

**Foxborough Planning Board  
Meeting Minutes  
December 8, 2011  
Ahern Middle School Auditorium**

**Members Present:** Kevin Weinfeld, William Grieder, Gordon Greene, Ron Bressé,  
Shannon McLaughlin, Alternate John Rhoads

**Also Present:** Planner Sharon Wason

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

**Planner's Report**

Sharon Wason informed the Board that Request for Proposals for the Master Plan and Request for Estimates for review of Subdivision Regulations and Site Plan requirements have been sent out. She requested approval of proposed deadlines: choose most qualified candidates at the January 12<sup>th</sup> meeting and then interview them at the January 26<sup>th</sup> meeting.

The budget for the RFP for Master Plan is what was approved at the Annual Town Meeting. The budget for the RFE is no more than \$5,000.

S.Wason explained that a Tufts professor has a modeling exercise which is an excellent plan to help envision improvements to the downtown. She asked the Board permission to invite him to present at a future meeting. The Board agreed to the presentation.

Parking subcommittee – Tim Cummings is submitting a Massachusetts Downtown Initiative (MDI) technical assistance grant application and needs volunteers for a working committee on downtown parking. The Board agreed that a member will serve in the subcommittee in the event the grant is approved.

S.Wason stated that there is a need to put upcoming meeting schedule online and asked the Board to adopt next quarter's schedule:

January 12 & 26

February 9 & 16

March 8 & 22

Kevin Weinfeld stated that he would be absent at the January 12<sup>th</sup> meeting. William Grieder stated that he would be absent at the January 26 and February 16<sup>th</sup> meetings.

S.Wason informed the Board that a realtor visited the office today to get information on Judge Brown's property which will be listed very soon.

S.Wason stated that she would like to take much of December 27-30 off. Will coordinate office coverage with Gaby, both will be checking in over the week since traditionally, there isn't much activity in the office during that week.

S.Wason stated that she has confirmed internship with Alison Shepard, MIT student. She will be working on downtown inventory. William Grieder stated that the blog for the Payson Road project was well received and would like to see this type of communication continue with other projects.

**7:15 p.m. Continued Public Hearing – Special Permit  
Accessory Apartment – 7 Childs Lane  
Ron & Arleen Miller**

Ron Miller was present. He stated that he met with Board of Water & Sewer Commissioners and explained his situation. The Commissioners agreed to allow the project with conditions. Kevin Weinfeld read the letter submitted by the Water & Sewer Commissioners stating that they have no objections to granting the special permit with conditions.

There were no comments from the public.

**Motion** by W.Grieder to close the public hearing. Seconded by Gordon Greene. Unanimous Affirmative Vote (5:0)

**Motion** by W.Grieder to approve the special permit with the following conditions:

1. This permit is specific to the petitioner. It is not transferable, nor shall it run with the land.
2. Occupancy of the second unit shall be limited to the petitioner's daughter and her family, Stacey, Jose & Crystallyne Quinones. This Permit shall expire upon the home being sold or when the petitioner's daughter and family no longer reside in the unit.
3. The property will be allowed to exceed the current sewer permit level for a three bedroom home for the duration of the current medical conditions, or until the property is sold.
4. This Special Permit shall be recorded at the Registry of Deeds and referenced to the deed of the parcel prior to its taking effect. A copy of the recording information shall be supplied to the Building Commissioner and Planning Office prior to a Building Permit being issued.
4. Any change(s) from this permit or any of its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).

Seconded by Shannon McLaughlin. Unanimous Affirmative Vote (5:0)

**7:20 p.m. Request for Lot Release  
"The Gables at Foxboro Green" Subdivision**

S.Wason explained that Mr. McCarthy had submitted a letter requesting the release of Lot 7 from the covenant. Mr. McCarthy called the office today to request that the request be considered at the next meeting since he would not be able to attend tonight's meeting due to a family emergency. W.Grieder requested that this item be re-scheduled until site inspector Norman Mullaney inspects the site.

**7:25 p.m. General Business**

**Review of Minutes**

**July 12, 2011**

The Board reviewed the minutes of the meeting held on July 12, 2011. All members were present at the meeting. There were no comments or corrections.

**Motion** by W.Grieder to approve the minutes of July 12, 2011. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

**July 28, 2011**

The Board reviewed the minutes of the meeting held on July 28, 2011. All members were present at the meeting. There were no comments or corrections.

