

DEVELOPMENT IMPACT STATEMENT  
 FOR PROPERTY LOCATED AT  
 19 FLUTIE PASS, FRAMINGHAM

Applicant and Owner: BRE DDR SHOPPERS WORLD LLC

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This application (“Application”) is submitted to the Town of Framingham (“Framingham”) Planning Board (“Board”) by BRE DDR SHOPPERS WORLD LLC, (the “Owner” or “Applicant”), a Delaware Corporation, having a mailing address of 3300 Enterprise Parkway, Beachwood, OH 44122 in connection with its redevelopment of the 12.8 acre property known and numbered 19 Flutie Pass, Framingham and 1391 Worcester Street, Natick (together, the “Property”). The Applicant seeks the Board’s approval of its requests for: (i) Modification of its Major Site Plan Review Approval set forth in the Decision dated February 22, 2016, pursuant to §§VI.F.2(b)(5) and VI.F.(2)(a)(2) of the Framingham Zoning By-Law (the “By-Law”); (ii) a Special Permit for Mixed Use in the “B” Business District pursuant to §§II.B.1.E and VI.E.6; and (iii) Waivers from requirements for landscaping adjacent to buildings, pursuant to §§VI.F.5(e)(7) and III.E.8(i) of the By-Law, from requirements for width of walkways, pursuant to §§VI.F.5(a)(3) and III.E.8(k)(2)(b) of the By-Law, and from the requirements for number of bicycle parking spaces, pursuant to §IV.B.7 of the By-Law.

The Property is adjacent to the existing Shoppers World complex, as shown on a plan prepared by Vanasse Hangen Brustlin, Inc. (“VHB”) entitled “19 Flutie Pass Development” (the “Site Plan”), dated June 8, 2016 submitted herewith. As shown on the Site Plan and accompanying Architectural Renderings and Preliminary Floor Plans prepared by Cube 3 Studio, the Owner seeks to supplement the project approved (“Approved Project”) by the Board (“Board”) on February 22, 2016, and by the Natick Planning Board on April 7, 2016, by adding mixed use components on the 8.38 acre portion of the Property located in Framingham. The revised project would include structured parking and approximately 136 residential apartments to be located over street level commercial uses for restaurant, indoor amusement and retail businesses (collectively, the “Mixed Use Project”). No changes to the Approved Project are proposed for the 4.42 acre portion of the Property located in Natick.

As part of the Approved Project, the Applicant would: (i) build three (3) new buildings on the Property for use by new businesses including, in Framingham, a restaurant with outdoor seating comprising approximately 9,500 square feet (the “Restaurant”), and a bowling alley with restaurant service of approximately 21,000 square feet (the “Bowling Facility”), and, in Natick, an indoor sky diving entertainment facility of approximately 7,530 square feet (the “Entertainment Center”); (ii) upgrade the site landscaping, utilities and stormwater management

system; (iii) install energy efficient lighting; (iv) install bicycle racks; and (v) rebuild the existing parking lot to include 393 parking spaces, eight (8) of which will be handicapped accessible. To accomplish its Mixed Use proposal, the Applicant seeks to modify the Approved Project by converting the two structures approved in Framingham into one connected seven (7) story structure, of approximately 85 feet in height (the “Mixed Use Structure”).

The Applicant has concurrently applied to the Framingham Zoning Board of Appeals pursuant to §VI.G of the By-Law for a Variance from height requirements set forth in §IV.E of the By-Law, and a Use Variance from the restrictions set forth in §II.B.1.E of the By-Law to allow mixed use on the portion of the property located in Framingham’s M-1 zoning district. A hearing for that application is scheduled to open before the Zoning Board of Appeals on June 21, 2016. Because all proposed changes to the Approved Project are located in Framingham, the Applicant does not anticipate needing additional approvals by from the Town of Natick for the Mixed Use Project. No changes are proposed which would result in the need to modify approvals issued for the Approved Project by the Framingham Conservation Commission.

