



Town of Framingham
Valerie Mulvey, Town Clerk
Dedicated to Excellence in Public Service

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cc

Date: June 6, 2014

Location: 15&16 Pleasant Street Connector, 88 RR New York Avenue Rear

Name: NREF III Pleasant LLC, Normandy Real Estate Partners

According to the records of the Framingham Town Clerk's Office, an application was filed in the Town Clerk's Office on September 12, 2013 for a Site Plan Review and Special Permit for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio and Land Disturbance pursuant to Sections III.G., III.L., IV.B., IV.C., IV.G., IV.H.2., IV.I., and V.E. of the Framingham Zoning By-Law. On December 10, 2013 an application was filed for a Special Permit for Reduction in the Required Number of Parking Spaces pursuant to Section IV.B. of the Framingham Zoning By-Law.

A decision was made by the Planning Board on January 23, 2014 and the decision was filed in the office of the Town Clerk on January 29, 2014

Twenty days have elapsed since the decision was filed in the office of the Town Clerk and the appeal that was filed on February 18, 2014 was dismissed on April 16, 2014 and filed in the Town Clerk's Office on May 16, 2014.

Valerie Mulvey
Town Clerk



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FRAMINGHAM PLANNING BOARD

MEMORIAL BUILDING • ROOM B-37 • 150 CONCORD STREET • FRAMINGHAM, MA 01702-8373
TELEPHONE [508] 532-5450 • EMAIL: planning.board@framinghamma.org

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TOWN CLERK
FRAMINGHAM

Planning Board Members:
Christine Long, Chair
Stephanie Mercandetti, Vice Chair
Lewis Colten, Clerk
Victor A. Ortiz
Thomas F. Mahoney

Planning Board Staff:
Amanda L. Loomis, Planning Board Administrator
Sean P. Dugan, Planning Board Administrative Assistant

Town of Framingham Planning Board Notice of Decision

Regarding the Application of NREF III Pleasant LLC and Normandy Real Estate Partners for Site Plan Review and Special Permits for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape in Buffer, Increase in Floor Area Ratio, Land Disturbance, Reduction in the Required Number of Parking Space for 15 and 16 Pleasant Street Connector and 86 RR New York Avenue Rear, Framingham MA

On September 12, 2013, the Applicant, NREF III Pleasant LLC and Normandy Real Estate Partners, filed with the Planning Board, and on September 12, 2013, the Planning Board filed with the Town Clerk and departments, an application for Site Plan Review and Special Permit for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio and Land Disturbance pursuant to Sections III.G., III.L., IV.A., IV.B., IV.C., IV.G., IV.H.2., IV.I., and V.E. of the Framingham Zoning By-Law. On December 10, 2013, the Applicant filed with the Planning Board, and on December 10, 2013, the Planning Board filed with the Town Clerk and departments, an application for a Special Permit for Reduction in the Required Number of Parking Spaces pursuant to Section IV.B. of the Framingham Zoning By-law. The Application was filed in connection with the Applicant's plan to renovate and expand existing five story office building; upgrade and expand off-street parking facility; add curb cut on Firmin Avenue; construct retaining wall; construct a sidewalk and install lighting,

landscaping, infrastructure and other site improvements at 15 and 16 Pleasant Street Connector and 86 RR New York Avenue Rear. The Property is zoned General Manufacturing (M) and Technology Park (TP). The Property is shown on Framingham Assessor's Sheet 463, Block 9, Lot 75 & 56-D and Sheet 462, Block 10, Lots 1.

Notice of public hearing was published in "The Metrowest Daily News" on September 16, 2013 and September 23, 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 October 3, 2013 at 7:10 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on October 3, 2013, October 28, 2013, November 7, 2013, November 20, 2013, December 9, 2013 and December 19, 2013, January 13, 2014 and January 23, 2014. On January 23, 2014 the Planning Board voted to close the public hearing for Site Plan Review and Special Permit for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio and Land Disturbance.

Notice of public hearing was published in "The Metrowest Daily News" on December 23, 2013 and December 30, 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 January 13, 2014 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on January 23, 2014. On January 23, 2014 the Planning Board voted to close the public hearing Special Permit for Reduction in the Required Number of Parking Spaces.

On January 23, 2014 the Planning Board **APPROVED** with conditions said application for Site Plan Review and Special Permit for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio and Land Disturbance Approval for 15 and 16 Pleasant Street Connector and 86 RR New York Avenue Rear and a **DECISION** was filed in the office of the Town Clerk on January 29, 2014.

