

1 **Planning Board Minutes**
2 **Tuesday, June 15, 2004**

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

7 Members Present: Thomas Mahoney, Chairman, Ann Welles, Vice Chairperson, Carol Spack, Clerk,
8 Sue Bernstein, and Andrea Carr-Evans. Also present is Jay Grande, Planning Board Director and
9 Mary Reynolds, Administrative Assistant.

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11 Meeting was called to order at 7:10
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13 **I. Approval of minutes**

14 Thomas Mahoney has 4 sets of meeting minutes, but only feels that two are ready to be approved
15 with minor changes. Thomas Mahoney wants electronic minutes for the future. He also wants to
16 review the tapes for March 9th & 18th 2004. Thomas Mahoney: will entertain a motion to accept the
17 minutes for December 2nd & 9th 2003.

18 **Carol Spack made a motion to accept the minutes for December 2nd & 9th 2003 with minor**
19 **changes made by Thomas Mahoney that will be incorporated into the final version.**

20 **Sue Bernstein seconds the motion. Motion passed 5 in favor, 0 opposed.**

21 **II. Discussion with Peter Sellers – Director of DPW**

22 The Board and Peter Sellers agree to work together to establish a shared rule between Planning
23 Board and DPW , that the sooner of two years or a date set jointly by the Planning Board and DPW
24 will be used to determine that the construction schedule is progressing as agreed.

25 **III. Preliminary Subdivision Brimstone Estates II, 350 Brimstone Lane**

26 Present: Peter Barbieri, Attorney. Town Meeting Member Precinct 1, Kathy Vassar in the audience.
27 Peter Barbieri gives a brief description of the over all subdivision. Ten lots are planned plus 2
28 separate undevelopable parcels for detention basins. All 10 lots are over the required 1 acre
29 minimum lot area requirement and have the required frontage. No filling of wetlands is anticipated.

1 Preliminary plan and the details have not been worked out. Sue Bernstein asks what is the proposed
2 grade of the road? Applicant states 18.75% at bend and further up because of some filling 13.75%.
3 Sue Bernstein states that she thought that the town standards limit it to 8%? Peter Barbieri responds
4 that it maybe 8%.Sue Bernstein wants to know how do they intend to deal with that? Peter Barbieri
5 states that that would have to be a wavier, but feels it's a substantial improvement over the existing
6 conditions. Plus an added benefit is that the cul-de-sac will provide for a turn around capability for
7 emergency vehicles. Sue Bernstein asked if the applicant has looked at a cluster?
8 Peter Barbieri responds no, because of the length of the road. The road has to be built to service the
9 other properties. Ann Welles wants to know what are the waivers that they will be asking for?
10 Peter Barbieri responds with the following list: the scale of the plan, location of trees on the lots
11 (possible), locus plan, scale length of roadway, slope of road, no curbing, looking for shoulders and
12 roadway constructions, curvature of roadway, width of pavement, and no sidewalk. Carol Spack
13 quotes Section VII. of the Framingham bylaws regarding subdivisions which have access through
14 another town, and want to know if the applicant has written permission from the town of Sudbury?
15 Peter Barbieri states that they have not approached Sudbury; however, there are legal rights for
16 access to those lots that are shown on plan that run with the property. Sue Bernstein would like
17 applicant to provide the Board with a copy of the document that they are relying upon.
18 Peter Barbieri agrees to provide that document and states that there is a plan from the early 1900's
19 that shows that area and shows Brimstone Lane as it is with all properties having the right to use
20 Brimstone Lane down to route 20. This information all came out of common title search.
21 Carol Spack wants to know if they could document that, and what is their understanding of the
22 status of the Sudbury piece of Brimstone Lane, how would they characterize it? Peter Barbieri
23 responds there is a section of Brimstone Lane as you first enter into that has been accepted by the
24 town, then, there is a section in Framingham that has not been accepted by the town. Carol Spack

1 wonders how does the preliminary plan satisfy access through another town, provision of municipal
2 services, location and alignment of streets, how safety services can navigate the proposed street.

