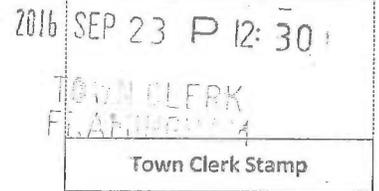


Framingham Planning Board

Memorial Building • Room 205 • 150 Concord Street
Framingham, MA 01702-8373
(508) 532-5450 • planning.board@framinghamma.gov



PERMIT | FRAMINGHAM



Planning Board Members

Christine Long, Chair
Lewis Colten, Vice Chair
Victor Ortiz, Clerk
Thomas F. Mahoney
Stephanie Mercandetti

Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator
Raphaela Morais-Peroba, Community Outreach Coordinator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

**Regarding the Applications of Heritage Properties
for the Properties located at
52B and 52C Nixon Road, Framingham, MA**

On August 10, 2016, the Heritage Properties, filed with the Planning Board, and on August 10, 2016, the Planning Board filed with the Town Clerk for a Special Permit for Land Disturbance; Special Permit for a Common Driveway; a Public Way Access Permit; and a Scenic Roadway Modification Permit to construct two single family homes that will be accessed by a common driveway. The project will also include landscaping, site utilities, and associated site improvements. The property is located at 52B and 52C Nixon Road, is zoned Single Family Residential (R-4), and is listed as Framingham Assessor's Parcel ID: 012-29-1918-000 and 012-19-9989-000.

After the notice of the public hearing was published in "The MetroWest Daily News" on August 15, 2016 and August 22, 2016 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A, the Planning Board opened the public hearing on September 1, 2016 at 7:00 pm in the Blumer Room, Memorial Building, Framingham. Continued public hearings were held on September 14, 2016 and September 22, 2016.

On September 22, 2016 the Planning Board **APPROVED** the applications Special Permit for Land Disturbance; Special Permit for a Common Driveway; a Public Way Access Permit; and a Scenic Roadway Modification Permit for the property located at 52B and 52C Nixon Road and a **DECISION** was filed in the office of the Town Clerk on September 23, 2016.

Christine Long, Chair
FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

Framingham Planning Board

Memorial Building • Room 205 • 150 Concord Street

Framingham, MA 01702-8373

(508) 532-5450 • planning.board@framinghamma.gov



PERMIT | FRAMINGHAM

plan • build • grow



2016 SEP 23 P 12:30

TOWN CLERK
FRAMINGHAM

Town Clerk Stamp

Planning Board Members

Christine Long, Chair

Lewis Colten, Vice Chair

Victor Ortiz, Clerk

Thomas F. Mahoney

Stephanie Mercandetti

Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator

Raphaela Morais-Peroba, Community Outreach Coordinator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

Regarding the Applications of Heritage Properties for the Properties located at 52B and 52C Nixon Road, Framingham, MA

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that in the applications of Heritage Properties for Special Permit for Land Disturbance; Special Permit for a Common Driveway; a Public Way Access Permit; and a Scenic Roadway Modification Permit to construct two single family homes that will be accessed by a common driveway. The project will also include landscaping, site utilities, and associated site improvements. The property is located at 52B and 52C Nixon Road. The opening public hearing was held on September 1, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on August 15, 2016 and August 22, 2016. Continued public hearings were held on September 14, 2016 and September 22, 2016. The Planning Board APPROVED said applications on September 22, 2016 and the decision was filed in the Office of the Town Clerk on September 23, 2016. For additional information please see the Planning Board's webpage at www.framinghamma.gov.

Christine Long, Chair

FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

Framingham Planning Board

Memorial Building • Room 205 • 150 Concord Street
Framingham, MA 01702-8373
(508) 532-5450 • planning.board@framinghamma.gov



2016 SEP 23 P 12:30
PERMIT FRAMINGHAM
VIN CLERK
plan = build + grow



Planning Board Members:

Christine Long, Chair
Lewis Colten, Vice Chair
Victor Ortiz, Clerk
Thomas F. Mahoney
Stephanie Mercandetti

**DECISION OF THE FRAMINGHAM PLANNING BOARD
ON THE APPLICATION OF HERITAGE PROPERTIES
FOR THE PROPERTIES LOCATED AT 52B AND 52C NIXON ROAD
DECISION DATED SEPTEMBER 22, 2016**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 (APRIL 2016 PENDING ATTORNEY GENERAL APPROVAL)
FRAMINGHAM ZONING BY-LAW

