sue Bernstein asked about the compactor next to the gas meter. John noted the meters will be staying in the same area. The chute will be between the building and the dumpster. The bollard will be moved.

Sue asked how much space between the chute and the dumpster. John noted it is a 20 yard dumpster. Sue noted the existing 40 yard dumpsters are not on wheels and are illegal. The storage sheds are currently holding the fixtures from Kids R Us and will be removed when they are emptied. Carol asked if John could have a site plan. Ann asked if he could supply a date of removal. Tom noted they are concerned with the maneuverability of the truck coming to empty the compactor.

Jay asked John to make six copies and call him to get a time for their next meeting.

Tom asked the Board if there is any other business. Sue suggested they discuss the order of business.

All members will go to Town Meeting on Tuesday, Sue on Wednesday, and Ann on Thursday of this week.

The following week Andrea will be there on Tuesday, Carol on Wednesday, and Ann on Thursday.

Tom suggested the meeting on Monday May 3 be administrative. They will go over some of the minutes. Carol Spack will check with Carol Pontremoli on what minutes are still outstanding.

Public Hearing

Continued Public Hearing on Modification or Rescission of Definitive Subdivision Approval, Doeskin II, 70 Carter Drive

In attendance is Peter Barbieri attorney and Chris Kotsiopoulos

Jay gave an update thus far of the work to be done and noted the Town Engineer felt he needed to review current plans.

Peter Barbieri noted their engineer was not available at the last meeting so they do not have an updated plan. He also noted the last time the Board had met, the covenant had been passed back and forth from Peter and James Wagner. Jay noted the Board did

receive a draft in their last packet but since then there was another revised version. There was a discussion on the homeowners having restrictions 10, 15, 20 years down the road. Chris Kotsiopoulos does not want to put restrictions on a homeowner that would scare them off from buying the home. Tom asked why the Building Inspector couldn't be the department to watch or maintain any changes a homeowner would make. Tom felt that any alteration to the impervious surface, grading, etc shall be monitored by the Building Inspector. Sue feels this will never be enforced unless it concerns an abutter. Ann suggested this would be grounds for legal recourse. Sue feels it should be written in but doubts that it will ever be enforced.

Ann suggested the homeowner should be given a copy when they purchase the home.

Peter noted the next issue is the bonding. He feels this is a premature discussion. Now, they are not looking for a bonding amount. Tom asked if there is any language that would drive issues to completion. Jay noted the subdivision regulations are not structured for this but does say a subdivision has two years to completion. Jay feels there should be a maintenance defect bond until the roads are accepted.

Sue noted this started as an 81W and feels this has been problematic and until she feels this is all done she does not feel she has to be lenient. Peter noted there is only one lot that is not released. Ann asked if there is any value in the lots in questions. She does agree that going forward with the foundation is important. She feels that more bonding based on the foundations and the departments sign-off could be possible. Tom feels there is an immediate need for lots 7, 8, and 9. Chris noted he is not looking for lot releases, he is looking to do the foundations and then to go forward with the clearing, etc of the house lots.

Ann feels there should be enough insurance for the three lots. Jay feels this could be addressed prior to the full release of the lots. GZA could come up with an amount that is sufficient for the three foundations, install the leeching basins, complete the grading and the system will be working. Ann asked if there can be some progress reports. Jay suggested for GZA go out to the site for inspections and report back to the Board. Carol would like to see revised plans but would like to make sure the \$20,000 is sufficient.

Sue asked how many Board members have been up to the site lately? She noted the swale which is unstable. Sue had pictures she took during the past week. Sue asked if the easement being granted between the Harding's and the Beers' and the wells in the easement.

Mr. Beers noted he would prefer to have his wells not be in the easement. Sue has one last question regarding the head walls: There are one or two offsite headwalls and would like to get that addressed. Tom is concerned about the dynamics of the drainage system. Kathy Vassar, questions the size of the culvert that goes under the roadway. She was told the culvert was too small to handle the water.

Ann in summarizing there are four issues. They need to know if the \$20,000 is sufficient for the foundations for 7, 8, & 9. The second issue is a report from engineering confirming the culvert, and town's systems work. There is an issue with the wells in the easements and then another discussion on bonding.

