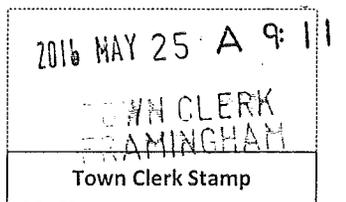


**Framingham Planning Board**

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**PLANNING BOARD MEMBERS**

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

**PLANNING BOARD STAFF:**

AMANDA L. LOOMIS, AICP, PLANNING BOARD ADMINISTRATOR

**Planning Board Meeting Minutes  
Thursday, May 19, 2016  
FINAL**

Planning Board members present on May 19, 2016: Christine Long, Chair, Lewis Colten, Vice Chair, Victor Ortiz, Clerk, Thomas Mahoney, and Stephanie Mercandetti. Also present, Amanda Loomis, Planning Board Administrator.

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

- I. **7:00 PM Public Hearing** Pursuant to Section IV.B and VI.E of the Framingham Zoning By-Law, Article VI, Section 8 and Article VI, Section 10 of the Framingham General By-Laws, a public hearing to consider the application of Starr Construction, Inc. for a Special Permit for a Common Driveway, Public Way Access Permit, and a Modification to a Scenic Roadway for the property located at 160 Edgell Road. The applicant is proposing to construct a common driveway for three house lots.

Present for the public hearing: Stephen Starr, Starr Construction, Inc. and Terrence Ryan, Applewood Survey, LLC

Christine Long, Chair, read the legal ad into the record.

Ms. Long turned the floor over to Mr. Starr. Mr. Starr provided a brief overview of the ownership and location of the project. Mr. Ryan briefly presented the project and the site plan. Mr. Ryan present the request made by the Department of Public Works related to the lines of sight at the proposed driveway. Mr. Ryan stated that he measured the lines of sight and found that the line of sight looking toward the Town Centre measures at 397' and the line of sight looking towards Sudbury measures 311'. Mr. Ryan further stated that the project stays outside of the wetlands buffers and the proposed homes will be constructed near the street leaving the rear of the site in its natural state.

Ms. Long requested a report from the Planning Board Administrator. Ms. Loomis briefly provided an overview of the May 12, 2016, Technical Review Team meeting.

Ms. Long asked for Planning Board member comments. The Planning Board provided the following comments.

- Questions related to the existing stonewall and trees.
- Request for clarification related to the screening of the proposed residential dwelling units.

- Request for clarification for the proposed access. Mr. Ryan stated that the Scenic Roadway Modification By-Law stated that common driveways along a scenic road could only be 14'. Mr. Ryan further stated that the Fire Department requested that the proposed common driveway be constructed at 16'.

***Thomas Mahoney moved that the Planning Board waive the requirement to construct a 14' access on a defined Scenic Roadway and allow the Applicant to construct a 16' common driveway access as requested for fire access by the Fire Department. Victor Ortiz seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED***

Ms. Long asked for public comment. No public comment was made.

Ms. Long continued the public hearing without testimony to Thursday, June 2, 2016 at 7:00pm.

- II. **7:00 PM Public Hearing** In accordance with the provisions of Chapter 40A, Section 5 of the Massachusetts General Laws, the Framingham Planning Board will hold a public hearing on Monday, May 16, 2016 at 7:00pm in the Ablondi Room, Memorial Building, 150 Concord Street, Framingham, Massachusetts, for the review of a citizen petition to amend the Framingham Zoning By-Law at the April 26, 2016 Annual Town Meeting as follows.
- To see if Town Meeting will vote to amend Section VI.D.1 of the Framingham Zoning By-Laws by increasing the number of members of the Zoning Board of Appeals from three to five, by decreasing the minimum number of associate members from four to three; and by amending the Table in Article I, Section 1.3 of the General Bylaws to reflect such changes.

Christine Long, Chair, opened the continued public hearing for Article 29 and turned the floor over to the Sponsor of the proposed Article. The Sponsor provided a historical review of the process related to the proposed increase in the number of Zoning Board of Appeals (ZBA) members. The Sponsor further presented information that supported his petition to Town Meeting.

Ms. Long asked for Planning Board member comments. The Planning Board provided the following comments.

- Request for clarification regarding how an increase in membership to 5 provides more board efficiency. The Planning Board further requested clarification as to how the proposed change would be affected by possible future recommendations to be made by the charter commission.
- Statements were made regarding experiences with ZBAs with five or more members.
- Request for input from the ZBA Chairman regarding the proposed changes.
  - Phil Ottaviani, Chair of the ZBA stated that the ZBA voted 6-0-1 in opposition of the proposed changes presented in Article 29. Mr. Ottaviani further stated the current operation of the ZBA further stating that the process works well as it is.

