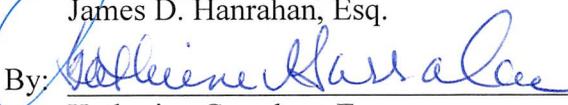


DEVELOPMENT IMPACT STATEMENT OF AVIDIA BANK  
 FOR PROPERTY LOCATED AT  
 270 COCHITUATE ROAD, FRAMINGHAM  
 OWNER: CCRT, LLC

<p><u>Civil Engineer:</u>          Schofield Brothers, LLC          1071 Worcester Road          Framingham, MA 01701</p> <p>Bert Corey, P.E.          508. 879.0030          508. 879.1797 - fax  <a href="mailto:bcorey@schofieldbros.com">bcorey@schofieldbros.com</a></p> <p>Joseph Losanno          508.879.0030          508.879.1797 – fax  <a href="mailto:JLosanno@schofieldbros.com">JLosanno@schofieldbros.com</a></p>	<p><u>Counsel:</u>          Bowditch &amp; Dewey, LLP          175 Crossing Boulevard, Suite 500          Framingham, MA 01702</p> <p>James D. Hanrahan, Esq.          508.416.2404          508.929.3016 - fax  <a href="mailto:jhanrahan@bowditch.com">jhanrahan@bowditch.com</a></p> <p>Katherine Garrahan, Esq.          508.416-2474          508.929.3185 - fax  <a href="mailto:kgarrahan@bowditch.com">kgarrahan@bowditch.com</a></p>
<p><u>Architecture and Design Consultants:</u>          Studio Q Architecture          301 Highland Avenue          Waterbury, CT 06708</p> <p>Ronald M. Quicquaro          203.725.6335  <a href="mailto:ron.quicquaro@gmail.com">ron.quicquaro@gmail.com</a></p> <p>Mary Rose Basile          585.545.8617  <a href="mailto:basile.mary.rose@gmail.com">basile.mary.rose@gmail.com</a></p>	<p><u>Traffic Consultant:</u>          MDM Transportation Consultants, Inc.          28 Lord Road, Suite 280          Marlborough, MA 01752</p> <p>Robert Michaud          508.303.0370          508.303.0371 - fax  <a href="mailto:RMichaud@mdmtrans.com">RMichaud@mdmtrans.com</a></p>
<p><u>Landscape Architect:</u>          Rico Associates          92 Lake Street          Shrewsbury, MA 01545</p> <p>Vincent Rico          508.842.4948          508.842.7227 - fax  <a href="mailto:vricola@aol.com">vricola@aol.com</a></p>	<p><u>Development Consultant:</u>          Solidus          1280 Blue Hills Avenue          Bloomfield, CT 06002</p> <p>Dean Bowen, Construction Project Manager          860.250.0173  <a href="mailto:dbowen@gosolidus.com">dbowen@gosolidus.com</a></p>

By:   
 James D. Hanrahan, Esq.

By:   
 Katherine Garrahan, Esq.  
 Bowditch & Dewey, LLP  
 175 Crossing Boulevard, Suite 500  
 Framingham, MA 01702

This memorandum is submitted to the Framingham Planning Board by Avidia Bank (“Bank” or the “Applicant”), a Massachusetts savings bank having a mailing address of 42 Main Street, Hudson, Massachusetts 01749, in support of its applications (“Application(s)”) for permits to develop and use property known as 270 Cochituate Road, Framingham (the “Property” or “Project Site”), for a commercial bank branch. The proposed site improvements are shown on the plans prepared by Schofield Brothers, LLC, dated August 7, 2015, Sheets 1 through 13 of 13, entitled “PERMIT SITE PLAN, PROPOSED AVIDIA BANK, 270 COCHITUATE ROAD (ROUTE 30), FRAMINGHAM, MASSACHUSETTS 01701” (collectively, the “Site Plan”). The Applicant seeks to redevelop the Property for use as a bank branch and loan center (the “Proposed Use”). The Applicant proposes to raze the existing structure on the Property (“Existing Building”), build a new structure comprising approximately 6,500 square feet (“New Building”), and upgrade site parking and vehicular circulation, landscaping, lighting and stormwater management (collectively, the “Project”). The Property is owned by CCRT, LLC (the “Owner”) and is leased by the Applicant. The Owner has authorized the Applications, as is evidenced by their certification on the Applications.

The Property is located in the limited manufacturing (“M-1”) zoning district and Regional Center Highway Overlay (“RC”) district. The Applicant is submitting applications to the Planning Board for a Site Plan Approval required by VI-F.2.b.1 and VI-F.2.b.3 of the Framingham Zoning By-Law (“By-Law”), a Special Permit for Drive-Thru Use in accordance with Section II-B.5.N and V-J.2.a of the By-Law and a Special Permit for Land Disturbance in accordance with Section V-F.c.1.b of the By-Law. The Applicant does not anticipate that state permitting will be required for the Project.

