



# FRAMINGHAM PLANNING BOARD

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

2015 JAN 23 A 9:52

TOWN CLERK  
FRAMINGHAM

**Planning Board Staff:**  
Amanda L. Loomis, Planning Board Administrator  
Alexander Mello, Associate Program Planner  
Sean P. Dugan, Administrative Assistant

## TOWN OF FRAMINGHAM PLANNING BOARD

### Notice of Decision

#### Regarding the Application of Framingham Grant LLC

#### For a for Site Plan Review and Special Permits for Use, Reduction in the Required Number of Parking Spaces, and Mixed Use Regulations 39 Grant Street, Framingham MA

On November 21, 2014, the Applicant, Framingham Grant LLC, filed with the Planning Board, and on November 24, 2014, the Planning Board filed with the Town Clerk and Town Departments, applications for Site Plan Review (Section VI.F.) and Special Permits for Use (Sections II.A.2.d. and VI.E.), Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.), and Mixed Use Regulations (Sections V.G. and VI.E.) pursuant to the Framingham Zoning By-law. On December 24, 2014, the Planning Board filed with the Town Clerk, an application for a Special Permit for Affordable Housing (Sections V.H. and VI.E.) pursuant to the Framingham Zoning By-law. Applications were filed for the conversion of the existing use of commercial office building to 79 residential apartment units on 4 floors of the existing building, associated affordable housing units, and to utilize the basement for parking and storage. The project is located at 39 Grant Street, located in the Central Business (CB) Zoning District. Said parcel is shown on the Framingham Assessor's Map Sheet 83, Block 999, Lots 2A and B.

Notice of the public hearing for the applications for Site Plan Review and Special Permits for Use, Reduction in the Required Number of Parking Spaces, and Mixed Use Regulations was published in "The Metrowest Daily News" on December 3, 2014 and December 8, 2014 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. c. 40A, the Planning Board opened the public hearing on December 18, 2014 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham; notice of the public hearing for the application for a Special Permit for Affordable Housing was published in "The Metrowest Daily News" on December 22, 2014 and December 29, 2014 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. c. 40A, the Planning Board opened the public hearing on January 8, 2015 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued sessions of the public hearing were held on January 8, 2015, and January 22, 2015. On January 22, 2015 the Planning Board voted to close the public hearing for Site Plan Review (Section VI.F.) and Special Permits for Use (Sections II.A.2.d. and VI.E.), Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.), Mixed Use Regulations (Sections V.G. and VI.E.), and Affordable Housing (Sections V.H. and VI.E.).

On January 22, 2015 the Planning Board **APPROVED** with conditions said application for Site Plan Review and Special Permits for Use, Reduction in the Required Number of Parking Spaces, and Mixed Use Regulations for the properties located at 39 Grant Street and a **DECISION** was filed in the office of the Town Clerk on January 23, 2015.

*Stephanie Mercandetti, 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  
Applications of Framingham Grant LLC  
For Site Plan Review and Special Permits for Use, Reduction in the Required  
Number of Parking Spaces, Mixed Use Regulations, and Affordable Housing  
39 Grant Street, Framingham, MA**

**Date of Decision: January 22, 2015**

**STATEMENT OF FACTS**

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The Planning Board voted to approve the Site Plan Review and Special Permits for Use, Reduction in the Required Number of Parking Spaces, Mixed Use Regulations, and Affordable Housing with conditions on January 22, 2015.

During the review of the proposed project, the Applicant filed with the Planning Board various plans and reports required under the Framingham Zoning By-Law for Site Plan Review (Section VI.F.) and Special Permits for Use (Sections II.A.2.d. and VI.E.), Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.), Mixed Use Regulations (Sections V.G.

