

DEVELOPMENT IMPACT STATEMENT OF  
 NORMANDY REAL ESTATE PARTNERS  
 FOR PROPERTY LOCATED AT  
 15 and 16 PLEASANT STREET CONNECTOR FRAMINGHAM &  
 0 FIRMIN AVENUE, SOUTHBOROUGH

Applicant and Owner:  
 NREF III Pleasant LLC  
 c/o Normandy Real Estate Partners  
 99 Summer Street, Boston, MA 02110

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This application (“Application”) is submitted to both the Framingham and Southborough (together, “Towns”) Planning Boards by NREF III Pleasant LLC (“NREF III”), a Delaware limited liability company having a principal office at c/o Normandy Real Estate Partners (together herein with NREF III, “Normandy” or the “Applicant”), 99 Summer Street, Boston, Massachusetts 02462 in connection with its redevelopment of commercial property known as 15 and 16 Pleasant Street Connector<sup>1</sup>, Framingham, a portion of which includes a parcel also known as 86-R New York Avenue RR in Framingham, and 0 Firmin Avenue, Southborough (collectively, the “Property” or “Project Site”), as shown on the plan entitled “SITE DEVELOPMENT PLANS FOR 15 PLEASANT STREET CONNECTOR FRAMINGHAM AND SOUTHBOROUGH, MA”, Sheets 1 through 9 of 9, prepared by Kelly Engineering Group, Inc. dated July 16, 2013 (“Site Plan”). For ease of reference, when we refer herein to the parcels comprising the Property, we use the designations “15 Pleasant Connector” for the portion of the Property on the north side of Pleasant Street Connector and Firmin Avenue, and “16 Pleasant Connector” for the portion of the Property on the south side of Pleasant Street Connector and Firmin Avenue<sup>2</sup>.

The Applicant’s proposed project (“Project”), more completely described in Section 1.c below, is to renovate and expand the existing approximately 92,729 square foot, five (5) story, 66 foot tall existing office building (“Existing Building”) by renovating the Existing Building and constructing the approximately 72,695 square foot Addition, resulting in an approximately 155,812 square foot renovated expanded building (“Expanded Building”) and upgrade and expand off-street parking to provide a total of five hundred forty-two (542) parking spaces at the Property, including use of a new paved one hundred fifty-six (156) space parking lot (“Remote Parking Facility”) located on the currently undeveloped portion of the Property at 16 Pleasant Connector at the intersection of Pleasant Street Connector and Crossing Boulevard.

The Applicant applied to the Town of Southborough (“Southborough”) Zoning Board of Appeals for the following relief and permits, which the Board of Appeals granted at its August 28, 2013 meeting: (i) a Variance from height and number of story requirements pursuant to Section 174-8.7-E(4) of the Southborough Zoning Code (“Southborough Code”), to allow a maximum of 80 feet in height where 45 feet are allowed, and five (5) stories where three (3) are

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<sup>1</sup> The portion of 16 Pleasant Street Connector owned by the Applicant located to the east of Crossing Boulevard will not be developed as part of the Project.

<sup>2</sup> For reference, street, assessors, and plan designations for the Property are further identified on the chart attached as Exhibit I.

allowed; and (ii) Special Permit to allow office space in excess of 50,000 square feet, pursuant to Section 174-8.7-C-1 of the Southborough Code. As further discussed below, the height variance and use special permit apply to the Expanded Building, identical relief granted by Southborough in 1983.

The Project is before the Southborough Planning Board for: (i) Site Plan Review (Major) pursuant to Sections 174-10-A(1), (2) and (3) and 174-10-B(2) of the Southborough Zoning Code (“Southborough Code”); (ii) Waiver from the requirements of Section 174-12-C(2) to allow one hundred forty-three (143) 9’ by 18’ parking stalls where 9’ by 18.5’ parking stalls are required; (iii) Waiver from the requirements of Section 174-12-C(2) to allow 103 of the parking spaces on the Southborough portion of the Property to be 8’x17’ in size<sup>3,4</sup> for an overall total of 35% compact spaces on the Property; (iv) Waiver from the 100 feet driveway staggering requirement set forth in Section 174-12-F(1) of the Southborough Code; and (v) Low Impact Development (“LID”) Special Permit per 174-13.3 of the Southborough Code, required for any project subject to major site plan review.

This Application is before the Town of Framingham (“Framingham”) Planning Board for: (i) Site Plan review pursuant to Section IV.I.2(b) and III.L.6(a) of the Framingham Zoning By-Law (“Framingham By-Law”); (ii) Special Permit for increase in FAR pursuant to Section III.L.5.B(1) of the Framingham By-Law; (iii) Special Permit for Proximity to Principal Use for off-site parking, pursuant to Section IV.B.2(a) of the Framingham By-Law; (iv) Special Permit to exempt Project from the loading space requirements of the Framingham By-Law to allow two (2) loading spaces where three (3) are required per Section IV.C.3.b of the Framingham By-Law; (v) Special Permit for Dimensional Relief to Off-Street Parking Design Standards under Section IV.B.3.g of the Framingham By-Law to allow compact parking stalls on the remote parking facility; (vi) Waiver pursuant to Section III.L.7.b(1) from the landscape buffer requirements set forth in Section IV.K.8 of the Framingham By-Law; and (vii) Land Disturbance Permit pursuant to Section IV.H.2 of the Framingham By-Law.

The Applicant will submit applications to the Framingham and Southborough Conservation Commissions for project review and stormwater management review, and to the

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<sup>3</sup> We have not included 9’ x 18’ size spaces as “compact”, as such spaces are considered full-sized in Framingham.

<sup>4</sup> The total compact proposed in both towns is 191 spaces of 544, or about 35%.

Southborough Highway Superintendent for curb cut/vehicle access permit. The Applicant also anticipates that some state permitting may be required for the Project.

1. PROJECT SUMMARY

a. Zoning History

This Project involves about 8.6 acres of land straddling the town line of Framingham and Southborough. The Property is situated in the Technology Park (“TD”) and General Manufacturing (“GM”) districts for zoning purposes in Framingham<sup>5</sup>, and in the Industrial district for zoning purposes in the Southborough.

A history of the existing conditions at the Property follows. According to records on file with the Framingham and Southborough building departments, a portion of the 92,729 square foot Existing Building was constructed in about 1966 to 1969, and includes significant improvements and expansion completed during the 1980’s. The 1980’s expansion included adding two stories to the original structure, and expanding the parking facility. As part of the 1980’s improvements, the Southborough Zoning Board of Appeals granted Variance Number 48-22 to allow one parking space per 250 feet of floor area, two hundred thirty-four (234) 9’ by 18’ parking stalls, and a building height of up to 80 feet. A copy of Southborough Variance Number 48-22, dated May 11, 1983 and recorded with the Worcester District (South) Registry of Deeds in Book 7912, Page 192, is attached hereto as Exhibit II-A.

Building jacket materials from Southborough indicate internal renovations to the Existing Building in 1998 and 1999. During the time period of 2003 to 2005, in response to a proposed expansion by former site tenant Genzyme Corporation, the site’s prior owner applied for permitting in Framingham and Southborough, for expansion of the Existing Building and parking on the Property, providing for increased parking spaces, and a new three story 59,654 square foot building, which expansion that owner did not initiate. The prior owner also presented a plan to both towns showing 577 parking spaces with 113 to be located in a remote lot located on 16 Pleasant Connector, where the Applicant now proposes the Remote Parking Facility. In their application of both Framingham and Southborough parking requirements to that proposed project, the towns determined that a total of 510 spaces were required. The earlier proposed

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<sup>5</sup> Because the Property is located among the parcels known in Framingham as “9/90 Crossing”, it is excluded from properties subject to the Highway Overlay District regulations, per Section IV.K.3.c of the Framingham By-Law.

remote lot was ultimately reduced to an approved section of 47 spaces, and deferred to allow one year of operation of the approved building and further review of its impacts and the need for such additional spaces. Copies of the Southborough and Framingham decisions related to the prior owner's 2003 to 2005 permitting applications are attached hereto as Exhibit II-B (Special Permit Decision as per office use in excess of 50,000 square feet pursuant to Section 174-8.7-C-1 of the Southborough Code), Exhibit II-C (Southborough Site Plan Approval and Waiver from driveway staggering requirement), and Exhibit II-D (Framingham Site Plan Approval and Special Permits for (a) increase to FAR per Section III.L.5.b, (b) off-site parking per Section IV.B.2.a, and (c) use in the manufacturing district in excess of 8,000 square feet per Sections III.G.1.a and III.F.2.a of the Framingham By-Law).

In 2008, the prior owner of the Property filed Notices of Intent, and received Orders of Conditions from the Framingham and Southborough Conservation Commissions to alter 60 linear feet of a drainage channel which receives stormwater from Route 9 that had been eroding and contributing to downstream erosion. Repair and restoration work were to include installation of coir logs, rip rap, a higher berm, and planting of native vegetation along 60 feet of bank within a 30 foot no-alteration zone. The work ordered under these Orders of Conditions has not been initiated. The Orders of Conditions have automatically extended until July of 2015 by the state's Permit Extension Act. The Applicant plans to complete work pursuant to those Orders of Conditions concurrently with the proposed Project.

b. Existing Conditions

According to the Site Plan, the Property currently consists of three parcels, identified as "Parcel 1", "Lot A-5" and "East Parcel" on the Sheet entitled "Layout and Zoning Plan, Sheet No. 4" of the Site Plan, and contains approximately 374,215 square feet of land located on either side of Pleasant Street Connector and Firmin Avenue, including approximately 4.4 acres in Southborough and 4.2 acres in Framingham. The Property is surrounded on the east, south, west, and northeast by commercial, restaurant, retail and highway uses as part of a busy commercial and office park area. On its west, it abuts a paper street shown "Lamb Hill Road" in Southborough located across from conservation land, and on its northeast it abuts a multiuse (residential and commercial) property in Southborough, and is across Route 30 from residentially zoned and used property (further described below).

The main parcel at 15 Pleasant Connector (Lot A-5 on the Site Plan) is located on the north side of Pleasant Street Connector, and is surrounded by parcels: to the east in Framingham owned by Framingham Office Realty, LLC, containing an office building at 9-11 Pleasant Street Connector (currently operated by Genzyme Transgenics); to the northeast parcels owned by Framingham Express Limited Partnership at 84 New York Avenue used for a warehouse and by Rollins Leasing Corporation at 88 and 92 New York Avenue used for industrial uses; to the west by Lamb Hill Road, Southborough<sup>6</sup>, which abuts Metropolitan District Commission owned conservation property; to the northwest, industrial-zoned multi-use residential property (multi-family and a cutlery shop) owned by Robert and Alma Vanni in Southborough on Boston Road (Route 30); and “Residential B” zoned property located in Southborough across Boston Road from a 10 foot wide strip of the Applicant’s property which runs along the eastern side of the Vanni property at the Southborough. “Residential B” zoned owners of the Southborough Meadows age-restricted condominium development are located within 300 feet of that outlying ten foot wide strip of land owned by the Applicant, however none of those dwellings are located within 300 feet of the currently developed or proposed developed portions of the Property.

The portion of the Property located at 16 Pleasant Connector is bounded to the north by Pleasant Street Connector and Firmin Avenue. That parcel also includes 146 feet of frontage along Crossing Boulevard, and abuts Consolidated Railroad property to the south. Currently, the portion of the Property located at 16 Pleasant Connector is undeveloped and has no curb cut. As described in the Applicant’s Stormwater Management Report, 16 Pleasant Connector contains mostly grass and brush and contains a Commonwealth of Massachusetts ditch easement and a 50’ wide electric easement.

Firmin Avenue and Pleasant Street Connector are east-west roadways under MassHighway jurisdiction. The northern terminus of Crossing Boulevard in Framingham ends directly across from the eastern driveway at 15 Pleasant Connector in Framingham, with the traffic signal for Crossing Boulevard mounted above that eastern driveway’s entrance. Crossing Boulevard is a divided elevated road which extends above Route 9, and provides access to and from the Property to Route 9 via eastbound and westbound on-ramps, and as well as to the 9/90 Corporate Center. Firmin Avenue and Pleasant Street Connector feed westbound to the so-called

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<sup>6</sup> Lamb Hill Road appears currently to be, at most, a path. No vehicular entrance or exit is possible to Lamb Hill Road at either Route 30 or Firmin Avenue due to metal guardrails installed along both of those roadways.

