



**TOWN OF FRAMINGHAM**  
ZONING BOARD OF APPEALS

150 Concord Street B2  
Framingham, MA 01702

2016 DEC 27 P 12: 04

TOWN CLERK  
FRAMINGHAM

**BOARD OF APPEALS CASE NO. 16-35**

**PETITION OF DOOR SYSTEMS, INC**

**DATE OF DECISION: DECEMBER 13, 2016**

**1. Application**

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) on the Application of DOOR SYSTEMS, INC. (hereinafter the Applicant), for property located at 120 ALEXANDER STREET. This Decision is in response to an Application for a Special Permit (hereinafter the Application) to allow an addition to a structure and loading dock located within the Floodplain District.

**2. Applicant & Property Owner**

Door Systems, Inc.  
120 Alexander Street  
Framingham, MA 01702

**3. Location**

Property is located at 120 Alexander Street and identified by Assessors' Parcel ID 141-93-1492-000 (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 DECEMBER 13, 2016, the Board voted to APPROVE the requested SPECIAL PERMIT, by a unanimous vote of three members sitting on the application. The record of the vote is stated as follows:

PHILIP R. OTTAVIANI, JR.	YES
SUSAN S. CRAIGHEAD	YES
STEPHEN MELTZER	YES

**5. Proceedings**

The Petition was received by the Board on September 16, 2016 pursuant to M.G.L. Chapter 40A, §9, and the Framingham Zoning Bylaw. The Application was considered by the Board at a duly noticed public hearing of the Board on October 24, 2016 at 7:15 PM in the Ablondi Room of the Memorial Building. The Applicant requested and the Board voted to continue the hearing to 7:30 PM on November 15, 2016 due to conflicting meeting schedules with the Conservation Commission. The hearing was closed under advisement on November 15, 2016. Board members Philip R. Ottaviani, Jr., Susan S. Craighead, Stephen Meltzer, and alternate Joseph Norton were present throughout the proceedings. The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute

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the record of the proceedings, may be referred to in the Office of the Zoning Board of Appeals at the Memorial Building.

At the October 24, 2016 hearing, the Applicant requested and the Board voted to continue the hearing to November 15, 2016 due to conflicting hearing times with the Conservation Commission. On November 15, 2016 the Applicant's representative, Mr. Charlie Shepherd, explained the small building addition and new loading dock. He commented that the proposed storage loss would be added within the loading dock area. He said that the Conservation Commission and the State would prefer to do a cut and fill analysis. Ms. Craighead asked the Applicant to address the proposed additions and clarify that there are no new impervious surface. Mr. Shepherd explained that the Town requested an O&M plan. He summarized that the addition would allow the trucks to simply reverse into the dock and load directly into the building. Mr. Ottaviani commented that the Board would need to conduct a site visit. The hearing was closed under advisement. On December 13, 2016, the Board voted unanimously to approve the petition.

## **6. Exhibits**

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

- 6.1. Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on September 16, 2016.
- 6.2. Filing fee in the amount of \$500.00.
- 6.3. Letter from the Building Department requiring the Applicant seek a Special Permit from the Zoning Board of Appeals, dated July 19, 2016.
- 6.4. Conservation Commission comments with attached site plan dated September 27, 2016.
- 6.5. Department of Public Works comments to the Conservation Commission dated October 13, 2016.
- 6.6. Plan, section, and elevation drawings entitled "Proposed Loading Dock Addition" (sheet A1.1), prepared by Golemme Mitchell Architects LLC, 6 Wilkins Drive, Suite 210, Plainville, MA 02762, dated December 08, 2015.
- 6.7. Plan Set entitled "Door Systems Inc. Proposed Loading Dock" (sheets C-1.0 and C-2.0), prepared by CDW Consultants, Inc., 40 Speen Street, Suite 301, Framingham, MA 01701, dated June 01, 2015, revised November 11, 2016.

Exhibits 6.6 and 6.7 shall be hereinafter referred to as the "Plan."