General Property Information

Project Number: PB-027-16
Property Address: 52B and 52C Nixon Road
Assessor's Information: 012-29-1918-000 and 012-19-9989-000
Zoning District: Single Family Residential (R-4)

Application Information

Application(s): Special Permit for Common Driveway, Special Permit for Land Disturbance, Public Way Access Permit, and a Scenic Roadway Modification
Sections of the Framingham Zoning By-Law under review: Special Permit for a Common Driveway (Section IV.E.4.a) and Special Permit for Land Disturbance (Section V.F)
Sections of the Framingham General By-Laws under review: Public Way Access Permit (Article VI., Section 8) and Scenic Roadway Modification (Article VI., Section 10)
Date application(s) were filed with the Planning Board: August 10, 2016
Date application(s) were filed with the Town Clerk: August 10, 2016

General Project Contact Information

Applicant Name: Heritage Properties
Applicant Address: 490-B Boston Post Road, Suite 202, Sudbury, MA 01776
Landowner Name for 52B: Harold Wilson, 44 Sedgemoor Road, Wayland, MA
Landowner Name for 52C: Mutual One Bank, Brian Ledwith, 828 Concord Street, Framingham, MA
Project Contact Name: Vin Gately, Heritage Properties
Engineer Company: Connorstone Engineering, Inc., 10 Southwest Cutoff, Unit 7, Northborough, MA 01532

Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) August 15, 2016 and (7 days prior) August 22, 2016
Date of abutter/7 Abutting municipalities/parties of interest mailing: August 24, 2016
Date of opening public hearing: September 1, 2016
Date(s) of continued public hearings: September 14 and September 22, 2016
Applicant's Representatives in attendance at the Public Hearing(s): Attorney George Connors, Connorstone Engineering, and Vin Gately, Heritage Properties,
Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair, Victor Ortiz, Clerk, Thomas Mahoney, and Stephanie Mercandetti

Framingham Planning Board

Memorial Building ▪ Room 205 ▪ 150 Concord Street
Framingham, MA 01702-8373
(508) 532-5450 ▪ planning.board@framinghamma.gov



PERMIT | FRAMINGHAM

plan ▪ build ▪ grow



Planning Board Members:

Christine Long, Chair
Lewis Colten, Vice Chair
Victor Ortiz, Clerk
Thomas F. Mahoney
Stephanie Mercandetti

**DECISION OF THE FRAMINGHAM PLANNING BOARD
ON THE APPLICATION OF HERITAGE PROPERTIES
FOR THE PROPERTIES LOCATED AT 52B AND 52C NIXON ROAD
DECISION DATED SEPTEMBER 22, 2016**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 (APRIL 2016 PENDING ATTORNEY GENERAL APPROVAL)
FRAMINGHAM ZONING BY-LAW

General Property Information

Project Number: PB-027-16
Property Address: 52B and 52C Nixon Road
Assessor's Information: 012-29-1918-000 and 012-19-9989-000
Zoning District: Single Family Residential (R-4)

Application Information

Application(s): Special Permit for Common Driveway, Special Permit for Land Disturbance, Public Way Access Permit, and a Scenic Roadway Modification
Sections of the Framingham Zoning By-Law under review: Special Permit for a Common Driveway (Section IV.E.4.a) and Special Permit for Land Disturbance (Section V.F)
Sections of the Framingham General By-Laws under review: Public Way Access Permit (Article VI., Section 8) and Scenic Roadway Modification (Article VI., Section 10)
Date application(s) were filed with the Planning Board: August 10, 2016
Date application(s) were filed with the Town Clerk: August 10, 2016

General Project Contact Information

Applicant Name: Heritage Properties
Applicant Address: 490-B Boston Post Road, Suite 202, Sudbury, MA 01776
Landowner Name for 52B: Harold Wilson, 44 Sedgemoor Road, Wayland, MA
Landowner Name for 52C: Mutual One Bank, Brian Ledwith, 828 Concord Street, Framingham, MA
Project Contact Name: Vin Gately, Heritage Properties
Engineer Company: Connorstone Engineering, Inc., 10 Southwest Cutoff, Unit 7, Northborough, MA 01532

Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) August 15, 2016 and (7 days prior) August 22, 2016
Date of abutter/7 Abutting municipalities/parties of interest mailing: August 24, 2016
Date of opening public hearing: September 1, 2016
Date(s) of continued public hearings: September 14 and September 22, 2016
Applicant's Representatives in attendance at the Public Hearing(s): Attorney George Connors, Connorstone Engineering, and Vin Gately, Heritage Properties,
Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair, Victor Ortiz, Clerk, Thomas Mahoney, and Stephanie Mercandetti

TECHNICAL REVIEW TEAM MEETING

On August 24, 2016, the Technical Review Team (TRT) reviewed the project at 52B and 52C Nixon Road

Technical Review Team Members Present: Amanda Loomis, Planning Board; Marianne Iarossi, Community and Economic Development; Joseph Mazzola, Fire Department; Carol Bois, Health Department; Rob McArthur; Conservation Commission; Tam Nguyen, Department of Public Works; Mark Leporati, Fire Department; Chris Canney, Department of Building and Wire; Sam Scoppettone, Community and Economic Development; Will Nasser, Assessing Department; and Michael Blanchard, Board of Health.

Present for the Applicant: Keith Crowley, Heritage Properties and Vito Colonna, Connorstone Engineering

PLANNING BOARD APPROVAL INFORMATION

Date of Plan reviewed and approved by the Planning Board: July 26, 2016, revised August 26, 2016 and September 15, 2016.

PROJECT DESCRIPTION

The Project at 52B and 52C Nixon Road, presented by Heritage Properties includes the construction of two single family homes accessed by a common driveway. The common driveway will be constructed along the frontage of 52B Nixon Road. The Project further includes underground utilities, septic systems, earthwork, landscaping, and associated site improvements.

The Project is located in the Single Family Residential (R-4) Zoning District. The property was received during the Approval Not Required (ANR) process in 2011. The Plan of Land for 50 Nixon Road was endorsed by the Framingham Planning Board on March 24, 2011 and recorded with the Registry of Deeds on May 26, 2011 (Plan 320 of 2011).

HEARING

The Framingham Planning Board held a total of three public hearings (September 1, 2016 (continued without testimony), September 14, 2016, and September 22, 2016). Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair; Lewis Colten, Vice-Chair; Victor Ortiz, Clerk; Thomas Mahoney; and Stephanie Mercandetti.

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney George Connors, Connorstone Engineering and Vin Gately, Heritage Properties.

During the course of the public hearing process, the Planning Board took under advisement all information received from members of the public who provided input during the review of the Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-law, information submitted by the Applicant, comments from town boards and officials, and members of the public. Findings made from the application and public hearing process resulted in the development of the conditions contained within this Decision.

Summary of Minutes

- Lewis Colten questioned why the applicant would prefer to sprinkle the two single family homes rather than increase the width of the common driveway which would eliminate necessitating the sprinkler systems. Mr. Colten stated his concerns regarding the sprinkling of the building. Ms. Long concurred with Mr. Colten statements regarding the use of sprinklers for the two properties. Ms. Long stated her concerns and felt the sprinkler systems would be an unnecessary financial burden for the potential buyers. Ms. Long further stated that sprinkler systems are more of a commercial application use rather than a residential use. Ms. Long further stated that to avoid the installation of the fire sprinkler systems as required by the Fire Department, the applicant should comply with the driveway width according to the General By-Law. The Planning Board and the Applicant discussed the installation of the sprinklers vs. an increase in width from 14' to 20'.
- Stephanie Mercandetti requested clarification on the retaining walls and further questioned the width of the common driveway relative to the passing of two vehicles.
- Victor Ortiz requested clarification regarding the location of the common driveway. Mr. Ortiz further asked why the applicant did not consider locating the common driveway between the two proposed houses.