“Five-Corner” intersection at Route 30 and local roads in Southborough. In addition to the signalized eastern driveway, 15 Pleasant Connector is currently served by a second curb cut access point in Southborough onto Firmin Avenue. The Property includes no existing sidewalks.

As part of this Application, the Applicant has submitted a report entitled “STORMWATER MANAGEMENT REPORT 09/03/2013” prepared by Kelly Engineering Group, Inc., (“Stormwater Management Report”). According to the Stormwater Management Report, the Property and surrounding area sits within an Outstanding Resource Waterway physical resource area.

The existing approximately 92,729 square foot, five (5) story, 66 foot tall building (“Existing Building”) located at 15 Pleasant Connector has been used for offices since it was built in the 1960’s, most recently by Genzyme Corporation as tenant to the former owner until about 2012. The Existing Building is currently vacant.<sup>7</sup> The Existing Building is structurally sound, but requires renovations and aesthetic updates in addition to its planned expansion. The portion of the Property located at 15 Pleasant Connector is improved with a 382 space paved parking lot, which includes five (5) handicapped accessible parking spaces, landscaping, a freestanding monument sign, lighting and three flagpoles. In addition to the two curb cuts which provide access and egress to and from Pleasant Street Connector and Firmin Avenue, 15 Pleasant Connector is developed with an internal driveway and a concrete stairway which connect the parking facility at 15 Pleasant Connector with the adjacent property to the east at 11 Pleasant Street Connector owned by Framingham Office Realty, LLC. A 14,000 square foot portion of the Property is subject to a license agreement with Fafard Real Estate and Development Corporation (“Fafard”), predecessor in interest to Framingham Office Realty, LLC, for non-exclusive use of 14,000 square feet of the parking located at 15 Pleasant Connector for parking purposes.

The portion of the Property at 15 Pleasant Connector also contains wooden internal guard rails, two metal gates and a stone wall separating landscaping and parking from a steeply inclined undeveloped area which runs around the western and northern boundary of the parking

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<sup>7</sup> The Applicant has been unable to determine the exact date Genzyme vacated the Property. In an abundance of caution, this application includes a request for Site Plan Review by the Southborough Planning Board under § 174-10-A-3 for uses not active for two years or more.

facility. An existing storm drain system on the Project Site consists of catch basins and storm drains which connect to the storm drainage system.

c. Proposed Project

Normandy's proposed Project is to: (i) renovate and expand the existing approximately 92,729 square foot, five (5) story, 66 foot tall Existing Building by upgrades to the Existing Building and construction of an approximately an 72,695 square foot Addition. The resulting Expanded Building will contain approximately 155,812 square feet. (As part of the renovations, the Applicant will reduce the square footage of the Existing Building by approximately 9,609 square feet, primarily by removing the exterior "bump out" of the building's façade and associated floor area on the two upper floors); (ii) upgrade and expand off-street parking to provide a total of five hundred forty-two (542) parking spaces at the Property by (a) realigning parking spaces on the currently developed parcel resulting in a net increase of four (4) parking spaces at 15 Pleasant Connector, and (b) adding the new paved one hundred fifty-six (156) space parking lot ("Remote Parking Facility") located on the currently undeveloped portion of the Property at 16 Pleasant Connector at the intersection of Pleasant Street Connector and Crossing Boulevard; (iii) add a curb cut onto Firmin Avenue in Southborough at the 16 Pleasant Connector portion of the Property; (iv) construct a retaining wall which will partially surround the Remote Parking Facility and separate it from a wetlands buffer; (v) construct a six (6) foot wide concrete sidewalk at 16 Pleasant Connector, leading to a new marked crosswalk at the signalized intersection of Pleasant Street Connector and Crossing Boulevard which connects to a pedestrian walkway at 15 Pleasant Connector; and (vi) install significant landscaping, lighting, infrastructure, and other improvements. The architectural elements of the Expanded Building will include façade upgrades, and improvements and upgrades consistent with and complementary to the office and technology parks along Route 9 nearby the Project Site, and as appropriate for the tenant(s) to be selected for occupancy at the Expanded Building. The Applicant intends to use the upgraded Expanded Building for office use.

The Project is designed to provide adequate access to the Existing Building for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with Southborough's and Framingham's regulations, and is so designed for the location and office use, building design form, building location, egress points, grading and other elements to: (a) minimize volume of cut and fill, removal of trees, stone walls and other features, wetland impact,

stormwater flow increase, soil erosion and threat of air or water pollution; (b) maximize pedestrian and vehicular safety and convenience within the site and egressing from it; (c) minimize obstruction of scenic views; (d) minimize visual intrusions, light intrusion and glare, and (e) avoids departure from the character of buildings in the area.

## 2. TRAFFIC IMPACT ASSESSMENT

Pedestrian and vehicular movement to, from and within the Project Site are designed to be safe and convenient, and arranged not to disturb abutting properties. MDM Transportation Consultants, Inc. has prepared a traffic memorandum for the Applicant, which is included in the application submission and entitled "Traffic Impact and Access Study, Proposed Office Expansion, 15 Pleasant Street Connector, Framingham & Southborough, Massachusetts", dated August 2013 ("Traffic Impact Report"). The Traffic Impact Report concludes that the proposed site modifications will have a slight increase site related traffic and that the Project Site entrance will continue to adequately handle traffic to and from the Property.

It is anticipated that the proposed parking lot expansion, as well as roadways and intersections adjacent to the Project Site, will be adequate to accommodate the Project. A new marked crosswalk connection between the Remote Parking Facility and the Expanded Building is proposed to allow safe employee and pedestrian crossing. The new proposed curb cut at 16 Pleasant Connector is located directly across Firmin Avenue from the existing western driveway at 15 Pleasant Connector to minimize turns on the roadway, and allow for direct traffic flow between the two parcels. The Site Plan is designed to minimize points of traffic conflict, both pedestrian and vehicular. As developed, neither the use nor the structures will create a hazard to abutters, vehicles or pedestrians. The vehicular access to the Property as shown on the Site Plan provides sufficient sight distance in order to exit the Property safely from both the north and south parcels. The Site Plan provides adequate access for fire and service equipment.

The Applicant will construct a new sidewalk along the Remote Parking Facility to coordinate with the proposed crosswalk to where it will be anticipated by motorists, and to include ADA compliant ramps and Manual on Uniform Traffic Control Devices ("MUTCD") compliant pavement markings and advance warning signs.

The MetroWest Regional Transit Authority ("MWRTA")'s Route 7 Commuter Shuttle serves the area near the development from the Southborough MBTA Commuter Line, connecting

with commuter trains from Boston and Worcester, and the MWRTA's Framingham Commuter Shuttle (MWRTA Route 1) and its Route 9 bus (MWRTA Route 9) serve the Project area from Framingham locations. The Applicant will submit to the Town of Framingham during the public hearing process a Transportation Demand Management Plan and evidence of its planned active participation in a transportation demand management program as provided by Sections III.L.5.B(1)(c) and III.L.6(a) of the Framingham By-law, and will provide a copy of same to Southborough's Planning Board. The applicant will install a bike rack to encourage employees to commute by bicycle.

### 3. ENVIRONMENTAL IMPACT

The Project Site is designed to accommodate the Project without environmental damage due to wetland loss, habitat disturbance, or damage to natural assets. The Applicant's plan maximizes the preservation of the Project Site's natural features and environmentally sensitive wetlands buffer, native vegetation, mature trees, slopes, drainageways, permeable soils, woodlands, and soils to the greatest extent possible. The Project is designed to minimize grading and clearing. The Applicant's plan avoids disturbance to wetlands and flood plain area located on adjacent property, as well as the on-site wetlands buffer, riverfront buffer, and intermittent stream buffer. The Project's proposed retaining wall is designed to separate the Remote Parking Facility from nearby wetlands. The Remote Parking Facility is proposed on a portion of the Property which is currently undeveloped and containing bare soil and field and scrub vegetation. The total proposed coverage of area by driveways and parking areas is less than 32,500 square feet. Concurrently with this Application, Applicant is submitting a Lower Impact Development ("LID") application to the Town of Southborough's Planning Board (required for all projects receiving Major Site Plan Review), and a Land Disturbance Permit to the Town of Framingham (based upon greater than 400 cubic yards of earth removal anticipated for the construction of the Addition), and will provide copies of the same to both Planning Boards.

#### a. Air Quality

The Project Site will be used by Normandy for office use. This 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. The Project Site is part of a major office and technology park region along Route 9. 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. 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.

b. Surface Water

According to the Stormwater Management Report, proposed improvements at 16 Pleasant Connector will increase impervious coverage by approximately 0.9 acres, which will result in a decrease in the peak storm flow. However, the Site Plan and Stormwater Management Report indicate that a new stormwater management system will be constructed which will consist of drainage inlets, which connect to manholes, CDS water quality devices, and subsurface storm drain lines and retention systems. The stormwater will ultimately drain into drainage ditch on the southwest portion of the lot.

At 15 Pleasant Connector, the proposed Project will result in an increase in roof area, however there will be slight decrease in paved area. The total impervious area increase will be 0.096 Acres. The site will be fully redeveloped and capture 100% of the existing and proposed paved areas for TSS removal. In addition two subsurface recharge areas and one rain garden will also be provided. There will be no increase in peak storm flow from the proposed Project. The Project will also eliminate untreated stormwater from discharging directly from the parking lot. All runoff will either be routed to the existing drainage system or treated prior to discharge through a level spreader.

The new stormwater management system will provide enhanced treatment of stormwater drainage for approximately 100 % of the Property's paved areas. The Project will, therefore, comply with the DEP regulations for Stormwater Management.

The Project has been designed considering ecosystem-based approaches to land development and stormwater management to maximize protection or restoration of the natural hydrology of the site. Preservation of the site's natural features and environmentally sensitive areas such as wetland buffers, native vegetation, mature trees, slopes, drainageways, permeable

soils, off-site flood plains, woodlands and soils to the greatest extent possible. The Applicant's Stormwater Management Report indicates that the Applicant will provide for managing runoff and associated pollutants at their sources by use of stormwater management components for filtration, treatment and infiltration such as vegetated areas that slow down runoff, maximizing infiltration, and reducing contact with paved surfaces. Introduction of a rain garden will trap and filter runoff. Use of native plant vegetation, and prohibition of invasive species, in buffer strips and in rain gardens. The Applicant also proposes subsurface infiltration through a infiltrative chamber system to hold large volumes of runoff in the open-bottom chamber units and surrounding stone, and use of proprietary water quality devices.

The Applicant's proposal to utilize and expand the Existing Building, rather than constructing a second stand-alone structure on the Property, minimizes grading and clearing on the Property.

The existing Project Site grade will be maintained. Following construction, 59% of the Project Site will consist of buildings, pavements and walkways. This represents about a 3% increase from the Property's existing conditions.

c. Unique Natural Features

The Project Site has unique topography, specifically a sharp slope down from the edges of the parking facility on the 15 Pleasant Connector portion of the Property, which sloped area is of considerable size and is not buildable. The Property's conditions require improvements to be located nearer to the eastern boundary line due to the sloped area at the western boundary. The portion of the Property located at 15 Pleasant Connector is irregularly shaped. The remote lot is rectangular and relatively level, containing undeveloped and unlandscaped land containing some scrub and field vegetation. A wetland buffer and an intermittent stream are located on the southwestern corner of the 16 Pleasant Connector portion of the Property. A riverfront buffer is located on the northwestern corner of the 15 Pleasant Connector portion of the Property.

d. Temperature and Wind Impacts

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

e. Outdoor Lighting

The outdoor lighting is presently provided by on site parking lot pole lighting and additional lighting along the roadway and around the Existing Building. The Applicant is proposing to upgrade lighting in accordance with the photometric plan included with the Application. The landscaping and location of lighting avoids glare intrusion into any residential use and abutting properties.

f. Solar Access of Adjacent Properties

The Project will not increase the height of structures on the Property above that of the Existing Building, although the Expanded Building will have greater a footprint and more square footage. Because of existing topographical conditions and the location of the Addition, the closest adjacent structure at 11 Pleasant Connector is of similar elevation to the Expanded Building. Because of the distance to other neighboring structures and the Property's slope, the expanded structure will have minimal, if any, impact on solar access of adjacent properties. The closest residential neighbors in Southborough are located significantly downhill and separated by dense vegetation and other development from the Project Site.