Christine A. Long, Chair
FRAMINGHAM PLANNING BOARD

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

TOWN CLERK
FRAMINGHAM

**Decision of the Framingham Planning Board on the
Application of NREF III Pleasant LLC and Normandy Real Estate Partners
For Site Plan Review and Special Permits for Proximity to Principal Use, Reduction in Loading
Requirement, Reduction in Landscape in Buffer, Increase in Floor Area Ratio, Land Disturbance,
Reduction in the Required Number of Parking Spaces
15 and 16 Pleasant Street Connector and 86 RR New York Avenue Rear, Framingham, MA**

Date of Decision: January 23, 2014

STATEMENT OF FACTS

On September 12, 2013, the Applicant, NREF III Pleasant LLC and Normandy Real Estate Partners, filed with the Planning Board, and on September 12, 2013, the Planning Board filed with the Town Clerk and departments, an application for Site Plan Review and Special Permit for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio and Land Disturbance pursuant to Sections III.G., III.L., IV.A., IV.B., IV.C., IV.G., IV.H.2., IV.I., and V.E. of the Framingham Zoning By-Law. On December 10, 2013, the Applicant filed with the Planning Board, and on December 10, 2013, the Planning Board filed with the Town Clerk and departments, an application for a Special Permit for Reduction in the Required Number of Parking Spaces pursuant to Section IV.B. of the Framingham Zoning By-law. The Application was filed in connection with the Applicant's plan to renovate and expand existing five story office building; upgrade and expand off-street parking facility; add curb cut on Firmin Avenue; construct retaining wall; construct a sidewalk and install lighting, landscaping, infrastructure and other site improvements at 15 and 16 Pleasant Street Connector and 86 RR New York Avenue Rear. The Property is zoned General Manufacturing (M) and Technology Park (TP). The Property is shown on Framingham Assessor's Sheet 463, Block 9, Lot 75 & 56-D and Sheet 462, Block 10, Lots 1.

After the notice of public hearing was published in "The Metrowest Daily News" on September 16, 2013 and September 23, 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 October 3, 2013 at 7:10 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on October 3, 2013, October 28, 2013, November 7, 2013, November 20, 2013, December 9, 2013 and December 19, 2013, January 13, 2014 and January 23, 2014. On January 23, 2014 the Planning Board voted to close the public hearing for Site Plan Review and Special Permit for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio and Land Disturbance.

After the notice of public hearing was published in "The Metrowest Daily News" on December 23, 2013 and December 30, 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 January 13, 2014 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on January 23, 2014. On January 23, 2014 the Planning Board voted to close the public hearing Special Permit for Reduction in the Required Number of Parking Spaces.

The Planning Board voted to approve the Site Plan Review and Special Permits for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio, Land Disturbance and Reduction in the Required Number of Parking Spaces with conditions on January 23, 2014.

The Applicant has filed with the Planning Board various plans and reports required under Sections III.G., III.L., IV.A., IV.B., IV.C., IV.G., IV.H.2., IV.I., and V.E. of the By-Law and submitted a request for waivers from the requirements for certain other plans and reports otherwise required. 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. Application for Uniform Site Plan Review. Dated September 6, 2013. Stamped with Town Clerk on September 12, 2013.
 2. Application for Uniform Special Permit. Dated September 6, 2013. Stamped with Town Clerk on September 12, 2013.
 3. Application for Uniform Special Permit. Dated December 9, 2013. Stamped with Town Clerk on December 10, 2013.
 4. Development Impact Statement of Normandy Real Estate Partners for Property Located at 15 and 16 Pleasant Street Connector.
 5. Site Plan; Plans entitled Site Development Plans for 15 Pleasant Street Connector, Framingham and Southborough, MA by Kelly Engineering Group, Inc. dated July 26, 2013 with revisions through December 20, 2013 consisting of 9 sheets (the "Site Plans")
 6. Landscape Plan: Prepared by Hawk Design, Inc. Dated July 12, 2013, revised November 11, 2013.
 7. Photometric Plan: Prepared by Visual. Prepared for Normandy Properties, Metal Halide. Date July 11, 2013, revised November 2, 2013.
 8. Floor Plans: Prepared by MPA Margulies Perruzzi Architects. Sheet A-01, 02 and 03. Dated October 30, 2013. Document #704-13.
 9. Architectural Renderings: Prepared by MPA Margulies Perruzzi Architects. Sheet A-401, A-402, A-01, A-02 and A-03. Dated April 3, 2013.
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10. Architectural Photos: Prepared by MPA Margulies Perruzzi Architects. Sheet A-04 and A-05 Dated August 27, 2013.
 11. Fire Truck Turning Radius Exhibit. Prepared by Kelly Engineering Group, Inc. Dated September 26, 2013.
 12. Supplement to Development Impact Statement Related to Land Disturbance Permit.
 13. Stormwater Management Report. Prepared by Kelly Engineering Group, Inc. Dated September 3, 2013, revised November 19, 2013.
 14. Attachment Number 2, 15% Slope Exhibit, Area Breakdown Spreadsheet and Plan, Cut/Fill Exhibit. Prepared by Kelly Engineering Group, Inc. Document #759-13
 15. Memorandum from Robert Michaud and Daniel Dumas of MDM Transportation Consultants. RE: Daily Traffic Volume by Link Calculations, Proposed Office Building Expansion. Dated August 21, 2013. Document 710-13
 16. Memorandum from Robert J. Michaud and Daniel Dumais, RE: Response to Comments – VHB, Proposed Office Expansion – 15 Pleasant Street Connector. Dated December 3, 2013. Document #761-13
 17. Traffic Impact & Access Study Office Building Expansion. Prepared for Crosspoint Associates, Inc. Prepared by MDM Transportation Consultations, Inc. Dated June 2004. Document #762-13