FINDINGS

Having reviewed the application, plans, and reports filed by the Applicant and its representatives; having considered the correspondence from the Department of Public Works, the Conservation Commission, the Planning Board, the Department of Inspectional Services (Building Department), the Fire Department, and the Police Department within the Town of Framingham; and having considered testimony from members of the public, and having viewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law, including the requirements of Sections IV.E, V.F, and VI.E, of the Framingham Zoning By-Law; Article VI, Section 8 and Article VI, Section 10 of the Framingham General By-Laws. Specifically, the Planning Board makes the following findings:

1. Section IV.E.4.a - Common Driveway (Framingham Zoning By-Law)

- 1.1 The Applicant proposes to construct a common driveway in accordance with plan note #10 as shown on the endorsed Plan of Land (endorsed by the Planning Board on March 24, 2011, recorded at the Registry of Deeds on May 26, 2011, and stamped as Plan 320 of 2011).
- 1.2 Plan note #10: "Lots 2 and 3 to share a common driveway for access (common drive for Lot 3 over Lot 2)."
- 1.3 The Scenic Roadway Modification By-Law (Article VI, Section 8 of the Framingham General By-Laws) requires common driveways to be constructed at a width of 14', which is not consistent with the Fire Code.
- 1.4 The Applicant has revised the plan and proposes to construct a 20' common driveway as modified at the request of the Framingham Fire Department for the purposes of access.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process, the common driveway is consistent with the March 24, 2011 Approval Not Required endorsement and further compliant with the Fire Department request for public safety. Therefore, the

Planning Board finds that the Project as proposed complies with the requirements of Section IV.E.4.a. of the Framingham Zoning By-Law.

2. Section V.F – Land Disturbance (Framingham Zoning By-Law)

2.1 Site Management and Control

- 2.1.1 52B and 52C Nixon Road are both located outside of the Conservation Commission’s jurisdiction as stated in the Conservation Commission letter dated September 14, 2016.
- 2.1.2 The building envelopes, driveways, septic systems, wells, lawn areas, and utility work have been designed and delineated in a manner that minimizes undesirable impacts of land disturbance to the greatest extent possible.
- 2.1.3 The Applicant proposes to install temporary erosion and sedimentation control measures in accordance with the approved plan using Best Management Practices. The Applicant shall ensure that the disturbed areas are stabilized and checked on a daily basis.
- 2.1.4 The Applicant agrees to employ proper dust control measures to the site throughout the entire construction phase of the project.
- 2.1.5 The Applicant agrees to ensure that no erosion, flooding, and/or movement of sediment during construction or post construction will occur.

2.2 Control of Stormwater Runoff

- 2.2.1 The stormwater drainage system for the Project shall be built in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy and Massachusetts Stormwater Management Handbook regarding water quality and flood control using Best Management Practices as the standard of performance.
- 2.2.2 All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
- 2.2.3 The Applicant shall check all stormwater features prior to and at the end of each construction day. In the event that a multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made immediately.
- 2.2.4 The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattles around the stockpiles in case of a storm event, in addition to the temporary dust control requirements.
- 2.2.5 The Applicant shall provide straw bales/wattles and other erosion control methods at the base of the driveway during off-construction hours to prevent runoff and erosion from onto the adjoining public ways.

2.3 Protection of Natural Features and Vegetation

- 2.3.1 The Applicant shall maintain existing trees and natural topography of the site where possible.
- 2.3.2 Vegetation that is to be retained post-construction shall be protected by temporary fencing and/or other measures during construction.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process, it can be concluded that the project as proposed complies with the requirements of Section V.F of the Framingham Zoning By-Law.

3. Public Way Access Permit, Article VI, Section 8 of the Framingham General By-Laws

- 3.1 The proposed common driveway does not appear to be located on a blind corner, nor do the lines of sight appear to be impaired by topographical features and/or landscaping.
- 3.2 The placement of the proposed curb cuts has been located along the frontage of 52B Nixon Road as required in the Approval Not Required plan noted #10.
- 3.3 The Applicant agrees to ensure that the construction of the common driveway curb cut will not result in the flooding, erosion, and/or movement of sedimentation onto Nixon Road.
- 3.4 If the site, post-construction creates flooding, sheet flow, erosion, and/or the movement of sediment. The Applicant and/or the landowner will amend the entrance of the common driveway to detour such elements into the dry well located to the north of the drive.
- 3.5 The Applicant and/or the owners of the properties shall not store snow at the entrance of the common driveway, nor will the snow be stored to create sheet flow during snow melt.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process, it can be concluded that the proposed common driveway provides access to the two properties, decreased the number of curb cuts on a scenic and narrow way, and that access is not illusory nor will a hazardous condition be created by its proposed placement. Therefore, the Planning Board finds that the Project as proposed complies with the requirements of Article VI., Section 8 of the Framingham General By-Laws.