4. FISCAL IMPACT

a. Property Taxes and Town Services

The Existing Building and associated lot improvements located at 15 Pleasant Street Connector have an assessed value of \$5,530,800.00 in Framingham; the underlying land in Framingham has an assessed value of \$647,900.00 at 15 Pleasant Street Connector, and \$32,500.00 at 86-R New York Avenue RR. The undeveloped lot at 16 Pleasant Street Connector has an assessed value of \$66,400.00. Collectively, the improvements and land are valued at \$6,277,600.00, by the Framingham Assessor's Office, and generate a current total annual property tax revenue of about \$250,978.00 to Framingham.

The Existing Building, associated lot improvements, and underlying land located on the north side of Firmin Avenue in Southborough have an assessed value of \$1,791,900.00; the undeveloped land on the south side of Firmin Avenue in Southborough has an assessed value of \$128,700.00. Together, the improvements and land in Southborough are valued at \$1,820,500 and generate a current total property tax revenue of \$31,766.00.

While it is difficult to project the ultimate impact on the Property's assessed value following completion of the Project, Normandy projects assessed building and improvement values once the Project is completed of: about \$20,000,000 to \$22,000,000, including property in both towns.

Normandy estimates "total development cost" within the meaning of the Framingham By-Law to be approximately \$20,500,000<sup>8</sup>, with about 72.2% or \$14,802,259 attributable to property located in Framingham.

The Project Site is already served by adequate municipal services such as sewer, water and other facilities. Because Normandy proposes to expand an existing facility which is currently vacant, it is anticipated that this Project will result in an increased usage of water, electricity and sewer services than currently exists, however it is not anticipated that the Project will result in an increased need for services from Framingham or Southborough. Because the value of the Property in both Framingham and Southborough side is likely to increase following completion of the Project, Normandy anticipates that the ultimate fiscal impact to the Towns will likely be neutral at a minimum and more likely to be positive.

It is anticipated that a significant number of construction jobs (approximately 200) will be created during the construction phase of the Project and that following completion of the Project, approximately 400 full and part-time office positions will be associated with the Expanded Building.

b. Impact on Adjoining Property Values

The Existing Building has operated as an office building for about 45 years. The neighboring area contains a significant amount of commercial development and multi-story office buildings. The Proposed Use is consistent with the surrounding development and history within its zoning districts in Southborough and Framingham. The continuation of the office use in upgraded space will be a benefit to the community and is consistent with the adjacent office and technology park uses. No changes are proposed which will increase impacts on neighboring

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<sup>8</sup> Pursuant to Section IV.1.6(a)1(iv) of the Framingham By-Law, "total development cost" is defined as "the total of the cost or value of land and all development-related improvements, and shall be determined on the basis of standard building or construction costs, such as published in the Engineering News Record or other source acceptable to the Planning Board, for the relevant type of structure and use".

residential abutters to the northwest on the Southborough side of the Property. The Project should have a positive property value impact on all adjacent properties.

## 5. COMMUNITY IMPACT STATEMENT

### a. Neighborhood Impact

The Existing Building has existed in this location for over 45 years. The Project seeks to upgrade and enhance a long-standing Property use located nearby similar uses and consistent with its location. The closest distance between property improvements and the Southborough Meadows condominium development dwellings is over 300 feet from the far northwest corner of the Applicant's existing parking lot. The improvement and continued use of the Property will not create a hazard to abutters, vehicles or pedestrians. A bicycle rack will be added to the parking facility to coordinate with community bike-friendly efforts. The MetroWest Regional Transit Authority ("MWRTA")'s Route 7 Commuter Shuttle serves the area near the development from the Southborough MBTA Commuter Line, connecting with commuter trains from Boston and Worcester, and the MWRTA's Framingham Commuter Shuttle serves the area from Framingham locations.

### b. Removal of Vegetation and Earth

The existing grade of the Property will not be significantly altered by excavation or fill. Because the Applicant anticipates it will remove more than 400 cubic feet of soil during the Project at 15 Pleasant Connector, a request for a Land Disturbance Permit is part of this Application. The existing landscaping will be upgraded and increased as part of the Project, including adding green areas around the Expanded Building and creating some landscaped islands within the existing parking facility. The proposed landscape surface ratio ("LSR") for the portion of the Property containing the office building is 41%, which is a slight decrease from the existing LSR of 44%. Overall, LSR on both sides of Firmin Avenue/Pleasant Street Connector significantly exceeds requirements of the Framingham By-Law, with 41% on the land containing the office building where 25% is required, and 44% on the remote parking facility, where 20% is required.

c. Historic Impact

There are no buildings of known historical significance on the Property or in the immediate vicinity of the Project Site that would be impacted by this Project. Work on the Existing Building does not trigger Framingham's Demolition Delay By-Law, as the structure will not be demolished, and is less than 50 years old.

d. Compatibility With Development Goals

This development proposal is consistent with the purpose and intent of the Framingham By-Law, and the Southborough Code, and is compatible with neighboring technology park, office park, and commercial uses.

The proposed FAR will achieve the goals, intent and objectives of the Technology Park District Regulations of the Town of Framingham set forth in Section III.L.5 of the Framingham By-Law to promote development so as to enhance employment and economic vitality by allowing a certain mix of land uses at a higher density, without a corresponding increase in traffic, than is otherwise permitted in other zoning districts. The site is served by a sufficient vehicular circulation network and infrastructure to meet the particular demands of facilities within the TD zoning district without a corresponding impact on services in surrounding residential neighborhoods and commercial areas in proximity to the Property.

6. PARKING IMPACT ASSESSMENT

Normandy is seeking approvals from the Towns to coordinate a cohesive parking plan to serve the Expanded Building. The Applicant proposes to add 162 off-street spaces, for a total of 542 spaces, including seven (7) handicapped accessible spaces, which it deems sufficient to serve Normandy, its tenants, and other property guests, and exceeds minimum requirements in each town. The Applicant's plans include a portion of reduced sized parking spaces, consistent with comparable office park developments, and allow the Project to retain open space, enhance landscaping, and ensure adequate pedestrian and vehicular circulation on the Property, while providing adequate parking availability. The parking lots and crosswalk have been designed to meet the needs of the Proposed Use, be safe for pedestrians and vehicles, mitigate any adverse impacts on abutters, residents, and businesses in the area, conform with the character of the neighborhood, maximize landscaped spaces and reduce internal traffic conflicts. The Remote

Parking Facility is designed to encourage pedestrians to use the signalized crosswalk as a means of safe access to the office building from the Remote Parking Facility. The parking lot aisles at the main parcel and the Remote Parking Facility are designed to be of sufficient width to provide access for emergency vehicles to the Expanded Building.

## Exhibit I

The Property is comprised of the following parcels in Framingham and Southborough, Massachusetts:

(1) **15 Pleasant Connector** is entirely within Framingham's Technology Park District zoning district, and is identified as follows

- (a) The land identified as Framingham Assessor's Reference Number: 100/463.0-0009-0075.0, Map 463 Lot 75, with the corresponding Framingham address of 15 Pleasant Street Connector PLUS the land identified as Assessor's Reference Number: 100/463.0-0009-0056-D, Map 463, Lot 56D, with the corresponding Framingham address of 86-R New York Ave RR, and
- (b) The Framingham portion of "Lot A-5" shown on the Site Plan PLUS the land identified as "East Parcel" on the Site Plan.

(2) **16 Pleasant Connector** is located entirely within Framingham's General Manufacturing District zoning district, and is identified as follows

- (a) The land identified as Framingham Assessor's Reference Number: 100/462.0-0010-0001.0, Map 462 Lot 1, with the corresponding Framingham address of 16 Pleasant Street Connector, and
- (b) "Parcel 1" on the Site Plan, including the portion of Parcel 2 located to the east of Crossing Boulevard.

(3) **0 Firmin Avenue (north side)** is entirely within Southborough's Industrial zoning district and is identified as follows

- (a) The land identified as Southborough Assessor's Reference Number: 277/048.0-0000-0022.0, Map 48, Lot 22, with the corresponding Southborough address of 0 Firmin Avenue, and
- (b) The Southborough portion of "Lot A-5" as shown on the Site Plan,

(4) **0 Firmin Avenue (south side)** is entirely within Southborough's Industrial zoning district and is identified as follows

- (1) The land identified as Southborough Assessor's Reference Number: 277/048.0-0000-0027.0, Map 48, Lot 27, with the corresponding Southborough address of 0 Firmin Avenue, and
- (2) Parcel 1 as shown on the Site Plan.

**Exhibit II**  
**Prior Decisions**

**Exhibit II-A**

**Variance #48-22 of the Southborough Board of Appeals, dated May 11, 1983, and recorded with the Worcester District (South) Registry of Deeds in Book 7912, Page 192**



OFFICE OF THE  
TOWN CLERK  
SOUTHBOROUGH, MASSACHUSETTS 01772  
485-0710 Ext 47

HOURS  
OPEN TO THE PUBLIC  
9:00 A.M. TO 5:00 P.M.

I, Paul J. Berry, Town Clerk of the Town of Southborough,  
Massachusetts, hereby certify as follows:

1. The attached is a true copy of the Southborough Board of Appeals decision dated May 11, 1983 at 7:30 P.M. relative to a petition of Consolidated Group Realty Company Limited Partnership
2. The original thereof was filed with me as said Clerk on May 25, 1983 at 12:01 P.M.
3. Twenty (20) days have elapsed since said filing and
4. No appeal therefrom has been filed.

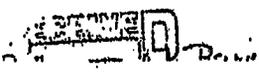
Witness my hand and the Town Seal of Southborough this  
13th day of June, 1983 at 3:07 P.M.

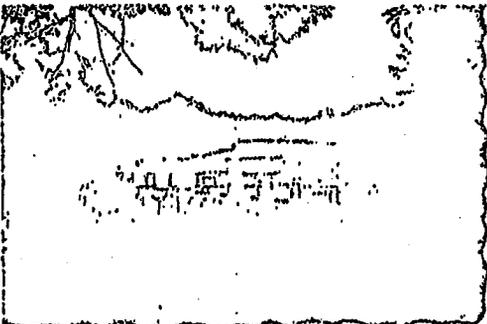
A true copy:

Attest: Paul J. Berry  
PAUL J. BERRY, TOWN CLERK

Receipt of the above is hereby acknowledged on June 13, 1983

[Signature]





Town of Southborough  
BOARD OF APPEALS  
SOUTHBOROUGH, MASSACHUSETTS 01772

Received posted and filed in the office of the Town Clerk on May 25, 1989 at 12:01 p.m.  
Book 5748 Page 125

*Paul J. Berry*  
Paul J. Berry, Town Clerk

APPLICATION FOR A VARIANCE

Consolidated Group Realty Company Limited Partnership  
Firmin Street (48-22)

FINDING OF FACTS AND DECISION

The Board of Appeals of the Town of Southborough held a Public Hearing in the Hearing Room on the second floor of the Southborough Town House, 17 Common Street, on Wednesday, May 11, 1983 at 7:30 p.m. on the petition of Consolidated Group Realty Company Limited Partnership with respect to a variance from Section V (A) (12), to allow for one (1) parking space per 250 feet of gross floor area; Section V (C) (1), to allow parking spaces to be 9 feet x 18 feet; Section VI, to allow building height up to 80 feet. The property is located on Firmin Street (Assessors' Map 48 Lot 22), in an Industrial District.

Sitting as a Board was: Chairman Joseph F. Prior, Jr., Members James J. Colleary, George A. Hubley, Peter H. Roche and Alternate John Tupper.

Representing the Petitioner were: Alexander A. Randall, Esquire, Goodwin, Procter & Hoar; Al Aydelott, Architect; Joe Sullivan, Engineer, McCarthy & Sullivan.

