



TOWN OF FRAMINGHAM

ZONING BOARD OF APPEALS

150 Concord Street B2
Framingham, MA 01702

CITY OF FRAMINGHAM
CITY CLERK'S OFFICE

2017 DEC 26 P 2:19

BOARD OF APPEALS CASE NO. 17-51

PETITION OF SAXONVILLE REALTY TRUST

DATE OF DECISION: DECEMBER 12, 2017

1. Application

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) on the Application of SAXONVILLE REALTY TRUST (hereinafter the Applicant), for property located at 2 CENTRAL STREET. This Decision is in response to a Petition for a Special Permit for a restaurant (café) use (hereinafter the Application).

2. Applicant & Property Owner

Saxonville Realty
2 Central Street
Framingham, MA 01701

3. Location

Property is located at 2 Central Street and is identified by Assessors' Parcel ID 050-22-9616-000 (hereinafter the Site).

4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on December 12, 2017 the Board voted to GRANT the requested SPECIAL PERMIT by a unanimous vote in favor of the petition of three (3) members sitting on the Application. The record of the vote is stated as follows:

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

5. Proceedings

The Application was received by the Board on November 2, 2017 pursuant to MGL, Ch. 40A, §10, and the Framingham Zoning By-Law. The Application was considered by the Board at a duly noticed public hearing of the Board on December 12, 2017 at 7:15 P.M. in the Blumer Community Room of the Memorial Building. Board Members Philip R. Ottaviani, Jr., Susan Craighead, Stephen Meltzer, and Alternates Robert Snider, Edward "Ted" Cosgrove, Joseph Norton, and Rick McKenna were present throughout the proceedings. Due to potential imminent changes to the makeup of the Board, Mr. Ottaviani appointed Mr. Snider, Mr. Cosgrove, Mr. Norton, and Mr. McKenna as alternates. 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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The property owner, Ms. Charlotte Maynard was present with the architect, Mr. Herbert Everett. Ms. Maynard explained the request for the addition of a roaster and café use in building 1. She proceeded to address the concerns of the DPW, BOH, and PB (Exhibits 6.4-6.7). Mr. Meltzer asked if bicycle racks/parking would be provided. Ms. Maynard responded if bike racks are added, it would be by the building entrance, and that existing parking spaces by the entrance would now be dedicated to the café. Mr. Ottaviani asked for hours of operation. The Applicant responded, Monday to Sunday, 6:00 AM to 6:00 PM. Ms. Craighead requested that parking spaces be striped and clearly designated. She suggested if entrance and exits were not clear that arrows are marked to identify navigation direction.

Ms. Phillis Timmons (4 Elm Street) voiced concern regarding parking. Ms. Maynard responded tenant contracts required designated parking spaces in the Watson Place parking lot and enforcement will be managed once signage has been installed reserving spaces for café use. Ms. Lynne Damianos (24 Meadow Street) spoke in favor.

6. Exhibits

- 6.1. Application filed with the Building Official for restaurant/café use, dated October 31, 2017.
- 6.2. Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on November 3, 2017.
- 6.3. Filing fee in the amount of \$500.00.
- 6.4. Department of Public Works (DPW) comments dated, November 21, 2017.
- 6.5. Board of Health comments (BOH) dated, December 8, 2017.
- 6.6. Planning Board (PB) comments dated December 12, 2017.
- 6.7. Packet including, Aerial Image Parking Diagram (A.4), prepared by Ever Design Works, Department of Environmental Protection Release Tracking Numbers, prepared by ENSTRAT, and Civil Engineering calculations for inflow and infiltration mitigation, prepared by Samiotes, to address exhibits 6.4, 6.5, and 6.6, submitted at the hearing December 12, 2017.
- 6.8. Plan set entitled “Saxonville Mills Coffee Co.”, including View from Corridor Door, Plan with Corridor & HC Toilet Room (A.1), Café Plan (A.2), View From North Entry (A.3), and illustrative Site Plan, prepared by Ever Design Works, 2 Watson Place, Bldg 5C, Framingham, MA, 01701, and dated October 26, 2017.

Exhibit 6.8 shall be hereinafter referred to as the “Plans”.

7. Findings and Conclusions

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

- 7.1. The property is located within the Manufacturing (M) zoning district.
- 7.2. On October 31, 2017, the Building Official denied the Application for restaurant/café use under Section II.B.5.J of the Zoning By-Law.


- 7.3. On November 3, 2017, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a Special Permit for restaurant use.
- 7.4. Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on November 26 and December 3, 2017 and mailed to all parties-in-interest, as defined by G.L. c. 40A, §11. No Town Meeting Members from Precinct 3 were present.
- 7.5. Subject to the conditions stated in this Decision, the Board finds 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. *The property is located in the Manufacturing Zoning District, which allows restaurants through a Special Permit.*
- 7.5.2. Adequate and appropriate facilities for the restaurant use will be provided for the proper operation of the proposed use, including adequate off-street parking. *There will be 7 dedicated parking spaces in the parking lot adjacent to the café entrance. Many patrons will be parking in other lots at the Mill as employees or visitors.*
- 7.5.3. The use or structure as developed will not create a hazard to abutters, vehicles or pedestrians. *The proposed restaurant facility conforms to the By-Law Requirement.*
- 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 property is located in the Manufacturing Zoning District which allows restaurants through a Special Permit.*
- 7.5.5. All municipal services necessary to meet the needs of the proposed use must be adequate and sufficient. *All services necessary to meet the needs of the proposed restaurant use are adequate and sufficient.*
- 7.6. The Board grants this Special Permit subject to the following conditions:
- 7.6.1. The proposed restaurant facility shall be located and constructed substantially as shown on the Plans.
- 7.6.2. Parking spaces are to be dedicated and striped as shown on the parking plan (A.4) referred to in exhibit 6.7.
- 7.6.3. Operating hours shall be limited to 6:00 am to 6:00 pm Monday through Sunday.
- 7.7. 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 one year period, such rights may be reestablished only after notice and a new hearing pursuant to MGL, Ch. 40A, §9.

- 7.8. 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.
- 7.9. 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 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