## I. PROJECT SUMMARY

### A. Zoning Location and History

The 8.38 acre portion of the Property located in Framingham (the “Project Site”) is partly in the B (Business) Zoning District (“B District”) and partly in the Light Manufacturing Zoning District (“M-1 District”), as shown on the Site Plan, and is located within the Regional Center (“RC”) Highway Overlay District. Section II.B.1.E of the By-Law allows mixed use in the B District pursuant to the issuance of a Special Permit from the Planning Board, but does not permit mixed use in the M-1 District. Mixed uses are allowed in Framingham’s Highway Overlay Districts according to §III.E.4(b) of the By-Law, to the extent that each individual use is allowed in the underlying zoning district. Although the proposed Mixed Use is not proposed to be located on the Natick portion of the Property, for informational purposes, the 4.42 acre portion of the Property located in the Town of Natick is zoned IN-II (Industrial) Zoning District (“IN-II District”), and is in an Aquifer Protection District (“APD”) and the Mall Center (“MC”) Overlay District.

## B. Existing Conditions

The Property is located in two towns and is split-zoned in Framingham, including both a business and a manufacturing zone. The manufacturing zone is isolated from any other manufacturing zone and surrounded by no nearby manufacturing uses. The Project Site is located in the middle of MetroWest's major shopping malls, Shoppers World and the Natick Mall. The Natick Mall to the east includes a mixed use retail mall and residential condominium project. The majority of the property comprising Shoppers World, including part of the Property, is located in the B District, which district permits mixed uses with a Special Permit from the Planning Board. The existing light manufacturing zone is an orphan zone that somehow escaped updates to the By-Law over many years of repositioning this area as a retail mecca.

The Project Site currently contains a large parking lot which formerly served as overflow parking for the AMC movie theater across Flutie Pass, and commuter parking. Surrounding uses include retail at Shoppers World to the west, the Natick Mall to the east (which includes residential condominiums), the AMC movie theater to the north, and Route 9 to the south. According to the Existing Conditions Plan (Sheet Sv-1 of the Site Plan), the Property is currently improved with: (i) a paved parking lot with 488 parking spaces; (ii) landscaping; (iii) two (2) high-tension electrical transmission lines which cross the Project Site, within a 250 feet wide Eversource easement; (iv) a retention pond and related underground drainage; (v) utility and light poles; (vi) sidewalks; (vii) a bus shelter; and (viii) undeveloped, wooded vegetated land (collectively, the "Existing Condition"). As currently developed, vehicular access to the Property is by two (2) curb cuts onto Flutie Pass and one curb cut onto Shoppers World Drive, both private roads. The portion of Flutie Pass located in Framingham is contained within the Project Site. A portion of the Property lies within the Sudbury River watershed, and wetland resource areas are present on the Property in both Towns.

## C. Proposed Project

The Applicant seeks to construct the Mixed Use Structure as follows, as shown on the Site Plan and Architectural Renderings. On its first floor, the Mixed Use Structure would retain the Indoor Amusement and Restaurant uses recently approved by the Planning Board, to which

would be added add a small (approximately 3,750 square feet) retail space and 2,000 square foot residential lobby for a total building footprint area of approximately 37,840 square feet. The Mixed Use Structure would include a one story 43,325 square feet parking level on its second floor, providing approximately 104 parking spaces. Five (5) stories would extend above the parking level of the Mixed Use Structure, to contain approximately 136 apartments (maximum size of two (2) bedrooms), of which at least 10% will be affordable, with related amenities.

