



FRAMINGHAM PLANNING BOARD
150 CONCORD STREET, FRAMINGHAM, MA 01702



MEMBERS OF THE PLANNING BOARD: CHRISTINE LONG, CHAIR - LEWIS COLTEN, VICE CHAIR - VICTOR ORTIZ, CLERK - SHANNON FITZPATRICK - JOSEPH NORTON

To: The City Council Subcommittee on Planning and Zoning and the City Council members
From: The Planning Board
Re: Nobscot Zoning (May 20, 2019) Community Meeting Review and Response
Date: May 30, 2019

Dear Members of the City Council Subcommittee on Planning and Zoning and Members of the City Council,

It has been brought to the attention of the Planning Board that the recent proposal for redevelopment of the Nobscot Plaza may have resulted in some possible changes being proposed by neighbors to the zoning district that differ from recommendations made by the Planning Board. Possible changes of concern to the Planning Board involve the review process regarding building height allowances and a drastic reduction in the current proposed Nobscot Village (B-4) Zoning map recommended by the Planning Board.

During the May 30, 2019 Planning Board meeting, the Planning Board reviewed the concerns and determined that there are alternative amendments that can be adopted as a satisfactory compromise to assuage these concerns. Please consider the following options:

Building Height

The B-4 Zoning District is currently drafted to set the height limit at three stories while allowing the Planning Board to retain control over the project by retaining the authority to review projects requesting additional floor height via a special permit. Such additional floor height would only be allowed if the Planning Board determines that such increase in height is beneficial to the project. Under current zoning regulations an applicant is forced to file an application with the Zoning Board of Appeals for any increase in height that deviates from zoning regulations. However, under the proposed B-4 Zoning District, an applicant would be able to include an increase in height within their project application with the Planning Board for a modest increase in height. Such height increase allowance would require a super majority (4 out of 5) vote while allowing the Planning Board to retain control over the development of the project as a whole. In addition, this could potentially deter further requests for additional height with the Zoning

Board of Appeals since the Planning Board could find alternative ways to modify the project that would satisfy the applicant's project needs.

To ensure proper safeguards for abutting residents and the Nobscot community as a whole, the Planning Board suggests the following recommendations:

- Leave in the allowance of an additional fourth floor via a special permit from the Planning Board requiring a super majority vote of four-fifths.
- Include requirements for the Planning Board to follow for the consideration of the additional floor. Such requirements shall include the following:
 - Increased provisions for setbacks of structures with four floors with respect to abutting properties;
 - Structures shall not exceed 40 feet;
 - Roof top equipment that cannot be inhabited and cannot exceed an additional 10 feet;
 - All windows on the side facing a residential structure shall be tinted to prevent light spillage or glare during the evening hours; and
 - Addition of a possible provision to allow for a Peer Review Consultant to ensure that the design is consistent with the intent of the Nobscot Village District and that the height does not override other structures within the area, ensuring that no shadows are created.

B-4 Zoning District

The Planning Board requests that the Council use caution when considering any reduction to the B-4 District since it could be considered close to spot zoning which is viewed as illegal and is the process of singling out a small parcel of land for a use classification that deviates from the surrounding area for the benefit of the owner of the property to the detriment of others and is the antithesis of planning for zoning districts.

The Planning Board has held numerous public hearings and meetings where they have reviewed and discussed the boundaries of the proposed B-4 Zoning District with the public resulting in the current amended boundaries that includes eliminating the Hemenway School. The alternative proposal by some places the sole focus on the redevelopment of the Nobscot Plaza rather than the district as a whole. Such a proposal is a drastic reduction to the zoning district that effectively would result in only including three parcels of land - one owned by Andy Rose, the abutting parcel located at 861 Edgell Road and the parcel located at 847 Edgell Road. Although this reduction in the district may not appear to be spot zoning, it will be very close to spot zoning since it will only benefit a few landowners, two of whom could easily and potentially sell to one owner to consolidate all three lots as one, thereby potentially becoming a spot zoned parcel.

Finally, some of the property owners who would be eliminated from the current zoning district as proposed by the Planning Board have voiced their concerns and opposition to the reduction being proposed since they view this change as being unfairly biased to benefit a few while eliminating fair opportunity for market competition by others within the district.