## 1. PROJECT SUMMARY

### A. Existing Conditions and Site History

According to the Site Plan, the Property consists of an approximately 52,498 square foot lot located on the north side of Cochituate Road, also known as Route 30. According to the Town’s Commercial Property Record Card, the one story Existing Building on the Property was built in 1965, and contains approximately 6,040 square feet of floor area. According to the Site Plan, the Existing Building has a footprint of 6,574 square feet, and the Property contains a total of 45,964 square feet of impervious coverage (building and pavement), which represents

approximately 87.6% impervious coverage on the lot. The Existing Building was used for restaurant purposes for many years (“Previous Use”), and is currently vacant.

The Property is located directly west of the Framingham branch of the U.S. Postal Service. To the Property’s west is an approximately 26,000 square foot office building on a 1.8 acre parcel known as 260 Cochituate Road, currently used for medical offices; and to the north is an approximately 75,600 square foot office building on a 3.5 acre parcel known as 959 Concord Street. The Property is located across from the Route 30 Mall which includes retail and restaurant uses.

According to the Existing Conditions Plan, the Property is currently improved with the following: (i) the one-story Existing Building; (ii) a paved driveway and concrete sidewalks; (iii) a ninety (90) space paved parking lot; (iii) limited landscaping; (iv) a concrete dumpster pad; (v) a woodshed; (vi) a retaining wall with chain link fence (collectively, the “Existing Condition”). Vehicular access to the Property is currently provided via two (2) curb cuts onto Cochituate Road. Cochituate Road is divided in front of the Property by a median strip, such that east-bound vehicles cannot make a left hand turn directly to the Property and must make a legal u-turn at a signalized intersection in front of the abutting U.S. Postal Service branch to access the Site’s driveway. Vehicles exiting the Property must make a right hand turn onto Cochituate Road.

#### B. Proposed Project

As shown on the Site Plan, and the elevations prepared by Studio Q Architecture, dated August 10, 2015, Sheets A1.01 and A1.02 (together, “Concept Plan”), the Applicant proposes to build a two story building, (approximately 6500 square feet with a footprint an approximately 4,194 square feet) for use as a bank branch and loan center and to build a new parking lot with a bank drive-thru lane to serve the new bank branch. The Project will include (i) a thirty-seven (37) space parking lot, including two handicapped accessible spaces; (ii) a drive-thru facility on the western side of the New Building, (iii) a drive-thru ATM located in the rear of the parking lot, (iv) a new stormwater management system; (v) new site landscaping; (vi) new energy efficient lighting; (vi) two (2) bicycle racks; (vii) a fully screened dumpster; and (viii) new

signage, including internal directional signage to insure safe traffic circulation. The Project includes utility improvements to support the Proposed Use.

The Project will be served by a curb cut from Cochituate Rd. providing access to a driveway along the eastern boundary of the Property. Traffic will circulate counterclockwise to the parking lot and drive-thru facilities, and exit via a second curb cut onto Cochituate Road near the western boundary of the Property. The design of the drive-thru facilities separates the drive-thru ATM and drive thru teller window from parking and from pedestrian crossing from the parking lot to the Bank. The site design contemplates the possibility of a future cross-connection between the U.S. Post Office and the Property which would allow U.S. Post Office customers direct access without having to use Cochituate Road. As proposed on the Site Plan, the Project does not require zoning relief for dimensional compliance with the By-Law.

A lighting and photometric plan will be submitted as a supplement to the Application. To the extent that a waiver is required from the Planning Board Rules and Regulations Article 22, and Planning Board Project Review Guidelines, Article 3.1.3.3 and Article 4.2 related to the timing of submission of the lighting and photometric plan, the Applicant requests such waiver.

### C. Proposed Use

The Proposed Use is an Avidia Bank branch which will function as an eastern “hub” for the Bank’s commercial, residential, finance, cash management and merchant services, including a retail bank branch and loan center. The first floor of the New Building will serve as a traditional bank branch, and the second floor as office space for loan related functions. The By-Law’s Use Regulation Schedule, set forth in Section II-B of the By-Law, provides that banks under 8,000 square feet are allowed as of right in the M-1 zoning district, and accessory drive-thru uses are allowed by special permit from Planning Board. Section VI-F.2.b.3 also provides that all projects with new or existing drive-thru facilities are subject to Site Plan Review by the Planning Board. The RC district regulations, set forth in Section III.E of the By-Law in subsection 4 (Use Regulations), provide that uses permitted in underlying zoning districts are permitted in RC district, subject to meeting additional applicable requirements set forth in Section III-E.

