

Framingham Planning Board  
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**PLANNING BOARD MEMBERS**

CHRISTINE LONG, CHAIR  
STEPHANIE MERCANDETTI, VICE CHAIR  
LEWIS COLTEN, CLERK  
THOMAS F. MAHONEY  
VICTOR A. ORTIZ

**PLANNING BOARD STAFF:**

AMANDA L. LOOMIS, PLANNING BOARD ADMINISTRATOR  
ALEXANDER C. MELLO, ASSOCIATE PROGRAM PLANNER  
STEPHANIE D. MARRAZZO, CLERICAL ASSISTANT

**Planning Board Meeting Minutes**

**Thursday, January 7, 2016**

**FINAL**

***Planning Board members present on January 7, 2016: Christine Long, Chair, Stephanie Mercandetti, Vice-chair, Lewis Colten, Clerk (arrived 7:04), Thomas Mahoney, and Victor Ortiz. Also present were Amanda Loomis, Planning Board Administrator, Alexander Mello, Associate Program Planner, and Stephanie Marrazzo, Clerical Assistant.***

***The Planning Board meeting was held in Ablondi Room of the Memorial Building. Christine Long, Chair, called the Planning Board meeting to order at 7:00 p.m. on Thursday, January 7, 2016 and read the agenda into the record.***

- I. **7:00 PM Public Hearing to consider the applications of BRE DDR Shopper's World, LLC for a Special Permit for Restaurant Use, Special Permit for Indoor Amusement Use, Special Permit for Land Disturbance, a modification to a previously approved Decision For a Special Permit with Site Plan Review Approval dated January 10, 1994, a modification to a previously approved Decision For a Special Permit with Site Plan Review Approval and Special Permit for Off Street Parking Plan Approval dated August 2, 1994, and a modification to a Sign Approval in conjunction with a Special Permit Site Plan Application dated August 10, 1994 to construct an approximately 21,000 square foot bowling facility and a 9,500 square foot restaurant at 19 Flutie Pass**

***Christine Long, Chair, continued the public hearing without testimony to Thursday, January 21, 2016 at 7:00 p.m.***

- II. **Approval Not Required – 488 Winter Street and 20 Winter Park Rd.**

***Christine Long, Chair, stated that at the request of the applicant the ANR will be continued to Thursday, January 14, 2016 at 7:00 p.m.***

- III. **Approval Not Required – 29 Pleasant Street**

The Planning Board reviewed the application and Plan of Land for the property located at 29 Pleasant Street. Present for the Applicant was Peter Bemis, Engineering Design Consultants. Christine Long, Chair, stated that a change was made to the plan to correct an inadvertent error in the previous plan. Ms. Long further stated that the taxes are current and the Town Engineer has signed-off on the Plan of Land. There were no other Planning Board member comments.

***Stephanie Mercandetti moved that the Planning Board endorse the Approval Not Required Plan of Land for the property located at 29 Pleasant Street. Thomas Mahoney seconded the motion. The Planning Board voted in favor of the motion 4-0-1 (Lewis Colten abstained). MOTION PASSED.***

**IV. Approval Not Required – 2-16 Hialeah Lane**

The Planning Board reviewed the application and Plan of Land for the property located at 2-18 Hialeah Lane (evens only). Present for the discussion was the owner, Stephen Starr, Starr Construction, and the project engineer, Terrance Ryan, Applewood Survey, LLC. Mr. Ryan provided a brief overview of the proposed division of land stating that the 2007 plan that was previously endorsed was never recorded with the Land Court. Mr. Ryan stated that the Court required them to resurvey the property to be able to properly record the plan. Mr. Starr stated that the plan was previously endorsed, but it was not recorded and therefore not legal. Amanda Loomis stated that a new application for this ANR was required, due to the lapse in time since the Plan of Land was previously endorsed. Ms. Loomis stated that the Town Engineer had signed-off on the Plan of Land. Ms. Long stated that all taxes have been paid. There were no other Planning Board comments.