4. Scenic Roadway Modification, Article VI, Section 10 of the Framingham General By-Laws

- 4.1 Pursuant to Article VI, Section 10.6.2 of the Framingham General By-Laws a common driveway shall not exceed 14'. At the request of the Framingham Fire Department, in the September 1, 2016 correspondence, the Applicant was requested to increase the proposed driveway from 14' as required in Section 10.6.2 of the Framingham General By-Laws to 20' to allow for emergency vehicle access.
- 4.2 The Scenic Roadway Modification By-Law encourages applicants to construct common driveways where feasible. Subsequently, the Applicant has designed the project to comply with the Approval Not Required plan note #10, thereby locating the common driveway on 52B Nixon Road.
- 4.3 The Applicant's waiver for the construction of a 20' common driveway requires a Planning Board vote of approval.

Based on the findings as shown in the submitted documentation and presented during the public hearing process it can be concluded that the Project does provide safe access to the two properties through the use of the common driveway, which is being proposed to be constructed for the purpose of public safety. Therefore, the Planning Board finds that the Project as proposed complies with the requirements of Article VI, Section 10 of the Framingham General By-Laws.

CONDITIONS OF APPROVAL

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Town's By-Laws relevant to this review. Accordingly, the Planning Board votes are pursuant to relevant provisions of the Town's By-Laws that include a Special Permit for a Common Driveway (Section IV.E.4.a), a Special Permit for Land Disturbance (Section V.F) pursuant to the Framingham Zoning By-Laws and a Public Way Access Permit (Article VI, Section 8) and a Scenic

Roadway Modification Permit (Article VI, Section 10) of the Framingham General By-Laws. Said approval from the Planning Board is subject to the following conditions:

General Provisions

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Administrator, Building Commissioner, and the Town Engineer to review this approval.
2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given 48 hour written notice. If activity on the Property ceases for longer than 30 days, 48 hour written notice shall be given to the Planning Board Office prior to restarting work.
3. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached 24 hours a day, seven days a week.
4. A copy of this Decision shall be kept on the Property.
5. Prior to the issuance of any building permit, an electronic copy of the final Planning Board Endorsed Site Plan, shall be provided to the Planning Board Office for distribution to Town Departments, in order to be reviewed for compliance with this Decision. The Site Plan shall be revised if necessary to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the Site Plan, the Decision shall take precedence.
6. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with MGL, Chapter 40A, Section 17. The Applicant shall submit proof of recording to the Planning Board. Failure to record the decision or to comply with the conditions of approval herein shall render this Decision null and void.
9. This approval for a Special Permit for a Common Driveway, a Special Permit for Land Disturbance, a Public Way Access Permit, and a Scenic Roadway Modification Permit shall lapse two years from the date the Decision is recorded at the Middlesex South Registry of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.
10. The failure to comply with the By-laws and/or the terms of this Decision may result in revocation of the Special Permit for a Common Driveway, a Special Permit for Land

Disturbance, a Public Way Access Permit, and a Scenic Roadway Modification Permit. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the By-law and/or the terms of this Decision. If the owner believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the 30 day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it; alternatively, the Planning Board may continue the public hearing, or by a four-fifth vote extend the time period in which the violation may be corrected.

11. Prior to the issuance of the building permit, the Applicant shall provide all documents and information requested by the Planning Board or Planning Board Administrator demonstrating that the Applicant has complied with, or will comply with, all conditions of this approval.

Infrastructure/Site Design/Landscaping

12. Prior to the issuance of a use and occupancy permit, the Applicant shall either substantially complete the landscaping improvements shown on the approved landscaping plan or post a performance guarantee in accordance with this decision. All on-site landscaped buffer areas shall be maintained in good condition in perpetuity so as to present a healthy and neat appearance. The Applicant shall follow regularly scheduled routine maintenance. The Applicant shall submit a landscape maintenance plan to the Planning Board Administrator for approval and implementation upon approval.
13. The Applicant shall construct all improvements in compliance with all applicable state and federal regulations with respect to the design of any architectural access features required under the Americans with Disabilities Act (ADA) and with 521 CMR Architectural Access Board Rules and Regulations.