The Bank will be open weekdays from 8:30 a.m. to 4 p.m. on Monday, Tuesday, and Wednesday, 8:30 a.m. to 6:00 p.m. on Thursday and Friday, and 8:30 a.m. to noon on Saturday. The ATMs located at the drive-thru lane and within the entryway vestibule will be accessible 24 hours per day.

## 2. TRAFFIC IMPACT ASSESSMENT

The Applicant engaged MDM Transportation Consultants (“MDM”) to perform a detailed traffic analysis of the roadways and intersections in the vicinity of the Property, as well as a drive-thru queue and on-site circulation analysis. MDM prepared a traffic impact memorandum dated July 22, 2015 (“Traffic Report”) which summarizes the traffic operations within the Project’s study area under existing and proposed future conditions, and expected on-site functioning for the proposed drive-thru use. Based on the conclusions set forth in the Traffic Report, the Project meets the traffic, parking safety and public access criteria set forth in Section VI-F.6.b(1)-(5) of the By-Law.

The Traffic Report concludes that the increase in traffic associated with the Project on roadways serving the Project Site will result in a nominal increase of approximately 1 new trip per 2 to 3 minutes compared to the Previous Use. The Traffic Report states that on a daily basis, the Bank is anticipated to generate about 252 vehicle trips on a weekday and about 114 vehicle trips on Saturday. The Traffic Report notes that the available sight lines at the driveways exceed the recommended minimal and ideal sight line requirements of the American Association of State Highway and Transportation Officials (“AASHTO”), and the unsignalized driveway is expected to operate below capacity at Level of Service (“LOS”) “B” or better during peak hours. Based on these findings, the Traffic Report concludes that the Proposed Use is expected to have minimal impact on the adjacent roadway system, and that no additional roadway improvements are warranted to accommodate the Project.

Related to the proposed drive-thru use, the Traffic Report includes observations at Avidia Bank’s Westborough branch, which experiences a maximum queuing of three (3) cars at peak times. The Traffic Report states that the Applicant’s site design of two separated drive-thru points of access, with bypass lanes at each, allows for queuing which greatly exceeds maximum expected queuing for the Proposed Use, with a capacity for up to eighteen (18) cars at the teller window, and up to thirteen cars at the ATM. The Traffic Report concludes that the drive-thru

use is expected to result in no adverse impacts to parking, vehicular circulation or adjacent public ways.

The Applicant has incorporated the recommendations of the Traffic Report for on-site improvements into the Project, as follows:

- (1) narrowing the existing driveway width at Route 30 to better define the driveway, enhance corner radii, and decrease pedestrian crossing distance;
- (2) adding MUTCD compliant signs and pavement markings at entrance and exit;
- (3) maintaining vegetation at a maximum of two feet tall within sight triangles to provide unobstructed sight lines at the driveway entrance and exit at Route 30;
- (4) providing directional signs within the Site for parking, drive-thrus and entrance/exit;
- (5) constructing a bypass lane at the drive-thru facilities; and
- (6) providing sidewalk connections from Route 30 and from the proposed parking area to accommodate pedestrians, including a raised crosswalk in the main parking field to slow vehicular crossing and reduce opportunity for pedestrian conflicts.

### 3. ENVIRONMENTAL IMPACT

The Project has been designed to redevelop the Property without environmental damage due to habitat disturbance, or damage to natural assets. To the best of the Applicant's knowledge, no wetlands, or rare or endangered species exist within the Site. According to the Site Plan, the Site contains 87.6% impervious surface in its existing condition; the Applicant's proposed Project decreases impervious area, and increases landscaping and open areas. The Applicant has submitted a Long Term Pollution Prevention Plan (Appendix 2 to the Stormwater Management Plan dated August 7, 2015, prepared by Schofield Brothers, LLC ( " Stormwater Report" ) consisting of snow disposal guidance and a Stormwater Operation and Management Plan, a Landscaping Plan (Sheets L-1 and L-2), an Erosion and Sediment Control Plan (Sheets

C-7 and C-8) as part of its Site Plan, and has submitted a Land Disturbance Special Permit application.

The Project will result in a decrease of impervious surface at the Property. As required by the Town's land disturbance regulations, the Applicant acknowledges its obligation to inspect and maintain erosion control measures for the Project throughout the construction period based on a predetermined schedule for land disturbance and grading, including any vegetation clearing and replacement (which for this Project, given the nature of the existing conditions at the Property, is minimal). If upon excavation, the Applicant determines that unsuitable material exists on site, any fill from external sources to be used as part of the Project will be clean and suitable.

A. Air Quality. The Proposed Use is not expected to create any significant new emissions of fumes, noxious gases, radiation, water pollutants or other airborne environmental hazards, except some noise and dust during demolition and construction activities. It is anticipated that vehicular traffic to and from the Project Site, and the attendant automobile emissions, will be in keeping with existing traffic volume in the area and will not be detrimental to air quality.