EVIDENCE PRESENTED

1. The Petitioner, Consolidated Group Realty Company Limited Partnership, plans to purchase property located on Firmin Street (48-22). Approximately 23% of the building and property in question is located in Southborough, approximately 73% in the Town of Framingham and is in an Industrial District.

A true copy:  
Attest:  
*Paul J. Berry*  
PAUL J. BERRY, TOWN CLERK  
TOWN  
SEAL

Gen. Grp. Rlty. Co. Ltd. Partnership  
May 11, 1983  
Page 2

2. The Petitioner proposes to add two (2) stories to the existing building. This addition plus the existing building will exceed the 45' applied by the Southborough Zoning By-Laws and will not exceed 80' in height which is allowable by the Framingham By-Laws.
3. The Petitioner proposes to add 234 parking spaces for future employees. The parking to be provided is not less than one space per 250 sq. ft. of gross floor area and the spaces shall not be less than 9' x 18'.
4. Southborough requires, for each 150 sq. ft. of net building space, one parking space with each parking space measuring no less than nine and 1/2 feet in width and eighteen feet in length.
5. Certain portions of the lot is graded so that parking spaces cannot be constructed without excavation and expense.

FINDING OF FACTS AND DECISION

1. The petitioner intends to purchase an office building owned by Astra Recreational Products, Inc. and located on Firmin Street in an Industrial District. Approximately 23% of this building is located in Southborough and the remainder in Framingham.
2. The petitioner proposes to add a two-story addition above the existing building. This proposed addition will bring the building to a height not to exceed 80' which is more than the 45' required by the Southborough Zoning By-Laws.
3. The petitioner proposes to add 234 parking spaces to the lot to meet the parking needs of employees with each parking space to be 9' x 18'. One-half feet in width short of that required by the Zoning By-Law.
4. The Southborough Zoning By-Law, as applied to the portion of the building lying within the Town of Southborough, would limit the height of the building to three-stories or 45' and, if the addition is constructed as planned, would require parking spaces to be 9 1/2' x 18' and one parking space for each 150 sq. ft. of net building space.
5. The grade of portions of the lot is such that extreme extensive and extra ordinary excavation and expense would be required in order to construct parking spaces in compliance with the zoning By-Law.
6. There was one representative from Fafard Corporation, who is an abutter, spoke in favor of the variance. No other abutters

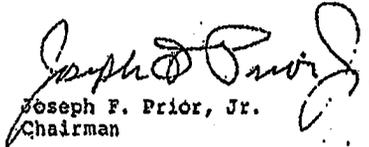
Con.Grp. Rlty. Co. Ltd. Partnership  
May 11, 1983  
Page 3

were present.

7. Therefore, the Board of Appeals, based on the evidence presented at the Hearing, including, but not limited to the facts presented above unanimously voted to

GRANT

the variance. The Board of Appeals is of the opinion that due to circumstances relating to the soil conditions, topography of the land on which the building is located, the grade of the lot, a literal enforcement of the Southborough Zoning By-Law would cause a substantial hardship, financial and otherwise, to the the petitioner. The Board felt that the granting of this variance would not substantially be detrimental to the area nor substantially derogate from the intent and purpose of the Zoning By-Law.

  
Joseph F. Prior, Jr.  
Chairman

j



Recorded SEP 14 1983 at 12:35 PM

**Exhibit II-B**

**Special Permit Decision pursuant to Section 174-8.7-C-1 of the Southborough Code of the Southborough Board of Appeals for office use in excess of 50,000 square feet dated July 30, 2004, recorded with the Worcester District (South) Registry of Deeds in Book 36005, Page 112**



Bk: 36005 Pg: 112 Doc: DEON  
Page: 1 of 6 03/31/2005 11:57 AM

**OFFICE OF THE SOUTHBOROUGH  
TOWN CLERK  
17 COMMON STREET  
SOUTHBOROUGH, MASSACHUSETTS  
01772-1662  
(508)-485-0710**

**BOARD OF APPEALS  
CERTIFICATION  
(20 DAYS HAVE ELAPSED)**

I, Paul J. Berry, Town Clerk of the Town of Southborough, Massachusetts, hereby certify as follows:

1. The original Zoning Board of Appeals Application thereof was filed with me as said Town Clerk on July 30, 2004 at 12:30 PM.
2. The Southborough Board of Appeals Decision dated September 28, 2004 relative to a petition of Consolidated Group Service Company Limited Partnership and Consolidated Ventures Limited Partnership, Firmin Avenue, for a Special Permit, was filed with the Town Clerk on October 25, 2004 at 3:00 PM.
3. Twenty (20) days have elapsed since filing the Zoning Board of Appeals Decision with the Town Clerk; and
4. No appeal therefrom has been filed.

Witness my hand and the Town Seal of Southborough this 15th day of November 2004 at 9:00 A.M.

A True Copy Attest:

  
Paul J. Berry, Town Clerk

TOWN SEAL

*Return to: Pinal Butler  
Board of Appeals, L.P.  
161 Worcester St  
Framingham, MA 01701*

*6*

RECEIVED, FILED AND POSTED IN THE OFFICE OF THE TOWN CLERK OCTOBER 25, 2004 AT 3:00 PM

PAUL J. BERRY, TOWN CLERK  
*Paul J. Berry*

**Town of Southborough  
Board of Appeals  
Southborough, Massachusetts 01772  
17 Common Street  
P.O. Box 9109  
Southborough, MA 01772-9109  
508-485-0710**

Paul J. Berry, Town Clerk  
Town House  
Southborough, MA 01772

Book 7922 Page 20  
Book 16890 Page 221

**NOTICE OF DECISION  
ON A SPECIAL PERMIT**

*Applicant/owner* **Consolidated Group Service Company Limited Partnership,  
Consolidated Ventures Limited Partnership  
0 Firmin Avenue  
Map & Parcel (48-22 & 27)**

The Board of Appeals of the Town of Southborough held a public hearing in the Meeting Room of the Southborough Fire Station, 21 Main Street on Tuesday, September 28, 2004 with regard to the petition of Consolidated Group Service Company Limited Partnership, Consolidated Ventures Limited Partnership for a Special Permit as per the Town of Southborough Zoning Article III Section 174-8.7-C-1 Uses Permitted by Special Permit. The petitioner is seeking a Special Permit for office space that exceeds fifty thousand (50,000) square feet.

**Sitting as a Board:**  
Kenney Griffiths, Chairman  
James W. Falconi  
Thomas M. Starr  
Peter C. Norden  
Salvatore M. Giorlandino

**For Petitioner:**  
John W. Hueber, President  
Crosspoint Associates, Inc.  
217 West Central Street  
Natick, MA 01760  
  
James D. Hanrahan, Esq.  
Bowditch & Dewey, LLP  
161 Worcester Road  
Framingham, MA 01701-9320

**Special Permit -- Page 2**

**Consolidated Group Service Company Limited Partnership,  
Consolidated Ventures Limited Partnership  
0 Firmin Avenue (48-22 & 27) Major Parcel**

**Evidence Presented**

1. This is an application for a Special Permit pursuant to Section 174-8.7-C-1 of the Town of Southborough Zoning bylaw. The applicant proposes to expand an existing office building known as 15 Pleasant Street Connector, Framingham, currently occupied by Genzyme. The existing building is located partly in Framingham and partly in Southborough. The building expansion will also straddle the town line. The project is presently before both the Southborough and Framingham Planning Boards for Site Plan Review.
2. By letter dated July 19, 2004, Southborough Building Inspector, Peter Johnson, determined that an application for this Special Permit was required, based upon his determination that the total square foot measurement for the existing portion of the office building, together with the proposed expansion, will exceed 50,000 square feet.
3. The proposed use for the new building is an office building. Section 174-8.7-C restricts office building use to less than 50,000 s.f. if no Special Permit is obtained. The proposed expansion is less than 50,000 s.f., but when added to the existing portion of the building located in Southborough, the area of the portions of buildings located in Southborough would be 52,106 s.f. Accordingly, the petitioner seeks a Special Permit for use in excess of 50,000 pursuant to the bylaw.
4. The Petitioner submitted that the Special Permit will allow the current tenant, Genzyme, to remain at the site. There are presently 350 employees; the expansion will add 200 employees to the workforce.
5. By memorandum dated September 28, 2004, the Southborough Planning Board advised that at its meeting of September 27, 2004, the Planning Board discussed the petition of Consolidated Group Service Company Limited Partnership and Consolidated Ventures Limited Partnership for a Special Permit for office space that exceeds 50,000 square feet. The Planning Board is currently reviewing this application under Major Site Plan Review. The Planning Board unanimously supported the application and respectfully requested that the Board of Appeals grant the Special Permit.
6. Chairman Griffiths asked for further input from Town officials, and none was heard.

**Special Permit - Page 3**

**Consolidated Group Service Company Limited Partnership,**

**Consolidated Ventures Limited Partnership**

**0 Firmin Avenue (48-22 & 27) Map + Parcel**

7. The following residents questioned the petitioner about landscaping and traffic issues and the impact the new building would have on existing conditions:  
Richard Castelda, 12 Blueberry Lane  
Joan L. Roberts, 50 William Onthank Lane  
Leo Bartolini, 62 Oak Hill Road  
John Lynch, 73 William Onthank Lane  
Ann Foley, 59 William Onthank Lane  
Patricia Daum, 61 William Onthank Lane  
Alfred Collotta, 28 William Onthank Lane  
Randall Hogan, 46 Onthank Lane  
Frederica Gillespie, 78 Southville Road
8. Petitioner advised that the neighborhood concerns are being looked at extensively by the Southborough Planning Board and that it is an open process that involves public input. Petitioner submitted that their tenant will demand measures to facilitate traffic flow for their employees, the traffic issues are currently being addressed before two Towns, and they will continue to work with the Planning Boards of the Town of Southborough and the Town of Framingham to address traffic concerns. Petitioner submitted that their traffic studies show a slight increase (1.3%) in traffic as a result of the building expansion.
9. Petitioner advised that a large portion of the existing building is located in the Town of Framingham, and a small portion in the Town of Southborough. When the expansion was designed, they were unaware that the Building Inspector would consider the entire area of use and trigger a special permit requirement. Petitioner submitted that they would not favor moving a small portion of the addition toward Framingham to avoid the Special Permit in the Town of Southborough although they would do so to move the project along and not lose any further time.
10. The Public Hearing was closed at 8:38 p.m.

**Findings and Decision**

1. Petitioner has complied with rules and regulations pertaining to the application for a special permit.
2. No town officials, boards or commissions opposed the special permit.

**Special Permit -- Page 4**

**Consolidated Group Service Company Limited Partnership,**

**Consolidated Ventures Limited Partnership**

**0 Firmin Avenue (48-22 & 27) *Map & Parcel***

3. The Board finds that the grant of the special permit will not derogate from the intent and purpose of MGL c.40A and/or the by-laws of the Town of Southborough and shall not be in conflict with the public health, safety, convenience and welfare and shall not be substantially detrimental or offensive to the neighborhood or destructive of property values. The use sought and its characteristics are in harmony with the intent and purpose of the bylaws of the Town of Southborough.
4. The Board finds that the expansion is subject to Major Site Plan Review by the Southborough Planning Board to include an extensive review of outstanding landscaping and traffic issues.
5. The Board finds that proposed office building expansion will not adversely affect or place unusually large demands upon town services.
6. The Board finds that although traffic was a major consideration of abutters who attended the public hearing, the issue of traffic is only one of the issues used to determine the merits of a special permit. The proposal is located near uses which are similar to the proposed use and will benefit from rather than be damaged by having the proposal nearby it. The Board specifically finds that the proposal's benefits to the Town will outweigh any adverse effects for the town or the vicinity.

Therefore, the Board of Appeals, based on the evidence presented at the hearing, including but not limited to the facts presented above, voted to **Grant [4-1] the Special Permit** for office space that exceeds fifty thousand (50,000) square feet with the following conditions:

1. Traffic study shall be included as a reference and attached to the special permit;
2. Traffic study shall include Boston Road extending to and including New York Avenue and Boston Road and any abutting or intersecting roads.

