

PLANNING BOARD MINUTES
July 6, 2004

Those present: Thomas F. Mahoney, Chairman, Ann V. Welles, Vice Chairperson, and Susan P. Bernstein. Also present: Jay Grande Planning Board Director and Mary Reynolds Administrative Assistant.

Carol Spack arrives at 7:10 pm

Andrea Carr-Evans arrives at 7:40 pm

Tom Mahoney called the meeting to order at 7:05 p .m. and announced the order of business for this evening.

I. Discussion with Joe Mikielian and Bob Cooper

The Planning board wants to establish a coordinated system of checks and reviews with both the Building Department and Board of Health. They would like to work together to better follow up on project requirements set forth by any of the Boards. This could possibly help head off any future problems such as with the drive thru at the 1670 Worcester Road site. Joe states that even though the applicant built the drive thru according to the plans, sometimes things look great on paper but in reality just doesn't work. Carol Spack reads from our Site Plans Regulations Section 4 part 9, "The Planning Board shall establish and may periodically amend rules and regulations. Including additional regulations relating to the scope and format required. The Board could invoke this section and asked for a report from the Building Inspector on the safety issue. Then the Board could amend Section I and insert a requirement for reports from other town departments for review. The Board, Joe Mikielian and Bob Cooper will work together to achieve a better system of check and balances.

II. Continued Public Hearing for Special Permit for Use Site Plan Review Approval and Public Way Access Permit, 222 & 236 Cochituate Road, Eastern Bank

1 ***This hearing was continued to August 17, 2004 at 9:00 p.m.***

2 **III. Approval on Minutes**

3 Tom Mahoney requested the Board members to review the minutes so that
4 they can be approved this evening. Carol Spack distributed additional minutes
5 for the Board's review.

6 The Board reviewed the July 22, 2003, Meeting Minutes. Changes were
7 recommended. Ann Welles made a motion to approve the minutes as
8 amended. Sue Bernstein seconded the motion.

9 **The vote was 5 in favor, 0 opposed.**

10 The Board reviewed the June 17, 2003 Meeting Minutes. Sue Bernstein made
11 a motion to approve and release the executive session minutes for the June
12 17, 2003 meeting. Thomas Mahoney seconded the motion. Sue Bernstein
13 than made a motion to approve the minutes as a total as amended. Carol
14 Spack seconded the motion. **The vote was 5 in favor, 0 opposed.**

15 The Board reviewed the April 15, 2003 Meeting Minutes. Changes were
16 recommended. Ann Welles made a motion to approve the minutes as
17 amended. Sue Bernstein seconded the motion.

18 **The vote was 5 in favor, 0 opposed.**

19 The Board reviewed the February 17, 2004 Meeting Minutes. Changes were
20 recommended. Sue Bernstein made a motion to approve the minutes as
21 amended. Andrea Carr-Evans seconded the motion.

22 **The vote was 5 in favor, 0 opposed.**

23 The Board reviewed the June 29, 2004 Meeting Minutes. Changes were
24 recommended. Andrea Carr-Evans made a motion to approve the minutes as
25 amended. Sue Bernstein seconded the motion.

26 **The vote was 5 in favor, 0 opposed.**

1 **IV. ANR Plan for 660 Pleasant Street**

2 Due to the fact that the applicant has failed to present an extension and that
3 the Engineering Department recommended not endorsing this plan due to the
4 lack of access to the frontage, Jay recommends that the Planning Board not
5 endorse this plan. The board discussed the plans and the configuration of the
6 lots. The historical value of the house was mentioned and a brief discussion
7 with David Marks (Historical Commission) who was present at the meeting.
8 Tom reads the Engineer's recommendation for the record; The Town
9 engineer does not recommend endorsement of this application for the
10 following reason: Access is impeded by a stonewall across the entire
11 frontage. Engineer referenced court case Polios vs. Braintree.
12 Recommendation was dated July 6, 2004.

13 ***Ann Welles made a motion for the Planning Board not to endorse the***
14 ***ANR plan for 660 Pleasant Street, based on the recommendation of the***
15 ***Engineer. The motion was seconded by Carol Spack.***

16 **The vote was 5 in favor, 0 opposed.**

17 **V. Request for Final Occupancy Permit for Steve Starr**

18 **19 Brookmeadow Circle**

19 Steve had purchased just the lot in Brookmeadow Estates and has since built
20 his home and would like to obtain an occupancy permit. Jay Grande states
21 that the town was waiting for the Selectmen to take the open space and that
22 the only protection the Town had was to hold the occupancy permits. Also
23 they still need to get an extension for the letter of credit from the builder
24 through December because they are looking to file in November Town
25 Meeting for town acceptance of the road. Jay Grande recommends that they

1 defer to July 20, 2004, which is after the Selectmen's meeting on July 8,
2 2004.