and VI.E.), and Affordable Housing (Sections V.H. and VI.E.). 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. Uniform Site Plan Review Application Package, stamped by the Town Clerk on November 24, 2014;
2. Uniform Special Permit Application Package, stamped by the Town Clerk on November 24, 2014 and December 24, 2014;
3. Site Permit Plans: Framingham Triangle, site plan modification, April 2, 2002. For Triangle Realty Trust, 1 Grant Street, Framingham, Massachusetts. Owner: Triangle Realty Trust, 293 Boston Post Road West, Marlborough, MA 01752, Engineer: CF Engineering, 33 Fenwick Circle, Framingham, MA 01701, dated April 2, 2002, signed by the Framingham Planning Board on January 28, 2003;
4. Interior floor plan layout for 39 Grant Street;
5. Parking Requirements Document; and
6. Letter from Framingham Grant LLC, 21 Custom House Street, Suite 210, Boston, MA 02110, RE: Special Permit/Site Review Application 39 Grant Street, dated November 26, 2014, stamped with the Town Clerk on December 1, 2014.

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

1. Special Permit and Site Plan Review Checklist for Application Submittal for the project at 39 Grant Street, dated December 1, 2014;
2. Letter of comment from the Framingham Conservation Commission, RE: 39 Grant Street – Conservation Review, dated December 17, 2014;
3. Email of comment from the Framingham Fire Department, Subject: Department Project Review – 39 Grant Street, dated December 29, 2014;
4. Letter of comment from the Framingham Board of Health, RE: Departmental Project Review/39 Grant Street, dated December 4, 2014; and
5. Letter of comment from the Framingham Department of Public Works, RE: Special Permit for Use - #39 Grant Street, dated December 15, 2014.

## **HEARING**

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney Aaron Cohen, Al Bullen, representative of the Applicant, and the Applicant, David Depietri.

During the course of the public hearing process Attorney Aaron Cohen, provided a history of the property, noting that in 2003 the property was deemed as a mixed-use complex through a Special

Permit from the Planning Board. A mixed-use complex allows various commercial, office, and residential uses to co-exist on one site. Attorney Cohen noted that 39 Grant Street appeared in front of the Planning Board during 2011 to create parking in the basement of the building. Attorney Cohen further stated that the building was permitted in 2003 as office space, however, due to the decrease in demand for office space, this building was never utilized after being renovated.

Attorney Cohen provided the Planning Board with an overview of the proposed project, further noting that the proposed change in use would include 79 one- and two-bedroom apartment units. Attorney Cohen noted that the 79 units would be serviced by 19 parking spaces in the basement of the 39 Grant Street building and a combination of 80 surface parking spaces and parking spaces within the four story garage.

#### Use:

The Planning Board discussed with the Applicant's Project Team the proposed change in use. The Planning Board noted that the parking requirements for apartment use were less than the requirements for a commercial office use. The Planning Board further discussed with the Applicant's Project Team the viability of apartments within the area and within the Dennison Triangle Complex.

#### Parking:

The Planning Board questioned the Applicant's Project Team about the proposed parking layout, further questioning if the proposed 99 parking spaces would adequately serve the tenants of 39 Grant Street, while not causing a parking shortage for the entire Dennison Triangle Complex. The Planning Board stated that parking has been the number one issue for the Dennison Triangle Complex, and that they want to ensure that the change in use from office to residential would not cause an increase in demand on the number of parking spaces on-site, causing parking to overflow onto abutting streets. The Applicant's Project Team presented the parking plan and the parking requirements for the 39 Grant Street project, in addition to the demands for the entire Dennison Triangle Complex.

The Planning Board further questioned the Applicant's Project Team about the current usage of the parking on the ground within the Dennison Triangle Complex and in the parking garage. The Applicant stated that on an average day, two out of the four floors of the parking garage would be filled, and on a very busy day an additional half of a floor would be filled. The Planning Board further questioned the Applicant's Project Team about the accessibility and safety of the parking garage. The Applicant responded that 39 Grant Street was the closest building to the parking garage.

The Planning Board discussed the possibility of having a condition in the Decision, similar to the 4 Bishop Street Decision requirements, regarding parking spaces for a second vehicle. The Planning Board agreed that tenants requiring an additional parking space would be out of the parking garage before 7:00am and would not return until after 5:00pm. The Planning Board and the Applicant discussed how an option requiring restriction of hours for a second vehicle would result in the additional parking spaces needed within the parking garage during the day time hours.

