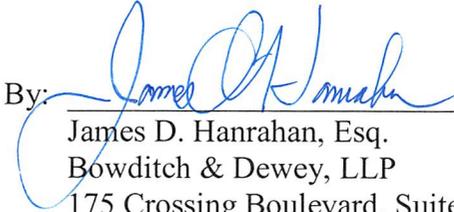
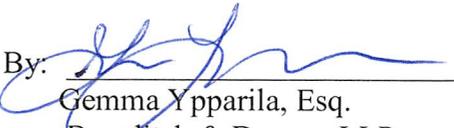


DEVELOPMENT IMPACT STATEMENT OF
KNOX TRAIL COUNCIL, INC., BOY SCOUTS OF AMERICA
FOR PROPERTY LOCATED AT
1300 EDGELL ROAD, FRAMINGHAM

<p><u>Civil Engineer:</u> Waterman Design Associates, Inc. 31 East Main Street Westborough, MA 01581</p> <p>James R. Waterman Tel: 508-366-6552 Fax: 508-366-6506 Email: jrw@wdassoc.com</p> <p><u>Architect:</u> Boy Scouts of America 1325 W. Walnut Hill Lane Irving, TX 75038</p> <p>Dave Cornell Tel: 972-580-2412 Email: dave.cornell@scouting.org</p>	<p><u>Counsel:</u> Bowditch & Dewey, LLP 175 Crossing Boulevard, Suite 500 Framingham, MA 01702</p> <p>James D. Hanrahan, Esq. Tel: 508.416.2404 Fax: 508.929.3016 Email: jhanrahan@bowditch.com</p> <p>Gemma Ypparila, Esq. Tel: 508.926.3414 Fax: 508.929.3198 Email: gypparila@bowditch.com</p>
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This application (“Application”) is submitted to the Framingham Planning Board by the Knox Trail Council, Inc., Boy Scouts of America (“Applicant”), a Massachusetts not for profit corporation having a mailing address of 490 Union Avenue, Framingham, Massachusetts 01702 in connection with its property known as 1300 Edgell Road, Framingham (the “Property” or “Project Site”), as shown on the site plan compilation prepared by Waterman Design Associates, Inc., July 15, 2016, entitled “Site Plans for BSA Service Center & Knox Trail Training Center in Framingham Massachusetts 1300 Edgell Road” (“Site Plan”).

As shown on the Existing Conditions Plan (Sheet C0.01 of the Site Plan), the Property is located at 1300 Edgell Road and is currently undeveloped and used by the Applicant in connection with its nonprofit educational training programs for local youth and adults. The use is more fully described in Section 1.B below.

As detailed in Section 1.B below, prior to filing this Application, the Applicant received a determination from the Framingham Building Inspector that the Project is entitled to the protections of Massachusetts General Laws, Chapter 40 A, Section 3 (the “Dover Amendment”). Accordingly, this Application is before the Town of Framingham (“Framingham”) Planning Board for site plan review in accordance with Section VI.F of the By-Law, as limited by Article 20 of the Town of Framingham Planning Board Rules & Regulations, for construction of two new structures resulting between 3,000 and 30,000 square feet of gross floor area and the construction of an associated parking lot greater than five parking spaces.

1. PROJECT SUMMARY

A. Existing Conditions and Site History

The Property is located in an “R-4” Single Family Residence Zoning District (“R-4 District”). The Property has frontage on Edgell Road in Framingham. According to the Framingham’s Residential Property Record Card, the Property is unimproved and the land area of the Property is 42.8 acres.

B. Proposed Use

The proposed use of the Property creates an educational setting (“Proposed Use”) for the Applicant’s on-site educational training program (“Program”), which includes operating training

programs for both local youth and adults. The Applicant is a local council of the Boy Scouts of America, a nationally recognized educational program for boys and young men and women devoted to promoting the ability of participants to be self-sufficient leaders and to help their community. The Applicant's mission is to train young men and women in Scoutcraft and teach them patriotism, courage, self-reliance, and kindred virtues, using the methods created by the Boy Scouts of America. The Applicant employs its unique educational program for character development, citizenship training and mental and physical fitness, using outdoor education, as well as indoor educational series. Education, through the Applicant's Scouting training program, is the fundamental mission of the Applicant in its efforts to cultivate the skills and character traits implicit in the Boy Scouts of America organization.

The Applicant intends to use the Property for the Proposed Use, utilizing the proposed two new buildings, a 6,053 sq. ft. training center, which will contain an auditorium, breakout rooms and classrooms to conduct seminars, workshops, small lectures, meetings and group educational programs ("Training Center"), and a 5,702 sq. ft. service center, which will contain office space for administrative and program staff to support this array of educational programs ("Service Center").

Massachusetts General Laws, Chapter 40A, Section 3 (the "Dover Amendment") states that no ordinance or bylaw shall "prohibit, regulate or restrict the use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided however, that such land or structures may be subject to reasonable regulations, concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."

As shown on the Layout and Materials Plan (Sheet C2.01 of the Site Plan), the Property does not require zoning relief for dimensional compliance with the By-Law concerning bulk and height of structures, yard setbacks, determining open space and building coverage requirements, and minimum lot area. On May 9, 2016, the Applicant received confirmation from the Framingham Building Inspector, Michael A. Tusino, that the Proposed Use is entitled to the protections of Massachusetts General Laws, Chapter 40 A, Section 3 (the "Dover Amendment").