3 ***Ann Welles moves that the Board allow Jay Grande to recommend the***
4 ***issuance of the final occupancy permit subject to the Board of***
5 ***Selectmen's vote on the open space. Thomas Mahoney seconds the***
6 ***motion***

7 **The vote was 5 in favor, 0 opposed.**

8 **VI. Temporary occupancy permit extension for Bay State Lincoln Mercury**

9 Joe Shaker explained that he had performed some improvements with the
10 landscaping and was hoping to get some input from the Planning Board. He
11 also wants to try and get the sidewalk issue cleared up so that they could get
12 the extension on their temporary occupancy permit. The Board feels that the
13 plantings are looking better but that the trees need to be replaced regardless
14 of the reason for them being dead. The Board also mentions that there were
15 vehicles being parked in the entrance which is prohibited and that was one
16 reason for holding up the permit. Joe assured the Board that parking in the
17 entrance was not allowed and would make sure it wouldn't happen in the
18 future. The Board agrees to allow the asphalt sidewalk remain and not require
19 applicant to remove and redo it.

20 **Sue Bernstein made a motion to extend the temporary occupancy**
21 **permit from date of expiration to 90 days forward. Thomas Mahoney**
22 **seconded the motion. The vote was 5 in favor, 0 opposed.**

23 **VII. Public Hearing for Site Plan Review Approval, Special Permit for use,**
24 **and Special Permit for Reduction in the Required Number of Parking**

1 **Spaces, Public Way Access Permit, Samuels & Assoc, 350 Cochituate**

2 **Road, Lowe's Home Supply Center**

3 Thomas Mahoney reads the public hearing notice into record.

4 In attendance for applicant: Paul Galvani, Joel Sklar (Samuels & Assoc),
5 Larry Lepere (Lowe's), Rick Bryant, Tom Benjamin & Brian Sullivan (Rizzo
6 Assoc), David Mayer (Lowe's), Leslie Cohen (Samuels & Assoc.), Jeff C
7 (Lowe's)

8 Paul Galvani gave a brief overview of the proposed site and the property. He
9 stated that Samuels & Assoc is under agreement with Verizon to purchase
10 this sight. Samuels is also under agreement with Lowe's Home improvement
11 Centers to redevelop the site for a Lowe's Home Improvement Store.

12 Joel Sklar gave a presentation on who they are and why they are here in
13 Framingham asking to build a Lowe's Home Improvement Store. The
14 presentation continues with an overview of the store design plan, parking
15 design, landscaping and architectural design and various traffic issues.

16 Thomas Mahoney opens the hearing to general comments from the Board to
17 give applicant an idea as to the Board's is concerns. Carol Spack comments
18 on the FAR and what that is when parking is included. She also wants to
19 know what type of truck traffic as well as quantity that will be present on the
20 smaller streets in the area. She comments that the Board is permitted to
21 require up to 6% for mitigation dollars and would expect a more generous
22 discussion on what mitigation dollars will be expected and what might be
23 done with them. Carol Spack also noted that she would like to see a building
24 design that keeps the front of the building on the street with parking in back.

25 Ann Wells asks what the overall height of the building. The applicant
26 responds that the main area of the building is 31 ft to 37.8 ft and the gable is

1 55 feet. Ann Welles wanted to know what the current height of Verizon
2 building is a present. The applicant didn't know. Ann Welles is concerned
3 about the design of the ramp leading to the roof parking and the size of the
4 larger pickup trucks that customers use being able to make the sharp turn on
5 to it. She is also concerned about pedestrians' safety crossing at the three-
6 way intersection at Target, and wants a firm commitment from Target that the
7 intersection isn't going to be a free for all. She also wants to see what type of
8 plan they have for sidewalk displays and how much will be used for displays
9 and not pedestrians. Ann Welles agrees with Carol Spack and wants to see a
10 different design other than the average box store. Sue Bernstein wants to
11 know what the anticipated tax revenue will be. The applicant responds that
12 the tax revenue will be about \$600,000 which is approximately \$120,000 more
13 that the current. Sue Bernstein also feels this is still a box store and wants
14 applicant to continue to work on the architecture and landscaping. She also
15 feels that the site is over lit and maybe the applicant should look at different
16 light poles. Sue Bernstein noted that the signage does not comply with
17 Framingham's sign by law and that should be reworked. Sue Bernstein asks if
18 the FAR included the garden center? The applicant responds that the garden
19 center is included except for any open areas. Andrea Carr-Evans asks if this
20 was presented to the Town of Natick. The applicant responded that yes the
21 plans had been provided to Natick. Andrea Carr-Evans wants to know how
22 big the parking spaces are and will they accommodate the larger vehicles and
23 how will she as well as other consumers get their purchases from the store to
24 the roof top parking? She wants to know what if anything could be done about
25 the cut through road and the larger truck traffic. Sue Bernstein suggests that
26 they look at the intersection of Route 30 and Route 9 to be included in the