#### D. Technical Documents for Major Site Plan Review

The contents of the Applicant's technical documents as updated for the Mixed Use Project and included with this submission are listed on the Table of Contents for the Application. The Site Plan includes details required for drainage calculations, lower impact development features, location of proposed mechanical equipment and utility infrastructure. The Architectural Renderings show the number of dwelling units and related acreage for the proposed Mixed Use Project. The Storm Water Management Report of VHB provided to the Board during the Applicant's most recent permitting has been updated with a Memorandum dated June 8, 2016 ("Updated Stormwater Management Report"). VHB has been engaged by the Applicant to prepare a Revised Traffic Impact and Access Study ("Updated Traffic Report") dated June 8, 2016 to supplement its Traffic Impact and Access Study dated August 6, 2015. VHB has provided a memorandum entitled "Construction Sequencing Outline and Blasting Statement" dated May 31, 2016, which updates anticipated construction information for the Mixed Use Project.

## II. URBAN DESIGN OBJECTIVES NARRATIVE

The Mixed Use Project is designed to encourage complete streets including transit access and pedestrian and bicycle amenities, and their potential connections to the Town's bicycle and pedestrian system. The Approved Project was been designed to be consistent with Framingham's Policy on Complete Streets requirements by providing accessible and efficient connections between commercial, recreational, and retail destinations by improving multi-modal environments throughout the Golden Triangle. The Applicant's Mixed Use proposal integrates a residential component, consistent with Complete Street guidance on safety and accommodation for a range of ages and abilities, and balancing the needs of motorists, pedestrians, transit users

and vehicles, bicyclists, and commercial and emergency vehicles moving along and across roads, intersections, and crossings. The proposed development relates harmoniously with the terrain and to the use, scale, and siting of buildings in the vicinity. The proposed development minimizes disruption to the topography, and relates functionally, spatially and visually with area structures, landscaping and paved areas. Project features support likely future demand for bicycling and walking by residents and the community, and contribute to a safe, convenient, and comfortable travel experience for retail and residential users alike. Bicycle racks will be provided for resident and community use both on the ground, and for residents within the indoor parking area. New and reconstructed sidewalks will be handicapped accessible in accordance with the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB).

### III. PARKING IMPACT ASSESSMENT

The Property presently is served by a 488 space parking lot. The Approved Project contains 393 parking spaces. The Applicant proposes to provide a total of approximately 490 parking spaces for the Mixed Use Project, including approximately 104 garage spaces interior to the Mixed Use Structure. This proposed parking amount meets in total the parking requirements of Framingham and Natick, and is considered by the Applicant to be an amount sufficient to serve its residents, retail, restaurant and indoor amusement customers, and other property guests. The parking lot has been designed to consider safety of pedestrians, cyclists and vehicles, mitigate adverse impacts on abutters, residents, and businesses in the area, and to conform with the character of the neighborhood. The parking lot aisles are of sufficient width to provide access for emergency vehicles to the buildings. The Mixed Use Project will provide fifteen (15) bicycle parking spaces on the ground or twenty-six (26) in the parking garage.

### IV. TRAFFIC IMPACT ASSESSMENT

The Site Plan addresses vehicular, pedestrian and bicycle circulation at the Project Site, by improving access to internal mall roads and public streets, modifying the width of interior drives and access points, improving separation of pedestrian and vehicular traffic, and arrangement of parking facilities. Furthermore, the Applicant agreed to traffic-related conditions

as part of its Approved Project, further detailed as Conditions Number 33 through 39 on the Board's February 22, 2016 Decision.

VHB completed a detailed traffic analysis of the roadways and intersections in the vicinity of the Property and an on-site circulation analysis. Their memorandum entitled "Revised Traffic Impact and Access Study, AMC South Parking Lot Redevelopment at Shoppers World, Framingham & Natick Massachusetts", dated June 8, 2016 ("Updated Traffic Report") summarizes the traffic operations within the Project's study area under existing and proposed future conditions, and expected on-site functioning for the proposed Mixed Use Project. Based on the Updated Traffic Report, the Mixed Use Project as proposed, and specifically including development meeting the requirements set forth in Conditions 33 through 39 of the February 22, 2016 decision, meets the traffic, parking safety and public access criteria set forth in §VI-F.6.b(1)-(5) of the By-Law.