***Thomas Mahoney moved that the Planning Board endorse the Plan of Land for Hialeah Lane, Land Court case #3857 for the sole purpose of re-endorsing the plan that the Planning Board previously endorsed in 2007. Victor Ortiz seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED***

**V. 7:00 PM Public Hearing to consider the Jennings Road Management Corp. d/b/a The Herb Chambers Companies for a Special Permit for Use for an automobile dealer, Site Plan Review, and a Public Way Access Permit to construct a mixed use commercial building of approximately 65,162 gross square feet for automotive dealership with accessory repair and wholesale parts storage and distribution and associated site improvements at 71 Bishop Street**

Christine Long, Chair, read the legal notice into the record. Present for the Applicant was Attorney Paul Galvani, Galvani Law Offices, P.C., Brian Nelson, Metro West Engineering, Jeffrey Dirk, Vanasse and Associates, Jim Xaros, Vice President and COO of Herb Chambers Companies, Peter O'Callahan, Director of Construction of Facilities, Paul Losordo, Corporate Counsel for The Herb Chambers Companies, and Mark Regent, Regent Associates Inc.

Attorney Galvani provided an overview of the proposed redevelopment and use of 71 Bishop Street from the Development Impact Statement. Attorney Galvani stated that the property was formerly part of the Dennison complex noting that the soil is contaminated and that the property is the subject of a Restrictive Covenant – Area of Use Limitations (AUL) recorded with the Registry of Deeds. Mr. Nelson provided a detailed overview of the site plans related to the existing conditions, proposed building, parking, stormwater, and other associated site improvements shown on the plans. Mr. Regent presented the proposed architecture for the new building. Mr. Dirk followed up with a presentation of the traffic analysis. Ms. Loomis provided an overview of the Technical Review Team meeting.

Ms. Long asked for Planning Board member comments:

- Thomas Mahoney stated that the Planning Board has had many issues regarding car carriers for a long time going back to Clark's Hill and an earlier project that was proposed to be a car rental storage area and associated deliveries. Mr. Mahoney specifically stated that he would prefer that the car carriers utilize Waverly Street (Route 135) or Howard Street into downtown and not head north on Bishop Street towards Natick. Mr. Mahoney further questioned the parking plan, noting that there was a difference of 6,000 sf in total square footage regarding the parking count and that it needs to be consistent, stating that the numbers did not match. Attorney Galvani replied that there was no second parking level that was originally proposed so that is a good catch and it will be corrected.
- Victor Ortiz questioned the Applicant about the proposed percentage of landscaping. Mr. Nelson stated that the proposed landscaping percentage is 8%. Mr. Ortiz concurred with Mr. Mahoney's statements regarding car carriers. Mr. Xaros took the Planning Board's concerns regarding car carrier deliveries under advisement. Mr. Xaros stated that Herb Chambers has the ability to provide directions to and from the site, and also the ability to provide on-site delivery loading and unloading. Mr. Ortiz stated he believes that after 3 p.m. Bishop Street is very busy and he thinks this will be very dangerous for cars exiting and entering the site. Mr. Ortiz stated that the plan only shows 4 handicap parking spaces, further stating that the project requires 5 handicap parking spaces. Mr. Nelson said that there should be 5, and will ensure the plan reflect that.
- Stephanie Mercandetti asked why the Project proposes to eliminate the existing landscaped area in the rear of the site since currently it contains 22% open space. Ms. Mercandetti stated that she would like some of the existing landscape to remain as it is. Ms. Mercandetti further stated that she would like the Applicant to re-examine the number of the proposed 355 parking spaces, and perhaps reduce the number to accommodate additional landscaping or retain existing landscaping. Ms. Mercandetti questioned if the snow storage depicted on the plan was adequate to meet the needs of a New England winter. Ms. Mercandetti also asked if 3 curb cuts were necessary for the 120 parking spaces designated for 100 Clinton Street. Mr. Nelson stated that the 3 curb cuts were the most efficient way to design the parking area for 100 Clinton Street. Ms. Mercandetti commented on the proposed building, stating that she likes the natural lighting aspect of the building, but does not find other aspects of the building appealing.
- Lewis Colten commented that the retail area looks as though it only occupies roughly 5% of the proposed building. Mr. Colten further stated that he believes that the Project is more of a repair shop with a small component dedicated to sales, rather than a sales facility. He further stated that he was disappointed to discover the limited sales area and that the use is primarily an auto garage repair shop, and was hoping to see a more viable, thriving, and interesting use for the site.
- Christine Long, Chair, agreed with the comments made by other Planning Board Members. Ms. Long stated that 8% landscaping is not acceptable. Ms. Long stated that there is plenty of area for additional landscaping, and mentioned that the Project could meet the landscaping standard with solar carports, or some other kind of green energy amenity. Ms. Long stated that the building design is not appealing to her either, and she does not see how the Project is an enhancement to the neighborhood. Ms. Long posed several questions regarding the use of the building, the number of service bays, and further expressed concern regarding the car carriers and the dangers that they pose to an increase in traffic at the Route 135 intersection and Bishop Street. Ms. Long continued by saying that the Planning Board is involved in ongoing recodification and just changed the CB zoning and understands that they filed prior to the zoning change but that the Board is not trying to promote additional businesses of this type and