*In Favor: Falconi, Starr, Norden, Griffiths;      Opposed: Giorlandino*

*Kennedy Griffiths*  
*Kennedy Griffiths, Chairman*

Notice: Appeals, if any, shall be made pursuant to Massachusetts General Law, Chapter 40A, s.17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Southborough, Massachusetts.

The Commonwealth of Massachusetts  
Town of Southborough  
Board of Appeals

Date: October 15, 2004

Certificate of Granting of Variance or Special Permit  
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Southborough hereby certifies that Special Permit has been approved requested by:

To: Consolidated Group Service Company Limited Partnership,  
Consolidated Ventures Limited Partnership.

Address: 0 Firmin Avenue (48-22 & 27) *Map & Parcel*

Town: Southborough, Massachusetts

affecting the rights of the owner with respect to land or buildings at:

0 Firmin Avenue (48-22 & 27) *Map & Parcel*

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance - special permit, and that copies of said decision, and of all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take affect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

*K. Griffiths*  
\_\_\_\_\_  
Kenney Griffiths  
Chairman

\_\_\_\_\_  
Town Clerk

ATTEST: WORC. Anthony J. Vigliotti, Register

**Exhibit II-C**

**Site Plan Approval of the Southborough Planning Board, dated January 13, 2005,  
recorded with the Worcester District (South) Registry of Deeds in Book 36005, Page 107**



OFFICE OF THE SOUTHBOROUGH  
TOWN CLERK  
17 COMMON STREET  
SOUTHBOROUGH, MASSACHUSETTS

01772-1662  
(508)-485-0710



Bk: 36005 Pg: 107 Doc: DEON  
Page: 1 of 5 09/31/2005 11:57 AM

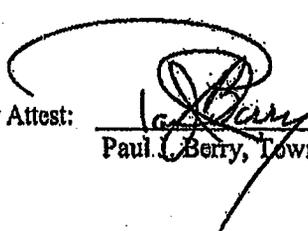
PLANNING BOARD  
CERTIFICATION  
(20 DAYS HAVE ELAPSED)

I, Paul J. Berry, Town Clerk of the Town of Southborough, Massachusetts, hereby certify as follows:

1. The original Planning Board Application for Site Plan Approval thereof was filed with me as said Town Clerk on June 7, 2004 at 4:30 PM.
2. The Southborough Planning Board's Decision <sup>re: DWAN</sup> on the Site Plan Approval dated December 6, 2004 relative to an application of Consolidated Group Service Company, L.P. and Consolidated Ventures Limited Partnership, 15 Pleasant Street Connector was filed with the Town Clerk on December 23, 2004 at 9:45 AM.  
deed ref 7922-20
3. Twenty (20) days have elapsed since filing the Planning Board Decision with the Town Clerk; and
4. No appeal therefrom has been filed.

Witness my hand and the Town Seal of Southborough this 13th day of January 2005, at 9:00 AM.

A True Copy Attest:

  
Paul J. Berry, Town Clerk

TOWN SEAL

Return to Pina L. Butler  
Boul. Smith & Downing, LLP  
131 Worcester St.  
Framingham MA 01701

5

Received and filed in the Office of the Town Clerk Dec. 23, 2004 9:45am

**Town of Southborough**  
**PLANNING BOARD**  
SOUTHBOROUGH, MASSACHUSETTS 01772

*Paul J. Berry*  
Paul J. Berry  
Town Clerk

17 COMMON STREET  
SOUTHBOROUGH, MASSACHUSETTS 01772-1662  
608-485-0710

*(see file for  
referenced materials)*

December 7, 2004

Paul Berry, Town Clerk  
Town House  
17 Common Street  
Southborough, MA 01772

Re: Site Plan Approval - 15 Pleasant Street Connector - New Building Addition and  
Parking

Dear Mr. Berry:

Following public hearings held on June 28, 2004, August 9, 2004, August 30, 2004, September 27, 2004, October 4, 2004, November 1, 2004, and November 16, 2004, at its meeting on December 6, 2004, pursuant to § 174-10 of the Southborough Zoning Bylaw, the Planning Board voted unanimously (5/0) to approve the site plan entitled "Site Development Plans for MetroWest Place Expansion, Pleasant Street Connection" for Consolidated Group Service Company, L.P. and Consolidated Ventures Limited Partnership located at 15 Pleasant Street Connector per: the plans and specifications prepared by Kelly Engineering Group dated April 22, 2004 and revised through October 27, 2004 ("Site Plan"), a Landscape plan prepared by Hawk Design, Inc. dated May 19, 2004 and revised through October 29, 2004, a Traffic Impact and Access Study prepared by MDM Transportation Consultants, Inc. dated June 2004, supplemental memoranda prepared by MDM Transportation Consultants, Inc. dated September 21, 2004, October 4, 2004, and October 22, 2004, and a Stormwater Management Report and Addendum prepared by Kelly Engineering Group dated April 22, 2004 and July 29, 2004 respectively, subject to the following conditions:

1. Applicant shall retain a qualified engineering firm and/or traffic signal contractor to rectify vehicle detection system malfunction and implement an alternate traffic signal timing and/or phasing program at the intersection of Boston Road (Route 30) and

Central Street. These improvements are expected to result in operational efficiencies at this signalized intersect that address pre-existing operation deficiencies. This project shall be coordinated with the Southborough Department of Public Works, and shall be completed prior to the issuance of an occupancy permit.

2. The Applicant shall develop alternate (i.e. improved) traffic signal timing and phasing plans for the intersection of Pleasant Street Connector at Crossing Boulevard/Site Drive and submit these plans to MassHighway for their consideration. To the extent that MassHighway finds merit in the proposed modification of signal timing/phasing at this location, the Applicant shall be responsible for all design, permitting, and construction costs associated with these improvements as may be required. The Applicant shall also implement a pedestrian crossing and associated pedestrian signal to the existing driveway if and when the supplemental remote parking lot is constructed. The supplemental parking lot shall be designed in a manner that encourages pedestrians to use the signalized crossing as a preferred means of access to the site from the parking field. The Applicant shall be responsible for all design, permitting, and construction costs associated with these improvements as may be required. Said work shall be completed prior to the issuance of an occupancy permit. If work is not completed by such time, Applicant shall notify the Planning Board and shall submit a bond in an amount to correspond to the completion cost.
3. The Applicant shall develop alternate (i.e. improved) traffic signal timing and phasing plans for the intersection of Crossing Boulevard at Route 9 Eastbound ramp and submit these plans to MassHighway for their consideration. To the extent that MassHighway finds merit in the proposed modification of signal timing/phasing at this location, the Applicant shall be responsible for all design, permitting, and construction costs associated with these improvements as may be required. Said work shall be completed prior to the issuance of an occupancy permit. If work is not completed by such time, Applicant shall notify the Planning Board and shall submit a bond in an amount to correspond to the completion cost.
4. The Applicant will require as a condition of tenancy of the proposed expanded building membership in the MetroWest/495 Transportation Management Association (TMA). Said membership shall be in place prior to the issuance of an occupancy permit.
5. The Applicant shall conduct a minimum of two test pits and percolation test prior to construction in the area of the subsurface recharge system for the roof drains. These test pits shall be advanced prior to construction to ensure proper sizing of the system and adequate separation from groundwater. Work is to be conducted, documented, and verified by the Southborough Department of Public Works or its consultant prior to the issuance of a building permit. Based on the results of the soil analysis and percolation tests, the size of the system may be adjusted accordingly, and based on the estimated elevation of seasonal high groundwater, the base elevation of the system may be

adjusted to provide an absolute minimum of a two-foot separation between groundwater and the system.

6. Water service to the new building addition must meet state and local building codes, state and local fire regulations in the towns of Southborough and Framingham, all requirements of the Fire Department Authorities Having Jurisdiction (AHJ) in the Towns of Southborough and Framingham, as well as the requirements of the Framingham and Southborough Departments of Public Works. The Applicant shall, prior to the issuance of a building permit, come to an agreement with the Framingham and Southborough Fire Departments and the Framingham and Southborough Departments of Public Works with respect to water service to the site, fire hydrant locations, and the appropriate fire suppression system(s) to be installed within the parking deck and proposed addition, as well as access by emergency vehicles. It is anticipated that such fire suppression system shall include fire sprinklers and stand pipes within the parking garage unless otherwise approved by the above referenced departments. The Applicant shall, prior to application for a building permit, submit evidence of such agreement to the Framingham Planning Board and the Southborough Planning Board with respect to this condition.
7. The Applicant shall submit funds totaling \$30,000 to the Town of Southborough to support various traffic-related projects in the area, such as Five Corners signal improvements, and/or an area-wide traffic and circulation study, and the like. The scope of these projects is to be determined by the Town. Funds shall be submitted to the Planning Board prior to the issuance of a building permit.
8. The Applicant shall submit funds totaling \$5,000 to the Town of Southborough to be used for additional safety measures in the area of Southborough Meadows and Route 30. Funds shall be submitted to the Planning Board prior to the issuance of a building permit.

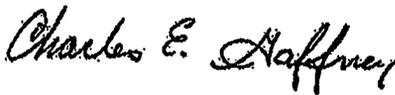
Waivers Requested and Approved

1. The requirement to immediately construct the remote parking lot located on Parcels 1 and 2 as shown on the Site Plan is waived. Based on the Traffic Impact and Access Study as referenced above, and the testimony of the Applicant, the development located on Lot A-5 as shown on the Site Plan will be adequately served by the 465 parking spaces already existing or proposed to be constructed on the lot identified as Lot A-5 on the Site Plan. Construction of parking spaces to serve the Project on the remote parking lot shall be deferred, and the land intended for the parking lot shall be land banked, provided, however, that one year following the issuance of the certificate of occupancy for the proposed building as shown on the Site Plan, a traffic study and parking monitoring program shall be prepared at Applicant's expense. The study shall be prepared by a qualified traffic consultant, selected by the Applicant and reasonably

acceptable to the Town of Southborough, in order to determine whether or not construction of some or all of the 47 spaces shown in the remote parking lot are necessary in order to provide adequate parking for the Project. Said traffic study and parking monitoring program shall record parking accumulation characteristics of the site between the hours of 7 AM and 7 PM in 30-minute increments over a three-day weekday period during a typical operating scenario for the building. Said traffic study report shall be presented to the Planning Board at a public meeting. If such spaces are deemed necessary by the traffic report study (due to peak parking demands exceeding supply as evidenced either by parking activity in non-designated parking areas or restricted off-site locations), then the Applicant shall construct the remote parking to the extent required to meet the conclusions of the traffic report study within twelve (12) months. Construction of these parking spaces shall be in accordance with the approved site plans for the lot and associated pedestrian crossing improvements at the traffic signal located at Pleasant Street and Crossing Boulevard. The Applicant shall be responsible for all design, permitting, and construction costs associated with these improvements as may be required.

2. The requirement under §174-12.F of the Southborough Zoning Bylaw requiring driveways to be located 100 feet apart in a staggered manner is waived. The proximity of the remote parking lot driveway entrance and the main driveway entrance to the Crossing Boulevard intersection deems this requirement inappropriate for this site as per the SEA Consultants, Inc. in correspondence dated November 1, 2004. The two driveways shall be constructed as shown on the approved Site Plan.

Sincerely;



Charles E. Gaffney, Chairman  
Southborough Planning Board

ATTEST: WORC. Anthony J. Viglotti, Register

**Exhibit II-D**

**Site Plan Approval and Special Permit Decision of the Framingham Planning Board  
dated December 8, 2004 (signed February 1, 2005), recorded Middlesex South Registry  
of Deeds in Book 44938, Page 126**



# Town of Framingham

Valerie Mulvey, Town Clerk

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C



Bk: 44938 Pg: 128 Doc: DEC18  
Page: 1 of 18 04/04/2005 02:42 PM

Date: March 2, 2005

Location: 15 Pleasant Street Connector ✓

Owner Name: Consolidated Ventures, LP

15 Pleasant Street Framingham

According to the records of the Framingham Town Clerk's Office, an application was filed on June 4, 2004 for a Special Permit for Increase in FAR pursuant to Section III.L.(5)(b) of the By-Law, Special Permit for Off-Site Parking pursuant to Section IV.B.(2)(a) of the By-Law, and Special Permit for Use pursuant to Section III.G.(1)(a) and Section III.F.(2)(a) of the By-Law have been filed under Section V.E. of the By-Law.

