



FRAMINGHAM PLANNING BOARD

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

Planning Board Staff:
Amanda L. Loomis, Planning Board Administrator
Alexander Mello, Associate Program Planner
Sean P. Dugan, Administrative Assistant

TOWN OF FRAMINGHAM PLANNING BOARD

Notice of Decision

Regarding the Application of Clarks Hill Corporate Center, LLC For Site Plan Review and Special Permits for Land Disturbance, Affordable Housing, an Neighborhood Cluster Development 3R Clarks Hill and 187 Arthur Street, Framingham MA

2014 JUN 18 P 1:42
TOWN CLERK
FRAMINGHAM

On October 29, 2013, the Applicant, Clarks Hill Corporate Center, LLC filed with the Planning Board, and on October 29, 2013, the Planning Board filed with the Town Clerk and Town Departments, an application for Special Permits for Land Disturbance (Section IV.H.2.), Affordable Housing (Section IV.O.) and Neighborhood Cluster Development (Section IV.R.) and Section VE. of the Framingham Zoning By-Law. On May 27, 2014, the Applicant, Clarks Hill Corporate Center, LLC filed with the Planning Board, and on May 27, 2014, the Planning Board filed with the Town Clerk an application for Site Plan Review (Section IV.I.) of the Framingham Zoning By-Law. The Application is for approval to construct 28 residential dwelling units at 3R Clarks Hill and 187 Arthur Street, zoned Single Family Residential (R-1). Said parcel of land is shown on the Framingham Assessor's Sheet 85, Block 168, Lots 27C and 490.

After the notice of public hearing for the Special Permits for Land Disturbance, Affordable Housing, and Neighborhood Cluster was published in "The Metrowest Daily News" on November 4, 2013 and November 11, 2013, and mailed to parties of interest pursuant to the By-Law and M.G.L. ch. 40A, the Planning Board opened the public hearing on November 20, 2013 at 7:10 pm in the Blumer Room of the Memorial Building, Framingham. Continued sessions of the public hearing were held on November 20, 2013, November 25, 2013, December 19, 2013, January 23, 2014, February 6, 2014, February 27, 2014, March 13, 2014, March 20, 2014, March 27, 2014, April 10, 2014, April 24, 2014, April 28, 2014, May 12, 2014, May 19, 2014, and June 9, 2014. On June 9, 2014, the Planning Board voted to close the public hearing.

After the notice of public hearing for the Site Plan Application was published in "The Metrowest Daily News" on May 24, 2014 and May 30, 2014, and mailed to parties of interest pursuant to the By-Law and M.G.L. ch. 40A, the Planning Board opened the public hearing on June 9, 2014 at 7:00 pm in the Ablondi Room of the Memorial Building, Framingham. Continued sessions of the public hearing were held on June 16, 2014. On June 16, 2014, the Planning Board voted to close the public hearing.

On June 9, 2014 the Planning Board **APPROVED** with conditions said application for Special Permits for Land Disturbance, Affordable Housing, and Neighborhood Cluster Development and on June 16, 2014 the Board **APPROVED** with conditions said application for Site Plan Review for 3R Clarks Hill and 187 Arthur Street **DECISIONS** were filed in the office of the Town Clerk on June 18, 2014.

Stephanie Mercandetti, 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.

**Decision of the Framingham Planning Board on the
Application of Clarks Hill Corporate Center, LLC.
For Special Permit for Land Disturbance, Affordable Housing and
Neighborhood Cluster Development
3R Clarks Hill and 187 Arthur Street, Framingham, MA**

2014 JUN 18 P 1: 42
TOWN CLERK
FRAMINGHAM

Date of Decision: June 9, 2014

STATEMENT OF FACTS

On October 29, 2013, the Applicant, Clarks Hill Corporate Center, LLC. filed with the Planning Board, and on October 29, 2013, the Planning Board filed with the Town Clerk and Town Departments, an application for Special Permits for Land Disturbance (Section IV.H.2.), Affordable Housing (Section IV.O.) and Neighborhood Cluster Development (Section IV.R.) and Section VE. of the Framingham Zoning By-Law. The Application is for approvals to construct 28 residential dwelling units at 3R Clarks Hill and 187 Arthur Street, zoned Single Family Residential (R-1). Said parcel of land is shown on the Framingham Assessor's Sheet 85, Block 168, Lots 27C and 490.

