



**Town of Framingham
Board of Selectmen**

Policy on Town Common Usage

Issue date:

Type of policy: New () Amendment ()

Effective date:

Level: Department () Division () Town Wide ()

Policy Statement

The Town of Framingham owns two (2) Town Commons: one in the Framingham Centre Historic District and the other in Downtown Framingham. Town Commons have a unique status as a real estate asset of the community. In addition to their park-like physical attributes, the traditional Town Common holds the distinction of being a “traditional public forum”, that have often been used as a place of assembly, the communicating of thoughts between citizens, and discussion of public issues and questions.

Therefore, there is a need to establish policies and procedures governing their use in such a way as to assure the protection and maintenance of the asset while at the same time assuring that those regulations do not overly restrict or prohibit the use of the Town Common as a traditional public forum. In this regard, the policies that govern the use of both the Framingham Centre Town Common and the Downtown Framingham Common must be narrowly tailored so as to be ‘content neutral’. The limitations which such a policy might place on the time, place and manner of use must advance specific interests in preserving the viability and utility of the forum itself.

References

None.

Special Terms

None.

Policy Description

Section 1 GENERAL POLICIES

The term Town Common refers to both the Framingham Centre Town Common and the Downtown Framingham Common. Among the specific governmental and community interests that this policy seeks to advance and protect are:

- Assure that the use of the Town Common as a traditional public forum, in a manner that protects public health and safety, continues.
- Balancing the availability of use among a large number of potential users of the Town Common. Serial use of the Town Common should not limit or preclude the use by other applicants for use.
- Protecting the Town Common, a real estate asset with unique historical and aesthetic qualities, from overuse and damage either from one significant event or a series of events in a short period of time. Vehicles are prohibited on the Town Common without the explicit written permission of the Town Manager. In such cases, detailed instructions will be provided (see Appendix A).
- Managing improvements and alterations to the Town Common to maintain a historical context and design plan. The Town Manager or his designee will oversee all tree and shrub planting, plaques and memorials, and ensure the overall vision of the Town Common. Approval for plaques, memorials or major plantings will be brought to the full Board of Selectmen, while minor changes and maintenance is within the purview of the Town Manager. The Tree and Shrub planning guide is detailed in Appendix B. The plan for the Framingham Centre Town Common and Downtown Framingham Common is in Appendix C.

Care, custody, control and management of the Town Common reside with the Board of Selectmen. The Board of Selectmen delegates this responsibility to the Town Manager.

Any organization or individual seeking to use either of the two Town Commons in Framingham for an organized event must submit an application for use to the Town Manager's office.

Wires, equipment, signs, tents and other similar structures, or any other miscellaneous items, will not be hung from trees.

Temporary displays, tents or structures may require approval by the Building Commissioner. Food sales may require obtaining a permit from the Town's Board of Health.

The Applicant is responsible for knowledge and adherence to all applicable State and local laws, policies and codes.

Section 2 PROCEDURES FOR USE OF THE TOWN COMMON:

Applications for temporary signs or displays shall be submitted to the Town Manager at least seven (7) days prior to the requested date for use.

Applications to conduct activities on either Town Common shall be submitted to the Town Manager at least fourteen (14) days prior to the requested date for said use. Advance planning for major events is highly recommended.

Applications must specify:

- If the request is for use of the Framingham Centre Town Common or the Downtown Framingham Common.
- Name, address, email address and telephone number of the Applicant or in the case of an organization, the contact person for the organization making the request.
- Nature and purpose of the event.
- Date and time frame of the event.
- The estimated number of persons anticipated to be in attendance. (Reference is made to the requirements for a Public Entertainment License under Mass General Laws and the Town of Framingham reserves the right to require an application for public entertainment and to set appropriate requirements and conditions).

Section 3 GENERAL PROVISIONS

The Town Manager or designee shall exercise discretion in seeking input from public safety, health and other officials based on the information contained in the application. The Town Manager may require the sponsor to pay for Town services including but not limited to electricity, lighting, water, or detailed police officers as she/he deems necessary.

Permission for use is issued on the express condition that the Applicant shall maintain the area and any approved display, in good condition at all times. The Applicant shall leave the Town Common in the same condition it was before the event. All trash must be removed and properly disposed of by the Applicant.

No fee will be charged by the Town for a permitted use; however, a deposit, based on the nature of the event and to be determined by the Town Manager, is required and will be returned in full when the Town Common is determined to be restored to pre-use conditions.

Use may be revoked at any time if an event engages in activities outside the scope of permitted use.

Applicants may be required to provide proof of insurance to protect the interests of the Town. Town Manager or designee will act on applications for use expeditiously in accordance with the policies and procedures set forth in this policy.

Appendix A

Vehicle Access to the Town Common

All efforts to restrict the use of vehicles on the Town Common must be used.

In an effort to protect the trees on the Town Common, soil compaction and damage to the critical root zone must be considered and avoided at all times. As such, the use of vehicles on the Town Common must be restricted in the following ways:

- Travel and parking on the critical root zone of the trees should be avoided.
- A dedicated access point will be designated.
- Vehicular travel on stone dust walkways adjacent to the trees should be avoided.
- Site conditions will be considered prior to access approval.
- When vehicles must be used for special events, a clear understanding of vehicle access, placement, and use must be approved prior to the event. Critical root zone diagrams will be provided to all users (figure 2).

The placement of portable structures, such as barrels, portable restrooms, tents, and canopies must have prior approval.