The Updated Traffic Report concludes that the increase in traffic associated with the Mixed Use Project, including the proposed residential use, on roadways serving the Project Site is expected to result in a small and limited increase in traffic. This overall net increase in traffic associated with the Project corresponds to an expected range of 5 trips per hour up to approximately 70 trips per hour at various locations studied, depending on the specific location and the specific peak hour under consideration. The report concludes that the proposed site modifications will not significantly increase site related traffic, will fall within the range of daily fluctuation, and that the site entrance will continue to adequately handle traffic to and from the Property. It is anticipated that the proposed structured parking and parking lot reconfiguration, as well as roadways and intersections adjacent to the Project Site, will be adequate to accommodate the Mixed Use Project.

## V. ENVIRONMENTAL IMPACT

The Project Site is designed to minimize environmental damage due to habitat disturbance, or damage to natural assets. According to the Updated Stormwater Report, the proposed modifications to the Site Plan to accommodate the Mixed Use Structure has minimal impact on groundwater or flow patterns on the Project Site. The Mixed Use Project is associated with an additional 5,200 ± square feet in impervious area, associated with building rooftops.

The Updated Stormwater Report states that the Mixed Use Project will comply with each of the ten performance standards of the Massachusetts Stormwater Regulations.

The Mixed Use is not expected to create any significant new emissions of fumes, noxious gases, radiation, water pollutants or other airborne environmental hazards, except some noise and dust during construction activities. It is anticipated that vehicular traffic to and from the Project Site, and the attendant automobile emissions, will be in keeping with existing traffic volume in the area and will not be detrimental to air quality. During construction, it is anticipated that some dust and noise typical for construction activities will occur, though both will be managed in compliance with all local, State and Federal laws and regulations. Construction is expected to occur during normal hours and will be completed in an expeditious manner. Based on the scope of work, it is not anticipated that such activities will have a detrimental effect on air quality.

No significant impacts in temperature or wind conditions in the immediate vicinity are anticipated by the proposed construction of the Mixed Use Project.

The Applicant is proposing to modify its lighting proposal in accordance with a lighting and photometric plan, which are part of the Applicant's Site Plan (Sheet SL-1 of the Site Plan) including the use of energy efficient lighting. Because of existing topographical conditions and location and orientation of buildings, the Mixed Use Project will have minimal, if any, impact on solar access of adjacent properties. The Mixed Use Project will not have a detrimental impact on the solar access of any nearby residential uses.

The Applicant has designed landscaping and usable open space to add to the visual amenities of the vicinity by maximizing its visibility to persons passing the site or overlooking it from nearby properties. The Landscape Design incorporates drought tolerant native plantings in any effort to minimize the need for irrigation.

Utilities are shown on Sheet C-6 of the Site Plan ("Utility Plan"). As shown on the Utility Plan, new utilities for the Project have been placed underground and are located to avoid adverse impact on groundwater levels, and to coordinate with other utilities.

The Applicant has designed all public spaces and buildings to facilitate evacuation and maximize accessibility by fire, police and other emergency personnel and equipment.

VI. REASONS WHY THE MIXED USE PROJECT MEETS REQUIREMENTS FOR MODIFICATION OF ITS SITE PLAN APPROVAL

A. Compatibility With Project and Design Standards in §§ VI.F.5 and III.E.5-8 and Site Plan Review Criteria set forth in § VI.F.6

1. The Mixed Use Project Retains Community Character (§VI.F.6(a)). The proposed improvements will blend with the immediate neighborhood, will be appropriate in size with surrounding structures, and will not create a hazard to abutters, vehicles or pedestrians. The immediate area in Natick already includes residential apartments and condominiums at the Natick Mall and adjacent to the Cloverleaf Mall. Bicycle racks, including for use by residents of the Mixed Use Structure, will be added to the parking facility and included within the structured parking to coordinate with community bike-friendly efforts. The Project Site contains no historic resources. The Project seeks to upgrade and enhance a long-standing Property use consistent with its location. The architectural design will be of high quality and in keeping with the character and scale of neighboring properties and structures.