The Planning Board received correspondence from the Conservation Commission and Department of Public Works. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Review Checklist for Land Disturbance Application Submittal. Dated September 11, 2013
2. Review Checklist for Special Permit Application Submittal. Dated September 11, 2013
3. Review Checklist for Site Plan Review Application Submittal. Dated September 11, 2013
4. Letter from Vinod Kalikiri, and Christine Keches of VHB, RE: Proposed Office Expansion, 15 Pleasant Street Connector, Traffic Review Comments. Ref: 83369.13. Dated November 15, 2013. Document #711-13.
5. Letter from the Department of Public Works, Tam Nguyen and Jeremy Marsette. RE: Proposed Site Development – 15 Pleasant Street Connector. Dated November 6, 2013. Document #703-13
6. Letter from Department of Public Works, Tam Nguyen and Jeremy Marsette. RE: Proposed Site Development, 15 Pleasant Street Connector. Dated January 3, 2014. Document #013-13
7. Letter from Framingham Conservation Commission, Maeghan Walters. RE: 15 and 16 Pleasant Street Connector – Conservation Review and Status Update. Dated October 7, 2013. Document #643-13
8. Letter from Framingham Conservation Commission, Robert McArthur. RE: Department Project Review – 15 and 16 Pleasant Street Connector, Framingham, MA. Dated: December 19, 2013. Document #014-14

The aforesaid submittals are contained in the Planning Board files and incorporated herein by reference.

HEARING

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: James Hanrahan, Bowditch & Dewey, LLP., Kevin Daly, Normandy Realty, David Mackwell, Kelly Engineering, Bradley Cardoso, Margulies Peruzzi Architects, Robert Michaud, MDM Transportation Consultants and Daniel Dumais, MDM Transportation Consultants.

During the course of the Public Hearing process the Applicant presented to the Planning Board site plans for said project. Several revisions of the site plan were presented by the Applicant and reviewed by the Planning Board, site plan dated December 20, 2013.

During the course of the hearings Attorney Hanrahan discussed the project concurrently being permitted in the Town of Southborough. The permit process within Southborough includes the approval from the Zoning Board of Appeals for a height variance and special permit for use, and Major Site Plan Review and related waivers, and a special permit for Land Impact Development from the Planning Board.

On October 3, 2013 the Applicant presented the proposed project to the Planning Board. The Applicant's project team provided the Board with an overview of the entire project. David Mackwell presented on the parking, stormwater and site plan. Bradley Cardoso presented the architecture of the building, the reuse of the existing building and the addition to the building.

Attorney Hanrahan provided the Board with an overview of the fiscal impact statement, noting that the development would range between \$20-22 million dollars; further noting that the proposed project would provide a significant tax increase and bring 400 new jobs to the Town.

During the public hearing the Board discussed with the applicant the positive impact the project would have on the Town, questions regarding the site plan, off-street parking design standard related to a decrease in parking; furthermore, the Board welcomed the project.

On November 7, 2013, Attorney Hanrahan provided the Board on the status of the project with Southborough Planning Board and Conservation Commission, in addition to the Framingham Conservation Commission. Furthermore, Attorney Hanrahan presented the Remote Parking Facility and the Applicant's intention to landbank those spaces until the demand was warranted. The Applicant's team discussed the idea of providing compact parking spaces in the satellite parking lot.

David Mackwell presented the analysis and design elements for the stormwater system; noting that the amount of impervious area would not significantly increase on the building site and the new stormwater system would increase the recharge on-site.