wanted to know why Framingham was the target for this project. Mr. Xaros replied that the Herb Chambers Companies' existing facilities in the abutting Towns are separating everything, and further explained that are trying to consolidate the other Herb Chambers businesses into one central location. Mr. Xaros further stated that their Natick location is the only Mercedes dealership that does not sell Sprinter Vans, and the Natick Mercedes showroom was too small to accommodate the sales of Sprinter Vans.

- Ms. Long further inquired about tow trucks that would be going in and out of the site and would like to know if this has been calculated into the trip generation and the impact of that.
- Mr. Colten commented regarding the site's impact to the high end residential units nearby. Mr. Colten related again that he thinks it's more of a garage than a retail business and that its representation as just a garage is just overwhelming. Attorney Galvani respectively disagreed with Mr. Colten and added that this is an upgrade to what is currently there, and thinks it's a good looking modern building, not a typical "garage." Attorney Galvani mentioned that the site would bring in employment, and additional tax revenue, further stating that this is not an auto shop that is typical in the area.
- Mr. Mahoney asked why there was a need more for more spaces than required by the By-Law, further wanting to know if the additional spaces were to store vehicles. Mr. Mahoney would also like to see more green space on-site instead of the parking. Mr. Mahoney asked Ms. Loomis through the Chair if the 102 tandem spaces required some form of relief because he thought that they typically were not allowed. Ms. Loomis replied that she thought a special permit was required but would research it and come back with the answer.

Christine Long, Chair, asked for public comment. Public comments made by residents include the following:

- Concerns for an additional repair shop within the area, further stating the 21E issues on the south-side of Framingham and within the area.
- Disgust to see all the repair shops within a concentrated area and questions regarding why they cannot build the project in Natick, further expressing opposition to the project.
- Expressed concern about auto related use and how it is depressing regardless if the project is for high end vehicles, further stating that this type of use is not what we need in the area.
- Concerns that the area does not need additional high traffic generators due to the high accident rate in the area. Questioned the number of car carriers coming through per day – Mr. Dirk responded that it was perhaps 1 or 2 per month.
- Comments regarding the 3 paint bays being substantial and statements of great concern regarding the associated environmental impacts associated with the use.
- Concerned about the amount of auto businesses already in the area and expressed opposition to the project.
- Statement of opposition to the project specifically noting opposition to the collision repair and associated environmental issues. Concerns expressed about adding more traffic to downtown and that it will do nothing to revitalize the area further stating that there is already numerous auto related business located in Framingham, mostly on southside. A statement to inform the Planning Board that Town Meeting voted to disallow these types of businesses in the town and a request that the Planning Board uphold Town Meeting's vote.
- Questions regarding the intersection that this is one of the top 200 highest crash locations in the State and felt the intersection does not need the additional burden of more vehicles in addition to car carriers.

Christine Long asked if there were any additional comments from the Planning Board:

- Ms. Long asked Ms. Loomis if the Town had contracted an Environmental Licensed Site Professional (LSP) peer reviewer for the project as requested by the Board of Health. Ms. Long asked if the Board felt a LSP was needed to review the project. The Planning Board discussed the use of an LSP and all agreed that it was necessary.

Ms. Loomis responded to Mr. Mahoney's previous question regarding the tandem spaces, stating that tandem parking requires a special permit under Section IV.B.3.g. of the Framingham Zoning By-Law (June 2015). Ms. Loomis further stated that the Applicant would have to file for an additional special permit.

*Christine Long, Chair, continued the public hearing to Thursday, January 21, 2016 at 7:00 p.m.*

## VI. Any Other Business

- **Release of funds held for past Planning Board Project Peer Review Consultants**

Amanda Loomis stated that the Planning Board holds money in old 593 accounts, now referred to as 53G Peer Review Consultants from projects reviewed many years ago. Ms. Loomis stated that she would like authorization to return funds to the owners.