After the notice of public hearing was published in "The Metrowest Daily News" on November 4, 2013 and November 11, 2013, and mailed to parties of interest pursuant to the By-Law and M.G.L. ch. 40A, the Planning Board opened the public hearing on November 20, 2013 at 7:10 pm in the Blumer Room of the Memorial Building, Framingham.

Continued sessions of the public hearing were held on November 20, 2013, November 25, 2013, December 19, 2013, January 23, 2014, February 6, 2014, February 27, 2014, March 13, 2014, March 20, 2014, March 27, 2014, April 10, 2014, April 24, 2014, April 28, 2014, May 12, 2014, May 19, 2014, and June 9, 2014. On June 9, 2014, the Planning Board voted to close the public hearing.

The Planning Board voted to approve the Application with conditions on June 9, 2014.

The Applicant has filed with the Planning Board various plans and reports required under Sections IV.H.2, IV.O. IV.R. and V.E. of the Framingham Zoning By-Law to the extent required for a Special Permits for Land Disturbance, Affordable Housing and Neighborhood Cluster Development. 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 departments within the Town of Framingham that reviewed the project. These plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference. Included with the Applicant's submittals were the following:

1. Uniform Special Permit Application for Land Disturbance and Neighborhood Cluster Development for 3R Clarks Hill and 187 Arthur Street. Stamped with the Town Clerk on October 29, 2013. Document 674-13;
2. Uniform Special Permit Application for Affordable Housing for 3R Clarks Hill and 187 Arthur Street. Stamped with the Town Clerk on October 29, 2013. Document 673-13;
3. Stormwater Report for Clark's Hill Village, prepared by Connorstone Engineering, Inc., dated October 15, 2013 (Document #676-13), revised on February 6, 2014.
4. Site Plans for Clarks Hill Village, prepared by Connorstone Engineering, dated October 10, 2013, revised February 6, 2014. Documents #675-13, #121-14;
5. Sudbury Design Group, revised Landscape Plans. Received April 1, 2014. Document #272-14;

6. Architectural Renderings for Clarks Hill prepared by Finespaces Architecture, LLC, received November 25, 2013, as revised on January 30, 2014 and February 6, 2014. Documents #753-13, 783-13, and 112-14;
7. Response letter from Connorstone Engineering, Inc., dated April 25, 2014. RE: Stormwater Management Review, Clark's Hill Village, Framingham, MA. Document #337-14;
8. Revised Construction Details for Clarks Hill Village, prepared by Connorstone Engineering. Dated October 10, 2013, revised February 6, 2014, April 25, 2014 and April 30, 2014. Document #360-14; and
9. Revised Sheets 4 of 14 (Topography Plan) and 6 of 14(Utility & Drainage Plan) – Definitive Plan for Clark's Hill Village, dated October 10, 2013, revised May 22, 2014.

Board received correspondence from the Conservation Commission, Department of Public Works, Board of Health, and Community & Economic Development. The Planning Board retained the services of Horsley Witten Group, Inc. of Sandwich, Massachusetts to review the stormwater management system proposed by the Applicant. Horsley Witten Group also provided the Planning Board with correspondence. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Land Disturbance Review Checklist for Application Submittal for 3R Clarks Hill and 1876 Arthur Street. Dated October 29, 2013, stamped with the Town Clerk on October 29, 2013. Document # 679-13;
2. Special Permit Review Checklist for Application Submittal for 3R Clarks Hill and 1876 Arthur Street. Dated October 29, 2013, stamped with the Town Clerk on October 29, 2013. Document # 680-13;
3. Planning Board Staff Report. Dated November 24, 2013. RE: 3R Clarks Hill and 187 Arthur Street. Document #755-13;
4. Letter of Comment from Community & Economic Development. Dated November 25, 2013. RE: Departmental Project Review, 3R Clarks Hill and 187 Arthur Street. Document #742-13;
5. Letter of Comment from Conservation & Open Space – DPW. Dated November 14, 2013. RE: Clark's Hill Subdivision – Conservation Review. Document #714-13;
6. Letter of Comment from the Board of Health. Dated December 6, 2013. RE: 3R Clark's Hill and 187 Arthur Street Cluster Development. Document #768-13;
7. Letter of Comment from the Department of Public Works. Dated December 2, 2013. RE: Clarks Hill Village Definitive Subdivision, Framingham MA. Document #769-13;
8. Letter of Comment from the Department of Public Works. Dated February 20, 2014. RE: Clarks Hill Village Definitive Subdivision, Framingham MA. Document #148-14;
9. Letter from Horsley Witten Group. Dated April 23, 2014. RE: Clark's Hill Estates – Stormwater Management Plan Review. Document #329-14;
10. Letter from Horsley Witten Group. Dated April 30, 2014. RE: Clark's Hill Estate – Stormwater Management Plan Final Review. Document #357-14; and

