

**Foxborough Planning Board  
Meeting Minutes  
August 25, 2011  
Town Hall**

Present were Kevin Weinfeld, Bill Grieder, Ron Bressé, Gordon Greene, and Shannon McLaughlin. Also present were John Rhoads, associate member, and Sharon Wason, Town Planner.

The meeting was called to order by Mr. Weinfeld at 7:00 p.m.

**Agenda Item**

**7:00 p.m. Review of old/new business**

**Correspondence**

The Board read correspondence received relative to the traffic management plan and parallel parking at Patriot Place received from Police Chief

**Review of minutes**

March 31, 2011

Shannon McLaughlin abstained since she was not a member of the Board at the time of the meeting. Ron Bressé, John Rhoads abstained since they did not attend the meeting.

**Motion** by William Grieder to approve the minutes of March 31, 2011 as submitted/G.Greene second. The motion carried 3-0-3 (R.Bressé, J.Rhoads, S.McLaughlin abstained)

April 28, 2011

S.McLaughlin abstained since she was not a member of the Board at the time of the meeting.

**Motion** by W.Grieder to approve the minutes of April 28, 2011 as submitted/R.Bressé second. The motion carried 4-0-1 (S.McLaughlin abstained)

May 12, 2011

**Motion** by W.Grieder to approve the minutes of May 12, 2011 as submitted/G.Greene second. The motion carried unanimously 5-0-0

May 25, 2011

**Motion** by W.Grieder to approve the minutes of May 25, 2011 as submitted/Bressé second. The motion carried unanimously 5-0-0

June 23, 2011

Kevin Weinfeld, R. Bressé, S.McLaughlin abstained since they were not present at the meeting.

**Motion** by John Rhoads to approve the minutes of June 23, 2011 as submitted/G.Greene second. The motion carried 3-0-3 (K.Weinfeld, R. Bressé, S.McLaughlin abstained)

**Planner's Report** (attached)

Ms. Wason briefed the Board on activities the past week, highlighting PWED bid opening. She asked permission to provide support and assistance to the Sign Review Committee; agreed to be part the Board.

### **7:30 p.m. Public Hearing on Planning Board Fees**

Mr. Weinfeld read the Public Hearing notice that appeared in the Foxboro Reporter on August 11, 2011 and August 18, 2011. The notice of Public Hearing and the proposed fee changes were filed with Mr. Cutler on August 1, 2011. Ms. Wason explained that the specific fees were proposed to be removed from the text of the Subdivision Rules and Regulations and a Table F was to be inserted with a schedule of fees. Mr. Weinfeld explained that Mr. Resnick did a comparison with abutting communities, and Ms. Wason said that she thought the previous planner did a great job in trying to accurately estimate the actual labor involved and that she believed he had only left out the minimum fees for certain permits. She also suggested a per abutter notice fee in the event that the number of abutters exceeded some “normal” number. Mr. Weinfeld asked the Board to consider whether there should be a minimum charge. Mr. Grieder noted that the last time the Board raised fees was in the early 90’s and that the analysis was to evaluate similar towns and the goal was to be fair. The Board discussed the means of notification, Mr. Rhoads saying he liked that the applicant doing the work to notify abutters for subdivision hearings and presenting the proof of mailing at the beginning of the Public Hearing. Motion Grieder/Greene to close; approve fee schedule as presented Table F with abutters notice deleted (vote 5-0-0); Motion by W.Grieder to amend the Subdivision Rules and Regulations as read/S.McLaughlin second. The motion carried unanimously 5-0-0.

### **8:00 p.m. Request for minor modification “Christensen Estates” subdivision**

Developer Larry Stern appeared; he has lived off Mary Way for over 20 years. He has recently purchased an approved subdivision named “Christensen Estates” and he wishes to rename the subdivision something associated with the nearby country club. He doesn’t want to change the street name itself, only to change the subdivision name, largely for marketing purposes.

Mr. Grieder asked whether Mr. Stern was going to develop and build the road and houses or who he was going to work with. Mr. Stern said that he would build the road and do the site work; his friend Chris Cunniff would build the houses. Mr. Stern explained that he and his brother have a successful cleaning supply company in Taunton. Mr. Cunniff’s role was as construction supervisor and advisor. Mr. Grieder recounted the details of a street acceptance with Mr. Cunniff in a subdivision he build and the process that went all the way to Town Meeting. Mr. Stern explained that Mr. Cunniff is not a partner – he’s using capital that was saved for his children’s college and he named his trust JBC Real Estate after his children. Mr. Stern said as a long-time resident he has a relationship with people in the community and he values his reputation and his relationships.

Mr. Stern says he plans to start with the two Form A lots, and once they’re sold, he’ll start the road. Mr. Grieder said the Board wants to work with subdividers and make the best project for everyone. Mr. Stern suggested “Fairway Woods” as the name. The Board suggested he consult the Police and Fire Chiefs to ensure there is no conflict with Fairway Lane.

### **8:15 Review of Draft Renewable Energy and EDA Zoning Provisions/Amendments**

Mr. John Twohig and Peter Tamm of Goulston & Storrs appeared to present suggested zoning amendments. Also present were William Casbarra, Building Commissioner, and Kevin Paicos, Town Manager. Mr. Twohig described the effort, stating they had originally focused on high tech

office and uses associated with that, and in their meetings with Town Boards and officials, the articles have expanded to the proposal before the Board this evening. Mr. Twohig stated this is the 3<sup>rd</sup> time they've met with the Planning Board and he has had many other meetings with town officials including Mr. Casbarra and Mr. Paicos.