Site Construction

14. The Applicant shall perform daily cleanup of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways, caused by the site construction.
15. Outside construction hours are to be between 7:00 AM and 5:30 PM Monday through Friday and 8:00 AM and 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or holidays. No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours. No vehicles are to arrive at the construction site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets.
16. Any work within the public right of way shall be required to have a police detail during the duration of said work for the purpose of public safety.
17. In the event of blasting or compaction during the construction phase, the Developer's Blasting Operator shall provide no less than ten days' advance notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blast inspection pursuant to Massachusetts Comprehensive Fire Code: 527 CMR 1.00 et seq.

- a. Copies of said mailing shall be furnished to the Planning Board and the Framingham Fire Department.
 - b. Copies of the blasting monitoring reports, noting any vibrations in excess of that allowable by regulation, shall be mailed to the above-referenced property owners, Planning Board and the Framingham Fire Department at the termination of blasting operations.
 - c. The Blasting Operator shall provide notice to the Planning Board and the Framingham Fire Department of any reported damage to real property.
18. The Developer's Blasting Operator shall post a Blasting and/or Compaction Notice Sign in a conspicuous location along the roadway to inform the public of the proposed blasting for the property. Applicant shall notify all abutting residents of such blasting and/or compacting event at the time said notice is posted in a conspicuous location.
 19. Said Blasting Notice Sign shall be posted at least ten days prior to any blasting on-site and abutters notified by mail within 500' of the property. The Developer's Blasting Operator shall encourage the abutting properties within 500' of the property boundaries to have their homes inspected prior to the commencement of blasting and/or compaction. Such reports shall be provided to the Developer's Blasting Operator prior to the commencement of blasting.
 20. The Applicant shall protect any vegetation, which shall remain post-construction with temporary protective fencing or other measures, prior to the start of construction.

Environment

21. The stormwater drainage system for the Project shall be in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy relating to water quality and flood control using Best Management Practices as the standard of performance.
22. All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
23. The Applicant shall check all stormwater features prior to and at the end of each construction day. A multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made immediately.
24. The Applicant shall provide appropriate erosion control methods such as silt fences and straw bales/wattles around the stock piles in case of a storm event, in addition to the temporary dust control requirements.
25. The Applicant shall provide straw bales/wattles and other erosion control methods at the base of the driveway during off-construction hours to prevent runoff and erosion from flooding the public way.

Snow Storage

26. Snow storage shall not obstruct sight lines so as to preserve public safety.
27. The Applicant and/or the owners agree(s) not to store snow at the entrance of the common driveway, nor will the snow be stored to create sheet flow during snow melt.

Framingham Department Review

28. The Applicant shall comply with all directives requested in the correspondence from the Department of Public Works dated September 9, 2016.
29. The Applicant shall comply with all directives requested in the correspondence from the Framingham Conservation Commissions dated September 14, 2016.

30. The Applicant shall comply with all the directives requested in the correspondence from the Framingham Fire Department dated September 1, 2016.

Special Provisions/Periodic Conformance Reporting and Review

31. The Applicant shall provide the following performance guarantees for the Project.

- a. Prior to the issuance of any final use and occupancy permit, the Applicant shall post a performance guarantee satisfactory to the Planning Board for all improvements including landscaping, which are incomplete or not constructed, in an amount not to exceed the cost of such improvements.
- b. Upon completion of the project and prior to the request for a final use and occupancy permit, the Applicant shall provide the Planning Board with "As Built Plans" which shall be reviewed by the Planning Board Administrator, for certification that the landscaping has been planted substantially in accordance with the approved Landscape Plan, at which time a Landscape Maintenance Bond shall be required.
- c. The Applicant shall provide to the Town of Framingham a Stormwater Management Maintenance Bond in the sum of 20 percent of the total cost of the drywells and permanent stormwater management features, which shall be posted for a period of two years commencing with the issuance of an occupancy and use permit from the Building Department.