The Framingham Building Commissioner's written response to the Applicant is attached hereto as Exhibit A. Based upon the Building Commissioner's determination that the Project qualifies as a nonprofit educational use under the Dover Amendment, and the compliance of the Project as shown on the Layout and Materials Plan (Sheet C2.01 of the Site Plan) with bulk and height of structures, yard sizes, lot area, setbacks, open space and building coverage requirements of the By-Law, the Project is before the Planning Board for limited site plan approval, subject to the "reasonable regulation" limitation of the Dover Amendment.

2. TRAFFIC IMPACT ASSESSMENT

Pursuant to Section 20.3.3 of the Framingham Planning Board Rules & Regulations, Dover Amendment use applicants are not required to submit a Traffic Impact Assessment as referenced in Section VI.F.4.11 of the By-Law.

3. ENVIRONMENTAL IMPACT

Pursuant to Section 20.3.3 of the Framingham Planning Board Rules & Regulations, Dover Amendment use applicants are not required to submit an Environmental Impact Assessment as referenced in Section VI.F.4.12 of the By-Law.

4. COMMUNITY IMPACT STATEMENT

Pursuant to Section 20.3.3 of the Framingham Planning Board Rules & Regulations, Dover Amendment use applicants are not required to submit a Community Impact Assessment as referenced in Section VI.F.6.a of the By-Law.

5. PARKING IMPACT ASSESSMENT

Section IV.B.1.a of the By-Law sets forth a schedule of requirements with respect to off-street parking for principal uses of property. The By-Law does not provide a specific off-street parking requirement for establishments for nonprofit educational uses in Framingham. For comparison purposes only, the most analogous off-street parking requirements to the Proposed Use are "Non-Medical Offices" or "Church, Library, Museum, Cultural and Educational Centers or similar place of assembly". A "Non-Medical Offices" use, reduced by one-half as a facility intended primarily for children under driving age in accordance with Section IV.B.1.a.fn.2, would require a minimum of twenty-four (24) parking spaces for a total combined 11,755 sq. ft.

of gross floor area for the Service Center and Training Center. A “Church, Library, Museum, Cultural and Educational Centers or similar place of assembly” use, reduced by one-half as a facility intended primarily for children under driving age in accordance with Section IV.B.1.a.fn.2, would require nineteen (19) spaces for approximately 175 maximum occupancy for the Training Center and 5 employees and approximately 50 maximum occupancy for the Service Center and 10 employees. As shown on the Layout and Materials Plan (Sheet C2.01 of the Site Plan), the Applicant plans to provide a total of fifty-one (51) off-street parking spaces, which number is more than adequate for the Applicant’s needs. Based upon Applicant’s experience operating similar programs in multiple communities, the Applicant is confident that the proposed number of parking spaces are more than sufficient to serve the Program, the Program employees and other Property guests. There are planned to be approximately ten (10) employees to work from the Service Center and, at most, approximately five (5) employees to work from the Training Center on days where there are Knox Trail Council functions. The Applicant anticipates a maximum number of one hundred and seventy five (175) persons at the Property at any one given time, the majority of whom would be under driving age. Most users will be children under the driving age who are dropped off at programs.

Notwithstanding the parking requirements of the By-Law, the Proposed Use does not require strict compliance with such parking requirements, as the Proposed Use is subject to Dover Amendment protection, as discussed above. An interpretation of the By-Law which would require more parking than is necessary for the Proposed Use would impose an unreasonable zoning restriction of a non-profit educational use in violation of M.G.L. c. 40A, §3. In the case that Framingham seeks to apply more stringent parking regulations to the Property, the Applicant, as a non-profit educational corporation using the Property for an educational use, would be protected by the provisions of the Dover Amendment. See Spectrum Health Systems, Inc., v. Framingham Zoning Board of Appeals, 9LCR113 (2001).

Based on the foregoing, we believe the Framingham Planning Board should approve the Site Plan in accordance with Section VI.F of the By-Law, as limited by Article 20 of the Town of Framingham Planning Board Rules & Regulations, for construction of the Training Center and Service Center and associated parking.

Exhibit A

Building Commissioner's Determination



TOWN OF FRAMINGHAM
Inspectional Services Division
Department of Building Inspection

Memorial Building, Room 203
150 Concord Street
Framingham, Massachusetts 01702-8368

Michael A. Tusino, C.B.O.
Director of Inspectional Services/Building Commissioner

Telephone:
Fax:

508-532-5500
508-532-5501

May 9, 2016

Bowditch & Dewey
James D. Hanrahan
175 Crossing Boulevard, Suite 500
Framingham, MA 01702

RE: 1300 EDGELL ROAD – KNOX TRAIL COUNCIL

Dear Mr. Hanrahan;

I am contacting you with regard to the determination of "Dover Amendment" eligibility for the above referenced address.

At this time I can only make a determination on whether the project qualifies as an exempt use per Massachusetts General Law Chapter 40A Section 3. Much more information such as plans and specifications are required to act on the building permit application.

After careful examination, I have determined that based on your submittal dated 5/6/16, the proposed project qualifies as an educational use per Massachusetts General Law Chapter 40 A Section 3:

Please be advised that a building permit will not be issued until such time you have obtained Site Plan Review Approval from the Planning Board and sufficient construction documents have been submitted.

Regards,

Michael A. Tusino
Director/Building Commissioner