The Planning Board questioned the Applicant's Project Team about the usage of the surface parking spaces within the Dennison Triangle Complex; and further questioned if the rental units would have assigned parking spaces. The Applicants Project Team stated that the surface parking is typically 100 percent utilized during the day and further noted that assigned parking was not part of the Dennison Triangle Complex arrangement.

**Affordable Housing:**

The Planning Board questioned the Applicant's Project Team regarding the proposed locations and types of affordable units. The Applicant's Project Team stated there were 1 2-bedroom units and 6 1-bedroom units, with the fractional unit to be a cash payment to the Town.

**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 Framingham Zoning By-Law including the requirements for Site Plan Review (Section VI.F.) and Special Permits for Use (Sections II.A.2.d. and VI.E.), Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.), Mixed Use Regulations (Sections V.G. and VI.E.), and Affordable Housing (Sections V.H. and VI.E.). Specifically, the Board makes the following findings:

**A. Traffic Impact Standards and Absence of Vehicular Hazard: §§ VI.F.6.a. and VI.E.3.a.(3)**

The Applicant has requested a waiver from the Traffic Impact Assessment requirement, therefore, the following information is based on findings through submitted documentation and the public hearing process. The Applicant states that there shall be no significant change in traffic within the proximity of the project as a result of the change in use. The Project is located within the Central Business District which promotes transit oriented development, and further encourages walkability. It is expected that a majority of the residents would utilize public transportation opportunities which exist within close proximity of the project i.e., the commuter rail and numerous bus stops. Furthermore, it is within reason to assume that the proposed project would result in a similar number of trips comparable to the residential project at 4 Bishop Street, which has a total of 77 two-bedrooms and seven one-bedroom units, and which requires 105 off-street parking spaces. Since the proposed Project has a significant fewer number of bedrooms being comprised of 63 one-bedrooms and 16 two-bedrooms, which require a total of 99 off-street parking spaces, it therefore would produce less trips than 4 Bishop Street, which is also located in the Dennison Triangle Complex.

The proposed Project is located within a congested area of Framingham. The proposed Project decreases the number of off-street parking spaces required, by changing the permitted use from office to residential within the Central Business District. The Applicant has provided on-site pedestrian circulation which has minimal pedestrian-vehicle conflict. The Applicant shall install bicycle racks within the basement of 39 Grant Street to promote bicycle use as well as to provide weather protection and safe storage of the tenants' bicycles. Furthermore, the Applicant shall

install bicycle racks within the parking garage for the use by the other buildings within the Dennison Triangle Complex.

The Project is consistent with the purpose and intent of the Framingham Zoning By-law, and therefore, based on the information provided by the Applicant's Project Team during the public hearing process, the Planning Board finds that the Project satisfies the Traffic Impact Standards and Absence of Vehicular Hazard as set forth in §§ VI.F.6.a. and VI.E.3.a(3) of the Framingham Zoning By-Law.

**B. Environmental Impact Standards of the Framingham Zoning By-Law: §§ VI.F.6.b. and VI.E.3.(a).(4).**

The Applicant has requested a waiver from the Environmental Impact Assessment requirement; therefore, the following information is based on findings through submitted documentation and the public hearing process. The proposed Project does not create any significant emission of noise, dust, fumes, noxious gases, radiation, or water pollution, or any other similar significant adverse environmental impacts. The Dennison Triangle Complex does not contain wetlands nor is the Complex within a wetland buffer zone or flood zone.

The proposed Project is located within the Dennison Triangle Complex which has significant historical importance to the Town of Framingham. The Applicant has taken great pride in restoring the Dennison Triangle Complex to maintain the historical integrity of the building while providing adequate parking areas with associated stormwater infrastructure, in addition to providing open space and parkland. The Conservation Commission requests that the Applicant review the stormwater system to ensure the system adequately addresses the issues of 2014. The design of the parking area and open space has been designed to minimize any adverse impacts on temperature levels or wind velocities on the site or to abutting properties. Furthermore, the Applicant has provided outdoor lighting, which does not cause glare or spillover onto abutting properties.