**Motion** by G.Greene to approve the minutes of July 12, 2011. Seconded by W.Grieder. Unanimous Affirmative Vote (5:0)

**August 18, 2011**

The Board reviewed the minutes of the meeting held on August 18, 2011. S.McLaughlin and John Rhoads were not present at the meeting. There were no comments or corrections.

**Motion** by W.Grieder to approve the minutes of August 18, 2011. Seconded by G.Greene. Unanimous Affirmative Vote (4:0)

**October 13, 2011**

The Board reviewed the minutes of the meeting held on October 13, 2011. All members were present at the meeting. There were no comments or corrections.

**Motion** by W.Grieder to approve the minutes of October 13, 2011. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

**October 27, 2011**

The Board reviewed the minutes of the meeting held on October 27, 2011. S.McLaughlin was not present at the meeting. There were no comments or corrections.

**Motion** by W.Grieder to approve the minutes of October 27, 2011. Seconded by Ron Bressé. Unanimous Affirmative Vote (5:0)

**Payson Road PWED Project**

S.Wason stated that Payson Road is 60.9% is finished. They are hopeful that \$225,000 will be left for the North Street portion of the project.

W.Grieder stated that he met with a Harding representative along with G.Greene to discuss in kind services for the use of the staging area. Harding agreed to extend the radius of the center entrance at Payson fields to make it a safer entrance. The Board also discussed improving the line of sight at the Ernie George Field driveway.

**7:25 p.m.      Form A  
                    29 & 31 Shea Lane  
                    King-Foxboro LLC**

The Board reviewed the proposed plan. K.Weinfeld noted that the plan is to attach a portion from a lot where the superintendent's house was located and adding to lot 5-E. The Board noted that there are no new house lots are being created.

**Motion** by W.Grieder to approve the form A plan since the Board found that no new lots were being created and all existing lots have appropriate access and sufficient frontage on public ways. Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

The Board discussed the driveway on lot F-17A stating that they would like to discuss this driveway with the developer at a later date.

**7:30 p.m. General Business**

**Proposed Downtown Plan**

S.Wason asked the Board for input on the scope of the study, she suggested that include Gilmore Street, Market Street, CVS and Bank, Post Office with the railroad tracks as boundary. G.Greene stated that he would prefer that the study area be extended to the Senior Center site. S.Wason stated that a survey would be prepared. Questions included would determine what businesses people frequent and what businesses are needed in the downtown area.

**Housing Production Plan**

S.Wason stated that a meeting took place with MAPC staff to discuss the Housing Production Plan. She stated that the plan is to do data collection and outreach locally. She stated that she will attend a Board of Selectmen meeting to request citizen volunteers to participate in the process. She stated that preliminary results would be in late February/early March and recommendations/implementation in late April/early May. The plan requires approval from the Planning Board and Town Meeting. W.Grieder stated that the request for volunteers should be also advertised online.

**Big Y**

J.Rhoads stated that since the application for a PWED grant was denied, alternatives should be discussed. He stated that the Board previously discussed doing minor improvements to the Central and Commercial streets intersection. He stated that there's enough room for a dedicated left hand turn onto Commercial and wondered if re-striping could solve the problem. S.Wason stated that she spoke with Lionel Lucien at MassDOT and discussed the fact that the PWED grant was not approved and that this requirement was jeopardizing the project. She stated that Mr. Lucien proposed meeting with Town and Big Y representatives to discuss changes. She stated that traffic engineer Jeff Dirk will be contacting the Big Y executives to try to see if they are moving ahead. W.Grieder stated that he discussed this issue with Representative Jay Barrows and asked for his assistance in this matter.

**8:00 p.m. Continued Public Hearing – Zoning Articles**

S.Wason informed the Board that correspondence was received from Kraft Group attorney John Twohig requesting that the hearing be continued to January 12, 2012. She stated that since the articles are by petition of the Planning Board this request is not from a petitioner but should be considered as submitted by a member of the public. W.Grieder stated that the Town has gone to great length to make sure that this meeting can continue and would be unfair to constituents not to go forward with this request.