11. Letter of Comment from the Department of Public Works. Dated May 8, 2014. RE: Clarks Hill Village Definitive Subdivision – Framingham MA. Document #362-14.

HEARING

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney Paul Galvani, Vin Gately, Heritage Properties, Michael Sullivan, Connorstone Engineering, Vito Colonna, Connorstone Engineering, Peter Ferland, Sudbury Design Group, and John Parsons, Parson Commercial Group, Inc. Neal Price, Senior Project Manager from Horsley Witten Group, the Town's Peer Review Consultant appeared to summarize his report and recommendations regarding the stormwater management system.

Thomas Mahoney was not present for the April 28, 2014 Planning Board Meeting. Mr. Mahoney filed the appropriate paper work under the Mullin Rule with the Town Clerk on May 1, 2014 pursuant to G.L. c. 39, §23D to be allowed to vote on this application.

During the course of the Public Hearing process the Applicant presented several revisions of the initial site plan proposal, to the Planning Board. The Planning Board discussed the following topics during the public hearing process:

Residential Dwelling Locations – The initial plans filed by the Applicant provided for 22, single family houses, each on a separate lot. Based upon recommendations of the Planning Board, the Applicant revised the plans to replace some of the single family houses with multi-family units. During the public hearing process the Planning Board and the Applicant worked together to further redesign the project. The final, revised site plans provide for 14, two-family townhouse buildings for a total of 28 dwelling units. The Applicant withdrew its Application for Approval of Definitive Plan and instead filed a plan pursuant to M.G.L. ch.41 Section P (a so-called approval-not-required plan) showing the property as a single lot. The development is to be structured as a condominium with the 28 units to be owned individually and all land under common ownership under the control of a Condominium Trust.

The Board further discussed the Affordable Unit locations within the Project. The Project will include two (2) Affordable Units and a cash payment for the payment in accordance with Section IV.O.4.a

Architectural – The Applicant provided the Planning Board with Architectural Renderings of the proposed dwellings. During the Public Hearing process the Planning Board provided the Applicant with recommendations for revisions to the renderings. The Applicant incorporated the comments from the Planning Board into its re-design of the project and filed revised, architectural renderings of the building elevations and floor plans.

Driveways – The initial site plans filed by the Applicant provided for 22 single family homes serviced by individual driveways. The Planning Board requested that the Applicant reduce the number of curb cuts through the use of common driveways to decrease the number of pedestrian and vehicular conflicts within the site. The Applicant revised the plans to reduce the number of buildings from 22 to 14 two family attached buildings, and incorporated common driveways throughout the project wherever possible.

Stormwater – During the public hearing of April 28, 2014, the Planning Board and the Town's 53G Peer Review Consultant for stormwater, Neal Price of Horsley Witten Group reviewed the project's stormwater plans. Mr. Price presented to the Board his findings as detailed in Document #329-14. Mr. Price specifically addressed during his presentation the seasonal high groundwater table and the landscaping within the wetland basin. Mr. Price requested additional time for their landscape architect to review the planting schedule for the wetland basin. Vito Colonna of Connorstone Engineering, the

Applicant's project engineer, discussed these recommendations with Mr. Price and the Planning Board, and agreed to revise the site plans accordingly. These are reflected in Horsley Witten Group's revised Stormwater Management Review report, Document #337-14.