The Project is consistent with the purpose and intent of the Framingham Zoning By-law, and therefore, based on the information provided by the Applicant's Project Team during the public hearing process, the Planning Board finds that the Project satisfies the Environmental Impact Standards as forth in §§ VI.F.6.b. and VI.E.3.a(4) of the Framingham Zoning By-Law.

**C. Fiscal Impact Standards and Municipal Services: §§ VI.F.6.c. and VI.E.3.(a).(5).**

The Applicant has requested a waiver from the Fiscal Impact Assessment requirement; therefore, the following information is based on findings through submitted documentation and the public hearing process. The Property has an assessed value of \$1,438,000.00. The estimated value of the proposed project is approximately \$4,000,000.00; the current total local tax revenue from the site is \$57,520.00; after the completion of the project the post-development local tax revenue will increase to approximately \$97,884.00. The Project is consistent with the purpose and intent of the Framingham Zoning By-law, therefore, based on the information provided by the Applicant's Project Team during the public hearing process the Planning Board finds that the Project satisfies the Fiscal Impact Standards and Municipal Services as set forth in §§VI.F.6.c. and VI.E.3.a.(5). of the Framingham Zoning By-Law.

**D. Community Impact Standards and Site Appropriateness: §§ VI.F.6.d. and VI.E.3.a.(1).**

The Applicant has requested a waiver from the Community Impact Assessment requirement; therefore, the following information is based on findings through submitted documentation and the public hearing process. The Project Site is located within the Central Business (CB) District. The Board finds that the proposed change in use from office space to 79 residential units is allowed through a special permit from the Planning Board. The 79 residential units will consist of 63 one-bedroom apartments and 16 two-bedroom apartments. Typically, one- and two-bedroom apartments are geared towards single or double occupancy, which have little to no impact on the Town's school system. The proposed project will create 50 construction jobs and two full time jobs.

Therefore, since the Project is consistent with the Findings herein as represented by the Applicant's Project Team, the Planning Board finds that the proposed development of this Project satisfies the Community Impact Standards and Site Appropriateness as set forth in §§ VI.F.6.d. and VI.E.3.a.(1) of the Framingham Zoning By-Law.

**E. Parking Standards and Appropriate Facilities: §§ VI.F.6.e. and VI.E.3.a.(2).**

The Applicant has requested a waiver from the Parking Impact Assessment requirement; therefore, the following information is based on findings through submitted documentation and the public hearing process. The project has filed under the Mixed Use Regulations which allows for residential projects to reduce their parking requirements to 1.25 off-street parking spaces per units. Projects that do not comply or file under Mixed Use Regulations are required to provide 2 off-street parking spaces per unit for multi-family projects. Based on 79 units at 1.25 parking spaces per unit, the Applicant will be providing a total of 99 parking spaces on-site. Currently, there are a total of 19 parking spaces in the basement of 39 Grant Street which shall be specifically for the use of tenants of that building; the remainder of the off-street parking spaces will be located within the parking garage or surface parking lots within the Dennison Triangle Complex.

The Dennison Triangle Complex requires the following off-street parking spaces per building:

- 300 Howard Street (57,000 square feet) – Use: Office – requires 171 off-street parking spaces;
- 1 Grant Street (60,000 square feet) – Use: Office – requires 180 off-street parking spaces;
- 2 Bishop Street (2,300 square feet) – Use: Office – requires 7 off-street parking spaces;
- 4 Bishop Street (84 units x 1.25) – Use: Residential under Mixed Use Regulations – requires 105 off-street parking spaces; and
- 39 Grant Street (79 units x 1.25) – Use: Residential under Mixed Use Regulations (Framingham Zoning By-law regulations Section V.G.3.b.) – requires 99 off-street parking spaces.

The entire Dennison Triangle Complex has a total of 582 parking spaces which exceeds the required 562 off-street parking spaces for the Dennison Triangle Complex by 20 parking spaces. 39 Grant Street was previously permitted as a commercial office building which requires far more off-street parking spaces than residential under the Mixed Used Regulations. Therefore, this change in use will decrease the required number of off-street parking spaces, thereby reducing the deficiency within the Dennison Triangle Complex.