During the November 7, 2013, meeting the Board questioned the Applicant's team about the stormwater systems and their function, the use of the catch basin, the condition of the satellite parking lot until the spaces would be unlandbanked, the use of LEED features utilized on the project, the location of the crosswalk across Pleasant Street Connector, snow storage, location and screening of dumpsters, and the architecture of the proposed building. The letter from the Framingham Department of Public Works (Document #645-13) was also discussed during this meeting.

At the November 20, 2013 the topic of discussion was traffic. The Applicant's traffic consultant was present at the meeting, in addition to the Town's Peer Review Consultant, Vinod Kalikiri of VHB. Attorney Hanrahan updated the Board on the status with Southborough, noting Southborough's discussion regarding traffic mitigation.

Robert Michaud provided the Board with an overview of the Applicant's traffic study conducted by MDM Traffic Consultants. Mr. Michaud discussed with the Board the proposed mitigation for the project.

Vinod Kalikiri presented to the Board his findings regarding the traffic study prepared by MDM Traffic Consultants. Mr. Kalikiri referenced his report, Document #711-13. Mr. Kalikiri specifically referenced the intersection in front of 11 and 15 Pleasant Street Connector, the shared parking between the two sites, the direction of traffic, the use of compact parking spaces, and the background analysis used for the Applicant's traffic report.

During the November 20, 2013 meeting the board questioned the Applicant's project team about site circulation, pedestrian crossing between the satellite parking lot and the main campus, the impact the project would have during peak hours, the influence the project would have on surround roadways in the Technology Park, the background material used to comprise the report, membership in the Transportation Management Association, and the fiscal impact the project will have in the area.

At the December 19, 2013 meeting Attorney Hanrahan provided an update to the Board regarding the status of the project in Southborough and the Framingham Conservation Commission. Mr. Hanrahan further noted the comment letter from the Framingham Conservation Commission, Document #780-13. Mr. Hanrahan noted conversations regarding mitigation with Southborough and noted that the funds should not be put into a general fund and used for project related traffic mitigation.

Vinod Kalikiri, the Town's Peer Review Consultant for traffic discussed his peer review letter to the Board, Document #79-13. Mr. Kalikiri specifically discussed mitigation for the project and assumptions the Applicant's Traffic Report addressed related to driveway utilization by the adjacent property. Mr. Kalikiri also discussed the proposed pedestrian accommodations regarding the Remote Parking Facility and the main campus.

At the January 13, 2014, Attorney Hanrahan provided the Board with an update on the project status in Southborough; noting the only outstanding issue that remained was mitigation. Attorney Hanrahan noted the joint meeting between Jennifer Burney, Southborough Planning Board Administrator and Amanda

Loomis, Framingham Planning Board Administrator regarding mitigation that was going to be held. The topic of discussion between Attorney Hanrahan and the Board was about mitigation.

Additionally, the Board requested that the Applicant eliminate the compact spaces and replace them with fewer full size parking spaces. Christine Long, Chair opened the public hearing for a Special Permit for a Reduction in the Required Number of Parking Spaces.

At the January 23, 2014, the Planning Board and the Applicant's project team discussed the project as a whole and finalized mitigation requirements for 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 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 III.G., III.L., IV.A., IV.B., IV.C., IV.G., IV.H.2., IV.I., and V.E. of the By-Law. Specifically, the Board makes the following findings:

A. Traffic Impact Standards and Absence of Vehicular Hazard: §§ IV.I.6.a. and V.E.3.a.(3)

Based upon the Traffic Report and responses to peer review comments prepared by MDM Transportation Consultants, Inc. for the expansion of the existing office building located at 15 Pleasant Street Connector (MetroWest Place) in Framingham and Southborough, Massachusetts, the Board finds that the capacity analysis results in the report indicate that the vehicle travel at the intersections is congested during existing and future peak hours, independent of the proposed office expansion. Incremental traffic associated with the development results in nominal increase in approach delays compared to no-build conditions.

The project proposes a Remote Parking Facility located across Pleasant Street from the Main Campus. A new marked crosswalk connection between the Remote Parking Facility and the main campus will provide pedestrians with a safe pedestrian crossing. The Site Plan is designed to minimize points of traffic conflict, both pedestrian and vehicular. The Applicant proposed to provide signalized pedestrian crossing at the Pleasant Street and Crossing Boulevard, in addition to ADA complaint ramps and Manual on Uniform Traffic Control Devices (MUTCD) compliant pavement markings and advance warning signs. . The Applicant states they will continue to work with MassDOT as the project goes through the permitting and highway access process. If the Remote Parking Facility is constructed, the Applicant will construct the parking spaces closest to the intersection of Pleasant Street Connector and Crossing Boulevard to reduce the potential for pedestrians to cross Pleasant Street Connector at un-signalized locations. Additionally, the Applicant proposes to construct a sidewalk along the Remote Parking Facility in addition to heavily landscaping and creating a barrier to decrease pedestrians crossing at un-signalized locations on Pleasant Street Connectors.