Common Open Space – During the Public Hearing process the Planning Board reviewed the Common Open Space located within the center of the proposed project. Board members presented their ideas regarding the use and aesthetics of this area. Several Board members felt that this area should be an area for meeting and outdoor recreation. In response to recommendations from the Planning Board Administrator, the Applicant revised the Landscaping Plan for this portion of the site.

The Board further discussed a trail from the Neighborhood Cluster Development down to Arthur Street. The trail would allow for residents of the project to access nearby open space and recreation lands. The Applicant agreed to the installation of a trail.

Pedestrian Circulation – The Board and the Applicant worked together to create a walkable neighborhood. Several Board members requested sidewalks as part of the project. The Applicant revised the plans to incorporate sidewalks on one side of the street throughout the project.

FINDINGS

Having reviewed all plans and reports filed by the Applicant and its representatives, having considered the correspondence from various Departments within the Town of Framingham that have reviewed the Project, 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 By-Law including the requirements of Sections IV.H.2., IV.O., IV.R. and V.E. of the Framingham Zoning By-Law. Specifically, the Board makes the following findings:

A. Land Disturbance: §§ IV.H.2.

The Board finds that proposed Project is in compliance with §§ IV.H.2. of the Framingham Zoning By-law. The Applicant filed with the Planning Board stormwater management plans and reports dated February 6, 2014, modified in letter of response dated April 25, 2014 (Document #337-14) from Connorstone Engineering, Inc., as requested by Horsley Witten Group in its correspondence, Documents #329-14 and #357-14. The proposed erosion and sedimentation control structures, devices and Best Management Practices ("BMP's") are shown on the site plans.

There are no wetland resource areas within 125 feet of the proposed Project site. Long-term protection to surrounding down gradient properties from uncontrolled storm water run-off and sedimentation will be controlled through the natural vegetation along the slopes of the property and the storm water management system and wetland basin which will greatly reduce storm water run-off from the property and contribute to recharge the groundwater supplies.

There are vegetation communities on the proposed Project site. The site is covered with mature trees. The trees on the top of the property will be removed for development. The trees along the slopes of the property shall be left in their natural state. There are also no rare or endangered species mapped by the Massachusetts Natural Heritage Program on the proposed Project site. The project site contains no historic features, stone walls or artifacts.

B. Affordable Housing: §§ IV.O.

The Board finds that the proposed Project is in compliance with §§ IV.O. of the Framingham Zoning By-law. The Applicant agrees to provide Affordable Housing Units as defined in Section IV.O.2 of the

Zoning By-law equal to 10% of the housing units in the Neighborhood Cluster Development. The Applicant has agreed to provide two (2) affordable units plus a cash payment in accordance with the provisions of Section IV.O.4.a. The residents of Framingham shall be given preference to the affordable units to the extent allowed by applicable law and regulations and consistent with the regulations and guidelines governing affordable housing units on the Town's Subsidized Housing Inventory (SHI) maintained by the Department of Housing and Community Development. In addition to the two affordable dwelling units the Applicant agrees to a cash payment equal to three percent of the actual sales price of each subsequent dwelling unit over the multiple of ten (10) (a total of 8 units based upon a total unit count of 28) and shall be paid to the Town in equal installments upon the closing of each unit.

C. Neighborhood Cluster Development: §§ IV.R.

The Board finds that the proposed Project is in compliance with §§IV.R. of the Framingham Zoning By-law. The Applicant through the Public Hearing process has modified the site plans for the project to be consistent with the purpose and intent of the By-law. The proposed project incorporates 28 townhouses on a common lot, served by one, two-direction road around a common open space. The townhouses are serviced by public water and sewer, but the Condominium Trust, which will be the association of condominium unit owners, shall be responsible for maintenance of the subdivision road, including snow removal, for trash pick-up.