Therefore, based on the information provided by the Applicant's Project Team and during the public hearing process the Planning Board finds the proposed Project to be consistent with the purpose and intent of the Parking Standards and Appropriate Facilities and Site Appropriateness as set forth in §§ VI.F.6.e. and VI.E.3.a.(2) of the Framingham Zoning By-Law.

**F. Mixed-Use Regulations of the Framingham Zoning By-law: §§V.G. and VI.E.**

The proposed project at 39 Grant Street is located within the Dennison Triangle Complex. The Dennison Triangle Complex is a mixed-use complex consisting of office and residential uses. The Dennison Triangle Complex is a historically significant group of structures within the Town of Framingham, and was once the Town's largest employer. The Applicant has completed the necessary restoration of the buildings within the Dennison Triangle Complex. All buildings within the Dennison Triangle Complex are currently occupied or leased. The building at 39 Grant Street is the only remaining building within the Dennison Triangle Complex that remains vacant since the renovations and restoration of the Complex.

The Applicant proposes a project that does not consist of any studio units. The Project has been laid out, so there is a clear separation between the office and residential uses. Furthermore, the Applicant shall not permit more than three individuals unrelated by birth, marriage, or adoption to occupy any of the 79 residential units at 39 Grant Street.

Therefore, based on the information provided by the Applicant's Project Team and during the public hearing process the Planning Board finds the proposed Project to be consistent with the purpose and intent of the Mixed Use Regulations as set forth in §§ V.G and V.E. of the Framingham Zoning By-Law.

**G. Mixed-Use Development Standards: §V.G.3 and §V.G.5.** The Planning Board finds that the proposed project will conform to the dimensional regulations for Mixed Use development applicable to a Central Business District (CB), as provided under Section IV.E.2 Table of Dimensional Regulations, except that Lot B will not conform to the requirement of 5% open space. (See Section V.G.3.a.)

The Planning Board finds that the proposed project will not satisfy the minimum requirement of 200 square feet of open space for each dwelling unit. (See Section V.G.3.c.)

The Planning Board finds that the Applicant has satisfied the requirements for issuance of a Special Permit for Mixed Use Development Waivers pursuant to Section V.N.5, so as to waive the non-conformities as to open space described above. As a basis for its decision, the Planning Board has considered the impact of the waiver on traffic and parking, municipal services and facilities as well as the character of the neighborhood including environmental and visual features. The Planning Board has also considered the commitments required of the Applicant under the existing Site Plan Approval with respect to maintenance of landscaped and open space, funding of improvements to neighborhood amenities and funding of improvements to Town recreational facilities. Based upon those considerations, the Planning Board expressly finds:

- (a) The proposed project with the waived requirements will not be substantially more detrimental to the neighborhood than the project without the waiver.

- (b) The specific site of the proposed project is an appropriate one for the proposed use.
- (c) Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including adequate off-street parking.
- (d) The use of the building at 39 Grant Street, as developed, will not create a hazard to abutters, vehicles, or pedestrians.
- (e) The use of the building at 39 Grant Street, as proposed, is consistent with the intent of a Central Business District (CB), and with the purpose and intent of the Bylaw.
- (f) All municipal services necessary to meet the needs of the proposed use will be adequate and sufficient.

**H. Mixed-Use Development Building Permit Limitations: §V.G.4.** The Planning Board finds that (i) as of the date of this Decision, no building permits have been issued by the Building Commissioner for residential units for Mixed Use development during calendar 2015, and (ii) the total number of units for which the Applicant seeks permission under the Application is less than 250. Accordingly, subject to compliance with all other applicable governmental regulations, the Building Commissioner is authorized under Section IV.G.4 of the Bylaw to issue building permits for the residential units in the proposed project at 39 Grant Street.