During construction, it is anticipated that some dust and noise typical for construction activities will occur, though both will be managed in compliance with all local, State and Federal laws and regulations. Construction is expected to occur during normal hours and will be completed in an expeditious manner. Based on the scope of work, it is not anticipated that such activities will have a detrimental effect on air quality.

B. Surface Water. The Applicant proposes a decrease in impervious surface, and a decrease in roof area. The existing grade of the Project Site will be maintained. The Applicant has submitted a Stormwater Management Report which indicates that no stormwater will discharge near or to any critical area. The Project Site currently drains to catch basins located in the parking lot, which connect to a drain manhole in Cochituate Road, and no formal water treatment exists on-site. Stormwater management features of the Project will include the installation of four on-site deep sump catch basins and two infiltration systems to recharge groundwater using Low Impact Development techniques and Best Management Practices

(“BMPs”) in accordance with the Massachusetts Stormwater Handbook, as described in the Stormwater Report. Overall, the Stormwater Report indicates that the Project will reduce peak flows and volume under the proposed conditions, and improve hydrologic conditions at the Property.

C. Unique Natural Features. The Property is predominantly impervious with flat topography, and while quite narrow, is not irregularly shaped. The majority of the Property is developed, with very little existing landscaping. Some existing trees are proposed to be removed near the western property line to support new landscaping. To the best of Applicant’s knowledge, the Site contains no ornamental “Specimen Trees”, and most existing oaks, elms or maples will be retained. The Applicant proposes extensive landscaping, including an increase in pervious landscaped area from 12.4% to 27.5% of the Property. No rare or endangered species mapped by the Massachusetts Natural Heritage Program are indicated at the Site.

D. Temperature and Wind Impacts. No significant impacts in temperature or wind conditions in the immediate vicinity are anticipated by the proposed construction of the Project.

E. Outdoor Lighting. The Applicant proposes to upgrade lighting in accordance with a lighting and photometric plan which will be submitted as a supplement to the Application. Relative to the Previous Use, the Project will provide significant improvements to the quality of outdoor lighting, which will be energy efficient and fully shielded.

F. Solar Access of Adjacent Properties. The Project will include a two (2) story building less than 35 feet high, which is similar in height or shorter than neighboring buildings, except for the adjacent one-story U.S. Post Office branch. Because of existing topographical conditions and location and orientation of buildings, the Project will have minimal, if any, impact on solar access of adjacent properties. The closest residential neighbors, across Rt. 30 southwest of the Project Site, are afforded a significant buffer by the location of Rt. 30. The Project will not have a detrimental impact on the solar access of any residential uses.

#### 4. FISCAL IMPACT

A. Property Taxes and Town Services. According to Framingham Assessor’s records, the Existing Building and land located at 270 Cochituate Road have an assessed value of \$993,700. The land is assessed at \$475,700, and the Existing Building at \$518,100.

Together, the land and improvements generate total annual property tax revenue (at a 2014 FY rate of \$38.99 per thousand for commercial property) of \$38,744.36.

While it is difficult to project the ultimate impact on the Property's assessed value following completion of the Project, the Applicant projects assessed building and improvement values upon completion of approximately \$2,300,000, plus the current land value of \$475,700, for an approximate total assessed value of \$2,775,700.

The Project Site is served by adequate municipal services such as sewer, water and other facilities. Because the Applicant proposes to redevelop an existing facility which is currently unused, it is anticipated that this Project will result in increased water, electrical and sewer usage, though all will be less than such utility demands during the operation of restaurants on the Site. It is not anticipated that the Project will result in a need for increased services from the Town. Because the value of the Property is likely to increase following completion of the Project, the Applicant anticipates that the fiscal impact to the Town will be positive.

It is anticipated that a significant number of construction jobs (approximately 15) will be created during the construction phase of the Project and that following completion of the Project, approximately sixteen (16) full-time positions will be created, phased in over two years following construction.

B. Impact on Adjoining Property Values. The Property has been operated as a restaurant for many years. The neighboring area includes a significant number of commercial uses including shopping malls, restaurants, and multi-story office buildings. There are some residential apartment uses and a residential neighborhood, all across Rt. 30 or Rt. 126, some distance from the Project Site. The Proposed Use will provide a financial service facility to the area which will be utilized by residents and workers in the surrounding neighborhood. The Project will upgrade an abandoned site with a modern facility. No changes are proposed which will increase impacts on neighboring residential abutters. The Project should have a positive property value impact on all adjacent properties, both commercial and residential.