- Request for clarification as to the number of votes needed to receive a variance. The Planning Board made statements regarding the difficulty to obtain a variance under the current conditions.
- Statements were made supporting both sides of the argument for and against Article 29.

Ms. Long asked for public comment. The following public comment was made.

- Statements were made that there were no issues with the current operations of the ZBA.
- A request was made as to how many municipalities have five member ZBAs.
  - The Sponsor stated that there are 112 three-member ZBAs and 224 five-member ZBA (the five-member ZBA number includes the City of Boston). The Sponsor further stated that the 3-member/5-member is a 2:1 ratio.
- Request for the Town to move towards an elected ZBA to increase accountability of the members.
- Request for the Town to continue to operate as a Town, as long as it is a Town.
- Request for possible negative effects in decisions if the number of ZBA members increases.
  - Mr. Ottaviani provided information relative to the existing process and how the ZBA currently operates.

Ms. Long stated that she will not be taking a position on Article 29, and does not feel that the Planning Board should take a position on this Article. Ms. Long further stated it is not fair to put one board against another, especially when the other board is in opposition to the Article.

Stephanie Mercandetti concurred with Ms. Long relative to the Planning Board not taking a position. Ms. Mercandetti further stated that the length of the term is not under the Planning Board's purview. Thomas Mahoney further concurred with his fellow Board members. Mr. Mahoney further stated he does not like the idea of putting one board against another board, and that it's not fair. Lewis Colton also concurred with his fellow Board members.

The Sponsor expressed concerns with the Planning Board not taking a position.

***Thomas Mahoney moved that the Planning Board vote to not take a position on Article 29. Stephanie Mercandetti seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED***

- III. **7:00 PM Public Hearing** In accordance with the provisions of Chapter 40A, Section 5 of the Massachusetts General Laws, the Framingham Planning Board will hold a public hearing on Monday, May 16, 2016 at 7:00pm in the Ablondi Room, Memorial Building, 150 Concord Street, Framingham, Massachusetts, to consider amending the Framingham Zoning By-law and Zoning Map at a Special Town Meeting as follows.

- **Amend the Framingham Zoning By-law related to the Transfer of Development Rights (TDR)** To see if Town Meeting will vote to amend the Framingham Zoning By-Law by deleting the existing

definition for Receiving Parcel and replacing it with a new definition for Receiving Parcel (Section I.E.) and amending the table in Section V.O.2.b.5. and further amending Section V.O.2.c.4.

- **Amend the Framingham Zoning Map – establish new Transfer of Development Rights (TDR) Overlay Districts** To see if Town Meeting will vote to amend the Framingham Zoning Map by creating new Transfer of Development Rights (TDR) Overlay Districts

Christine Long, Chair, requested a presentation on the Transfer of Development (TDR) By-Law and Zoning Map amendments. Ms. Loomis briefly updated the Planning Board regarding the recent events that have occurred since the May 16, 2016 public hearing. Ms. Loomis and Arthur Robert, Director of Community & Economic Development presented the Transfer of Development Rights By-Law Facts and Information Special Spring Town Meeting – 2016 information sheet. Ms. Loomis further presented a PowerPoint presentation entitled Transfer of Development Rights, May 19, 2016.

Ms. Long asked for Planning Board member comments. The Planning Board provided the following comments.

- Request relating to process associated with the granting of special permits and variances through the use of TDR.
- Review of the proposed East TDR Overlay Zoning District and its relation to the 500' residential buffer. The Planning Board discussed the parcels identified in Green as presented on the Map presented in the PowerPoint (Green parcels presented as agreed upon at the May 16, 2016 public hearing).
- Request was made to increase the area of 6,500sf to 10,000sf for the Giving Parcel. The Planning Board discussed the potential impacts of an increase in area to the Giving Parcel.
- Statements of agreement were made to increase the height and the Floor Area Ratio (FAR).
- Statements of support for TDR and the expansion of the existing By-Law.

Ms. Long asked for public comment. The following public comment was made.

Tom Hanson, Agricultural Advisory Committee, Chair, stated that that his committee voted to support the expansion of the TDR. Mr. Hanson further stated that his committee would be taking a vote next week.

- Requests were made to remove all the parcels shown in Green that are to the north of Cochituate Road.
- Questions as to why the existing TDR By-Law has not worked. Followed by statements that the existing TDR By-Law has only been in place for roughly a year.
- Review of the development within Precinct 9.
- Questions as to why developers have not taken advantage of TDR.
- Request for pros and cons of an increase in potential Receiving Parcels. A request was made specifically relative to the impact on home values and the quality of life.