1 next traffic study. Thomas Mahoney agrees with the comments made on the
2 traffic and the parking issues. Ann Welles asks if they will be going to the
3 Historical Commission. The Applicant responds that they will not, because the
4 building isn't over 50 years old. Thomas Mahoney opens for
5 comments/questions from the audience. Marilyn (town meeting member,
6 precinct 3) wants to know what that the hours of operation will be, and what
7 way are the eighteen wheel trucks going to exit. Kathy McCarthy (precinct 10,
8 chair and Disabilities Commission), wants to invite the applicant to give a
9 presentation to the Disabilities Commission. She also has issues with parking
10 and traffic safety, handicap access and wonders where is the snow going to
11 be stored.

12 In general the audience is mostly concerned with the traffic and parking
13 issues. The applicant tries to responds to some of the questions. The store
14 hours will be open to 6 am to 11 pm seven days a week. The delivery trucks
15 will enter by the Turnpike or Route 30 into the site and exit out to Whittier
16 Street, which has up to six lanes, and then back to Route 30. They are
17 tentatively scheduled to appear before the Disabilities Commission on July 8,
18 2004. Jay Grande believes that the Board will need a 593 Consultant for
19 landscaping. The Applicant and Board review the different firms to be used for
20 consulting to establish any conflicts. Jay states that the Board has not
21 received comment letters from DPW on water and sewer and he feels the
22 Board should focus on site design and storm water. Thomas Mahoney stated
23 that at the next hearing the subject will be responding to comments and
24 questions brought up at tonight's meeting, with the biggest issue being the
25 location of the building.

1 **This public hearing was continued to July 20, 2004 at 9:00 pm and**
2 **August 31, 2004 at 7:45.**

3 **VIII. Discussion on Community Development Plan 2004**

4 Sue Bernstein comments on the 168-page document from the Planning and
5 Economic Development Department and that it is going to be presented to the
6 state without comment from the Board. She also states that she's not
7 confident that this reflects the views of a large segment of the population and
8 feels that the report may need editing. Jay asked if it was going to the
9 Selectmen. Sue Bernstein said she had asked that question and was told it
10 wasn't immediately going to the Selectmen. The Board members agreed and
11 felt that they did not have sufficient time to review such a large document.
12 Sue suggested that Jay Grande send correspondence to Planning and
13 Economic Development Department that states that the Board has some
14 concerns with the conclusions drawn and would like to have further input.

15 **IX. Discussion on Natick Mall Expansion**

16 Jay Grande has spoken with the Natick Mall people before the July 4, 2004.
17 They acknowledged that they received his e-mail and they would like to talk
18 with the departments and then meet with the Board in August. Jay suggested
19 that they meet next Tuesday but has not had a response as of yet. The Natick
20 Board would like to start voting tomorrow night and have not stated that they
21 will close the hearings. The Board will check on the availability to meet with
22 the Natick Mall Group on July 22, 2004.

23 **Ann Welles made a motion to go into executive session to discuss**
24 **maters of litigation relative to Nexum Development Corporation and to**
25 **come out of executive session for the purpose of adjournment. Roll call**
26 **vote all members present voting in the affirmative.**

1 **Thomas Mahoney made a motion to leave executive session for the**
2 **purpose of adjournment. Ann Welles seconds the motion. Roll call vote**
3 **all members present voting in the affirmative. Meeting adjourned at**
4 **12:30 pm.**

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Respectfully submitted,

Mary Reynolds
Recording Secretary

**These minutes were approved, with changes and/or amendments, at the Framingham
Planning Board meeting of September 7, 2004.*

Thomas F. Mahoney, Chairman