The Project is comprised of 74 bedrooms which are in compliance with Section IV. R.3.b. Density. The Project complies with all of the requirements and standards set forth in Subsections 3. Neighborhood Cluster Development Standards, including density (the number of proposed bedrooms, 74, is in compliance with the density formula) and 4. Common Land Design Standards, including provision for at least thirty percent (30%) of the land area to be preserved as common open space. Certain conditions of approval set forth in this decision are intended to insure compliance with the provisions of Subsection 5. Common Land Ownership and Maintenance.

CONDITIONS OF APPROVAL

The Board finds that the Application and plans submitted by the Applicant comply with all applicable provisions of the Special Permits for Land Disturbance, Affordable Housing and Neighborhood Cluster Development By-laws in accordance with the and Sections IV.H.2, IV.O., IV.R. and V.E. of the Framingham Zoning By-Law. Accordingly, the Board votes to approve the Special Permit Applications for Land Disturbance, Affordable Housing and Neighborhood Cluster Development subject to the following conditions:

A. General Provisions

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Administrator 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, copies of the approved Site Plans shall be provided to the Planning Board Office for distribution to Departments, in order to be reviewed for compliance with this decision. All plans shall be revised if necessary to reflect the conditions of

this Decision. In the event of a discrepancy between the Decision and the plans, the Applicant shall seek written confirmation from the Planning Board to determine whether the Decision or the plans 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 at the Middlesex South Registry of Deeds within sixty days from the close of the Appeal Period, not including such time required to pursue or await the determination of an appeal as referred to in MGL, Chapter 40A, Section 17, from the grant thereof, and prior to the commencement of authorized site activity, and shall submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
9. This approval for Special Permits for Land Disturbance, Affordable Housing and Neighborhood Cluster Development shall lapse within two years, 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-law and/or the terms of this Decision may result in revocation of the Special Permits for Neighborhood Cluster Development, Affordable Housing, and Land Disturbance issued hereunder. 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 he is not in violation, he 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.

B. Infrastructure/Site Design/Landscaping

12. Prior to the issuance of a final use and occupancy permit for the last dwelling unit, the Applicant shall either substantially complete the landscaping improvements shown on the approved landscaping plans 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 as outlined in the Planning Board Landscape Plan. The Applicant shall submit a

landscape maintenance plan to the Planning Board Administrator for approval and implement upon approval.

13. The Applicant shall provide regular maintenance of all facilities. The Applicant shall maintain all on-site drainage in working condition at its own expense, which shall include inspecting the catch basins twice annually (Spring and Fall) and cleaning, if necessary, to remove sediment.
14. Parking pavement markings shall be in white. Fire zone and traffic markings shall be as per the applicable code.
15. 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.

C. Environment

16. The Applicant agrees to minimize the use of salt on the roads within the Project to reduce any negative impacts to vegetation and ground water.
17. 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.
18. Snow storage shall be on-site in the snow storage areas designated on the Final Approved Site Plans. Snow storage shall not obstruct sight lines to preserve public safety.

D. Stormwater

19. The Applicant shall comply with the conditions from the Department of Public Works Letters regarding stormwater, dated December 2, 2013 (Document #769-13), February 20, 2014 (Document #148-14) and May 8, 2014 (Document #326-14).
20. The Stormwater Management Plan shall reflect the conditions stated in the Stormwater Peer Review Letter from Horsley Witten Group, dated April 23, 2014 (Document #329-14) and April 30, 2014 (Document #357-14).

E. Site Construction

21. Prior to the commencement of any authorized site activity and prior to the issuance of the building permit, the Applicant shall provide all documents and information to the Planning Board or Planning Board Administrator demonstrating that the Applicant has complied with, or will comply with all the requirements of the Public Works Construction Standards and the requirements of the Department of Public Works as set forth in its correspondences to the Planning Board dated December 2, 2013, Document #769-13, February 20, 2014, Document #148-14, and May 8, 2014, Document #362-14.
22. In the event of blasting during the construction phase, the Developer's Blasting Operator shall provide seven days advance notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blast inspection pursuant to 527 CMR 1.00 et seq. Copies of said mailing shall be furnished to the Planning Board and the Framingham Fire Department. 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. The Blasting Operator shall provide notice to the Planning Board and the Framingham Fire Department of any reported damage to real property. The Blasting Operator shall post a Blasting Notice Sign in a conspicuous location along the roadway to inform the public of the proposed blasting for the property. Said Blasting Notice Sign shall be posted at least ten days prior to any Blasting on-site.
23. Prior to the commencement of authorized site activity, the Applicant shall clearly mark all existing trees, bushes and other vegetation, which are to remain.