3 Ann Welles notes that the deadline for approval is June 18, 2004 and is the applicant willing to grant
4 an extension. Jay Grande states that if the Board decides to come to a decision they should ask for
5 an extension. Sue Bernstein wants to know if they are intending Brimstone Lane to be a public or
6 private way? Peter Barbieri states that they will be looping the water way and hopes the town will
7 accept the road. Sue Bernstein wants to know if they are expecting Framingham to provide trash
8 pick up, plowing and school buses as a town service. Peter Barbieri answers yes. Sue Bernstein
9 asks if there will be a homeowners association, at least for the detention basins. Peter Barbieri
10 answers yes, but normal municipals services hopefully will be provided and that Brimstone Lane
11 will be treated the same way as with any other subdivision. Sue Bernstein wants to know if the ANR
12 plans are on appeal, and close to a court date. Also although their submittal time grandfathered them
13 from resent zoning changes, would the applicant be willing to comply to those changes should the
14 Board go forward with this. Peter Barbieri states that they would not go with the affordable bylaws,
15 but will take a look at them. Sue Bernstein asks about the vernal pool on the property. Peter
16 Barbieri will have to check with con com. Andrea Carr-Evans wants to know how long is the road
17 from the last residential driveway, and why this isn't considered an extension of the road? Peter
18 Barbieri states that because there are services and lots on the dirt road that have been previously
19 approved by the town. Thomas Mahoney opens to question to the public: Bob, a Sudbury resident
20 wants to know what is the town of Framingham's allowed length of a cul-de-sac in the Framingham
21 bylaws.

22 Jay Grande states that it is 500 feet but can be waived to 700 feet. Bob asks how long is the
23 proposed cul-de-sac? Peter Barbieri states that the new road way cul-de-sac is only 350 feet;
24 however improvements are being made to existing roadway for 1700 feet. Sue Bernstein wants to

1 know where the cul-de-sac begins, according to the regulations. There is no real defined answer to
2 this question from the applicant. Jay Grande believes this will probably require a waiver.
3 Thomas Mahoney explains to the audience what exactly a preliminary plan is and that it's not a
4 binding agreement between the Planning Board and the applicant. Kevin McClain, Sudbury Fire
5 Chief states that he would like to be included in the loop and would like to have all Sudbury's
6 departments involved and hopefully receive plans. Thomas Mahoney points out that the
7 Framingham Fire Department denied the plans based on the fact the dead end exceeds 500ft,
8 however, if the plan goes forward they would require residential sprinklers, fire alarm boxes and
9 looped water mains. Thomas Mahoney reads a letter from Sara Donovan into the record.
10 There is some discussion from a neighbor about the curve of the new road and one resident's
11 property. Peter Barbieri reassures the resident that road will curve away from her property to the
12 north not to the south into her driveway. Carol Spack asks if the legal access to Brimstone Lane on
13 the Sudbury side is an easement. Peter Barbieri responds that "easement" is the right term, because
14 the original plans show Brimstone Lane up to the end where it is on the plan which gives all lots
15 access to the road. Ann Welles states that she has more concerns with the Groppo driveway and the
16 rise of the road, as well as the name of the road in regards to emergency vehicles finding properties,
17 due to the fact there is already a street named Brimstone Lane I. The Board would like to hear from
18 town counsel before they make their decision. They are requesting a 30 day extension. Peter Barbieri
19 has agreed to this. **This Hearing is continued to Aug 3, 2004 at 7:35.**

20 **III. Discussion for the Natick Mall Expansion**

21 In Attendance for the applicant Bob Davis, (associate of Chris Renier) and Scott Weiss from VHB.
22 A brief description of the project is given to the Board members. Sue Bernstein gives a brief
23 general description of an agreement between Framingham and Natick in regards to parallel zoning
24 laws. She is also concerned that Framingham has been approached so late in the game and is
25 disappointed that Natick has gone ahead and made changes to their zoning laws. The general

1 opinion is that the traffic impact will greatly affect Framingham. There is concern about the
2 roundabouts, pedestrian crossing from the rail trail, and roadway usage between malls, open space,
3 possible bus loop for shoppers, and the narrowing of northern loop passage to a two lane road.
4 The Board agrees to draft a letter to the Natick Planning Board meeting to be held on Wednesday
5 23, 2004. Thomas Mahoney opens discussion to the audience. Kathy McCarthy Precinct 10, Chair,
6 Is concerned about the traffic access. She thinks that more traffic will be coming down RT 30. She
7 feels this needs to be addressed because there is already a serious problem. She also has some
8 concern about access for emergency vehicles, the elderly, and the disabled and parking safety.
9 Mark, chairman of Rail Trail Committee, is concerned about the 6 lanes of traffic and would like
10 the applicant to consider the possibility of adding an island. Thomas Brown, (Bicycle and
11 Pedestrian Advisory Committee), hopes to see Framingham's lift included in this plan.
12 Brian Taberner, Senior Planner, in general likes the plans, but there are many issues. Mitigation of
13 impacts to the town of Framingham has not been a major concern for them and it has to be. He feels
14 that we can easily change our LIFT bus routes so LIFTS 2 and 3 can have a regular stop at the mall
15 area. The major concern is that the town has not seen a set of revised plans since the submittal, and
16 there have been lots of improvements, and we don't really know what the impact will be.
17 Thomas Mahoney repeats that the Board will attend the Town of Natick's Planning Board
18 meeting: Wednesday 23, 2004 at 7:30 in the Natick Town Hall 2nd floor hearing room. Sue
19 Bernstein wants to know if a final list of mitigation, an updated copy of the footprint and elevations
20 could possibly be provided to the Board given the short timeframe. She also would like Jay to start
21 drafting a letter to Natick with comments and concerns. Jay stated that he will do that.