**I. Affordable Housing of the Framingham Zoning By-law: §§ V.H. and VI.E.**

The proposed Project at 39 Grant Street is comprised of 79 residential units, of which, 63 are one-bedroom apartments and 16 are two-bedroom apartments. In accordance with Section V.H. of the Framingham Zoning By-law, the Applicant is providing one two-bedroom unit on the first floor, two one-bedroom units on the first floor, two one-bedroom units on the second floor, two one-bedroom units on the third floor. Furthermore, the Applicant shall pay a cash payment for the fractional unit equal to one month's anticipated rent of such unit to be paid at any time prior to any occupancy permit. The Applicant shall work with the Framingham Housing Authority to develop a local lottery for the affordable units, where up to 70 percent of the affordable units are for local preference. Furthermore, the Applicant shall file a Local Initiative Program (LIP) application with the Department of Housing and Community Development (DHCD) for Local Action Units (LAU). Affordable units shall remain affordable in perpetuity.

Therefore, based on the information provided by the Applicant's Project Team and during the public hearing process the Planning Board finds the proposed Project to be consistent with the purpose and intent of the Affordable Housing as set forth in §§ V.H. and VI.E of the Framingham Zoning By-Law.

**CONDITIONS OF APPROVAL**

The Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Framingham Zoning By-Law, including the requirements for Site Plan Review (Section VI.F.) and Special Permits for Use (Sections II.A.2.d. and VI.E.), Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.), Mixed Use Regulations (Sections V.G. and VI.E.), and Affordable Housing (Sections V.H. and VI.E.). The Dennison Triangle Complex is a previously approved Mixed Use Complex project, the Planning Board made Decisions to approved the project on March 18, 2004 (Special Permit for Use) and on June 17, 2003 (Special Permit for Mixed Use Complex), except as expressly modified by this

Decision, all conditions and provisions of the March 18, 2004 and June 17, 2004 Decisions continue in full force and effect. Accordingly, the Planning Board votes, pursuant to relevant provisions of the Framingham Zoning By-Law, to approve the Applications Site Plan Review (Section VI.F.) and Special Permits for Use (Sections II.A.2.d. and VI.E.), Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c and VI.E.), Mixed Use Regulations (Sections V.G. and VI.E.), and Affordable Housing (Sections V.H. and VI.E.), subject to the following conditions:

#### **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, an electronic copy of the approved Site Plan shall be provided to the Planning Board Office for distribution to Departments, in order to be reviewed for compliance with this Decision. The Site Plan shall be revised if necessary to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the Site Plan, the Decision shall take precedent.
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 prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with MGL, Chapter 40A, Section 17. The Applicant agrees to 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 Use, Reduction in the Required Number of Parking Spaces, Mixed Use Regulations, and Affordable Housing 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 Use, Reduction in the Required Number of Parking Spaces, Mixed Use Regulations, and Affordable Housing issued hereunder. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the Framingham Zoning By-law and/or the terms of this Decision. If the owner believes that it is not in violation, it 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 Framingham Zoning 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. 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.
13. Parking pavement markings shall be in white. Fire zone and traffic markings shall be as per the applicable code.
14. 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.

#### **Site Construction**

15. The Applicant shall perform daily cleanup of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways, caused by the site construction.

16. 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 equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours. 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

#### **Environment**

17. The Applicant agrees to minimize the use of salt in the parking area to reduce any negative impacts to vegetation and ground water.
18. 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.
19. Snow storage shall be on-site, and shall not utilize or block any parking spaces. 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.

#### **Department of Public Works**

20. The Applicant agrees to comply with the requirements set forth by the Framingham Department of Public Works, as stated in the December 15, 2014 correspondence.

#### **Fire Department**

21. The Applicant agrees to comply with the requirements set forth by the Framingham Fire Department, as stated in the December 29, 2014 correspondence. Stating that the design and installation methods for the standpipes shall comply with the State Building Code (780CMR).

#### **Conservation Commission**

22. The Applicant agrees to comply and work with the Conservation Commission regarding the 2006 stormwater issues as stated in their correspondence dated December 17, 2014.

#### **Board of Health**

23. The Applicant agrees to comply with the requirements set forth by the Framingham Board of Health, as stated in the December 4, 2014 correspondence.

#### **Special Provisions/ Periodic Conformance Reporting and Review**

24. 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 of at least 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.