*Stephanie Mercandetti moved that the Planning Board authorize the Planning Board Administrator to work on the release of past funding for third party peer reviewers for previous projects. Lewis Colten seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED*

- **Occupancy Review for Clarks Hill**

Amanda Loomis requested that the Planning Board grant authorization for the Administrator to sign-off on final occupancy when the buildings around the common were ready for final occupancy as requested by the Applicant.

*Stephanie Mercandetti moved that the Planning Board grant administrative approval to the Planning Board Administrator to provide for final occupancy for units 21, 23, 28, and 30 for Clark's Hill when ready. Lewis Colten seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED*

- **Request for Final Occupancy – 32 Checkerberry Lane**

Amanda Loomis stated that the Planning Board granted a special permit for land disturbance in 2014 to 32 Checkerberry Lane due to the steep slope of the property. Ms. Loomis stated that the Applicant has complied with the Planning Board Decision and provided an As-built for the property.

*Stephanie Mercandetti moved that the Planning Board grant final occupancy for 32 Checkerberry Lane. Lewis Colten seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED*

- **Agricultural Committee Review TDR**

Ms. Loomis briefly discussed the request received to co-sponsor an article with the Board of Selectmen and the Agricultural Advisory Committee at Annual Town Meeting in 2016. Ms.

Loomis explained to the Planning Board that the Work Plan for the recodification of the Zoning By-Law has been laid out for both Annual and Fall Special Town Meeting.

Christine Long, Chair, stated that due to the current work load for recodification and other in house pressing projects, and the mere fact that both TDR and CB were recently passed, she felt it was not possible to entertain expanding TDR at this time. Stephanie Mercandetti concurred with Ms. Long, further stating that additional information and extensive research was needed to support this request. Lewis Colten stated that he is in favor of expanding TDR but understands that this is not the appropriate time for expansion. Mr. Colten stated that he would like to see this work item taken up in the future. Both Thomas Mahoney and Victor Ortiz concurred with the statements made by the other Planning Board members. Mr. Mahoney stated that due to all the other zoning that is being processed at this time the Planning Board would not have time to do this right. The Planning Board requested that Ms. Loomis put TDR on the Recodification Work Plan for a 2017 Town Meeting.

**VII. Approval of Minutes**

*Christine Long, Chair, asked for any revisions to the minutes of December 17, 2015. Hearing none, Ms. Long stated that the Planning Board meeting minutes of December 17, 2015 are approved.*

**VIII. Any Other Business**

- **Winter Special Town Meeting Article – Bethany Property**

Christine Long, Chair, requested that the Planning Board review the Winter Town Meeting Article regarding the purchase of Bethany for a new school. Ms. Long stated that there was limited information regarding this article and stated her concern regarding the lack of information so close to Town Meeting. Other members of the Planning Board agreed that more information was needed prior to review and make a recommendation on this article.

**IX. Administrator's Report**

Amanda Loomis reported that Attorney Barbara Saint Andre is no longer serving as legal counsel for the Town. Ms. Loomis further stated that Attorney Saint Andre has been a great asset to the Town and the Planning Board. The Planning Board thanked Attorney Saint Andre for her service and wished her well.

Ms. Loomis stated that the Applicant's Attorney for the Fox Creek Subdivision had a request to reduce the performance bond held by the Planning Board. Ms. Loomis stated that DPW is reviewing this request. Ms. Loomis stated that due diligence needs to be done prior to the release of additional funds, and that some items need to be met for this to occur.

**X. Member Reports**

Lewis Colten reported that the Metro West Regional Collaborative is re-evaluating and re-reviewing their future with the departure of their director. He stated major concerns about the MWRCs future as it has major potential and sees participation in that Board very important. He also reported that the Historical Commission had a meeting earlier in the week regarding the Marist property.

XI. Adjournment

*Thomas Mahoney moved that the Planning Board adjourn. Stephanie Mercandetti seconded the motion.* The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED

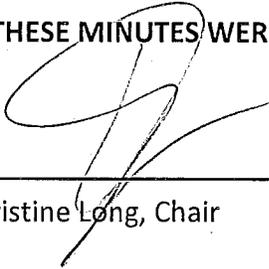
*The meeting was adjourned at 9:09 p.m.*

Respectfully submitted,



Stephanie Marrazzo,  
Clerical Assistant

**\*\*THESE MINUTES WERE APPROVED AT THE PLANNING BOARD MEETING OF JANUARY 14, 2016**



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Christine Long, Chair