Based upon the Development Impact Statement prepared by Bowditch & Dewey, LLP. pedestrian and vehicular movement to, from and within the Project Site are designed to be safe and convenient, and arranged not to disturb abutting properties.

The Traffic Impact Report concludes that the proposed site modifications will have a slight increase to site related traffic and that the Project Site entrances will continue to adequately handle traffic to and from the Property. The Board finds that the Project will have a minimal impact on traffic based on the proposed mitigation package which is incorporated as condition in this decision.

B. Environmental Impact Standards and Consistency with Impact of By-Law: §§ IV.I.6.b. and V.E.3.(a).(4).

The principal use of the Project is an office building which shall not environmentally impact the area. Based on the Applicant's Development Impact Statement and representation, this project is not expected to create significant emission of fumes, noxious gases, radiation, water pollutants or other airborne environmental hazards, except for some noise and dust during the construction activities. The Property is located in a predominantly office and research & development area. It is anticipated that vehicular traffic to and from the Property, and the attendant automobile emissions, will not be detrimental to air quality.

The proposed stormwater management system will provide an enhanced treatment of stormwater drainage for approximately 100% of the Property's paved areas. The Project will comply with the DEP regulations for Stormwater Management.

The Project is designed to accommodate the Project without environmental damage due to wetland loss, habitat disturbance, or damage to natural assets. The Plans propose to maximize the preservation of the Project Site's natural features and environmentally sensitive wetlands buffers, native vegetation, mature trees, slopes, drainage ways, permeable soils, woodlands, and soil to the greatest extent possible. Therefore, Board finds that the Project as proposed complies with the requirements of Sections IV.I.6.b. and V.E.3.(a)(4) of the By-Law.

C. Fiscal Impact Standards and Consistency with Impact of By-Law: §§ IV.I.6.c. and V.E.3.(a).(5).

The Board finds that the Project as proposed complies with the requirements of §§IV.I.6.c. and V.E.3.a.(5). The portion of the Property located in Framingham has an assessed value of \$5,530,800.00, with the underlying land valued at \$647,900.00 at 15 Pleasant Street Connector, and \$32,500.00 at 86-R New York Ave RR. The undeveloped lot at 16 Pleasant Street Connector has an assessed value of \$66,400.00. Collectively, the improvements and land are valued at \$6,277,600.00 by the Framingham Assessor's Office, and generate a current total annual property tax revenue of about \$250,978.00 to Framingham.

The Project Site is currently served by adequate municipal services such as sewer, water and other facilities. Due to the proposed expansion it is anticipated that the Project will result in an increase in the usage of water, electrically and sewer services than currently exists as a vacant facility. It is not anticipated that that Project will result in an increased need for services from Framingham or Southborough. The property values in both Framingham and Southborough are expected to increase following the completion of the Project, it is anticipated that the ultimate fiscal impact to the Town will be neutral at a minimum and more likely to be positive.

D. Community Impact Standards and Site Appropriateness: §§ IV.I.6.d. and V.E.3.a.(1).

The Board finds that the Project as proposed is allowed by the By-Law. The Project is consistent with the purpose and intent of the Framingham By-law, and is compatible with neighboring office uses. The Project site is located within the General Manufacturing District (M), and Technology Park District (TP). The proposed use will not create a hazard to abutters, vehicles or pedestrians.

There are no buildings of known historical significance on the Property or in the immediate vicinity of the Property that would be impacted on this Project. The existing building has existed at this location for over 45 years. The Project proposes to update and enhance a long-standing Property use located nearby similar uses and consistent with its Location.

E. Parking Standards and Appropriate Facilities: §§ IV.I.6.e. and V.E.3.a.(2).

The Project seeks to coordinate a cohesive parking plan to serve the expanded building. The Applicant proposes to add 142 off-street spaces, for a total of 528 spaces, including 16 handicapped accessible spaces, which it deems sufficient to serve the Applicants and/or tenants needs, and/or other property guests. Therefore, the request for a reduction in parking shall meet the demand for the Applicant's Project. The Applicant's plans allow for the project to retain open space, enhance landscaping and ensure adequate pedestrian and vehicular circulation on the property while providing adequate parking availability. The parking lot and crosswalk have been designed to meet the needs of the Proposed Use, be safe for pedestrians and vehicles, mitigate any adverse impacts to abutters, residents and businesses in the area, conform to the character of the neighborhood and maximize landscape spaces and reduce internal traffic conflicts.