The application was granted by the Planning Board on December 8, 2004 and a notice of decision was filed in the office of the Town Clerk on February 8, 2005.

Twenty days have elapsed and no appeal has been filed with the office of the Town Clerk.

*Lisa Ferguson*  
Lisa Ferguson  
Assistant Town Clerk

Bowditch & Dewey  
311 Main St  
Worcester MA 01608

For Title Fee  
15 227 = 144

TOWN CLERK  
FRAMINGHAM

**DECISION OF THE  
FRAMINGHAM PLANNING BOARD ON  
APPLICATION OF  
CONSOLIDATED GROUP SERVICE COMPANY LIMITED PARTNERSHIP AND  
CONSOLIDATED VENTURES LIMITED PARTNERSHIP  
FOR SITE PLAN REVIEW APPROVAL, SPECIAL PERMIT FOR INCREASE IN FAR,  
SPECIAL PERMIT FOR OFF-SITE PARKING PLAN AND  
SPECIAL PERMIT FOR USE, 15 PLEASANT STREET CONNECTOR**

**DATE OF DECISION: DECEMBER 8, 2004**

**STATEMENT OF FACTS:**

On June 4, 2004, the Applicant, Consolidated Group Service Company Limited Partnership and Consolidated Ventures Limited Partnership, filed with the Planning Board and with the Town Clerk, applications (collectively referred to herein as the "Initial Applications") for Site Plan Review pursuant to Section IV.I. of the Town of Framingham Zoning By-Law (the "By-Law"), Special Permit for Increase in FAR pursuant to Section III.L.(5)(b) of the By-Law, and Special Permit for Off-Site Parking pursuant to Section IV.B.(2)(a) of the By-Law, under Section V.E. of the By-Law and in accordance with Massachusetts General Laws Chapter 40A. On September 15, 2004, the Applicant filed with the Planning Board and with the Town Clerk, an application (referred to herein as the "Subsequent Application" and referred to herein together with the Initial Applications as collectively, the "Applications") for Special Permit for Use pursuant to Section III.G.(1)(a) and Section III.F.(2)(a) of the By-Law, under Section V.E. of the By-Law and in accordance with Massachusetts General Laws Chapter 40A. The Applications were filed in connection with the Applicant's plan to redevelop property located at 15 Pleasant Street Connector, which includes the addition of a three story office building containing approximately 59,654 square feet of gross floor area (the "Project"). As the Premises straddles the Framingham and Southborough town line, 14,317 square feet of gross floor area of the proposed building will be located in Framingham and the remainder will be located in Southborough. The new building will be used for business and professional offices. The Project will include 512 parking spaces<sup>1</sup>

<sup>1</sup> Parking requirements were calculated as follows:

Framingham Requirement: 1 space per 250 square feet of gross floor area

Framingham Building	Gross Square Feet	Parking Required
Existing Building	67,282 s.f.	269.1 spaces
Proposed Building 14,317 s.f.		57.3 spaces
Framingham Total 81,599 s.f.		327 spaces

Southborough Requirement: 3.5 spaces per 1,000 square feet of gross floor area

Southborough Building	Gross Square Feet	Parking Required
Existing Building	16,618 s.f.	58.2 spaces
Proposed Building 35,488 s.f.		124.2 spaces
Southborough Total	52,106 s.f.	183 spaces

Total Requirement: 183 + 327 = 510 spaces

(218 spaces to be located in Framingham and 294 to be located in Southborough), including 12 handicapped spaces, 6 of which will be van accessible. Of the parking spaces to be located in Framingham, the Applicant has requested that the construction of 47 of the parking spaces be deferred unless and until such parking is deemed necessary, as more particularly described in the Applicant's Applications. The Premises is shown on Framingham Assessor's Sheet 462, Block 10, Lot 1 and Framingham Assessor's Sheet 463, Block 9, Lots A-5 and 56D. A portion of the Premises in Framingham is zoned General Manufacturing and Highway Corridor Overlay (Parcel 2 as shown on the Site Plan) and the remainder of the Premises in Framingham (Lot A-5 as shown on the Site Plan) is zoned Technology Park. Lot A-5 of the Project will have a Floor Area Ratio of 0.52 and Landscaped Surface Ratio of 38%.

With respect to the Applications, following publication of a hearing notice in The Metrowest Daily News on August 24, 2004 and August 31, 2004, and the mailing of the notice to parties in interest under the By-Law and Massachusetts General Laws Chapter 40A, the Planning Board opened the public hearing on September 7, 2004<sup>2</sup>. Continued sessions of the public hearing were held on October 5, 2004, November 23, 2004 and December 8, 2004, at which time the Board closed the public hearing.

The Applicant has filed with the Planning Board all plans and reports required under Sections IV.I, V.E. or other applicable provisions of the By-Law. During the review process, the Applicant and its professional consultants also submitted various revisions to the same along with various supplemental memoranda and correspondence in response to requests by the Planning Board and by the various departments within the Town of Framingham that reviewed the Project. All of these plans, reports, memoranda and correspondence are contained in the Planning Board's files and are hereby incorporated in this Decision by reference. Included with the Applicant's submittals were the following:

1. Application for Site Plan Review pursuant to Section IV.I. of the By-Law, dated June 3, 2004, and filed with the Town Clerk and the Planning Board on June 4, 2004.
2. Application for Special Permit for Increase in FAR pursuant to Section III.L.(5)(b) of the By-Law and Special Permit for Off-Site Parking pursuant to Section IV.B.(2)(a) of the By-Law, dated June 3, 2004, and filed with the Town Clerk and the Planning Board on June 4, 2004.
3. Application for Special Permit for Use pursuant to Section III.G.(1)(a) and Section III.F.(2)(a) of the By-Law, dated September 15, 2004, and filed with the Town Clerk and the Planning Board on September 15, 2004.
4. Development Impact Statement.
5. Stormwater Management Report prepared for Crosspoint Development, 217 West Central Street, Natick, MA 01760, prepared by Kelly Engineering Group, dated April 4, 2002, as

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<sup>2</sup> The Applicant and Planning Board agreed to extend the public hearing date to September 7, 2004 pursuant to a letter agreement between the Applicant and the Planning Board dated August 27, 2004, notwithstanding the Bylaw's requirement that a public hearing must be held within 65 days of the filing of the application.

supplemented by Stormwater Management Addendum prepared for Crosspoint Development, 217 West Central Street, Natick, MA 01760, prepared by Kelly Engineering Group, dated July 29, 2004.

6. Traffic Impact & Access Study prepared for Crosspoint Associates, Inc., Natick, Massachusetts, prepared by MDM Transportation Consultants, Inc. (MDM) dated June 2004 and supplemental memorandum regarding crash data, dated October 5, 2004, prepared by MDM.
7. Site Development Plans (the "Site Plan") for Metrowest Place Expansion, Pleasant Street Connector, Framingham, MA, including Existing Conditions Plan, Layout & Zoning Plan, Utility Plan, Erosion Control Plan, Grading and Drainage Plan, and Detail Plan, all prepared by Kelly Engineering Group and dated April 22, 2004, revised September 21, 2004 and further revised April 22, 2004; Lighting Plan for Metrowest Place Expansion, Pleasant Street Connector, Southborough/Framingham Line, MA, prepared by Schweppe Lighting Design, Inc. and Kelly Engineering Group and dated September 25, 2003, revised September 26, 2004; and Landscaping Plan for Metrowest Place Expansion, Pleasant Street, Framingham, Mass, Crosspoint Associates, prepared by Hawk Design, Inc. and dated May 19, 2004, revised September 17, 2004, and further revised October 29, 2004 consisting of Sheets L-1 and L-2.

The Planning Board also received correspondence from the Fire Department, Department of Building Inspection and Conservation Commission. This correspondence is contained in the Planning Board's files and is hereby incorporated in this Decision by reference.

## HEARING

During the course of the public hearing, the following individuals made appearances on behalf of the Applicant: James D. Hanrahan, Esq. of Bowditch & Dewey, LLP, counsel to Applicant; John W. Hueber and Bryan Furze, representatives of Consolidated Group Service Company Limited Partnership and Consolidated Ventures Limited Partnership; Samuel G. Norod, AIA of Elkus/Manfredi Architects, Project Architect; David N. Kelly, P.E., Project Engineer, and David A. Mackwell, Project Manager, Kelly Engineering Group; and Robert J. Michaud, P.E., of MDM Transportation Consultants, Inc., Traffic Consultant. In addition, Charles Gaffney, Chairman of the Southborough Planning Board appeared on behalf of the Southborough Planning Board and offered comments with respect to the Project's impact on Southborough and the status of the application process in that Town.

The Applicant's representatives explained that the Premises consists of two parcels of land known as 15 Pleasant Street Connector and provided the following narrative description of the Premises and its history. The main parcel ("Lot A-5") is owned by Consolidated Group Service Company Limited Partnership and located on the north side of Pleasant Street Connector between a parcel owned by Framingham Office Realty, LLC and a parcel owned by Framingham Express Limited Partnership, to the east, and Lamb Hill Road, Southborough, to the west. Lot A-5 is identified as "Lot A-5" on the Site Plan. The second parcel ("Parcel 2") owned by Consolidated Ventures Limited Partnership is located on the south side of the Pleasant Street

Connector between Crossing Boulevard to the east and land now or formerly owned by Charlotte E. Brewer to the west and land now or formerly owned by Consolidated Rail Corporation to the south. Parcel 2 is identified as "Parcel 1" and "Parcel 2" on the Site Plan. Lot A-5 consists of approximately 280,450 square feet of land, 141,642 square feet of which is located in Framingham and 138,808 square feet of which is located in Southborough. Parcel 2 consists of approximately 93,654 square feet of land, approximately 41,382 square feet of which is located in Framingham and approximately 52,272 square feet of which is located in Southborough. A five story building presently exists at the Premises. There are 381 parking spaces presently at the Premises.

Lot A-5 is currently used for business and professional offices. Parcel 2 is currently vacant land. The existing building located on Lot A-5 is leased to Genzyme Transgenics Corporation. The existing building consists of approximately 89,352 square feet and was constructed in 1969. Approximately 67,282 square feet of the existing building is located in Framingham.

The Applicant proposes to construct a new three-story building with a gross floor area of approximately 59,654 square feet. Approximately 14,317 square feet of the new building will be located in Framingham. The new building will be used for business and professional offices. The Project will include 512 parking spaces, including 12 handicapped spaces, 6 of which will be van accessible. Lot A-5 will contain 465 parking spaces, including all of the handicapped spaces. Parcel 2 will contain 47 parking spaces. The parking arrangement will include a parking deck on Lot A-5 containing 191 parking spaces. The reconstructed parking lot will be landscaped and striped in accordance with By-law requirements. Use of Parcel 2 as an office use which requires the provision of 50 or more parking spaces requires a special permit from the Planning Board pursuant to Sections III.G(1)(a) and III.F(2)(a) of the By-Law. At the time of the applications, the Applicant contemplated constructing 113 remote parking spaces on Parcel 2. During the course of the public hearing, in response to Planning Board comments, the Applicant reduced the number of remote parking spaces to 47.

Lot A-5 is currently served by 2 access points including 2 curb breaks along Pleasant Street Connector and Firmin Avenue in Southborough. The Site Plan proposes to use the existing access points to Lot A-5. Access to Parcel 2 will be located directly across Firmin Avenue from the Lot A-5 Firmin Avenue access point. Use of Parcel 2 for an off-street parking facility serving Lot A-5 requires a Special Permit from the Planning Board pursuant to Section IV.B.(2)(a) of the By-law.

The FAR coverage with respect to Lot A-5 requires a Special Permit from the Planning Board pursuant to Section III.L(5)(b) of the By-law. The proposed FAR coverage for Lot A-5 is 0.52. This calculation does not include the additional 93,654 square feet of open space located on Parcel 2, as Parcel 2 is not contiguous to Lot A-5. The applicant proposes to leave Parcel 2 undeveloped, or if the Planning Board so requires, to use Parcel 2 for accessory parking. With the addition of Parcel 2, the FAR calculation is 0.4 and would be therefore in compliance with the FAR requirements of the By-Law. A further additional parcel owned by the Applicant located east of and adjacent to Crossing Boulevard and is shown on the Site Plan across Crossing Boulevard from Parcel 2. This parcel will also remain undeveloped.