## 5. COMMUNITY IMPACT STATEMENT

A. Neighborhood Impact. The Site has been developed for over 50 years, initially as a car wash, and as a restaurant since 1976. The Applicant seeks to redevelop the Project Site as a

community bank and loan center to serve the neighboring community. The improvement and continued use of the Property will not create a hazard to abutters, vehicles, or pedestrians. The Project will add green space with benches and landscaping in front of the New Building, two bike racks together accommodating a total of 8 bikes, and pedestrian-friendly features. The Project satisfies the site circulation and design standards set forth in Section VI-F.5.a(1-6) of the By-Law, because, as shown on the Site Plan, the Project incorporates bicycle infrastructure as a public amenity; provides ADA compliant walkways; includes 6' wide pedestrian walkways integrated into landscaped areas; minimizes visibility of visually degrading elements such as rooftop mechanicals by use of a parapet, and screening of the dumpster; and provides a snow storage area.

The Project satisfies the building placement and design standards set forth in Section VI-F.5.b(1-6) of the By-Law. The New Building is placed to maximize visibility, and facilitate pedestrian access and circulation. While efforts were made to have a customer entrance facing Cochituate Road, the Property configuration makes this impossible. The Property is more than 500 feet deep with only 110 feet of frontage. An entrance facing Cochituate Rd. would be a significant distance from the parking lot and would require customers and Bank employees to navigate back through the full length of the New Building for services. The proposed entrance on the easterly side of the New Building better serves the Bank's functional requirements and maximizes customer convenience. Mindful of the goal to provide an entrance facing the public way, the design includes a plaza area, benches and significant landscaping which connects the Property to pedestrian activity along Cochituate Rd. The pedestrian walkway in the center of the parking lot provides an attractive landscaped walkway to the New Building's main entrance, while maximizing pedestrian safety. The site design relates harmoniously with the surrounding commercial, restaurant and retail uses. The New Building is designed to minimize light shadows. The New Building is designed to provide visual interest, and provides aesthetic variation through use of extensive glass, varied exterior material such as textured panels and wood, and detailed architectural elements. The parking spaces are located appropriately behind and to the east of the New Building. The design includes the potential for a future pedestrian and vehicle connection to the U.S. Post Office parking lot. The Project satisfies the sidewalk standards set forth in Section VI-F.5.c.1 of the By-Law where a lawn and ADA compliant walkways are located at the front of the property between the walkways.

B. Removal of Vegetation and Earth. The existing grade of the Property will not be significantly altered by excavation or fill. The existing scope of decorative plant material will be enhanced and increased as part of the Project with significant additional landscape screening for abutters. The Applicant has submitted an application for a Special Permit for Land Disturbance

C. Historic Impact. There are no buildings or features of known historical significance on the Property or in the immediate vicinity of the Project Site that would be impacted by this Project. Work on the vacant Existing Building does not trigger Framingham's Demolition Delay By-Law, as the Existing Building is less than 75 years old.

D. Compatibility With Development Goals/Urban Design Objectives Narrative. This development proposal is consistent with the purpose and intent of the By-Law and is compatible with neighboring office, retail and restaurant uses. The Project has been designed consistent with Framingham's Policy on Complete Streets requirements. Project features support likely future demand for bicycling and walking and contribute to a safe, convenient, and comfortable travel experience for users. The Project will provide a plaza area with benches and plantings, connecting with a walkway leading to the main entrance of the New Building. Two bicycle racks will be provided for community use, one in the front area near Rt. 30 and a second bike rack located in the parking area. New and reconstructed sidewalks at the Project Site will be accessible to and usable by persons with disabilities in accordance with the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB). Pedestrian requirements at Route 30 were fully considered by minimizing curb radius at the existing curb cuts to reduce crossing lengths, from over thirty (30) feet wide as existing, down to about sixteen (16) feet as proposed.

## 6. PARKING IMPACT ASSESSMENT

Section IV-B.1.a of the By-Law sets forth a schedule of requirements with respect to off-street parking for principal uses of property. The Table of Off-Street Parking Regulations set forth in Section IV-B.1.a.16 of the By-Law requires that banks provide one (1) parking space per

175 square feet of gross floor area for customer service areas, and one (1) space per 250 square feet of gross floor area for areas not devoted to customer service.<sup>1</sup>

As shown on the Site Plan, the Applicant estimates the following breakdown of use at the New Building: (i) customer service area will include approximately 1,800 square feet; and (ii) the area not intended for customer service will include approximately 4,700 square feet. Pursuant to the parking requirements set forth in Section IV-B.1.a.16, the customer service area requires 10 parking spaces (1,800 s.f./175), and the area not dedicated to customer service requires 19 parking spaces (4,700 sf/250)<sup>2</sup>. Therefore, a total of 29 spaces are required for the Project.