The Applicant proposes to landbank parking at the Remote Parking Facility and constructs parking at the Remote Parking Facility at a later phase based upon anticipated occupancy levels when tenants have been identified. The Remote Parking Facility drainage improvements shall be constructed at the time of construction on the main lot, and construction of the parking field shall occur once the tenant requires demand for additional parking. The Remote Parking Facility has been designed to encourage pedestrians to use the signalized crosswalk as a means of safe access to the Main Campus from the Remote Parking Facility.

The Board finds that the Project will comply with the Parking Standards set forth in the By-law. The circulation through the Site will be maintained. The parking design provides for adequate emergency vehicle and pedestrian access to the facilities.

F. Land Disturbance: §§ IV.H.2.E

The Board finds that proposed Project to be in compliance with §§ IV.H.2.E. The Project provides a stormwater management plan, and erosion and sedimentation control structures, devices and BMPs are shown on the site plans. The Project includes re-planting the entire site as shown on the Landscape Plan; the Applicant does not anticipate fill from external sources to be used as part of the project; there are no rare or endangered species that exist on the site.

The existing grade of the Property will not be significantly altered by excavation or fill. There will be more than 400 cubic feet of soil moved during the Project. The existing landscaping will be upgraded and increased as part of the project.

CONDITIONS OF APPROVAL

The Board finds that the Application and plans submitted by the Applicant comply with all applicable provisions of the By-Law including the requirements of Sections III.G., III.L., IV.A., IV.B., IV.C., IV.G., IV.H.2., IV.I., and V.E. of the By-law.

Accordingly, the Board votes to approve the Site Plan Review and Special Permit for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio, Reduction in the Required Number of Parking Spaces and Land Disturbance pursuant to Section III.G., III.L., IV.A., IV.B., IV.C., IV.G., IV.H.2., IV.I., and V.E. of the Zoning By-Law and waivers from certain provisions of the By-Law, 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 with exhibit(s) at the Middlesex South Registry of Deeds within sixty (60) 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 Site Plan Review and Special Permits for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio, Reduction in the Required Number of Parking Spaces and Land Disturbance shall lapse within two years from the date the Decision is recorded at the Middlesex South Registry of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.
10. The failure to comply with the By-law and/or the terms of this Decision may result in revocation of the Site Plan Review and Special Permits for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio, Reduction in the Required Number of Parking Spaces 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.

Infrastructure/Site Design/Landscaping

12. Prior to the issuance of a final use and occupancy permit, 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. ~~Project lighting shall be installed as shown in the Final Approved Site Plans.~~
16. Any dumpster or dumpster enclosure, as shown on the Final Approved Site Plans shall remain closed and locked except when trash deposit, removal and pickup operations are being conducted.
17. 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.

Environment

18. The Applicant shall endeavor to minimize the use of salt in the parking area to reduce any negative impacts to vegetation and ground water.
19. 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.
20. 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 and Applicant must remove excess snow from the site as may be necessary within forty-eight hours after the snow fall ends, in order to preserve public safety.
21. The Applicant shall to comply with the all the requirements of the Conservation Commission set forth in its correspondence to the Planning Board dated October 7, 2013, Document #643-13 and letter dated December 19, 2013, Document #041-14.

Traffic

22. The Applicant shall become an active participant in the Metrowest Transportation Management Association and shall install bicycle racks for use by employees to reduce automobile parking demand and trip generation.
23. The Applicant shall conduct a follow-up traffic impact assessment once the building is occupied at a level of 80 percent or greater and submit to the Planning Board and the Town's Peer Review Consultant at the Applicant's expense. The study shall include:

Data

- Manual turning movement counts (TMCs) for site driveways, include the remote (south) parking lot driveway and connecting driveway at 11 Pleasant Street Connector for a weekday morning peak period (7AM to 9AM) and weekday evening peak period (4PM to 6PM).
- Hourly parking accumulation counts of the main parking field and remote (south) lot for a typical weekday from 7 AM to 6 PM to include usage tally of the compact and regular parking spaces.
- Observation of pedestrian actuations for the signalized crosswalk at Pleasant Street Connector and number /location of unsignalized pedestrian crossings of Pleasant Street Connector for a weekday period 7AM to 10Am and 4PM to 7PM.