25. Prior to the issuance of a final use and occupancy permit, the Applicant shall submit an as-built plan 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.
26. The Applicant agrees to install bicycle racks for tenant use in the basement area of 39 Grant Street. Furthermore, the Applicant agrees to install bicycle racks within the parking garage located on-site for use by the tenants of the Dennison Triangle.
27. The Applicant agrees to maintain affordable units, as affordable units in perpetuity, by filing a Local Initiative Program (LIP) Application with the Department of Housing and Community Development (DCCD). Furthermore, the Applicant agrees to give local preference for up to 70 percent of the affordable units.
28. The Applicant agrees to provide two parking spaces for a car share program. The Applicant agrees that the inclusion of the car share opportunity will further enhance the Town's goals of transit oriented development within the Central Business District.

## WAIVERS

The applicant requests waivers for the Informational Meeting with Residents, Verification of Community Notice Sign, and the following waivers under Sec VI.F.5.:

1. a. A site plan at a scale of one inch equals twenty feet (1"=20') or such other scale as may be approved by the Planning Board. – **The Applicant has provided a scale of 1"=30'**
2. a.2. Location of all buildings and lot lines, including ownership of lots, and street lines, including intersections within 300 ft. -
3. a.10 - A photometric plan showing both the intensity of illumination expressed in foot-candles at ground level within to the property boundaries and the location, orientation, height, wattage, type, style and color of outdoor luminaire(s) for all existing and proposed lighting.- **Photometric Plan was previously approved by the Planning Board no alterations have been made.**
4. a.12. Planning Board Signature Block at approximately the same location on each page of the submitted plans. - **Building previously approved change of use only**
5. a.13. Zoning Table to be located on both the front page of the submitted plans and on the Parking Plan/Site Plan page. - **Building previously approved change of use only**
6. a.15 - An Area designated for the storage of waste and refuse. - **Building previously approved change of use only**
7. a.16 - Sign submittal showing sign locations and construction details which shall include the following information as may be applicable: a scaled drawing of each proposed sign showing all dimensions, colors, lettering, graphics, materials and type of illumination; scaled drawing showing all dimensions of facades proposed to contain signage and indicating the location and dimensions of the proposed sign and any existing signs; photographs of existing buildings and signs; and sidewalks, curb cuts and any landscaped or other areas in which a freestanding sign is to be placed clearly showing the location of the sign. - **Building previously approved change of use only**
8. c. An isometric line drawing (projection) at the same scale as the site plan, showing the entire project and its relation to existing areas, buildings and roads for a distance of 100 feet from the project boundaries. - **Building previously approved change of use only**
9. d. A locus plan at a scale of one inch equals 100 feet (1"=100'), or such other distance as many be approved by the Planning Board, showing the entire project and its relation to existing area, building and road for distance of 1,000 feet from the projects boundaries, or such other distance as may be approved or required by the Planning Board. - **Building previously approved change of use only**
10. e. Building elevation plans at a scale of one-quarter inch equals one foot (1/4"-1'-0") or one-half inch equals one foot (1/2"-1'-0") or such other scale as may be approved by the Planning Board, showing all elevations of all proposed buildings and structures and indicating the type and color of materials to be used on all facades. - **Building previously approved change of use only**
11. g.(1) - Traffic Impact Assessment – **The Applicant states there shall be no significant impact due to proposed change of use.**
12. g.(2) - Environmental Impact Assessment– **The Applicant states there shall be no significant impact due to proposed change of use.**
13. g.(3) - Fiscal Impact Assessment– **The Applicant states there shall be no significant impact due to proposed change of use.**

14. g.(4) - Community Impact Assessment– **The Applicant states there shall be no significant impact due to proposed change of use.**

**Vote: five in favor, zero opposed, zero abstained**

**VOTE**

**Special Permit for Use (Sections II.A.2.d. and VI.E.)**

The vote five in favor and zero opposed to granting a Special Permit for Use pursuant to Sections II.A.2.d. and VI.E., of the Framingham Zoning By-Law to allow the Applicant, Framingham Grant LLC, for the conversion of the existing use of commercial office building to 79 residential apartments on 4 floors of the existing building, associated affordable housing, and to utilize the basement for parking and storage. The Project is located at 39 Grant Street, said parcel is shown on the Framingham Assessor’s Map Sheet 83, Block 999, Lots 2A and B.