As shown on the Site Plan, the Applicant proposes to provide thirty-seven (37) off-street parking spaces, including 35 standard spaces and 2 handicapped accessible spaces, which exceeds the By-Law's parking requirements. The Applicant has designed the parking lot, sidewalks and crosswalk to provide safe maneuvering for motorists, pedestrians and cyclists, to reduce opportunities for internal circulation conflicts, and to maximize landscaping.

Pursuant to Section IV-C.2 of the By-Law, uses which provide "personal and consumer services" require one loading space for the first 5,000 square feet of space, and an additional space for every 25,000 square feet of additional square footage. Office uses must provide one space per 15,000 square feet. Although the proposed New Building exceeds the threshold size of square footage requiring loading facilities for "personal and consumer services", only 1,800 square feet will be devoted to "personal and consumer" services while the remaining 4,700 square feet will be used as "office space". Therefore, the By-Law does not require the Project to provide a loading space. It should be noted that the Applicant anticipates that deliveries will be infrequent and that due to the nature of the Proposed Use, typical deliveries will not require any vehicle larger than a standard van.

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<sup>1</sup> Per Section I-E of the Zoning By-Law, area devoted to heating, air conditioning or other mechanical equipment may be deducted from gross floor area for purposes of the off-street parking regulations. The Applicant has not reduced gross floor area for mechanicals for purposes of the off-street parking requirement.

<sup>2</sup> Per Section IV-B.1.d, fractional numbers less than 0.5 are rounded down, and fractional numbers of 0.5 or more are rounded up.

7. REASONS THE REQUEST FOR SITE PLAN REVIEW APPROVAL SHOULD BE ALLOWED

Section VI-F.5 and VI-F.6 of the By-Law sets forth the overall design standards and criteria for Site Plan Approval which the Planning Board must utilize in reviewing site plans for approval. The Project as shown on the Site Plan and described herein meets the design criteria set forth in Section VI-F.5(a)-(e) for site circulation, site design, building placement and design, sidewalks, stormwater system, utilities and infrastructure and landscaping. The Project as shown on the Site Plan and described herein meets the design criteria set forth in Section VI-F.6(a)-(f) for retaining community character, traffic, parking, public access, environmental impact, health, public services, public utilities and land use planning. The Project has been designed in compliance with the RC District regulations set forth in Section III-E of the By-Law for non-bonus projects within the RC district.

8. REASONS THE REQUEST FOR A SPECIAL PERMIT FOR DRIVE-THRU USE ACCESSORY TO A BANK SHOULD BE GRANTED

Section VI-E.3 of the By-Law provides that the Special Permit Granting Authority shall not approve an application for a special permit unless it finds that all of the conditions set forth in Section VI-E.3.a(1)-(5) are met. Section V-J of the By-Law additionally provides site design guidance for drive-thru facilities. M.G.L. c. 40A, § 9 provides the statutory requirements for special permits in Massachusetts.

The proposed drive-thru use satisfies VI-E.3.a(1)-(5) as follows:

- (1) The Site is appropriate for a bank with a drive-thru use. The Site is laid out to accommodate a drive-thru use away from pedestrian conflicts and with more than adequate vehicle queuing room, satisfying Section VI-E.3.a(1).
- (2) Adequate and appropriate facilities are provided for the proper operation of the proposed use, including adequate off-street parking, satisfying Section VI-E.3.a(2). Parking is provided consistent with the requirements of the By-Law. The Traffic Report concludes that the proposed Site design provides for more than adequate vehicle stacking capacity at the drive-thru facilities.

- (3) The Proposed Use will not create a hazard to abutters, vehicles or pedestrians, satisfying Section VI-E.3.a(3). The Traffic Report concludes that the proposed Site design includes safe design of parking, circulation and drive-thru features.
- (4) The use is consistent with the intent of the M-1 zoning district, and the purpose and intent of the By-Law, satisfying Section VI-E.3.a(4). The Project is consistent with surrounding development which includes other banks with drive-thru facilities, restaurants, small and large retail stores, office buildings and residential use. The Project will provide an aesthetic improvement to the Property, as well as a new commercial use at vacant space. The Proposed Use will provide convenient and accessible banking services to area pedestrians as well as to commuters traveling on Cochituate Road. The Proposed Use will provide a convenient option for residents, patrons of nearby retail stores including the Route 30 Mall and Shoppers World, and employees of area offices, businesses and institutions for their banking needs. Given the uses located in the neighborhood surrounding the Property, the Proposed Use is consistent with the M-1 and RC districts, and the Property neighborhood.
- (5) All municipal services necessary to meet the needs of the proposed use are adequate and sufficient, satisfying Section VI-E.3.a(5).