2. The Mixed Use Project is Consistent with Site Plan Criteria related to Traffic, Parking and Public Access (§VI.F.6(b)). The Mixed Use Project satisfies the standards set forth in § VI-F.6(b) because the Project is designed to reduce traffic and safety impacts, and parking areas are designed with appropriate location and number of access points to public streets. The Mixed Use is designed to promote convenience and safety of vehicular, bicycle and pedestrian movement within the neighborhood and site. The Applicant has provided an updated Traffic Impact Assessment Report which provides that the Mixed Use Project will have a negligible overall impact on area traffic operations, and that the Applicant's proposed on and off site improvement will allow for improved access and enhanced operations of vehicles and pedestrians.

3. The Applicant Demonstrates Minimal Environmental Impact due to the Mixed Use Project (§VI.F.6(c)) The Mixed Use Project is designed to minimize disturbances to the natural environment and wetlands, with minimal impact difference from the Approved Project. The Property currently contains 6.53 acres of impervious area. The Project's design includes Low Impact Development and Best Management Practices, with on-site surface

infiltration system that will improve groundwater recharge and drainage from current conditions. The Project is designed to minimize disturbances to the natural environment and wetlands.

A comprehensive long term pollution prevention plan and recommended construction period erosion and sedimentation controls have been included in the Stormwater Management Report, provided as part of the original submittal, approved by both the Planning Board and Conservation Commission in early 2016. The stormwater design incorporates groundwater recharge above and beyond what is required by the Massachusetts Stormwater Management Regulations.

Additionally, the Project will disturb more than one (1) acre of land and is therefore required to obtain coverage under the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (“NPDES”) Construction General Permit. As required under the NPDES permit, a Stormwater Pollution Prevention Plan (“SWPPP”) will be required from the Applicant prior to land disturbance.

4. The Mixed Use Project is Consistent with Site Plan Criteria Related to Health (§VI.F.6(d)). The Mixed Use is not anticipated to cause adverse air-quality impacts, noise, glare, and odors. The site is designed to prevent hazards to abutters, vehicles, or pedestrians. No hazardous materials and transmissions are expected to result from the Mixed Use. The Applicant has designed all residential and public spaces and the Mixed Use Structure to facilitate evacuation and maximize accessibility by fire, police and other emergency personnel and equipment.

5. The Mixed Use Project is Consistent with Criteria for Site Plans related to Public Services and Utilities (§VI.F.6(e)). The Project Site will be served with adequate water supply, wastewater systems and solid waste disposal systems, within the capacity of the Town’s infrastructure. The addition of the residential use does not increase adverse impacts to groundwater levels, run-off or likelihood of flooding. During the permitting process for the Approved Project, VHB confirmed with the Framingham Department of Public Works (“DPW”) that there was sufficient water capacity to service that project. VHB understands from preliminary discussion with the DPW that the addition of 140 residential units will not be a significant burden on the municipal water infrastructure. During the public hearing process, the Applicant will provide usage demand calculations to the DPW for review.

The sewage generation from the Project will flow to the existing 18 inch service which crosses Shoppers World Drive and flows to the Natick sewer system. VHB is working with the Natick Engineering Department to confirm that the addition of the residential component is permissible. There is no known capacity issue in the system at this time.

The Project Site's stormwater management system has been designed to comply with the Massachusetts Stormwater Management Regulations and incorporates Best Management Practices (BMPs) to control stormwater. These measures will reduce peak rates of runoff, provide groundwater recharge and treat stormwater prior to infiltration. Specifically, runoff will be treated to remove 80% of total suspended solids (TSS) prior to discharging to the municipal drainage and to receive 44% pre-treatment prior to infiltration. Two subsurface infiltration systems are to be constructed on site, providing treatment and allowing stormwater to recharge on-site. The on-site stormwater system has been designed to match existing peak rates of runoff for the 2, 10, 25 and 100-year storm events. By reducing peak rates of runoff for the 100-year storm, the potential for downstream flooding has been reduced.

