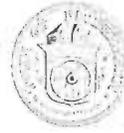


Framingham Planning Board

Memorial Building • Room 205 • 150 Concord Street
Framingham, MA 01702-8373
(508) 532-5450 • planning.board@framinghamma.gov



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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
Raphaela Morais-Peroba, Communications Outreach Coordinator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

**Regarding the Applications of William Ellingwood
for the Property located at
145 Meadow Street, Framingham, MA**

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that in the applications of William Ellingwood for Preliminary Subdivision Plan pursuant to M.G.L. c. 41, Section 81-S and the Rules and Regulations Governing Subdivision of Land in the Town of Framingham dated March 2008 for the review of a 10 lot subdivision with associated site improvements. The property is located at 145 Meadow Street. The opening public hearing was held on May 23, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on May 5, 2016 and May 12, 2016. Continued public hearings were held on June 2, 2016 and June 16, 2016. The Planning Board APPROVED said application on June 16, 2016 and the decision was filed in the Office of the Town Clerk on June 17, 2016. For additional information please see the Planning Board's webpage at www.framinghamma.gov.

Christine 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.

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Raphaella Morais-Peroba, Communications Outreach Coordinator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

Regarding the Applications of William Ellingwood for the Property located at 145 Meadow Street, Framingham, MA

On May 2, 2016, William Ellingwood, Ellingwood Construction, filed with the Planning Board, and on May 2, 2016, the Planning Board filed with the Town Clerk, for a Preliminary Subdivision Plan pursuant to M.G.L. c. 41, Section 81-S and the Rules and Regulations Governing Subdivision of Land in the Town of Framingham dated March 2008 for the review of a 10 lot subdivision with associated site improvements. The property is located at 145 Meadow Street, zoned as Single Family Residential (R-1), and the Framingham Assessor's Parcel ID is 041-54-1988-00.

After the notice of the public hearing was published in "The MetroWest Daily News" on May 5, 2016 and May 12, 2016 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A, the Planning Board opened the public hearing on May 23, 2016 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued public hearings were held on June 2, 2016 and June 16, 2016.

On June 16, 2016 the Planning Board **APPROVED** the application for a Preliminary Subdivision Plan pursuant to M.G.L. c. 41, Section 81-S and the Rules and Regulations Governing Subdivision of Land in the Town of Framingham dated March 2008 for the property located at 145 Meadow Street and a **DECISION** was filed in the office of the Town Clerk on June 17, 2016.

Christine 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.

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Planning Board Members:

Christine Long, Chair
Lewis Colten, Vice Chair
Victor Ortiz, Clerk
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Stephanie Mercandetti

2016 JUN 17 A 11:17
TOWN CLERK
FRAMINGHAM

**DECISION OF THE FRAMINGHAM PLANNING BOARD
FOR THE PROPERTY LOCATED AT 145 MEADOW STREET**

DECISION DATED JUNE 16, 2016

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 FRAMINGHAM ZONING BY-LAW AND THE RULES & REGULATIONS GOVERNING SUBDIVISION OF LAND IN THE TOWN OF FRAMINGHAM DATED MARCH 2008

General Property Information

Project Number: PB-014-16
Property Address: 145 Meadow Street
Assessor's Information: 041-54-1988-000
Zoning District: Single Family Residential (R-1)

Application Information

Application(s): Preliminary Subdivision
Date application(s) were filed with the Planning Board: May 2, 2016
Date application(s) were filed with the Town Clerk: May 2, 2016

General Project Contact Information

Applicant Name: William Ellingwood
Applicant Address: 145 Meadow Street, Framingham, MA 01701
Landowner Name: Ellingwood Realty Trust
Landowner Address: 145 Meadow Street, Framingham, MA 01701
Project Contact Name: Brian Nelson, MetroWest Engineering
Engineer Name: Brian Nelson
Engineer Company: MetroWest Engineering, 75 Franklin Street, Framingham, MA 01702

Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) May 5, 2016 and (7 days prior) May 12, 2016
Date of abutter/7 Abutting municipality/parties of interest mailing: May 3, 2016
Date of opening public hearing: May 23, 2016
Date(s) of continued public hearings: June 2, 2016 and June 16, 2016
Applicant's Representatives in attendance at the Public Hearing(s): Brian Nelson, MetroWest Engineering and William Ellingwood, Ellingwood Construction
Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair (absent on May 23, 2016, filed the Mullin Rule form with the Town Clerk on May 27, 2016), Victor Ortiz, Clerk, Thomas Mahoney, and Stephanie Mercandetti

Planning Board Approval Information

Date of Plan Approved by the Planning Board: April 26, 2016, revised on June 8, 2016, prepared by MetroWest Engineering, 75 Franklin Street, Framingham, MA

Notice of Preliminary Subdivision Review

Notice is hereby given, in accordance with M.G.L. Chapter 41, Section 81-S of the Subdivision Control Law and the "Rules and Regulations Governing Subdivision of Land in the Town of Framingham Commonwealth of Massachusetts, Framingham Planning Board, March, 2008" (the "Subdivision Rules and Regulations") that an Application by William Ellingwood, Ellingwood Realty Trust has filed for review of a ten lot Preliminary Subdivision Plan entitled "145 Meadow Street." The Preliminary Subdivision plan is dated April 26, 2016, with revisions made to the plans through June 8, 2016, prepared by MetroWest Engineering, Framingham, Massachusetts. Said parcel is located at 145 Meadow Street, shown on Framingham Assessor's ID 041-54-1988-000, and zoned Single Family Residence (R-1) Zoning District, and further located in the Groundwater Protection District.