24. The Applicant shall perform daily clean-up of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways, caused by the site construction.
25. 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 more than thirty (30) minutes prior to the designated construction hours, which include no vehicle parking, standing or idling on adjacent public streets.

F. Fire Protection

26. The Applicant shall install residential fire sprinklers in accordance with the Framingham Fire Department's request.

G. Special Provisions/ Periodic Conformance Reporting and Review

27. The Applicant is responsible for providing the following Performance and Maintenance Guarantees for the development project.
 - a. Prior to the issuance of any 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 certificate of use and occupancy permit, the Applicant shall provide the Planning Board with "As Built Plans" which shall be reviewed by the Board's Landscape Architect consultant at the Applicant's cost, for certification that the landscaping has been planted substantially in accordance with the approved Landscape Plan, at which time a Landscape Maintenance Guarantee shall be required.
 - c. The Applicant shall provide to the Town of Framingham a Landscape Maintenance Guarantee in the form of a bond, letter of credit, cash escrow or tripartite agreement, as determined by the Applicant, in an amount equal to (20%) twenty percent of the Applicant's estimate of the total landscaping cost, provided that it is satisfactory to Town Counsel and the Planning Board. The Landscape Maintenance Guarantee is for the replacement of any landscaping material as shown on the approved Landscape Plan that is determined to be of poor quality, will not survive or is dead, which shall be in full force and effect for a period of two years commencing with the completion of the landscaping as determined by the Planning Board.
28. Prior to the request for issuance of any use and occupancy permit, the Applicant must demonstrate that the Project is substantially complete at the ninety percent level, to demonstrate substantial completion to allow for occupancy, the written request for a use and occupancy permit must be accompanied by a written itemization of the level of completeness for all improvements and also noting those items which are incomplete. The written request for a temporary use and occupancy permit must be accompanied by appropriate information to demonstrate substantial completion.
29. Prior to the request for issuance of any use and occupancy permit, the Applicant must demonstrate that the building and the immediate area surrounding the building in which it is located, together with the driveway servicing said unit, the road, drainage system and utilities are substantially complete at the ninety percent level, provided, however, that this percentage

requirement shall not apply to unconstructed units and the land areas upon which said units are to be constructed as shown on the plans. It is not the intent of this provision that all of the buildings must be constructed at once. The phasing of the construction of buildings is specifically allowed, provided that the road is fully constructed and all common utilities and stormwater management systems are completed. To demonstrate substantial completion to allow for occupancy, the written request for a use and occupancy permit must be accompanied by a written itemization of the level of completeness for all improvements and also noting those items which are incomplete. The written request for a temporary use and occupancy permit must be accompanied by appropriate information to demonstrate substantial completion.

30. The Applicant shall provide Affordable Housing Units as defined in Section IV.O.2 of the Zoning By-law equal to 10% of the housing units in the Neighborhood Cluster Development, in addition to a payment of three percent (3%) of the actual sales price of each subsequent dwelling unit over the multiple of ten. The residents of Framingham shall be given preference to the affordable units to the extent allowed by applicable law and regulations and consistent with the regulations and guidelines governing affordable housing units on the Town's Subsidized Housing Inventory (SHI) maintained by the Department of Housing and Community Development. The Applicant shall record a deed restriction which complies with Section IV.O.9 of the Zoning By-law to maintain the affordable requirement for all affordable housing units within the Project. The administration of the Affordable Housing Units shall be in accordance with Section IV.O of the Zoning By-law.
31. The Applicant shall construct a trail along the Utility Easement connecting the Common Land to Arthur Street. The Condominium Association Documents shall reflect the pedestrian access to the trail within the Neighborhood as shown on the Site Plan. The Condominium Association shall maintain the trail.
32. Prior to the issuance of any use and occupancy permit, the Applicant shall file copies of the Condominium Master Deed and Declaration of Trust documentation with the Planning Board.
33. Prior to the issuance of any use and occupancy permit, the Applicant shall provide the Planning Board with copies of the Condominium Master Deed and Declaration of Trust to demonstrate that the common open space is under the control of the Condominium Trust. The recorded documents shall provide that the common land shall be preserved as open space, and shall reference this Decision.
34. The developer shall be responsible for the maintenance of the Common Land and any other facilities to be held in common until such time as the Condominium Association assumes said responsibility.
35. The roadway within the Project shall remain a private roadway, which shall be maintained by the residents of the Project.