32. Prior to the issuance of a final use and occupancy permit, the Applicant shall submit an as-built plan stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plan in a form acceptable to the Town of Framingham, Department of Public Works, Engineering & Transportation Division (DPW). The as-built plan shall be submitted in both hard copy and electronic formats (PDF and AutoCAD). The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Town of Framingham DPW. The plan shall include but not be limited to site utility improvements and tie-in dimensions to all pipes and connection points. The as-built information shall be delivered to DPW a minimum of 5 business days in advance of the Applicant seeking a final certificate of occupancy sign-off to allow time for DPW review and approval of submitted information. The Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.

33. The Applicant agrees to maintain any plantings or physical landscape features located within the driveway sight lines should be maintained at a height of two feet or less above the adjacent roadway grade.

34. The Applicant agrees to provide the owners of 52B and 52C Nixon Road an owner's manual of how to properly care for and clean the installed drywells, a copy of which shall be provided to the Planning Board. Furthermore, such manual shall be recorded with the property deeds.

35. In the event that a stone wall on the site is disturbed, the Applicant shall repair and restore the stone wall with the same stones removed from the wall during the construction of the curb cut.

36. In the event that post construction of the site creates flooding, sheet flow, erosion, and/or the movement of sediment. The Applicant and/or the landowner will amend the entrance

contour of the common driveway to detour and redirect such elements into the dry well located to the north of the drive.

37. In the event that the State Fire Code, Chapter 18 is amended or deleted the Planning board Administrator has been given administrative approval by the Planning Board to work with the Applicant and the Fire Chief to amend the approved decision and site plan.

WAIVER REQUESTS

The Applicant has requested waivers from the following submittal items:

- Section V.F.d.(1)(h) of the Framingham Zoning By-Laws: A waiver request from the requirement of a scaled landscape plan including existing trees, upland communities, etc. The proposed lot consists of wooded uplands. The scope of work requires that the existing vegetation must be cleared due to the topography and required grading. Areas outside of the scope of work will be preserved.
- Section V.F.d.(2)(g) of the Framingham Zoning By-Laws: A waiver request from the requirement of documenting the species and qualities of specimen trees and other vegetation to be removed (none relocated).
- Article VI, Section 10 of the Framingham General By-Laws – 10.6.2 Curb Cuts: A waiver to allow a 20’ common driveway adjoining a scenic road . The required maximum travel width is 14’.

Waiver Motions and Votes

The Planning Board voted four in favor, one opposed, and zero in abstention to allow the requested relief from Section V.F.d(1)(h) and V.F.d(2)(g) of the Framingham Zoning By-Law for the Heritage Properties application for the project located at 52B and 52C Nixon Road.

Waiver Requests from Section V.F.d(1)(h) and V.F.d(2)(g) of the Framingham Zoning By-Law

- Christine Long.....yes
- Lewis Colten.....no
- Victor Ortiz.....yes
- Thomas Mahoney.....yes
- Stephanie Mercandetti.....yes

The Planning Board voted four in favor, one opposed, and zero in abstention to allow the requested relief from Article VI, Section 10.6.2 Curb Cuts of the Framingham General By-Laws for the Heritage Properties application for the project located at 52B and 52C Nixon Road.

Waiver Request from Article VI, Section 10.6.2 Curb Cuts of the Framingham General By-Laws

- Christine Long.....yes
- Lewis Colten.....no
- Victor Ortiz.....yes
- Thomas Mahoney.....yes
- Stephanie Mercandetti.....yes

VOTES

The Planning Board voted four in favor, one opposed, and zero in abstention to grant an approval with conditions for a Special Permit for Land Disturbance (Section V.F) for the Heritage Properties application for the construction of two single family homes, accessed by a common driveway, services by underground utilities and septic system, landscaping, and associate site improvements for the properties located at 52B and 52C Nixon Road, zoned Single Family Residential (R-4).

Special Permit for Land Disturbance (Section V.F – Framingham Zoning By-Law)

- Christine Long.....yes
- Lewis Colten.....no
- Victor Ortiz.....yes
- Thomas Mahoney.....yes
- Stephanie Mercandetti.....yes

The Planning Board voted four in favor, one opposed, and zero in abstention to grant an approval with conditions for a Special Permit for a Common Driveway related to the Heritage Properties application for the construction of a common driveway off a scenic roadway to access two single family residential lots for the properties located at 52B and 52C Nixon Road, zoned Single Family Residential (R-4).