Mr. Harding agrees with Sue and Ann regarding the unfinished condition of the lot behind his house. Mr. Harding has several pictures that he showed to the Board. One of

the themes that runs through these conversations and is a little confused about how long will it take for Chris to get started and then finished. Peter noted that once the documents have been signed, there could be a 20-day appeal period. Peter noted Chris' intent would be to start as quickly as possible. Mr. Harding would like to know approximately how long will the process take to finish once it is started. Tom noted the Board asked for construction dates. Ann wants Peter to put something in writing.

Jay would like to see a document from Peter the Thursday before the next meeting. He wants the Board to have time to look them over before the meeting or the meeting will be continued.

Tom noted they have outlined outstanding issues and asked Peter if he could have everything ready for May 10, 2004 at 7:00 pm and they could schedule this for 7:30 pm.

Kathy Vassar, regarding the language of repaving of Carter Drive and would like to make sure it is still in effect. Peter noted there is another covenant and it is still in effect.

Tom continued this meeting until May 10, 2004 at 7:30 pm

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

Article 31 Definitions

Developable Site Area

Tom went over the items that were discussed from the last meeting. Sue went into a discussion on slopes and the laying out of the roadway. Ann asked if there is a percentage that would be good. Tom and Donna feel that 20% off the top is too high. They feel 15% is better. Tom asked Stew Mayer what he thinks. Stew feels a fixed number would be better. 15% shall be deducted relative with respect to the roadway, storm-water. Utility easements shall be calculated separately.

Access or right of way easement or any portion of the lot designated for the roadway and storm-water management – 15% shall be deducted.

New d. with respect to any right of way utility easement shall be deducted separately.

The remaining will be renumbered accordingly.

Slopes shall be determined by calculating the slope of every 50 foot run.

There was a discussion on developable and desirable. Andrea has technical issues. What is everything came in as 19.1 or 19.6 just under that 20. She would like to see it rounding up. Tom suggested they will usually round to the nearest whole number. Jay noted 25 is the worst, 20 is the most reused. Sue felt more conservative because of the use.

Sue made a motion to take a number from 15 –20%

Voted 3 approve 2 oppose

Vote is approved

Tom made a motion to take a number of 75%

Voted 1 approve 4 oppose
Vote is denied

Carol made a motion to withdraw Article 31 for the purpose of incorporating into the regular town meeting.

Ann Seconded

Voted 5 approve 0 oppose

Vote is approved

Article 32, Senior Residential Community wording was changed to Age Restricted Community.

There were substantive changes and in the notes:

* first sentence is fine. The final density of any proposed common or shared water supply or common or shared septic.

After the filing of the pre-application conference there shall be no site development without approval of the Board. Tom suggested adding the Planning Board shall not close the hearing.

Under Section 12, strike the boldfaced type.

Under Section 13, as prior to the issuance of the special permit.

Sue move to recommend adoption of the age restricted community with the changes discussed this evening.

Ann Seconded

Voted 5 approve 0 oppose

Article 35, Earth Removal

There were two typographical errors on the first page. In Section 3 d add earth removal to after the colon

Section 4a 1 should read An earth removal plan showing existing and proposed topography prepared and stamped by a professional engineer and a registered land surveyor at a scale of one inch

Tom has an issue with 5a3

Sue moves they keep 5a3 as presented

Carol Seconded

Voted 3 approve to 2 oppose

5B Remove the words where existing

Ann moves to support endorsement of article 35 as amended and presented

Sue Seconded

Voted 5 approve and 0 oppose

Ann moves the PB recommend adoption of the affordable by-law as amended at Last Tuesday, April 20, 2004
Carol Seconded

Ann moved to accept a friendly amendment
Carol Seconded
Voted 5 approve to 0 oppose

Ann made a motion to continue the hearing for Article 34, Erosion Control
Tuesday April 27, 2004 at 7:20 pm

Ann made a motion to close the Public Hearing once closed, to go into Executive Session and come back into the regular session to adjourn.

Roll Call vote
Carol yes
Ann yes
Tom yes
Sue yes
Andrea yes

Board leaves for Executive Session

Board resumes from Executive Session

Andrea made a motion to Adjourn
Carol Seconded
Voted 5 approve and 0 oppose

Adjourned

****THESE MINUTES WERE APPROVED WITH AMENDMENTS AT THE
PLANNING BOARD MEETING OF November 30, 2004**

Thomas Mahoney, Chairman