Mr. Twohig explained that the wind energy article was influenced by Mr. Resnick and his firm worked with Mr. Resnick to develop the wind article. Mr. Tamm is generally recognized as an expert on wind energy. Mr. Twohig said that some of the other changes were "things that we have become aware of because of tenants, banks, other lawyers, and others" in reviewing documents and the general course of business.

The articles are grouped as

- Wind energy and renewable energy
- Expanding entertainment alternatives
- EDAOD uses as illustrated in the MEPA (issues that have come up as they attempt to make the MEPA uses "real")

Mr. Grieder noted that the use table and definition for commuter rail had been expanded to more accurately reflect a realistic operational description; he did wish to make sure that the language would prohibit overnight locomotive and train storage. Mr. Greene asked whether the definition of transportation facilities include helipads.

Mr. Rhoads said that once you prohibit the use, then you never have to regulate it.

Included was a new parking requirement for High Tech Offices. There was a discussion concerning the number of parking spaces and how much space was dedicated per employee. Ms. Wason wondered if there were enough spaces, compared to the "High Tech Office" where her husband was employed in Waltham on Rte. 128. Mr. Twohig explained software development, web development, other new economy sorts of uses required lots of space for equipment/storage, computer rooms, etc.

Ms. Wason questioned the inclusive of "advertising" on the wind turbine. Mr. Rhoads said that if advertising made more turbines available, he wouldn't, as one citizen, object. Ms. Wason differentiated between signs that identified the manufacturer or utility provider, but said she had problems with advertising of unrelated items as a revenue source.

Mr. Twohig continued through items. In section VII, he said at the suggestion of the Town Manager, they had developed some possible language for casinos. Mr. Paicos then spoke about Item VII. Section a to amend 9.5.4.9 to allow gaming -- he appealed to the Board to "preserve" the option of gaming and all the associated facilities like hotels, conference centers, restaurants, golf or other recreational facilities. Spin-off business on Rte. 1 would benefit as well. Ms. Wason clarified the article as written said "as may be permitted" because the casino bill hasn't passed the Legislature.

Mr. Paicos said the communities that already have the zoning that permit gaming facilities will have an enormous benefit, particularly since the time frames are so tight. He thought that once the bill passed, the state would move fairly quickly to begin the licensing process and there were only three casinos and one slots facility proposed in the bill.

Mr. Weinfeld asked whether in the S-1 district, gaming might be allowed, maybe upon issuance of a special permit. He then said when he goes the polls or town meeting, there may be someone

asking you to sign a petition, and you do it so something is on the ballot for the voters to decide on, whether you actually support it or not. In this case, you could argue that the Planning Board passing it along to the Selectmen isn't taking a position, it's just giving the people a chance to consider. Mr. Weinfeld said he's worked in the industry and knows all the pluses and minuses. Mr. Grieder said that the Town voted on a "racino" in the recent past and that he has a problem with just putting it forward. Additionally, Mr. Grieder said that the Planning Board has made promises to the Board of Selectmen and the Advisory Committee that the Planning Board wouldn't rush the process for any articles; he personally wouldn't want to anyway, let alone something he thought was this controversial.

Mr. Paicos said he believed that all this does is "keeps Foxborough in the game." Mr. Rhoads wondered whether the Board of Selectmen would submit the article and Mr. Paicos said that he would consult with the Board at their next meeting. There was further discussion and consensus that the Planning Board would submit the articles discussed this evening except for a revised gaming article.

Mr. Tamm said that what Mr. Paicos described as the urgency was correct, given what the Legislature's schedule seems to be. Mr. Weinfeld said that because this has a schedule that's driven by a time schedule of the gaming bill and not by the Town of Foxborough and its citizens. Mr. Tamm asked the Board to send whatever the Board thinks as appropriate to move ahead to the Board of Selectmen. Mr. Greene does not want to refer the gaming article because he thinks the Board's moving too fast and it looks like the Planning Board is essentially in agreement with the subject.

Mr. Bressé said the Board shouldn't rushed in such an important topic as the gaming proposal. It would be possible to send articles to the Board of Selectmen while the Planning Board continues to work on them. Final language won't be required until the Warrant is written.

Ms. McLaughlin said she had only been on the Board since May and she wanted the opportunity to speak with neighbors and friends on the gaming bill, but at this point feels she doesn't want it to transmit a gaming article to the Board of Selectmen but if other members with more perspective think it should be decided by the citizens, she would support it in concept. Mr. Rhoads said he would like to be cooperative with the Kraft group and would like to cooperate with the Town Manager and the Board of Selectmen. But he's would be open-minded if the Board of Selectmen would be sponsoring the gaming article and wants to move it along.

Discussion continued with alternative language for the multiple buildings on a lot being allowed in the EDAOD and with the various height proposals. Mr. Weinfeld noted that since it was nearly 11:30, he would entertain a motion to adjourn. On a motion by Mr. Grieder, seconded by Mr. Greene, the Board adjourned at 11:30 p.m.

Next meeting: September 8, 2011

Respectfully submitted,  
Sharon Wason  
Town Planner

Approved by: Kevin Weinfeld, Chairman

Date: October 27, 2011