



TOWN OF FRAMINGHAM
ZONING BOARD OF APPEALS

150 Concord Street B2
Framingham, MA 01702

2016 SEP 27 P 3: 30

TOWN CLERK
FRAMINGHAM

BOARD OF APPEALS CASE NO. 16-23

PETITION OF FRANCISCO VIANA

DATE OF DECISION: SEPTEMBER 13, 2016

1. Application

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) on an Appeal filed by FRANCISCO VIANA (hereinafter the Applicant), for property located at 250 FRANKLIN ST. Appellant filed a Petition to Overturn the Building Commissioner's denial to convert a structure to a 4-unit dwelling (hereinafter the Petition).

2. Appellant

Francisco Viana
31 Rons Way
Framingham, MA 01701

Property Owner

PC Realty Trust
528 Central St.
Framingham, MA 01701

3. Location

Property is located at 250 Franklin Street and identified by Assessors' Parcel ID 120-68-8448-000 (hereinafter the Site).

4. Board Action

After due consideration of the Petition, the record of proceedings, and based upon the findings set forth below, on September 13, 2016 the Board voted to GRANT the requested appeal and OVERTURN the decision of the Building Commissioner by a unanimous vote of three (3) members sitting on the Application. The record of the vote is stated as follows:

PHILIP R. OTTAVIANI, JR.	YES
SUSAN S. CRAIGHEAD	YES
ROBERT SNIDER	YES

5. Proceedings

The Petition was received by the Board on June 23, 2016 pursuant to MGL, Ch. 40A, §8, and the Framingham Zoning By-Law. The Appellant presented the Petition to the Board at a duly noticed public hearing of the Board on August 9, 2016 at 7:00 P.M. in the Blumer Room of the Memorial Building. The hearing was continued to the September 13, 2016 meeting. Board Members Philip R. Ottaviani, Jr., Susan Craighead, and Robert Snider were present throughout the proceedings. Mr. Meltzer, sitting on the case, was absent for the hearing on September 13, and Mr. Snider, the appointed alternate, served as a voting member. The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute the record of the proceedings, may be referred to in the Office of the Zoning Board of Appeals at the Memorial Building.

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6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

- 6.1. Application filed with the Building Official to convert an office structure into four apartments, denied on June 23, 2016.
- 6.2. Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on July 15, 2016.
- 6.3. Filing fee in the amount of \$300.00.
- 6.4. Conservation Commission comments with attached map dated July 19, 2016.
- 6.5. Plans set entitled "Alterations to: 250 Franklin St. Framingham, MA", dated September 6, 2016, prepared by Gerald Couto, Architect, 25 Dennison Ave., Framingham, MA 01702, containing existing first and second floor plans (EX1) and proposed first and second floor plans (A1).
- 6.6. Site plan displaying addition and renovation, prepared by SRG Associates, Inc., 34 Simarano Dr., Marlborough, MA 01752 and stamped "Received" by the ZBA Administrator on June 23, 2016.

Exhibits 6.5 and 6.6 shall be hereinafter referred to as the "Plans."

7. Findings and Conclusions

Based upon its review of the Petition, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

- 7.1. The property is located within the General Residence (G) zoning district.
- 7.2. On June 23, 2016, the Building Official denied the Application for a permit to convert a structure into four apartments under Section II.B.1.C of the Zoning By-Law.
- 7.3. On July 15, 2016, the Appellant filed the Petition with the Town Clerk for the purpose of overturning the Building Official's denial.
- 7.4. Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on July 25 and August 1, 2016 and mailed to all parties-in-interest, as defined by G.L. c. 40A, §11.
- 7.5. The permit was denied on the basis of Section II.B.1.C, in the Table of Uses of the Zoning Bylaw, which states multi-family residences are not allowed in the G zoning district.
- 7.6. The Appellant, Francisco Viana, was present on August 9 and September 13, 2016. At the first meeting, he explained his intention to convert an office building into a four-unit residence. The structure currently has 16 off-street parking spaces. He presented a map pulled from the Town's GIS with hand notations of the number of units in nearby structures, showing that some are multifamily.
- 7.7. Comments from the Conservation Administrator urged the removal of some parking spaces due to the large amount of impervious area on the site. Ms. Betty Muto (TMM 12) also expressed concern about landscaping and parking. The Board asked that 8 of the 16 parking spaces be removed and replaced with landscaped area, and that an acceptable landscaping plan be presented to the ZBA office for administrative approval prior to the issuance of any building permits.

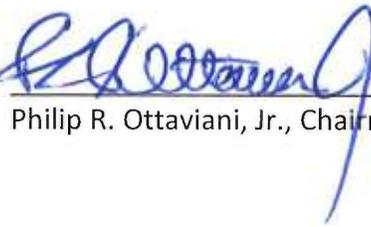
- 7.8. The Board finds that the proposed four-family use is consistent with the character of the neighborhood and would not be a substantial derogation from the purpose or intent of the Bylaw. There is a need for affordable rental housing in the downtown area, and this investment would be an improvement to the neighborhood.
- 7.9. The decision of the Building Commissioner is hereby OVERTURNED and a building permit APPROVED subject to the following conditions:
- 7.9.1. The proposed renovations shall be constructed as shown on the Plans.
- 7.9.2. Eight (8) of the 16 existing parking spaces must be removed, the pavement removed, and converted to landscaped area. A landscaping plan that complies with all applicable provisions of the Bylaw shall be approved by the ZBA Administrator prior to the issuance of any building permits.

8. Appeals

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, §17 and shall be filed within twenty (20) days after the date of filing this Decision with the Town Clerk.

ZONING BOARD OF APPEALS

By:



Philip R. Ottaviani, Jr., Chairman