PROJECT DESCRIPTION

The Applicant, William Ellingwood of Ellingwood Construction, 145 Meadow Street proposes to construct 10 residential lots in accordance with the Town's Rules & Regulations Governing Subdivision of Land in the Town of Framingham dated March 2008. The existing use of the site is an Asphalt, Brick, and Concrete (ABC) recycling facility and shop/office for Ellingwood Construction. The settlement agreement calls for cessation of ABC recycling operations but the use for shop/office for the construction company can remain. The Applicant intends to cease operations of the existing business in accordance with the requirements and Settlement Agreement made between the Town and the Applicant dated October 30, 2013, signed by both parties on October 31, 2016. The Applicant is requesting that the Planning Board review and approve proposed subdivision road with a 40' street width rather than the 60' street width as required under Section VII. B. Table 1, Minimum Design Standards.

HEARING

The Framingham Planning Board's public hearing for the Project located at 145 Meadow Street opened on May 23, 2016, and was continued to June 2, 2016 and June 16, 2016 (the June 2, 2016 public hearing was continued without testimony at the request of the applicant). The hearing was closed on June 16, 2016. Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair; Lewis Colten, Vice-chair (absent on May 23, 2016, filed the Mullin Rule forms with the Town Clerk on May 27, 2016); Victor Ortiz, Clerk; Thomas Mahoney (absent on June 2, 2016); and Stephanie Mercandetti. During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Brian Nelson, MetroWest Engineering and William Ellingwood, Ellingwood Construction

Summary of Meeting Minutes

At the May 23, 2016 hearing, Mr. Nelson provided historical and zoning overview of the property. Mr. Nelson presented the site plans, and referenced the conditions of the 2013 Planning Board Decision relative to the removal of the berm located on the southeast corner of the property.

At the May 23, 2016, 2016 hearing, the Planning Board Administrator provided a brief review of the project, comments/questions made during the Technical Review Team meeting, and the history of the original Land Disturbance permit. The Planning Board voted the Decision for the Applicant's Special Permit for Land Disturbance application on June 2, 2016.

At the May 23, 2016 hearing, Mr. Nelson presented the Preliminary Subdivision Plan, using the Drainage and Utility Plan (Sheet 1 of 1) of the plan set. Mr. Nelson stated that the project would include the construction of 10 single family homes, with associated infrastructure and sidewalks.

At the May 23, 2016 hearing, the Planning Board provided the following comments relative to the preliminary subdivision plan:

1. A statement of concern relative to the requested waiver for the off-set of the proposed subdivision roadway with the Fox Creek Subdivision.
2. A question regarding any information received from the Department of Public Works regarding the safety of the roadway plan design.
3. A request for clarification for the driveway location relative to Lot # 1 curb cut. Mr. Nelson stated that as proposed there is a decrease in impervious area with the current location of the drive.

During the course of the public hearing process, the Planning Board took under advisement all information received from members of the public that provided input during the review of this Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-law, information submitted by the Applicant, comments from town boards and officials, and members of the public. Findings made from the application and public hearing process resulted in the development of the conditions contained within this Decision.

Review of Documentation

During the public hearing process, the Planning Board received comments, both written and oral from the Applicant, Municipal Officials and Departments. Correspondence from Municipal Officials and Departments is as follows:

1. Statement of comment from the Framingham Police Department, received via ACCELA on May 12, 2016;
2. Statement of comment from the Framingham Department of Inspectional Services (Building Department), received via ACCELA on May 13, 2016;
3. Statement of comment from the Framingham Fire Department, received via ACCELA on May 24, 2016;
4. Letter of comment from the Framingham Department of Public Works, RE: Preliminary Subdivision – 145 Meadow Street, Framingham, dated June 6, 2016; and
5. Email of comment from the Board of Health, Subject: 145 Meadow Drive- Ellingwood, dated June 7, 2016.

Recommendations

The Planning Board, having reviewed all plans and related documentation, finds that pursuant to Section V.D. of the Town's Rules & Regulations Governing Subdivision of Land in the Town of Framingham dated March 2008 that the Preliminary Plan, with several modifications, complies with Section VII. Design Standards and Specification.