VOTE:

Special Permit – Land Disturbance (Section IV.H.2.)

The vote was five in favor and zero opposed to grant the approval for a Special Permit for Land Disturbance pursuant to Sections IV.H.2 of the Framingham Zoning By-Law to allow the Applicant, Clarks Hill Corporate Center, LLC. plan to construct 28 residential dwelling units at 3R Clarks Hill and 187 Arthur Street

Special Permit – Land Disturbance (Section IV.H.2.)

Stephanie Mercandettiyes
Christine Long.....yes
Lewis Colten.....yes
Thomas F. Mahoney.....yes
Victor Ortiz.....yes

Special Permit – Affordable Housing (Section IV.O.)

The vote was five in favor and zero opposed to grant the approval for a Special Permit for Affordable Housing pursuant to Sections IV.O. of the Framingham Zoning By-Law to allow the Applicant, Clarks Hill Corporate Center, LLC. plan to construct 28 residential dwelling units at 3R Clarks Hill and 187 Arthur Street

Special Permit – Affordable Housing (Section IV.O.)

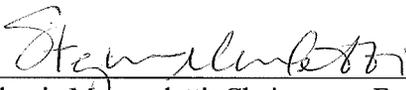
Stephanie Mercandettiyes
Christine Long.....yes
Lewis Colten.....yes
Thomas F. Mahoney.....yes
Victor Ortiz.....yes

Special Permit – Neighborhood Cluster Development (Section IV.R.)

The vote was five in favor and zero opposed to grant the approval for a Special Permit for Neighborhood Cluster Development pursuant to Sections IV.R. of the Framingham Zoning By-Law to allow the Applicant, Clarks Hill Corporate Center, LLC. plan to construct 28 residential dwelling units at 3R Clarks Hill and 187 Arthur Street

Special Permit – Neighborhood Cluster Development (Section IV.R.)

Stephanie Mercandettiyes
Christine Long.....yes
Lewis Colten.....yes
Thomas F. Mahoney.....yes
Victor Ortiz.....yes

By: 
Stephanie Mercandetti, Chairperson Framingham Planning Board

Date of Signature: 6/11/14

I, PAUL V. GALVANI ^{ATTORNEY} as ~~Manager~~ of Clarks Hill Corporate Center, LLC. and not individually, accept and agree to comply in all respects with the foregoing conditions of approval to its Special Permits for Land Disturbance, Affordable Housing and Neighborhood Cluster Development in accordance with Sections IV.H.2, IV.O., and IV.R.. of the Framingham Zoning By-Law. It is understood that these approvals and the Conditions contained herein, shall be binding upon any heirs, successors, transferees or assigns of the Applicant and shall run with the land. Furthermore, I represent that the Planning Board has relied on true and accurate information in granting this approval.

In addition, I recognize that, in accordance with Section V.C. of the By-Law, the Planning Board must acknowledge its approval prior to the issuance of any temporary or permanent occupancy permit for this proposed project from the Building Commissioner. To ensure compliance with the provisions and intent of section V.C., the Applicant agrees to notify the Building Department and the Planning Board at least three weeks prior to applying for any such occupancy permit, to request the Town's inspection of the premises to confirm that all improvements as prescribed in the above Conditions and as shown on the approved plans have either been completed or are the subject to an adequate performance bond.

Paul V. Galvani
Applicant's Signature
*attorney for Clarks Hill
Corporate Center LLC*

June 16 2014
Date of Signature