6. The Mixed Use Project is consistent with Land Use Planning (§VI.F.6(f)).

The Applicant's Mixed Use proposal is consistent with the purpose and intent of the By-Law and the Town's Master Land Use Plan. Section I.B of the By-Law states that the primary purposes of the By-Law are "to establish such regulations for the uses of land and structures as will protect and promote life, health, safety, convenience and general welfare of the residents of Framingham", and "to enhance the public welfare by maintaining an adequate supply of affordable housing within Framingham". Section II.E.1 of the By-Law provides that the purpose of the Highway Overlay District regulations is to manage development and quality development in complex regional centers along major highway corridors, preserving environmental quality, and improving pedestrian and vehicular circulation, and fostering development that is of high visual and aesthetic quality. The Master Land Use Plan requires projects within the Golden Triangle to improve the visual quality of commercial development relative to architecture, site planning and streetscape improvements and enhancements, and improve pedestrian connections to combine a mixture of uses. The Mixed Use Project will add to the supply of affordable housing in Framingham and seems to epitomize such intended values set forth in Section I.B. Furthermore, the Mixed Use Project has been designed to foster visual and aesthetic qualities of the area, improve pedestrian and vehicular circulation, and enhance pedestrian connections and

open space by including landscaped walkways that connect to building entrances and interconnect to adjoining shopping areas, sidewalks and walking trails.

For the above reasons, the Applicant respectfully requests the Board's approval of a modification of its approved site plan, and grant waivers from site plan design standards as described in Section VII of this Development Impact Statement.

## VII. REASONS WHY THE SPECIAL PERMIT FOR MIXED USE PROJECT MAY BE GRANTED.

The grant of the requested Special Permit by the Planning Board for the mixed use in the B District is authorized by §V.G, and the Table of Use Regulations set forth in §II.B.1.E of the By-Law, subject to mixed use design standards set forth in §V.G.3, and findings by the Board that a project meets the special permit conditions set forth in §VI.F.a, and further subject to the statutory requirement of M.G.L. c. 40A, § 9 that that municipalities may issue special permits only for uses which are “in harmony with the general purpose and intent of the ordinance or by-law”.

### A. The Mixed Use Project has been designed to meet the requirements of the Special Regulations for Mixed Uses set forth in §V.G.3 of the By-Law.

1. Dimensional Conformance (§V.G.3(a)). As shown on the Site Plan, the Property conforms to the By-Law's lot size requirements set forth in §IV.E.2 of the By-Law. Subject to a variance for a nominal height increase in order to accommodate structured parking, the proposed Mixed Use Structure conforms to all applicable dimensional requirements set forth §IV.E.2 of the By-Law.

2. Parking Conformance (§V.G.3(b)). Ample parking for the Mixed Use is accommodated on site, including at least 1.25 parking spaces per residential dwelling unit, as required by §V.G.3.b of the By-Law.

3. Usable Open Space and Recreation (§V.G.3(c)). As shown on the Site Plan, the Mixed Use Project provides greater than the By-Laws requirement of 32,920 square feet of usable open space, which is 200 square feet of usable open space per dwelling unit for mixed use projects. The Applicant also provides pedestrian walkways and sidewalks to access

the nearby amenities, retailers, restaurants, and other attractions within the area. Where possible, the Applicant has significantly increased landscaping along the walkways/sidewalks, within the common area of the buildings, and along the buildings to create an attractive environment while at the same time decreasing the amount of impervious surface on the site

4. Residential Composition (§V.G.3(d)). The proposed residential composition for the Mixed Use will include studios, one-bedroom units and two bedroom units, with no unit smaller than 600 square feet in size, and no more than 20% of the units being designated as studios.

5. Separation between Residential Uses and Non-Residential Uses (§V.G.3(e)). The Applicant has designed the Mixed Use Structure to physically separate the residential units from retail space by one floor of structured parking. Residences will have a dedicated entrances through the first floor lobby and the parking garage.