Analysis

- Summary of peak hour traffic generation for the site for a weekday morning peak hour and a weekday evening peak hour.
- Summary of trip activity for the cross-connecting driveway to 11 Pleasant Street Connector for the weekday morning and evening peak hours.
- Direction distribution of site trips on Pleasant Street Connector and Firmin Avenue with comparison to estimates provided in the traffic study for the project and associated sensitivity analysis documented in a memorandum by MDM Transportation Consultants, Inc. dated December 3, 2013.
- Distribution of peak hour trips between the north and south parking lots.
- Peak hour capacity analysis for the site driveway intersections for comparison to estimates provided in the traffic study for the project and associated sensitivity analysis documented in a memorandum by MDM Transportation Consultants, Inc. dated December 3, 2013.

Recommendations/Actions

- Suggest remedial actions if monitoring indicates a discernible pattern of crossing along Pleasant Street Connector at locations other than the signalized crossing. Such measures may include additional signs/markings, plantings or other appropriate and reasonable barrier materials as may be acceptable to MassDOT along the site and/or remote (south) parking lot areas.
- Conduct a supplemental TMC and capacity analysis at the 5-corners intersection and/or Pleasant Street Connector/Connector Road signal and report results in the monitoring report if site trip levels exceed those projected in the traffic study for the project or associated sensitivity analysis documented in a memorandum by MDM Transportation Consultants, Inc. dated December 3, 2013 by more than 10 percent.
- Identify additional mitigation actions at site driveways or signalized study locations to included signal timing adjustments as may be appropriate if (a) site

trip impacts exceed those documented in the traffic study and the sensitivity analysis documented in a memorandum by MDM Transportation Consultants, Inc. dated December 3, 2013 by more than 10 percent, and (b) capacity analysis indicates operating levels that fall below LOS D conditions as a direct result of additional trip activity for the site.

24. The Applicant shall install as part of the mitigation package new detector loops on Firmin Avenue (5 Corners Intersection), and signal controller programming adjustments. Preparation of associated design/permit plans and MassDOT permitting shall be accomplished by the Applicant at their cost.
25. The Applicant shall install as part of the mitigation package new cement concrete sidewalks, ADA compliant ramps, granite curbing, adjustment to drainage structures, pedestrian indicators, traffic signal controller reprogramming and pavement markings/signs. Associated MassDOT design/permit plans and permitting shall also be accomplished by the Applicant at their cost.
26. The Applicant shall to Implementation of a sidewalk segment on Firmin Avenue in Southborough along the site frontage connecting the traffic signal at Crossing Boulevard to the Bay Circuit Trail at the site driveway. This includes approximately 300 feet of sidewalk, reuse of existing vertical granite curbing, ADA compliant ramps, pavement markings and associated. Associated MassDOT design/permit plans and permitting shall also be accomplished by the Applicant at their cost.
27. The Applicant will pay the sum of \$86,468.28 in fulfillment of the required 3% (of the Project's total development costs) traffic mitigation pursuant to Section IV.I.6.a of the By-Law. The Applicant shall pay to the Town of Framingham the sum of \$86,468.28 prior to the issuance of any certificate of occupancy of any building that is part of the Project (the "Initial Payment"). Mitigation funds shall be utilized within the project area, for the uses of zoning and traffic studies for the Technology Park and 9/90 Crossing areas and/or trail implementation of the Bay Circuit Trail or nearby trail system and/or other traffic improvement within the immediate area.

Parking

28. The Board approves 147 landbanked spaces in accordance with the Site Plan located in the Remote Parking Facility, having determined that such spaces could be constructed, but that additional landscaping and open area would better serve the site. Said parking spaces need not be installed until such time as the Applicant or the Board, on its own motion, identifies a need to construct some or all of the landbanked spaces. Prior to construction of any landbanked parking space, the Applicant shall notify the Planning Board of its decision to construct such spaces. Landbanked spaces closest to the pedestrian crossing at the Pleasant Street Connector and Crossing Boulevard intersection shall be constructed first.

Site Construction

29. 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 correspondence to the Planning

Board dated November 6, 2013, Document # 711-13 and letter dated January 3, 2014, Document #013-14.

30. Prior to the commencement of authorized site activity, the Applicant shall clearly mark all existing trees, bushes and other vegetation which are to remain.
31. 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.
32. 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 vehicles are to arrive at the construction site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets.