## **FINDINGS**

Having reviewed all plans and reports filed by the Applicant and its representatives, considered the correspondence from various Departments within the Town of Framingham that have reviewed the Project, considered the reports and testimony from the Planning Board's consultants, and viewed the site, the Planning Board determines that the Applications comply with the requirements of Sections III.L., IV.B., IV.I, IV.K. and V.E. of the By-Law and Massachusetts General Laws Chapter 40A.

Additionally the Board makes the following findings:

**A. Traffic Impact Standards and Absence of Vehicular Hazard:  
§§ IV.I(6)(a) and V.E.(3)(a)(3)**

Based upon the Traffic Impact & Access Study prepared by MDM Transportation Consultants, Inc., the Board finds that traffic from the Project has measurable impacts on all impacted intersections and streets and that following project development, the projected levels of service of all impacted intersections and streets, but shall be adequate and that the Site Plan minimizes points of traffic conflict, both pedestrian and vehicular. As developed, neither the use nor the structures will create a hazard to abutters, vehicles or pedestrians.

**B. Environmental Impact Standards and Consistency with Intent of By-Law:  
§§ IV.I(6)(b) and V.E(3)(a)(4)**

The Board finds that the Project complies with the requirements of §§ IV.I(6)(b) and V.E(3)(a)(4). The Premises will be used for business and professional offices. Such use is not expected to create any significant increase in emission of fumes, noxious gases, radiation or other airborne environmental hazards.

The Premises is located in the General Manufacturing District, Highway Corridor Overlay District and Technology Park District. It is anticipated that vehicular traffic to and from the Premises and the attendant motor vehicle emissions will have minimal impacts on air quality. The increased intensity of use of the Premises will result in increased emissions as more vehicles are driven to and from the Premises, but it is not anticipated that this increase will be of any significance relative to the current use of the Premises.

During construction, it is anticipated that some dust and noise typical of construction activities will occur. Construction will occur during hours described herein. Based on the proposed scope of the Project, it is not anticipated that such activities will have a detrimental effect on air quality.

Following the construction of the new building with associated parking, parking deck and landscaped islands and landscaped buffers, the impervious cover on Lot A of the Project Site will be increased from approximately 53% to approximately 62% or an increase of .062 acres of impervious area. Although the impervious cover will increase, a new stormwater management system will be constructed on the Premises consisting of drainage inlets, which connect the

manholes and subsurface storm drain lines. The new Stormwater Management System will provide enhanced treatment of stormwater drainage.

Lot A-5 is an irregular shaped lot which is relatively level in topography, except for a slope on the westerly portion of Lot A-5. This slope will be graded for the proposed parking area. Parcel 2 is a rectangular shaped vacant parcel which is relatively level in topography. The proposed landscaping includes extensive planting of trees and shrubs in accordance with the current By-law requirements. The Project Site contains no unique natural features.

No significant impacts on temperature or wind conditions in the immediate vicinity are anticipated by the construction proposed for this Project. All outdoor lighting has been designed to minimize glare and light spillover to abutting properties. The proposed building and parking deck are sufficiently set back from the Project Site boundary lines and the height of such building and deck are such, so that the Project will have minimal, if any, impact on solar access of adjacent properties.

**C. Fiscal Impact Standards and Adequacy of Municipal Services:  
§§IV.1(6)(c) and V.E(3)(a)(5)**

The Board finds that the Project complies with the requirements of §§IV.1.6.c. and V.E.3.a.5. The Premises has a current assessed value of \$6,958,200.00. It generates current total property tax revenue of approximately \$206,519.37. The Applicant estimates the value of Project site improvements in Framingham of approximately \$1,415,092.28. While it is difficult to predict the ultimate impact on the Property's assessed value following completion of the improvements, the Applicant projects an assessed value of the Premises in Framingham of approximately \$8,373,292.28 following completion of construction. Assuming the projection is accurate, total annual local tax revenues from the Project would increase by approximately \$41,999.94 based on the 2004 tax rate.

This Project proposes to construct an additional building as an expansion of an existing building, to be used for the same use. While there will be an increase in gross square foot area, it is not anticipated that this Project will result in any significant increase or decrease in services from the Town. The Project site is already served by all necessary municipal services such as roads, sewer, water and other utilities. The Applicant has agreed to comply with all the requirements of the Framingham Fire Department in their correspondence to the Planning Board dated December 8, 2004. Any increases in such services will either be nominal or appropriately addressed by the proposed mitigation. Accordingly, since the value of the Project will likely increase following completion of construction and result in an increase in real estate taxes, the ultimate fiscal impact to the Town from this Project will be positive.

It is anticipated that approximately two hundred (200) jobs will be created during the construction phase of this Project and, following completion of the Project, approximately one hundred fifty (150) full and part-time employee jobs will be created.

The Premises is located on Pleasant Street Connector in an area of significant commercial development. The contemplated development of this Project will involve significant

architectural and landscape design improvements. The proposed use for business and professional offices is the same use that existed at the Property prior to the commencement of the Project. The architectural design of the building is of high quality. The landscaping anticipated for this Project, will be in conformance with the requirements of the By-law. Although the Site Plan indicates parking on Parcel 2, however, as set forth below, the Board has granted a waiver from the requirement to construct such parking pending determination that such parking is needed based on actual use of the completed development. If parking on Parcel 2 is not needed, Parcel 2 may be preserved as open space. The anticipated landscape improvements and redesign of the Project will be commensurate with other projects in the vicinity. The Project should have a positive property value impact on adjacent properties and continue the visual upgrade of the area.

**D. Community Impact Standards and Site Appropriateness:  
§§ IV.I(6)(d) and V.E(3)(a)(1)**

The Premises is located on Pleasant Street Connector within the Highway Corridor Overlay District. The dominant uses in this area are office and research & development. The Project seeks to add a building that is designed to aesthetically enhance the area and to significantly upgrade the Premises. There are no buildings of known historical significance in the immediate vicinity of the Premises that would be impacted by this Project. This development proposal is consistent with the purpose and intent of the existing By-law.

**E. Parking Standards and Appropriate Facilities:  
§§ IV.I(6)(e) and V.E(3)(a)(2)**

The Board finds that the Project proposes a parking layout, which substantially complies with the requirements of §§ IV.I(6)(e) and V.E.(3)(a)(2) of the By-Law.

The Site Plan proposes a parking layout which complies with the By-law. The Site Plan proposes 512 full size parking spaces with 12 handicapped spaces, 6 of which will be van accessible. The proposed parking layout includes a parking deck containing 191 parking spaces. Also the Applicant proposed remote parking for 47 spaces on Parcel 2, in accordance with §IV. B(2)(a), as shown on the Site Plan. The Applicant has asked the Board to grant a waiver with respect to construction of the remote parking spaces, if, following a determination based on actual use and needs upon completion of construction of the project, the Board finds that without the remote parking, the parking located on Lot A-5 will be sufficient to serve the proposed use of the Premises for business and professional offices. Subject to such future determination, the Board finds that this Project will have no adverse parking impact on adjacent properties or surrounding streets.

**CONDITIONS OF APPROVAL**

The Board finds that the applications and plans submitted by the Applicant comply with the applicable requirements of Sections IV.I and V.E. of the By-law and Massachusetts General Laws chapter 40A. Accordingly, the Board votes to grant this application for Site Plan Review,

Special Permit for Increase in FAR, Special Permit for Off-Site Parking Plan and Special Permit for Use, 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 Office Staff to review this approval.
2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given 48 hours written notice. If the activity at the Project site ceases for longer than 30 days, 48 hours 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 business phone number of the individual, accessible 24 hours a days, seven days a week, who shall be responsible for all activities on site.
4. A copy of this Decision shall be kept at the Project site.
5. All plans shall be revised to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the plans, the Decision shall take precedence over the submitted plans.
6. No corrections, additions, substitutions, 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 modification of this approval shall be made in writing to the Planning Board for review and approval and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Members or agents of the Planning Board shall have the right to enter the Project 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 Project 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 commencement of authorized site activity and shall 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. If applicable, the Applicant shall secure from the Framingham Board of Selectmen any approval required for work on Town Streets.

#### Infrastructure/Site Design/Landscaping

10. Prior to issuance of any Certificate of Occupancy, the Applicant shall substantially complete the landscape improvements relating thereto, as shown on the approved landscaping plan. The Applicant shall also submit a landscape maintenance plan and supply such plan to the site manager or maintenance contractor. In the event that the landscaping is not completed by the time any occupancy permit is requested, the

Planning Board shall require a performance guarantee in an amount sufficient to complete the landscaping plans.

A permanent irrigation system with heads and rain gauges at appropriate intervals shall be installed in accordance with the approved plan to serve the areas around the buildings and parking lot and the landscaped islands within the parking lot, and said system will be maintained in proper working order. Once plants are established, irrigation shall be required only to supplement rainfall to an amount total amount necessary to maintain the plants in a healthy condition.

All on-site landscaped buffer areas shall be maintained in good condition in perpetuity so as to present a healthy and neat appearance. The Applicant shall follow regularly scheduled routine maintenance including but not limited to removal of winter damage, edging and weeding of mulched areas, re-mulching of beds and tree pits to maintain no more than 4 inches of mulch, fertilization as indicated by soil testing, necessary weed control, necessary pest control, timely mowing of turf, pruning, and replacement of dead trees and plants with those of similar variety and size as in the approved landscape plan. Mulch beds shall extend no greater than one foot from the edge of plants. Trees may be limbed up to a maximum height of seven feet. Any guy wires for staked trees shall be adjusted regularly to insure that trees remain plumb and shall be removed after the trees are established. Pruning shall be limited to that which is necessary to maintain their health and appearance. To the extent possible, existing trees in unimproved areas on the site shall be pruned when necessary to maintain their health and appearance. The Planning Board, by majority vote, may request an opinion from the Applicant's Landscape Architect about the condition of plantings and may require the replacement of plants based on this opinion. Litter and debris in the parking lots, landscaped and buffer areas shall be removed at least weekly to maintain a neat and orderly appearance.

11. The Applicant shall supply 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.
12. Parking pavement markings shall be in white. Fire zone and traffic markings shall be as per the applicable code.
13. Any freestanding signs shall be integrated with landscaped areas, which shall comply with the current Town Sign By-Law.
14. All light poles shall not exceed a total pole height of 20 feet. Light poles located in landscaped areas shall be at least three feet away from curbing and shall be on foundation bases that are flush with the ground. Lighting shall be shielded and illuminated in such a manner as to prevent glare and spillover. The Applicant shall place seven day timers on all parking lot light poles set to turn off no later than 11:00 p.m.
15. The Applicant shall screen all roof-mounted utilities on all sides which shall not be visible from the street.

### Environment

16. The Applicant agrees to minimize the use of salt in the parking area to reduce any negative impacts to vegetation and ground water.
17. 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 and the Framingham Conservation Commission, using Best Management Practices as the standard of performance.
18. Prior to the commencement of any site construction activity, the Applicant shall file with the Planning Board, Building Department and Conservation Commission a copy of the National Pollution Discharge Elimination System Permit, if applicable.

### Fire Protection

19. Water service to the new building addition must meet state and local building codes, state and local fire regulations in the towns of Southborough and Framingham, all requirements of the Fire Department Authorities Having Jurisdiction (AHJ) in the Towns of Southborough and Framingham, as well as the requirements of the Framingham and Southborough Departments of Public Works. The Applicant shall, prior to the issuance of a building permit or prior to commencement of any site construction activity, reach a written agreement with the Framingham and Southborough Fire Departments and the Framingham and Southborough Departments of Public Works with respect to water service to the site, fire hydrant locations, and the appropriate fire suppression and alarm system(s) to be installed within the parking deck and proposed addition, as well as access by emergency vehicles. It is anticipated that such fire suppression system shall include fire sprinklers and stand pipes within the parking garage unless otherwise approved by the above referenced departments. The Applicant shall, prior to application for a building permit or commencement of any site construction activity, submit evidence of such agreement to the Framingham Planning Board and the Southborough Planning Board with respect to this condition.