- Request that the sponsors of the Article act responsibly in making any changes that could potentially have serious harmful effects on neighborhoods. Further, requests for the Planning Board to review the existing TDR By-Law and determine why it is not working.
- Concerns stated by residents relating to the increase in height, density, and traffic.
- Request for information relative to the existing Natick zoning within the Golden Triangle.
- Concerns about the urbanization of the Town.
- A request for the number of parcels that are located within the Receiving Parcel areas that have existing variances.
- Questions regarding the inclusion of the Central Business (CB) Zoning District to the proposed TDR Overlay area.
- Discussions regarding referral back to the sponsor for revisions and additional research before bringing it back.

The Planning Board discussed the increase in height, the increase in Floor Area Ratio (FAR), whether to support creating an overlay district and which parcels to include into the expansion. The Planning Board further discussed the proposals on the table.

*Lewis Colten moved to increase the height by 4 floors/15 feet per additional floor through the use of TDR and to further increase the Floor Area Ratio (FAR) to 1.0. Thomas Mahoney seconded the motion. The Planning Board voted in favor of the motion 4-0-1 (Victor Ortiz was absent on May 16, 2016). MOTION PASSED*

*Thomas Mahoney moved to establish the TDR Overlay District to include the properties to the east of Caldor Road, west of the Natick Town line, south of Cochituate Road, and along Route 9 from Caldor Road to the Natick Town Line. No second was made. MOTION FAILED*

*Lewis Colten moved to refer the TDR Overlay District back to sponsor. Victor Ortiz seconded the motion for the purposes of discussion, The Planning Board voted 1-3-1 for the motion. MOTION FAILED*

*Stephanie Mercandetti moved to amend the Zoning Map to create a new Transfer of Development Rights (TDR) Overlay District that includes only the three existing TDR Receiving Parcels. Thomas Mahoney seconded the motion. The Planning Board voted 2-2-1 for the motion. MOTION FAILED*

*Thomas Mahoney moved that the Planning Board take no action on the Overlay District. Stephanie Mercandetti seconded the motion. The Planning Board voted in favor of the motion 4-0-1 (Victor Ortiz was absent May 16, 2016). MOTION PASSED*

*Stephanie Mercandetti moved to not accept the deletion of language in Section I.E. Definition, Receiving Parcels and further not accept the underlined of the language in Section I.E. The Planning Board voted in favor of the motion 4-0-1 (Victor Ortiz was absent May 16, 2016). MOTION PASSED*

*Stephanie Mercandetti moved that the Planning Board accept the changes as shown in Section V.O.2.c.4 as presented. Thomas Mahoney seconded the motion The Planning Board voted in favor of the motion 4-0-1 (Victor Ortiz was absent May 16, 2016). MOTION PASSED*

IV. Approval of Minutes – May 16, 2016

Christine Long, Chair, asked for Planning Board member comments for the meeting minutes of May 16, 2016. No Planning Board member comments were made.

*Lewis Colten moved that the Planning Board approve the Planning Board meeting minutes of May 16, 2016 as presented. Tom Mahoney seconded the motion. The Planning Board voted in favor of the motion 3-0-2 (Stephanie Mercandetti and Victor Ortiz). MOTION PASSED*

V. Administrator's Report

Ms. Loomis stated that the Planning Board office was recently moved from Room B-35/37 to Room 205.

VI. Member Reports

Lewis Colten stated that the MetroWest Regional Collaboration (MWRC) will be sponsoring educational sessions.

Thomas Mahoney stated that he would not be present at the June 2 and June 9, 2016 Planning Board meetings.

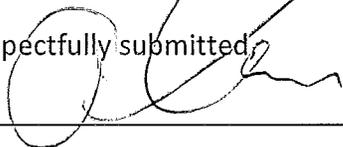
Mr. Colten stated that the Star Commission would be hosting an awards ceremony to grant awards for various projects and commissions.

VII. Adjournment

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

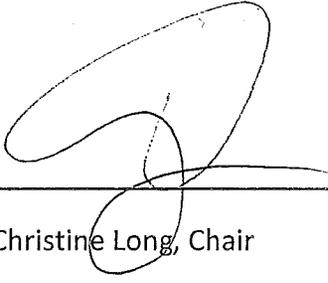
*The meeting was adjourned at 10:29 p.m.*

Respectfully submitted,



Amanda Loomis, Planning Board Administrator

*Planning Board Meeting Minutes May 19, 2016*



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Christine Long, Chair