Special Provisions/ Periodic Conformance Reporting and Review

33. The Applicant is responsible for providing the following performance guarantees for the development project.
 - a. Prior to the issuance of any final use and occupancy permit, the Applicant shall post a performance guarantee satisfactory to the Planning Board for all improvements including landscaping, which are incomplete or not constructed, in an amount not to exceed the cost of such improvements.
 - b. Upon completion of the project and prior to the request for a final use and occupancy permit, the Applicant shall provide the Planning Board with "As Built Plans" which shall be reviewed by the Planning Board Administrator, for certification that the landscaping has been planted substantially in accordance with the approved Landscape Plan, at which time a Landscape Maintenance Bond shall be required.
 - c. The Applicant shall provide to the Town of Framingham a Landscape Maintenance Bond ~~in the sum of 20% of the total landscape cost to replace any trees which are improperly~~ pruned or dead trees, shrubs or lawn areas, as shown on the approved Landscape Plan, which shall be posted for a period of two years commencing with the completion of the landscaping and certification of the Landscape Plan, as required above.
34. Prior to the issuance of a final use and occupancy permit, the Applicant shall submit an as-built plan for each property stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plan in a form acceptable to the Town of Framingham, Department of Public Works, Engineering & Transportation Division (DPW). The as-built plan shall be submitted in both hard copy and electronic formats (AutoCAD and PDF). The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Town of Framingham, DPW. The plan shall include but not be limited to site utility improvements and tie dimensions to all pipes and connection points. The as-built information shall be delivered to DPW a minimum of 5 business days in advance of the Applicant seeking a final certificate of occupancy sign-off to allow time for DPW review and approval of submitted information. The Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.

VOTE:

The vote 5 in favor and 0 opposed to granting Site Plan Review pursuant to Section III.G., III.L. and IV.I., of the Zoning By-Law to allow the Applicant, NREF III Pleasant LLC and Normandy Real Estate Partners, plan to plan to renovate and expand existing five story office building; upgrade and expand off-street parking facility; add curb cut on Firmin Avenue; construct retaining wall; construct a sidewalk and install lighting, landscaping, infrastructure and other site improvements at 15 and 16 Pleasant Street Connector and 86 RR New York Avenue Rear.

Site Plan Review

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

The vote 5 in favor and 0 opposed to granting Special Permit for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio, and Reduction in the Required Number of Parking Spaces pursuant to Section III.G., III.L., IV.A., IV.B., IV.C., IV.G. IV.I., and V.E. of the Zoning By-Law to allow the Applicant, NREF III Pleasant LLC and Normandy Real Estate Partners, plan to plan to renovate and expand existing five story office building; upgrade and expand off-street parking facility; add curb cut on Firmin Avenue; construct retaining wall; construct a sidewalk and install lighting, landscaping, infrastructure and other site improvements at 15 and 16 Pleasant Street Connector and 86 RR New York Avenue Rear.

Special Permit for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio, and Reduction in the Required Number of Parking Spaces

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

The vote 5 in favor and 0 opposed to granting Special Permit Land Disturbance pursuant to Section III.G., III.L., IV.H.2., and V.E.. of the Zoning By-Law to allow the Applicant, NREF III Pleasant LLC and Normandy Real Estate Partners, plan to plan to renovate and expand existing five story office building; upgrade and expand off-street parking facility; add curb cut on Firmin Avenue; construct retaining wall; construct a sidewalk and install lighting, landscaping, infrastructure and other site improvements at 15 and 16 Pleasant Street Connector and 86 RR New York Avenue Rear.

Special Permit – Land Disturbance

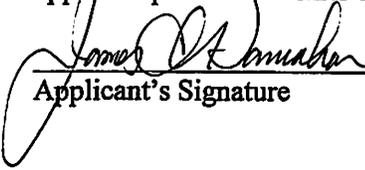
- Christine Long..... yes
- Stephanie Mercandetti.....yes
- Lewis Colten..... yes
- Thomas F. Mahoney..... yes
- Victor Ortiz.....yes

By: Christine Long, Chairperson Framingham Planning Board

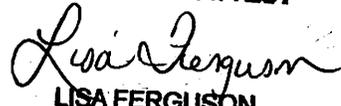
Date of Signature: Jan. 23, 2014

I, James D. Hanrahan, as a representative for NREF III Pleasant LLC and Normandy Real Estate Partners and not individually, accept and agree to comply in all respects with the foregoing conditions of approval to its Site Plan Review and Special Permit for Proximity to Principal Use, Reduction in Loading Requirement, Reduction in Landscape Buffer, Increase in Floor Area Ratio, Reduction in the Required Number of Parking Spaces and Land Disturbance. 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 (3) 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.


Applicant's Signature

1-28-14
Date of Signature

ATRUE COPY ATTEST

LISA FERGUSON
ASSISTANT TOWN CLERK