Special Permit Common Driveway (Section IV.E.4.a – Framingham Zoning By-Law)

- Christine Long.....yes
- Lewis Colten.....no
- Victor Ortiz.....yes
- Thomas Mahoney.....yes
- Stephanie Mercandetti.....yes

The Planning Board voted four in favor, one opposed, and zero in abstention to grant an approval with conditions for a Scenic Roadway Modification related to the Heritage Properties application for the construction of a 20' wide common driveway off a scenic roadway to access two single family residential lots for the properties located at 52B and 52C Nixon Road, zoned Single Family Residential (R-4).

Scenic Roadway Modification (Article VI, Section 10 – Framingham General By-Laws)

- Christine Long.....yes
- Lewis Colten.....no
- Victor Ortiz.....yes
- Thomas Mahoney.....yes
- Stephanie Mercandetti.....yes

The Planning Board voted four in favor, one opposed, and zero in abstention to grant an approval with conditions for a Public Way Access Permit related to the Heritage Properties application for public way access from Nixon Road onto 52B Nixon Road as a 20' wide common driveway for the properties located at 52B and 52C Nixon Road, zoned Single Family Residential (R-4).

Public Way Access Permit (Article VI, Section 8 – Framingham General By-Laws)

Christine Long.....yes
Lewis Colten.....no
Victor Ortiz.....yes
Thomas Mahoney.....yes
Stephanie Mercandetti.....yes

By:  _____
Christine Long, Chair, Framingham Planning Board
Date of Signature: September 22, 2016

EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the Framingham Zoning By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. FORM A – Application Cover Letter, Property Address: 52B and 52C Nixon Road, stamped with the Town Clerk on August 10, 2016
2. FORM F – Public Way Access Permit Application, Property Address: 52B and 52C Nixon Road, stamped with the Town Clerk on August 10, 2016
3. FORM I – Scenic Roadway Modification Application, Property Address: 52B and 52C Nixon Road, stamped with the Town Clerk on August 10, 2016
4. FORM J – Special Permit for Land Disturbance Application, Property Address: 52B and 52C Nixon Road, stamped with the Town Clerk on August 10, 2016
5. FORM L – Special Permit Application, Property Address: 52B and 52C Nixon Road, stamped with the Town Clerk on August 10, 2016
6. List of Waiver Requests for 52B and 52C Nixon Road, Framingham, MA
7. Stormwater Report, 52B and 52C Nixon Road, Framingham, MA, prepared by Connorstone Engineering, Inc., dated July 28, 2016

8. Site Plans for 52B & 52C Nixon Road, prepared for #52B Harold Wilson and #52B Mutual One, prepared by Connorstone Engineering, Inc., dated July 26, 2016, revised on August 26, 2016, September 15, 2016, and September 20, 2016.
9. Site Photographs taken on July 28, 2016 – total of four photos
10. Memo from Connorstone Engineering, Inc., Subject: 52B and 52C Nixon Road, Revised Plans per Technical Review Meeting, dated August 29, 2016, received September 7, 2016
11. Supplemental information packet from Connorstone Engineering, Inc., Subject: 52B and 52C Nixon Road, Revised Plans per Planning Board Meeting, dated September 29, 2016, received September 19, 2016 via email.

The Planning Board received correspondence various Town Departments who review the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Land Disturbance Checklist for Application Submittal, 52B & 52C Nixon Road, dated August 12, 2016
2. Public Way Access Permit and Modification to Scenic Way Permit Checklist for Application Submittal, 52B and 52C Nixon Road, August 10, 2016.
3. Special Permit and Site Plan Review Checklist for the Property located at 518 Pleasant Street, stamped with the Town Clerk on May 4, 2016
4. Land Disturbance Checklist for Application Submittal for the Property located at 518 Pleasant Street, stamped with the Town Clerk on May 4, 2016
5. Correspondence received via ACCELA from the Police Department, received August 10, 2016
6. Correspondence received via ACCELA from the Building Department, received August 17, 2016
7. Correspondence received via ACCELA from the Fire Department, received September 1, 2016
8. Letter of comment from the Department of Public Works, RE: Special Permit Land Disturbance – 50B and 50C Nixon Road, Framingham, dated September 9, 2016
9. Letter of comment from the Conservation Commission, Subject: 52B & 52C Nixon Road – Conservation Review, dated September 14, 2016