The Proposed Use satisfies the design guidance for drive-thru facilities set forth in Section V-J.3(a)-(q) as well as the number of required drive-thru lane stacking spaces set forth in Section V-J.4.b. The drive-thru for the remote ATM is located at the rear of the Property, and the drive-thru for the teller is located at the western side of the New Building. The drive-thru facilities are designed to avoid pedestrian and vehicular conflict. By-pass lanes are provided at each drive-thru location. Stacking lanes are sufficient to minimize traffic queues.

The Proposed Use satisfies the criteria set forth in M.G.L. c. 40A, § 9, because the use is consistent with the intent of the district in which the use is proposed and with the purpose and intent of the By-Law. M.G.L. c. 40A, § 9, which provides, in relevant part, that municipalities may issue special permits only for uses which are “in harmony with the general purpose and intent of the ordinance or by-law”. Section II-A.5.a of the By-Law provides that the M-1 zoning district has among its purposes to provide a “mix of industrial and commercial activities” and “a

range of other employment activities”. The Proposed Use will not alter the character of the zoning district or surrounding area, and will provide safe and convenient vehicular use of the Property for customers’ needs. Uses allowed as of right in the M-1 District include banks. Although drive-thru uses require a Special Permit, other surrounding businesses have approved drive-thru facilities accessory to their principal use. Moreover, the Proposed Use is consistent with the purpose of the By-Law by promoting the “convenience” and “general welfare” of the public, while undertaking significant measures to protect the health and safety. For these reasons, the Applicant respectfully requests the grant of a Special Permit for accessory use of a drive-thru facility for a bank.

#### 9. REASONS THE REQUEST FOR A SPECIAL PERMIT FOR LAND DISTURBANCE SHOULD BE GRANTED

As provided in the Application for a Special Permit for Land Disturbance, the Project satisfies the criteria established under Section V-F.e of the By-Law, as well as the statutory requirements of M.G.L. c. 40A, § 9, that a project be “in harmony with the general purpose and intent of the ordinance or by-law”. The Project is designed to manage and control land disturbance to the greatest extent possible. The Applicant will provide a comprehensive stormwater drainage system, a Long Term Pollution Prevention Plan, and a Stormwater Operation and Management Plan (attached to the Stormwater Report as Appendix 2). Re-planting of the Site is shown on the Landscaping Plan. To the extent that any fill from external sources may be required for the Applicant’s proposed work, the Applicant will use only clean fill. No vegetation communities exist on the Site, and no rare or endangered species exist on the Site. The Property contains no historic features, stone walls or historic artifacts. For these reasons, the Applicant respectfully requests the grant of a Special Permit for Land Disturbance.

#### 10. WAIVER REQUESTS

##### A. Landscape Buffer Requirements Waiver Request

The Applicant requests a waiver from Sections III-E.8.i and VI.F.5.e.7 of the By-Law, which require a landscaped buffer of at least ten (10) feet adjacent to buildings on every side which contains a public access point. The New Building is designed to provide an eastern facing entrance, adjacent to a public plaza focused around a landscape planter. The Property is unusually narrow and imposition of this requirement along the eastern elevation would

significantly interfere with construction and operation of safe vehicular driveways, including the proposed drive-thru use. Although not a ten foot wide “landscape buffer”, the proposed planter and surrounding plaza provide attractive landscaping relief. The Project will result in a significant increase in landscaping over the current condition. In the pre-development condition, approximately 87.6% of the Property is covered by paved parking area and building. In the post development condition, 72.5% of the Property will be covered by paved parking and building. The remainder of the Property will be dedicated to landscaping and pervious coverage. A Landscaping Plan and an Irrigation Plan, prepared by a registered landscape architect are included in the Site Plan (Sheets L-1, L-2, I-1 and I-2). Due to the significant increase in landscaping provided by this Project, the Applicant requests that the Planning Board approve the landscaping shown on Sheet L-1 of the Site Plan and waive the landscaping requirement for a 10 foot buffer set forth in Sections II-E.8.i and VI.F.5.e.7 of the By-Law.

B. Location of Travel Lane

The Applicant requests a waiver from Sections III-E.8.i and VI.F.5.e.7 of the By-Law which require that no vehicle travel lane be located less than five (5) feet from a building. While landscaping is proposed in other locations around the New Building, a 5-foot wide strip is not provided adjacent to the proposed drive-thru teller window. A narrow river rock strip is provided along the western elevation. A separation from the New Building to the drive-thru travel lane of 5 feet would present an impractical reach length for customers using the teller window. Landscaping material along the drive-thru would be impractical and difficult to maintain. Due to the customer convenience needs and the significant increase in landscaping being provided as part of this Project, the Applicant requests that the Planning Board approve the landscaping shown on Sheet L-1 of the Site Plan and waive the requirement for a 5-foot travel lane separation set forth in Sections II-E.8.i and VI.F.5.e.7 of the By-Law.