The following decision is based on the above-referenced documents, all testimony including public input, and revisions made to the submitted preliminary subdivision plan dated April 26, 2016 as revised through June 8, 2016. Specifically, the Planning Board requests that the Applicant review the following Subsections of the Rules and Regulations Governing Subdivision of Land in the Town of Framingham, March 2008 and further review and consider Town Staff recommendations and revise accordingly. The following list of items shall be reviewed and modified by the Applicant and incorporated into the future definitive subdivision plans in order to comply with all Town regulations:

1. The Applicant shall comply with the requirements set forth in the correspondence from the Department of Public Works, RE: Preliminary Subdivision – Meadow Street, Framingham, dated June 6, 2016.

2. The Applicant shall comply with the requirements set forth in the ACCELA correspondence from the Fire Department, stating that the project shall comply with the NFPA 1/Massachusetts Comprehensive Fire Safety Code, Chapter 18, Fire Access and Water Supply, dated May 24, 2016.
3. Section VII.B.4.f. The subdivision plan shall provide for a system of pedestrian circulation within and to the subdivision. This system shall connect with existing sidewalks if they exist in the vicinity of the project.
4. Section VII.B.6.b. In order to facilitate pedestrian circulation and access from the subdivision street(s) to schools, parks, playgrounds, other community facilities or other nearby streets, the Planning Board may require perpetual unobstructed easements at least 20 feet in width to accommodate sidewalks or walking paths. Easements shall be indicated on the Plan.
5. Section VII.C. Stormwater and Surface Water Drainage and Management: all construction shall be in accordance with the current specifications of the Department of Public Works, and shall be consistent with the provisions of the 2016 Massachusetts Small MS4 General Permit signed April 4, 2016 that shall become effective July 1, 2017.
6. Section VII.K. Street Signs: The Applicant shall be required to install a stop sign at the intersection of the new subdivision road and Meadow Street for the purposes of public safety.
7. Section VII.M. Street Tree Plantings: One street tree shall be provided for every 30 linear feet of roadway, but no less than two trees per residential lot. Therefore, a total of 20 street trees shall be provided for the 10 new lots created.
8. Section VII.N. Exterior Lighting: Street lights shall be provided in accordance with the Town's street light standards and shall be positioned not to cause glare into vehicles and/or the windows of abutting residential homes. In accordance with the new lighting throughout the Town, the Town has been utilizing 30 Watt Cree light fixtures.
9. The proposed rain garden shall be maintained in perpetuity by the Homeowners Association/Trust of the proposed subdivision through appropriate Homeowners Association/Trust documentation that shall be provided to the Town and recorded with the deeds.
10. The Applicant shall ensure that the project has been designed in accordance with all provisions of the Settlement Agreement between the Town and the Applicant, dated October 30, 2013, signed by both parties on October 31, 2016.
11. The Applicant shall work with the Board of Health to ensure that all issues related to past land uses of the property associated with the ABC facility, uses identified in the Settlement Agreement dated October 30, 2013, signed by both parties on October, 31, 2013, and issues addressed with the MassDEP have been resolved and the property is safe for residential dwellings.

The Planning Board recommends that the Applicant address the above deficiencies as part of any future Definitive Plan submission.

Planning Board Determination

Pursuant to Section III.F., the Applicant requested waivers from Section VII.B.1.g. Table 1, Minimum Design Standards of the Rules & Regulations Governing Subdivision of Land in the Town of Framingham, which include:

- Minimum centerline radius of 125-feet (200-foot minimum required)
- Minimum street width of 40-feet (60-foot minimum required)
- Minimum distance between entering streets not opposite each other 75.8 feet (275 feet required).

In waiving strict compliance with the Subdivision Rules and Regulations, the Planning Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived. The Board encourages waivers in the public interest when such waivers will result in better design or improved protection of natural and scenic resources, or will otherwise further the public interest. The Planning Board finds that the Applicant’s request is consistent with the requirements for very low volume roads which are permitted in some of the Town’s residential Neighborhood Cluster By-Law, Agriculture Preservation Development By-Law, and the Open Space Preservation Development By-Law found in the April 2016 Framingham Zoning By-Law

The Planning Board voted five in favor, zero opposed, and zero in abstention to the grant the requested waivers to allow a reduction in the minimum centerline radius to 125-feet where 200-foot minimum is required; a reduction in the minimum street width to 40-feet where 60-foot minimum is required; and a reduction in the minimum distance between entering streets not opposite each other to 75.8 feet where 275 feet is required as outlined in Section VII.B.1.g of the Rules and Regulations Governing Subdivision of Land in the Town of Framingham, March 2008.

Waiver request to reduce the roadway right-of-way

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

On June 16, 2016, the Planning Board voted to Approve the Preliminary Plan, entitled “145 Meadow Street” presented in the April 26, 2016, revised through June 6, 2016, with the appropriate modifications as outlined herein. The Planning Board vote was five in favor, zero opposed, and zero abstaining.

Preliminary Subdivision Plan for 145 Meadow Street

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

By: _____
Christine Long, Chair, Framingham Planning Board

Date of Signature: June 16, 2016

The Planning Board’s **DECISION** was filed in the office of the Town Clerk on June 17, 2016.