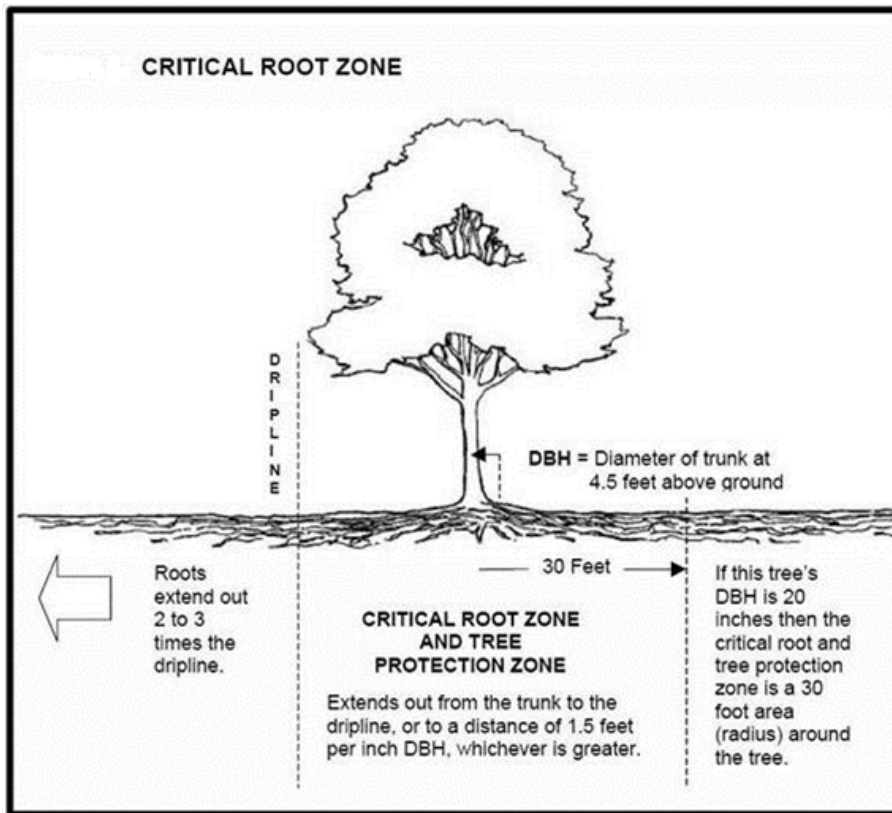


Figure 2: Critical root zone

APPENDIX B

Tree and Shrub Planting Guide for the Town Common

This document is intended to serve as a guide for how to best protect the natural resources of the Town Common. The Town Tree Warden will maintain all trees, conduct annual inspections, and remove hazardous trees and tree parts in regards to the Town Common. The Tree Warden will also be responsible for developing a proactive maintenance schedule to include an integrated pest management program (IPM) and will approve all plantings in accordance with design and policy standards. Trees and shrubs to be planted must be chosen from the approved tree/shrub list, which shall include disease resistant varieties. Invasive and/or exotic species will not be permitted. Prior to planting a selection, careful consideration will be given to site evaluation and will be approved by the Tree Warden based on light exposure, space, size, growth habit, and function.

Figure 1 illustrates the proper planting procedure. In order for new plants to become established, newly planted trees and shrubs must receive adequate water weekly during the entire first growing season. Staking and tree wrapping will be considered on a case by case basis.

The Tree Warden will coordinate maintenance strategies and schedules with the Buildings and Grounds foreman.

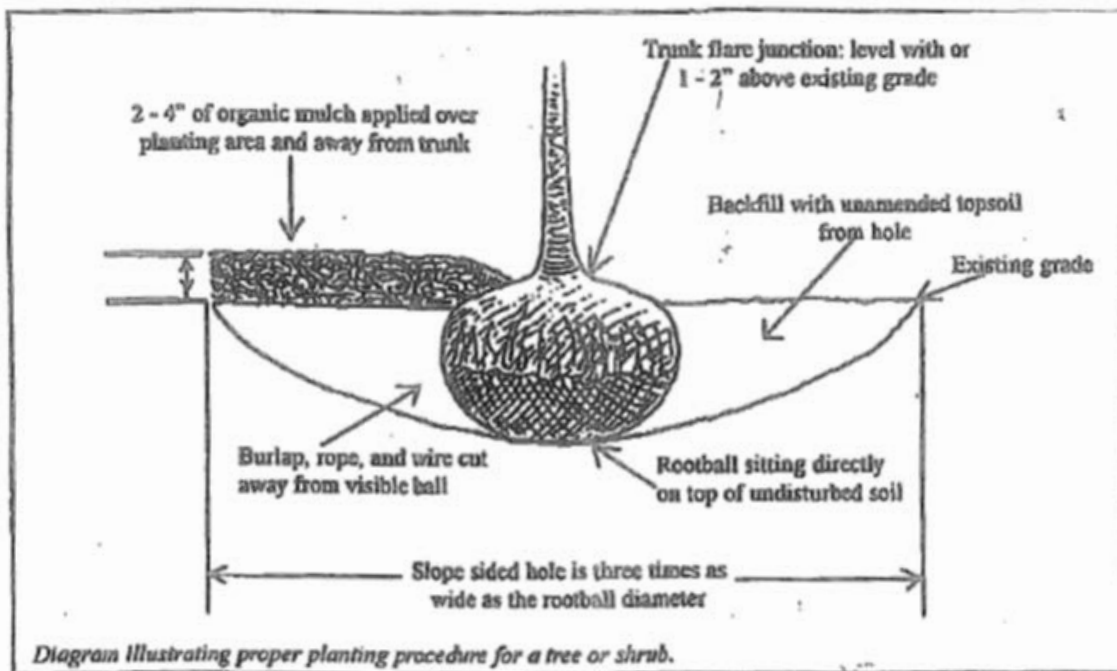


Figure 1: Proper planting procedure

APPENDIX C
Plan for the Framingham Centre Town Common
and Downtown Framingham Common

To be provided.