

1 **Planning Board Minutes**
2 **Tuesday, June 8, 2004**

3
4 **Memorial Building**
5 **150 Concord Street, Public Hearing Room**
6

7 Those present: Thomas Mahoney Mahoney, Chairman, Ann Welles Welles, Vice
8 Chairman, Carol Spack Spack, Clerk, Sue Bernstein and Andrea Carr-Evans Evans-Carr.
9 Also present is Jay Grande Grande, Planning Administrator and MaryRuth Reynolds,
10 Administrative Assistant.

11 Meeting was called to order at 7:30 pm

12 Administrative approval of minutes was postponed until later in the meeting

13 **I. Public Hearing for Preliminary Sub-Division Plan Guild Road**

14 Thomas Mahoney reads into record public hearing notice in attendance: Jim DeVellis for
15 the applicant Mr. Zani. Jay Grande listed documents relevant to this hearing 734-04
16 DPW, 730-04 Conservation Commission, 728-04 inspectional services, 622 -04 fire dept.
17 He also noted that there are no comments from The Board of Health, Police or Planning
18 and Economic departments. Mr. DeVellis briefly went over the sub division site plans
19 along with a brief history of property. They have reduced the lots from 10 to 7 and are
20 hoping to get back some feed back from the Board Members and neighbors.

21 Carol Spack is concerned about the access, feels it looks problematic with a dead end
22 street that is 500 feet long. Is there any other configuration that could be considered on
23 this site, due to the wetness of the area? Jim DeVellis, would like to have a cul-de-sac
24 further outside the wetland, unfortunately that had gone before the board and the waiver
25 was not looked upon favorably. He feels this is a common driveway, which in his opinion

1 is allowed in Framingham. This common driveway supplies amply area for emergency
2 vehicle to turn around. Ann Welles asked what the overall length of the cul-de-sac is.
3 Jim DeVellis said Approx 600 feet. Ann Welles asks where the public sewer lines would
4 be tired in. Jim DeVillis said at the intersection of Bracket Street with individual
5 services. Ann Welles asks is that a gravity system? No feed back from town as of yet.
6 Ann Welles doesn't like the idea of building a neighborhood on the wetlands.
7 Sue Bernstein is concerned about the community notice sign and was one posted?
8 Jim DeVillis said Yes, Around April 6th. Sue Bernstein is also concerned about the
9 wetlands and thinks it the worst subdivision. Andrea Carr-Evans, Do they plan on
10 installing sprinklers in the homes due to the fact that the road and driveway is so long.
11 Jim DeVillis said, Yes, possibly they will work with the fire department on that.
12 Andrea Carr-Evans asks will there be hydrants along the road? There will be one in the
13 cul-de-sac, along with one or two along the common drive. Ann Welles wants Jay
14 Grande to explain the implications of the duel zoning on the lots. Jay Grande has
15 discussed this with town counsel and some of the staff; typically you can't access from a
16 manufacturing district into a residential district. The applicant's engineer has been every
17 creative in terms in creating the frontage with a common drive. There is a significant
18 portion of the lots in the manufacturing district and that there could be a strong argument
19 that it doesn't comply with zoning. Also it is not written anywhere that common
20 driveways are allowed. There are issues with the design of this subdivision.
21 Thomas Mahoney takes comments from the audience and then will make his comments.
22 Ned Price, (Precinct 17, town meeting member and P&Z member) comments on the
23 shape and setup of the lots. Does this means that there will be duplex or will there be

1 single family home? How many square feet of filling will there be? Robert O'Neil, (46
2 Irving Street) believes this will be a very desirable location because of the closeness to
3 nature and feels the residential use will keep out future industrial use. Marlene Aaron
4 (Real estate Broker) gave her opinion that this land will be marketed for industrial use if
5 this is not approved as a sub-division. Many residents are concerned about the water and
6 where is it going to go when they fill in the wetlands. As well as the traffic that might
7 increase due to the site. Has a petition sign by the neighbor that they are against this
8 subdivision. The applicant's representative responds to some of the comments: All the
9 details for the house lot and utilities have not been worked out yet. At this point they are
10 planning on building a residential neighborhood, and have tried to design the site with the
11 groundwater table in mind. Thomas Mahoney wants to know how much wetlands will be
12 filled. Jim DeVellis responded, approximately 23,000 sq ft of filling or about ½ acre on
13 the 11 acre site. Carol Spack wants to know about the history of the structures on the
14 property and if the title is clear as to access to the property. Thinks there might be some
15 question of where the access lies and who owns it? There was a survey and title research
16 and there are no rights of passage from any of the abutters recorded with any of the
17 registry. Thomas Mahoney does not like this sub-division plan. Feels the lot
18 configuration defies what a subdivision is all about. Thinks the common drive is just a
19 way to extend the road. Overall isn't happy with this plan. Explains what a preliminary
20 subdivision means and that they have review comments from other departments and will
21 review these in an advisory capacity. Jay Grande comments, that they are under a 45 day
22 clock to file a decision by June 17th. Board feels that maybe they could have only one or
23 two lots and that would give the applicant use of the property. Jay Grande recommends

1 that they bring it back on next Tuesday and feels it should be carried over for purpose of
2 drafting a decision. Carol Spack read into the record some standards that the board will
3 hold this sub division to; She lists from the Definitive Subdivision Rules and
4 Regulations, Section VII., General Section A.4, A.5 and A.7. Section VII. B. Streets, and
5 VII.C. Storm Water Management, VII.3., and Nature Features in the Environment and
6 zoning of the site and our definition of the lots as to frontage. Thomas Mahoney
7 continued this hearing to Tuesday June 15th at 9:30 for the purpose of a decision.