C. Use of National Geodetic Vertical Datum (NGVD) for 2-Foot Contours

The Applicant requests a waiver from Sections IV-E.3.e (lot size and moderate slope calculation) and V-F.d.1.d (Land Disturbance Special Permit requirement related to slopes) of the By-Law which require the use of National Geodetic Vertical Datum (NGVD) for 2-foot contours. As provided on its Existing Conditions Plan, the Applicant has used assumed vertical

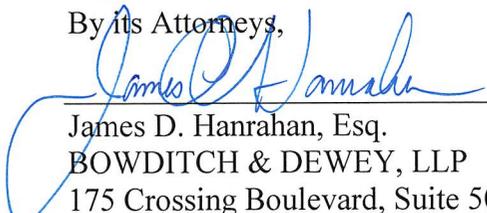
datum and 1-foot contours because the Property features relatively flat topography. Related to the Land Disturbance Special Permit requirements, because the parcel is relatively flat, the requirement for clear notation of any 15% slope would not be triggered. The Applicant requests that the Planning Board approve the Applicant's Existing Conditions Plan which uses assumed vertical datum and 1-foot contours and waive the requirement for use of National Geodetic Vertical Datum (NGVD) for 2-foot contours.

#### 11. SUMMARY

The proposed Project meets the By-Law's conditions of approval for Special Permits set forth in Sections VI-E.3.a(1)-(5) and V-J.3 and 4 (for Drive-Thru Use), and Sections VI-E.3.a(1)-(5) and V-F (for Land Disturbance), statutory requirements for special permits under M.G.L. c. 40A, § 9 and the By-Law's Site Plan Review criteria and standards set forth in Sections VI-F.5 and VI-F.6. For these reasons, the Applicant requests that the Planning Board grant a Special Permit for Drive-Thru Use in accordance with Sections V-J and VI-E of the By-Law, a Special Permit for Land Disturbance in accordance with Section V-F of the By-Law, approve the Applicant's Site Plan in accordance with Section VI-F of the By-Law, and grant all requested and required waivers.

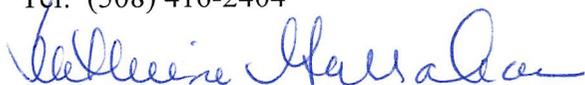
Respectfully submitted,

Avidia Bank  
By its Attorneys,



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James D. Hanrahan, Esq.  
BOWDITCH & DEWEY, LLP  
175 Crossing Boulevard, Suite 500  
Framingham, MA 01702  
Tel: (508) 416-2404



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Katherine Garrahan, Esq.  
BOWDITCH & DEWEY, LLP  
175 Crossing Boulevard, Suite 500  
Framingham, MA 01702  
Tel: (508) 416-2474

Exhibit A

Building Commissioner's Determination

FORM B – BUILDING DEPARTMENT RECOGNITION FORM  
TO BE FILLED OUT BY BUILDING COMMISSIONER



Town of Framingham, Massachusetts  
**INSPECTIONAL SERVICES DIVISION**

Department of Building Inspection  
Memorial Building, 150 Concord Street, Room 203  
Framingham, MA 01702  
(508) 532 - 5415

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**BUILDING DEPARTMENT RECOGNITION FORM**

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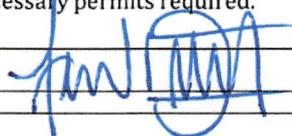
To: Amanda Loomis, Planning Board Administrator

From: Michael Tusino, Building Commissioner

Property Address: 270 Cochituate Road  
Date: \_\_\_\_\_  
Required Permits: Site Plan Review per Section VI-F.2.b.1 and VI-F.2.b.3  
Special Permit for Drive-Thru Use per Section II-B.5.N and V-J.2.a  
Special Permit for Land Disturbance per V-F.c.1.b and V-F.c.1.c  
\_\_\_\_\_  
\_\_\_\_\_

In accordance with Section VI.I.4.a of the Framingham Zoning By-Law, prior to the filing an application with the Planning Board, the applicant, as defined in Section I.E.1 herein, shall seek the Building Commissioner's review and advice to confirm which pertinent sections of the Zoning By-Law apply. The Building Commissioner's signature must be obtained below to confirm that this review has been completed. The Applicant must submit a full set of plans and project narrative for review to the Building Commissioner. The Building Commissioner has 10 business days to render a decision for Permits required. A Pre-Application Meeting may be scheduled with the Building Commissioner and the Planning Board Administrator through the Planning Board Office to review the Project and plans. This application will not be accepted without the following confirmation:

The signature below confirms that the applicant/owner has provided information and I have advised the applicant of the necessary permits required.

Building Commissioner's Signature:  8/10/15

Documents Submitted for Review and Determination: \_\_\_\_\_  
(1) Site Plan of Schofield Brothers, LLC  
(2) Elevation Plans of Studio Q Architecture  
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