6. Community Impact (§V.G.3(f)). As described in Section VI.A.1 and 6 of this Development Impact Statement, the Mixed Use Project is consistent with the area's visual and historic character, and the Town's development plan and goals. The Mixed Use Project relates to existing and recently approved structures and the Shoppers World shopping center in terms of design elements, and its scale is consistent with the abutting Natick Mall. The Project will not obstruct scenic views nor create negative impacts on natural or historical features. The Mixed Use Project is consistent with the Town's land use planning goals. The Mixed Use Project is consistent with development in the surrounding Golden Triangle area, including mixed use retail and housing located at the abutting Natick Mall property.

B. The Mixed Use Project meets the requirements of Special Permits set forth in the By-Law at §VI.E.3, because:

1. The specific site is an appropriate one for such a use and structure;

2. Adequate and appropriate facilities will be provided for the proper operation of the proposed Mixed Use, including adequate off-street parking;

3. The Mixed Use and structure as developed will not create a hazard to abutters, vehicles, or pedestrians;

4. The Mixed Use and structure are consistent with the intent of the B District in which the use is proposed, and with the purpose and intent of the By-Law; and

5. All municipal services necessary to meet the needs of the proposed use are adequate and sufficient.

C. The Mixed Use Project meets the requirements of Special Permits set forth in Massachusetts Law, M.G.L. c. 40A, § 9.

As described in detail above in Section IV.A.1.f, the proposed Mixed Use in harmony with the general purpose and intent of the By-Law is consistent with the purpose and intent of the By-Law's §I.B which states that the primary purposes of the By-Law are "to establish such regulations for the uses of land and structures as will protect and promote life, health, safety, convenience and general welfare of the residents of Framingham", and "to enhance the public welfare by maintaining an adequate supply of affordable housing within Framingham". The Mixed Use Project will add housing including affordable housing, in a project designed to significantly improve an underutilized site. Consistent with the highway Overlay District regulations set forth in §II.E.1 of the By-Law, the Mixed Use Project provides a quality development in complex regional center, preserving and enhancing environmental quality, improving pedestrian and vehicular circulation, and fostering development that is of high visual and aesthetic quality.

For the above reasons, the Applicant respectfully requests the grant of a Special Permit by the Framingham Planning Board for Mixed Use in the B District, and, to the extent required, grant a waiver from the any such requirements set forth in Section V-G and the Rules and Regulations of the Framingham Planning Board as applied to a Special Permit application for Mixed Use.

## VIII. REQUESTED WAIVERS

The Applicant requests the following waivers from site plan design standards:

A. Waiver from requirements for landscaping adjacent to buildings, pursuant to §§VI.F.5(e)(7) and III.E.8(i) of the By-Law;

- B. Waiver from requirements for width of walkways, pursuant to §§VI.F.5(a)(3) and III.E.8(k)(2)(b) of the By-Law; and
- C. Waiver from the requirements for number of bicycle parking spaces, pursuant to §IV.B.7 of the By-Law.

IX. SUMMARY

The Project satisfies the Framingham By-Law's conditions of approval for Special Permits set forth in §VI-E.3(a)(1)-(5) and §V.G (for Mixed Uses), statutory requirements for special permits under M.G.L. c. 40A, § 9, and the By-Law's Site Plan Approval modification criteria and design standards set forth in Section VI-F.5 and VI-F.6. For these reasons, the Applicant requests that the Framingham Planning Board make all such required findings and (i) grant a Special Permit for Mixed Use in a "B" zoning district per Section II-B.1.E, (ii) approve the Applicant's Site Plan Modification request in accordance with Section VI-F of the By-Law, and (iii) grant all required waivers.

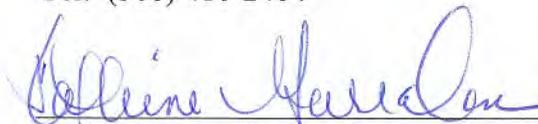
Respectfully submitted,

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