8 **II. Brookmeadow – Covenant Extension**

9 In attendance were Bill Pezzoni and David Franchi. Mr. Franchi stated he wants to
10 complete the road, but DPW does not want to finish the road. After Jay Grande spoke
11 with Abdul Alkhatib in DPW everyone is on board and wants to finish the road. There is
12 some concern about putting the final coat in the heat of the summer. Mr. Pezzoni stated
13 that they would like to propose to extend the Subdivision Covenant Extension thru the
14 end of the year and that the bond is good thru the middle of November. Jay Grande
15 believes the bond should be extended at least one month beyond November in the event
16 the Fall Town Meeting begins late. Sue Bernstein wants to know if the drainage
17 provisions have been taken care of. Yes, responded Mr. Franchi. Sue Bernstein asked
18 how many lots are left? Mr. Franchi responded that 4 lots remain to be built on.
19 Jay Grande is concerned that they are in the fourth year of construction and the binder
20 coat will not hold up to the winter weather. Many items are still outstanding and they
21 need to be taken care of. The open space conveyance issue is holding up the release of
22 the final occupancy permits. Jay Grande believes this was the only way to have this
23 condition complied with by the Developer. The cul-de-sac needs to be maintained. Jay

1 Grande recommends that a document be issued based on the recommendations that the
2 applicant has put forward this evening and the other items brought up by the Board.
3 Ann Welles recaps what the Board is looking for from the applicant: drainage
4 maintenance issues, bond extension, road construction, no tracked vehicles, lights, road
5 acceptance in time for town meeting, conveyance for the open space and some sort of
6 agreement for the maintenance of the cul-de-sac. Jay Grande has been holding up the
7 building permits; as soon as the applicant gets something from the Conservation
8 Commission the Board will allow the building permits. There is some discussion on the
9 legality of holding permits and what the reasoning of the board is on that issue. The Board
10 has no problem with allowing the 2 building permits and will hold back on the last 2 until
11 all issues are resolved.

12 **III. Public hearing – Special Permit For Use, Site Plan Review Approval, Public**
13 **Way Access Permit for 222 and 236 Cochetuate Road Eastern Bank**

14 In attendance for the applicant, Peter Barbieri, Warren Bose (Eastern Bank), Bruce Ey ,
15 Mark Serta (Financial ?????)

16 The public hearing notice is read into the record by the Chairman, Thomas Mahoney.
17 Peter Barbieri gives a brief description of the property proposed for the eastern bank
18 location. Bruce Ey gives a brief description of the water and drainage issues of the
19 property. Landscaping is also discussed. Sue Bernstein wants to know how some will go
20 back towards the east because there is no u -turns allowed. Peter Barbieri believes that
21 vehicular u -turns are allowed but not truck u-turn. The board would like to see some
22 documentation to confirm that fact. Carol Spack wants to know why Section II.C. of our
23 site plan review standards does not apply to project. Peter Barbieri responds, because of

1 the language in that section says “resulting” and this does not result, plus there is less
2 than 8,000 sq ft of gross floor area. Carol Spack is still concerned whether Section 2C
3 applies and would possibly like town counsel to comment. She also would like to know
4 if there are any residential abutters on the site. There are 2 abutters, directly across
5 Cochituate Road, on the other side of Concord Street and on the back side there is a
6 subdivision. The other uses are a church and office space. There is some concern from
7 the board about traffic in the parking lot and pedestrians crossing thru it as well as traffic
8 flow thru the space. Parking spaces and employee parking are discussed as well. The
9 Board doesn’t like the complete completely “hardscape” and wants more greenery. Tom
10 opens question to the audience. Colleen W_____ and other neighbors are very concerned
11 about this project because her home is in close proximity and the traffic is already bad
12 and feels this will make it worse. She wants to have a traffic study done. The public in
13 the audience are concerned about the traffic and that there is no u-turn allowed at that
14 location. This is already a busy area and that they feel something should be done.
15 Kathy McCarthy brings up the issue of drainage, which is briefly touched on. Jay
16 Grande notes that there are several departmental review documents, DPW 731-04,
17 Conservation, Fire Department 623-04, and Building Department 729-04 and nothing
18 from Disability Commission to date. There was a staff meeting and a number of issues
19 were noted. There are some pedestrian and parking access issues and need for feedback
20 from the Applicant on these issues. Also, there should be a pathway from the street to the
21 bank. Sue Bernstein wants to know why there is no traffic study. Peter Barbieri believes
22 due to the sq ft that they are not required to do one. Sue Bernstein really feels that there
23 should be one. All the studies are based on and outside teller and no ATM. Applicant’s

1 Representative responds, Yes. The Board agrees that something should be done in the
2 front and back with more and better landscaping and wanted to know what is happening
3 with the signage. Building lighting is also issue and the Board wants more detail on this
4 issue. Carol Spack cannot support the project as presented and wants comments from
5 Town Counsel on several items, especially the possibility of no drive though. Thomas
6 Mahoney comments on curbing, landscaping and sidewalks, and traffic issues. Thomas
7 Mahoney suggests that the board give any more question or comments to Jay Grande at a
8 later date. This Public hearing is continued to July 6, 2004 at 7:35

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10 **IV. Discussion on Doc# 733-04 – JCHE**

11 **Summary doc to Natick Planning Board**

12 The board reviewed the document making appropriate changes.

13

14 There is extended discussion on what should be in the letter and what kind of statement
15 or opinion they are making to the Zoning Board of Appeals.

16 The Board discussed committee appointments, none were made at this time.

17 Meeting adjourned at 12:00 am

18 Respectfully submitted,

19

20 Mary Reynolds

21 Recording Secretary

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23 ****THESE MINUTES WERE APPROVED WITH AMENDMENTS AT THE**
24 **PLANNING BOARD MEETING OF AUGUST 3, 2004**

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Thomas Mahoney, Chairman