22 **IV. ANR Plan for 26, 32, 36 Jean Street**

23 In attendance for applicant: Attorney Paul Galvani, Dominic Venuto, Owner. Paul Galvani gives a
24 brief description of the lots. All lots fully comply with the by-law and have certification from the
25 town engineer. The Town engineer does recommend endorsement. Sue Bernstein asks Jay if he has

1 been out to the site. He replied no not recently. However John Bertorelli has been out to see the site.
2 There is some discussion between the Board members while they scan of the print provided by the
3 applicant. Carol Spack wants to know if the Demone lot frontage is newly defined because of lot
4 one. Paul Galvani responds “No”, their frontage is on Brook Street and this is the back yard. Carol
5 Spack wants to know what the setbacks are on lot 3. Paul Galvani responds that the set back is 10 ft
6 side yard Carol Spack wants to know what the status of the sidewalk on Jean Street is. Paul Galvani
7 responds that there is no sidewalk on Jean Street. Carol Spack asks, what assurance does the Board
8 have that the removal of all the earth material will not change drainage patterns onto existing lots.
9 Paul Galvani informs the Board that under this submittal that is beyond their jurisdiction. Ann
10 Welles asks whether or not these houses have basements? Dominic Venuto responds yes, and then
11 adds, that there will be no blasting only hand digging.

12 **Thomas Mahoney asks for a motion. Sue Bernstein made a motion to endorse the plan for lots**
13 **1, 2, 3 on Jean Street. Thomas Mahoney seconds the motion.**
14 **5 in favor, 0 opposed.** *Board wants to receive a note from the applicant informing them when*
15 *applicant has started digging.*

16 **V. Continued public hearing for Preliminary Subdivision review of**
17 **Guild Road Cul-de-sac.**

18 The Board discusses the issues around the cul-de-sac and goes over the decision. Thomas Mahoney
19 wants the Board to review the decision and then will ask for a vote. Thomas Mahoney asked for
20 question or comments from the audience. **Carol Spack moves that the Framingham Planning**
21 **Board vote to accept doc # 751-04 Notice of Decision for Denial of Preliminary Subdivision for**
22 **Guild Road cul-de-sac. Sue Bernstein seconds the motion. The vote is 5 in favor, 0 opposed**

23 **VI. Approval of Minutes**

24 The Board review the February 18, 2003 Meeting Minutes and changes were recommended.

1 **Ann Welles made a motion to approve the draft minutes from meeting on February 18, 2003**
2 **as amended. Carol Spack seconds the motion. 5 in favor, 0 opposed.**

3 **VII. Other Administrative Items**

4 Sue Bernstein brought up the issue of an abutters letter document # 735-04 and information
5 concerning the Development. The Board recommends Jay send a letter after consulting with Town-
6 Counsel. Andrea Carr-Evans mentions that she attended the Natick Planning Board meeting on the
7 Natick Mall Expansion and there was a request that the Framingham letter be read into record.
8 Should it have been read? The Board discusses the Mall Expansion and agrees to post a meeting for
9 Wednesday 22, 2004 during the Natick Planning Board on the Mall Expansion. Carol Spack thinks
10 that we should come up with a standard process on non cut lots in subdivisions. It could be some sort
11 of letter to inform homeowners that there is a conservation area on the lot. Jay will discuss it with
12 Joe M, Building Dept. and Michele, Conservation Commission as to what type of letter could go out.
13 Doc #738-04 regarding Fenwick Farms and the reallocation of funds is discussed and what needs to
14 be done. Jay will look into this matter and will report back to the Board next Tuesday. Sue Bernstein
15 has a question on doc# 737-04 and that the variance has expired. Jay should send an e-mail to
16 building department regarding the dates. Jay also needs to schedule an Executive Session for
17 Tuesday 22, 2004 at 7:30.

18 **VIII. Meeting Adjournment**

19 **Andrea Carr-Evans motions to adjourn. Ann Welles seconds the motion.**
20 **5 in favor 0 opposed.**

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22 Meeting adjourned at 11:00pm

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Respectfully submitted,

Mary Reynolds
Recording Secretary

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

Thomas F. Mahoney, Chairman