## **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) and General Manufacturing (M) zoning districts. The portion of the property on which the existing structure, proposed addition, and loading dock are located is entirely within the M zone.

- 7.2 On July 19, 2016, the Building Official denied the Building Permit Application for a new loading dock and garage bay addition within a Floodplain District per §III.A.2.b of the Framingham Zoning Bylaw.
- 7.3 On September 16, 2016, the Applicant filed with the Town Clerk an Application for Public Hearing before the Zoning Board of Appeals for the purpose of obtaining a Special Permit.
- 7.4 Notice of the public hearing was duly published in “THE METROWEST DAILY NEWS” on October 9 and October 16, 2016 and mailed to all parties-in-interest, as defined by M.G.L. c. 40A, §11. No Town Meeting Members appeared at the hearing.
- 7.5 Subject to the conditions stated in this Decision, the Board finds that the following conditions of approval of a Special Permit have been met:
- 7.5.1 The specific site is an appropriate one for such a use or structure. *Door Systems is an existing business allowed in the General Manufacturing zone. The addition and loading dock will allow for easier loading and unloading of materials, but the use will not change.*
- 7.5.2 Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including adequate off-street parking. *The loading dock will allow for more efficient loading and unloading. Off-street parking will not be affected.*
- 7.5.3 The use or structure as developed will not create a hazard to abutters, vehicles, or pedestrians.
- 7.5.4 The use or structure is consistent with the Intent of the district in which the use is proposed, and with the Purpose and Intent of this By-Law. *The Applicant is a purveyor of garage door systems. The property includes a showroom and warehouse, which are appropriate uses for the zoning district.*
- 7.5.5 All municipal services necessary to meet the needs of the proposed use are adequate and sufficient.
- 7.6 Pursuant to §III.A.2.b of the Zoning Bylaw, the Board finds that the proposed project meets the following conditions of approval for construction in the Floodplain:
- 7.6.1 Proposed development, including utilities, drainage, and paved areas, is located and designed to be consistent with the need to minimize flood damage.
- 7.6.2 The site plan includes all required information, including base flood elevation data.
- 7.6.3 New water and sewer systems (including on-site systems) are located and designed to minimize infiltration.
- 7.6.4 New and substantially improved non-residential buildings have been planned and designed to have the lowest floor (including basement) elevated to or above the base flood level; or be floodproofed to or above that level.
- 7.6.5 Proposed development will not encroach on the regulatory floodway.
- 7.7 The Board grants the requested Special Permit subject to the following conditions:

- 7.7.1 The proposed addition shall be constructed in accordance with the approved Plans.
- 7.8 This Decision applies only to the requested Special Permit. Other approvals or permits required by the By-Law, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 7.9 If the rights authorized by this Special Permit are not exercised within two years of the date of filing of the Decision with the Town Clerk, said Special Permit shall lapse; provided, however, that the Board in its discretion and upon written application by the Applicant may extend the time for exercise of such rights for a period not to exceed six (6) months. A request to extend said time limits shall be made in writing to the Board at least 30 days prior to said expiration date. The Board herewith reserves its rights and powers to grant or deny such extension, and to require any appropriate changes to this approval. If the Board does not grant such an extension within thirty days of the date of application therefore, and upon the expiration of the original two year period, such rights may be reestablished only after notice and a new hearing pursuant to MGL, Ch. 40A, §9.
- 7.10 This Decision shall be recorded at (as appropriate) the Middlesex South District Registry of Deeds or District of the Land Court prior to the issuance of a Building Permit. A copy of the recorded or filed Decision certified by the Registry, and notification by the owner of the recording, including recording information, shall be furnished to the Board and the Building Official.
- 7.11 The terms, conditions and provisions of this Decision shall run with the land and shall be binding upon the Applicant, its successors in interest and assigns, and shall be enforceable by the Town of Framingham.
- 8. Appeals**  
Appeals, if any, shall be made pursuant to M.G.L. c. 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