### Site Construction

20. 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.
21. Construction hours are to be between 7:30 a.m. and 6:00 p.m. Monday through Saturday. Absent an emergency condition, no construction is permitted on Sunday. No vehicles are to arrive at the construction site before the designated construction hours, which includes vehicle parking, standing, or idling on adjacent residential streets. There shall be no blasting permitted on Saturday or Sunday.
22. The Applicant shall perform daily clean up of construction debris, including soil, on Town Streets within 200 yards from the entrance of the site driveways, caused by the site construction.

### Mitigation – Traffic/Landscaping

23. The Applicant shall endeavor to complete the following required off-site mitigation program prior to the issuance of any occupancy permit. To the extent the Applicant is not able to complete these measures prior to occupancy, the Applicant shall provide a performance guarantee for 100% of the incomplete work acceptable to the Planning Board.
- a. Prior to the issuance of any building permit the Applicant shall contribute the amount of \$42,951.00 which equals three (3%) percent of the total Frammingham Project development cost of \$1,431,700.00 and satisfies the Applicant's obligations under Section IV.I.6.a.(1) of the By-Law. The Planning Board shall use such funds, at its discretion, in connection with neighborhood safety improvements or for planning studies and related grants and for neighborhood safety improvements.
  - b. The Applicant shall develop alternate (i.e. improved) traffic signal timing and phasing plans for the intersection of Pleasant Street Connector at Crossing Boulevard/Site Drive and submit these plans to MassHighway for its consideration. To the extent that MassHighway finds merit in the proposed modification of signal timing/phasing at this location, the Applicant shall be responsible for all design, permitting, and construction costs associated with these improvements as may be required. The Applicant shall also implement a pedestrian crossing and associated pedestrian signal improvements at this existing signalized driveway if and when the supplemental remote parking lot is constructed. The supplemental parking lot shall be designed in a manner that encourages pedestrians to use the signalized crossing as a preferred means of access to the site from the parking field. The Applicant shall be responsible for all design, permitting, and construction costs associated with these improvements as may be required.
  - c. The Applicant shall develop alternate (i.e. improved) traffic signal timing and phasing plans for the intersection of Crossing Boulevard at Route 9 Eastbound ramp and submit these plans to MassHighway for their consideration. To the extent that MassHighway finds merit in the proposed modification of signal timing/phasing at this location, the Applicant shall be responsible for all design, permitting, and construction costs associated with these improvements as may be required.
  - d. The Applicant shall provide bicycle parking within the parking structure or in an alternative location approved by the Planning Board.
  - e. The Applicant shall require as a condition of tenancy of the proposed expanded building membership in the Metrowest/495 Transportation Management Association, (TMA).
  - f. For all traffic improvements, the Applicant shall provide to the Planning Board's, traffic engineering consultant and the Engineering & Transportation Division of the Department of Public Works with 25%, 75% and 100% Design Plan Submissions and upon completion "As-built Plans", which shall be reviewed by

the Board's traffic engineering consultant, at the Applicant's cost, for certification that the design and construction of traffic improvements have been designed and constructed in accordance with the approved mitigation program and with the requirements of the Town of Framingham and Massachusetts Highway Department as may be applicable.

Miscellaneous Provisions, Periodic Conformance Reporting and Review

24. The Applicant is responsible for providing the following performance guarantees (in addition to any performance guarantee provided above) for the development Project:
- a. Prior to the issuance of any occupancy permit, temporary or final, the Applicant shall post a performance guarantee satisfactory to the Planning Board for all improvements including mitigation measures, which are incomplete or not constructed, in an amount not to exceed the cost of such improvements, except for such items which are covered by the Landscape Performance Bond referenced in subparagraph (b.) and (c.) below.
  - b. The Applicant, prior to the issuance of any Occupancy Permit, shall provide to the Town of Framingham, a Landscape Performance Bond in the sum of \$75,000.00 for landscaping improvements, as shown on the Landscape Plan. This reflects 100% of the Applicant's estimate of the total landscaping cost. Upon completion of the Project and prior to the request for a permanent Certificate of Occupancy, the Applicant shall provide the Planning Board with "As Built Plans". These funds shall be released upon certification by the Applicant's landscape consultant to the Planning Board's satisfaction, that the landscaping has been planted substantially in accordance with the approved Landscape Plan, at which time a Landscape Maintenance Bond shall be required.
  - c. The Applicant, prior to the issuance of any occupancy certificate, shall provide to the Town of Framingham a Landscape Maintenance Bond in the sum of \$16,000.00 to replace any trees which are improperly pruned or dead trees, shrubs, lawn areas, as shown on the approved Landscape Plan, which shall be posted for a period of two (2) years commencing with the completion of the landscaping and certification of the Landscape Plan, as required above. This reflects 20% of the Applicant's estimate of the total landscaping cost.
25. Prior to the request for issuance of any occupancy permit, the Applicant must demonstrate that the Project is substantially complete at the 90% level. To demonstrate substantial completion to allow for occupancy, Applicant must submit a written request to the Planning Board for an occupancy permit which must be accompanied by a written itemization of the level of completeness for all improvements and note those items which are incomplete. The written request for either a permanent or a temporary occupancy permit must be accompanied by appropriate information to demonstrate substantial completion and must be submitted three weeks prior to issuance of the certificate of occupancy.
26. Prior to the issuance of a final occupancy certificate, the Applicant shall submit to the Planning Board provided both in hard copy format and digital format, which is

acceptable to the Department of Engineering and compatible with the Town of Framingham GIS System Digital, an as-built plan provided both in hard copy format and digital format, which is acceptable to the Department of Engineering and compatible with the Town of Framingham GIS System Digital, stamped by a professional engineer certifying that all improvements are completed in accordance with the approved plan.

**WAIVER:**

In view of the reasons set forth in this Decision, the Planning Board agrees to accept the plans as drafted and to waive applicable provisions of the By-Law including, but not limited to, the following requirement:

1. A waiver from the provisions of Section IV.I(5)(c) of the By-Law waiving the requirement of an isometric line drawing.

Vote: 5 in favor, 0 opposed, 0 abstaining.

**DEFERRAL:**

In view of the reasons set forth in this Decision, the Planning Board agrees to accept the plans as drafted and to defer its decision with respect to construction of the remote parking proposed for Parcel 2, in accordance with the provisions of § IV.B(2)(a), subject to the following condition:

The portions of Parcel A shown on the Site Plan for construction of 47 parking spaces shall be land banked by the Applicant and construction of the remote parking spaces shall be deferred until the Applicant has completed a traffic study and parking monitor program (the "Traffic Study"), to be prepared at Applicant's expense, by a traffic consultant selected by the Applicant and reasonably acceptable to the Planning Board, in order to determine whether or not construction of some or all of the 47 remote parking spaces shown on the Site Plan are necessary in order to provide adequate parking for the Project. The Traffic Study shall be conducted one year or sooner if requested by the Planning Board following the issuance of the Certificate of Occupancy for the proposed building and shall record parking accumulation characteristics for the Site between the hours of 7:00 a.m. and 7:00 p.m. in thirty minute increments over a three day weekday period during a typical operating scenario for the building. The Traffic Study shall be presented to the Planning Board at a public meeting. If remote spaces are deemed necessary by the Traffic Study, then the Applicant shall construct the remote parking to the extent required to satisfy the recommendations of the Traffic Study. Construction of these parking spaces shall be in accordance with the Approved Site Plan and both the parking spaces and the associated pedestrian crossing improvements at the traffic signal located at Pleasant Street and Crossing Boulevard shall be implemented and completed within one (1) year following the Planning Board's decision on the need for remote parking. The Applicant shall be responsible for all design, permitting and construction costs associated with these improvements, as maybe required. If Traffic Study determines that some or all of the remote spaces are not required, then the Board shall waive construction of such spaces. The Traffic Study shall be submitted to the Planning Board within sixty (60) days following the issuance of a Certificate of Occupancy for the project and a public meeting shall be held within thirty (30) days following receipt of the Traffic Study.

**VOTE:**

2005 FEB -8 P-3 04

The vote in favor of granting the Site Plan Review pursuant to Section IV.I. of the By-Law, Special Permit for Increase in FAR pursuant to Section III.L.(5)(b) of the By-Law, Special Permit for Off-Site Parking pursuant to Section IV.B.(2)(a) of the By-Law, and Special Permit for Use pursuant to Section III.G.(1)(a) and Section III.F.(2)(a) of the By-Law, for Consolidated Group Services Company Limited Partnership and Consolidate Ventures Limited Partnership to redevelop the property located at 15 Pleasant Street Connector, including the construction of a new building for business and professional office use, with such building to have a gross floor area of approximately 59,654 square feet, with approximately 14,317 square feet of the building to be located in Framingham and the remainder to be located in Southborough, to construct a 465 space parking lot, including twelve (12) handicapped spaces, six (6) of which will be van accessible, and includes a parking deck containing 191 spaces, and to establish new landscaping at 15 Pleasant Street Connector, said premises being shown on Framingham Assessor's Map, Sheet 462, Block 10, Lot 1 and Sheet 463, Block 9, Lots A-5 and 56D, is as follows:

Site Plan Review Approval

Susan P. Bernstein.....Yes  
Andrea Carr-Evans.....Yes  
Thomas F. Mahoney.....Yes  
Carol J. Spack.....Yes  
Ann V. Welles.....Yes

Special Permit for Off-site Parking

Susan P. Bernstein.....Yes  
Andrea Carr-Evans.....Yes  
Thomas F. Mahoney.....Yes  
Carol J. Spack.....Yes  
Ann V. Welles.....Yes

Special Permit for Use

Susan P. Bernstein.....Yes  
Andrea Carr-Evans.....Yes  
Thomas F. Mahoney.....Yes  
Carol J. Spack.....Yes  
Ann V. Welles.....Yes

Special Permit for Increase in FAR

Susan P. Bernstein.....Yes  
Andrea Carr-Evans.....Yes  
Thomas F. Mahoney.....Yes  
Carol J. Spack.....Yes  
Ann V. Welles.....Yes

By: Ann V. Welles, vice-chair for  
Thomas F. Mahoney, Chairman, Framingham Planning Board

Date of Signature: 02-01-05

Consolidated Group Service Company Limited Partnership and Consolidated Ventures Limited Partnership accepts and agrees to comply in all respects with the foregoing conditions of approval to its Site Plan Review pursuant to Section IV.I. of the By-Law, Special Permit for Increase in FAR pursuant to Section III.L.(5)(b) of the By-Law, Special Permit for Off-Site Parking pursuant to Section IV.B.(2)(a) of the By-Law, and Special Permit for Use pursuant to Section III.G.(1)(a) and Section III.F.(2)(a) of the By-Law, to redevelop the property located at 15 Pleasant Street Connector including the construction of a new building for business and professional office use, with such building to have a gross floor area of approximately 59,654 square feet, with approximately 14,317 square feet of the building to be located in Framingham and the remainder to be located in Southborough; to construct a 465 space parking lot, including twelve (12) handicapped spaces, six (6) of which will be van accessible, and includes a parking deck containing 191 spaces, and to establish new landscaping at 15 Pleasant Street Connector, said premises being shown on Framingham Assessor's Map, Sheet 462, Block 10, Lot 1 and

of Section V.C., the Applicant agrees to notify the Building Department and the Planning Board at least three (3) weeks prior to applying for any such occupancy permit, to request the Town's inspection of the Premises to confirm that all improvements as prescribed in the above Conditions and as shown on the approved plans have either been completed or are the subject of an adequate performance bond.

Consolidated Group Service  
Company Limited Partnership

Consolidated Ventures Limited Partnership

By: Pleasant Street Venture Inc.,  
Its: General Partner

By: Pleasant Street Venture Inc.,  
Its: General Partner

By: James F. Carlin  
James F. Carlin, Treasurer

By: James F. Carlin  
James F. Carlin, Treasurer

2005 FEB 28 P 3:04  
ERK  
AM

A TRUE COPY ATTEST:  
Nancy Maloney  
TOWN CLERK FRAMINGHAM

James A. Brown  
Attest. Middlesex & Register