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

**Special Permit for the Reduction in the Required Number of Parking Spaces (Sections IV.B.1.c. and VI.E.)**

The vote five in favor and zero opposed to granting a Special Permit for the Reduction in the Required Number of Parking Spaces pursuant to Sections IV.B.1.c. and VI.E., of the Framingham Zoning By-Law to allow the Applicant, Framingham Grant LLC, for the conversion of the existing use of commercial office building to 79 residential apartments on 4 floors of the existing building, associated affordable housing, and to utilize the basement for parking and storage. The Project is located at 39 Grant Street, said parcel is shown on the Framingham Assessor’s Map Sheet 83, Block 999, Lots 2A and B.

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

**Special Permit for Mixed Use Regulations (Sections V.G. and VI.E.)**

The vote five in favor and zero opposed to granting a Special Permit for Mixed Use Regulations pursuant to Sections V.G. and VI.E., of the Framingham Zoning By-Law to allow the Applicant, Framingham Grant LLC, for the conversion of the existing use of commercial office building to 79 residential apartments on 4 floors of the existing building, associated affordable housing, and to utilize the basement for parking and storage. The Project is located at 39 Grant Street, said parcel is shown on the Framingham Assessor’s Map Sheet 83, Block 999, Lots 2A and B.

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

**Special Permit for Mixed Use Development Waivers (Sections V.G.5 and VI.E.)**

The vote five in favor and zero opposed to granting a Special Permit for Mixed Use Development Waivers pursuant to Sections V.G.5. and VI.E., of the Framingham Zoning By-Law to allow the Applicant, Framingham Grant LLC, for the conversion of the existing use of commercial office building to 79 residential apartments on 4 floors of the existing building, associated affordable housing, and to utilize the basement for parking and storage. The Project is located at 39 Grant Street, said parcel is shown on the Framingham Assessor’s Map Sheet 83, Block 999, Lots 2A and B.

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

**Authorization to Issue Building Permits (Section V.G.4.)**

The vote five in favor and zero opposed to authorizing the issuance of building permits, pursuant to Section V.G.4, of the Framingham Zoning By-Law to allow the Applicant, Framingham Grant LLC, for the conversion of the existing use of commercial office building to 79 residential apartments on 4 floors of the existing building, associated affordable housing, and to utilize the basement for parking and storage. The Project is located at 39 Grant Street, said parcel is shown on the Framingham Assessor’s Map Sheet 83, Block 999, Lots 2A and B.

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

**Special Permit for Affordable Housing (Sections V.H. and VI.E.)**

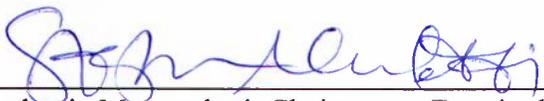
The vote five in favor and zero opposed to granting a Special Permit for Affordable Housing pursuant to Sections V.H. and VI.E., of the Framingham Zoning By-Law to allow the Applicant, Framingham Grant LLC, for the conversion of the existing use of commercial office building to 79 residential apartments on 4 floors of the existing building, associated affordable housing, and to utilize the basement for parking and storage. The Project is located at 39 Grant Street, said parcel is shown on the Framingham Assessor’s Map Sheet 83, Block 999, Lots 2A and B.

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

**Site Plan Review (Section VI.F.)**

The vote five in favor and zero opposed to granting a Site Plan Review pursuant to Section VI.F., of the Framingham Zoning By-Law to allow the Applicant, Framingham Grant LLC, for the conversion of the existing use of commercial office building to 79 residential apartments on 4 floors of the existing building, associated affordable housing, and to utilize the basement for parking and storage. The Project is located at 39 Grant Street, said parcel is shown on the Framingham Assessor’s Map Sheet 83, Block 999, Lots 2A and B.

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

By:   
Stephanie Mercandetti, Chairperson Framingham Planning Board

Date of Signature: January 22, 2015