**Motion** by W.Grieder not to grant the continuation of the public hearing. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

K.Weinfeld stated that in previous hearings for these articles there has been a lot of discussion on building height, wind turbine height, size of blades, and concerns about blade throw, flicker. He stated that Walpole residents expressed concern about the height of buildings abutting their properties. He stated that the Board was unhappy that the proposed setbacks were required for abutting properties within the Town not abutting towns. There was discussion on split lot provisions, since parts of the land are part in the Economic Development Area Overlay District (EDA) and some are zoned residential. He stated that there are things that are being discussed that are different, substantive changes that may not be preferred by the Board. He stated that he understands the concerns and for neighboring communities the concerns are multiplied.

W.Griender stated that part of the Board's responsibilities is to work with an applicant so they can do what is their legal right and balance it with the concerns of the abutters and the community in general. K.Weinfeld stated that land use is regulated by MGL Chapter 40A which is written in the affirmative.

Nancy McKenzie – Walpole Selectwoman and former Planning Board member. She presented the Board with copies of emails received from Walpole residents. She stated that the decision will impact both towns, and urged the Board not to replace a quaint town with casino lights.

Michael Boynton – Walpole Town Administrator. He stated that the verbiage in Article 4, item 1 “facilities may include, but not limited to” is questionable. He stated that folks have a right that allows people to develop their property, but this is a massive expansion of their rights. He stated that impacts will be long term and that Town of Walpole urges that people that live along the property line be considered.

Andrea Langhauser, Norfolk Planning Board member. She stated that they have been aware of the changes proposed, but requested any new changes be sent to the Planning Board administrator. She stated that she is concerned about verbiage “but not limited to”. She stated that Norfolk shares common boundary with Walpole and would like to see buffers added to the language. She stated that Norfolk would like to participate in the traffic review prior to an EIR for the project.

Glenn Sampson, 131 South Street –stated that there are logistical issues with traffic, and asked if there are any contingencies if certain requirements are not done. K.Weinfeld stated that there would be contingencies, also long term negotiations and mitigation has to be provided to abutting Towns as well. W.Griender stated that the matter is a concern for many and urged people to read the gaming bill that was passed. G.Sampson stated that commitments are not followed through in other communities. K.Weinfeld responded that there are monies that the Town holds to ensure that site work is done. He stated that other communities can negotiate directly with the developer.

Ms. Smith, Chestnut Street, Foxborough – asked if a determination can be made that this Town is dry concerning gambling. W.Griender responded that the Town currently does not allow gambling.

Dan Flynn, 400 Foxborough Blvd. – stated that he supports the project.

Charles Bumpo, Chestnut Street – thanked the Board for allowing people to give their input. He stated that when a sludge disposal facility was proposed, the citizens of Walpole & Norfolk united to fight it. He urged citizens to unite for this cause.

Chris Timson – Walpole Selectman – asked if gaming and casinos are not allowed in Town. K.Weinfeld responded that the use was removed after a Racino was proposed by Mr. Giuliano.

C.Timson asked that the Board to be careful gatekeepers of this; adding that “not limited to” is concerning. He stated that the site is impactful on Walpole

Paul Mortenson, 9 Alger Road – asked if the Board of Selectmen can put these articles in the Town Meeting warrant if the Planning Board votes against them. K.Weinfeld responded that the articles could be placed in the warrant, or the articles could be placed by petition. He stated that they haven’t been able to dissect the articles and could completely eliminate items that the Board could not approve. W.Griender stated that these articles are being discussed as Planning Board articles on purpose, so the Board can act on the articles.

Karen Kierce, 3 Heritage Drive – stated that the site would require high speed vehicle access. She stated that many people use local roads that are gridlocked on game and concert days and asked if the police will have check points. Trains could potentially run 24/7 and wondered the impact on the residents and the environment. Asked if the Town is equipped on handling high volume traffic, how can these be dealt with daily. Asked what the occupancy rate is of existing hotels, what the impact will be on local businesses, how will comped drinks, rooms, foods, etc be taxed and paid to the Town. Asked what the costs to the Town are: additional staff, etc. and can this be paid for out of the budget.

Stephanie Crimmins, 76 Granite Street – thanked all residents that are present. She stated if the Board is creating a master plan for the Town, how these articles can be passed if the Master Plan is still in development. K.Weinfeld responded that this started before the Master Plan process started, but it is being considered. S.Crimmins asked if the casino bill in general requires that the developer negotiate with the Selectmen. K.Weinfeld stated that an agreement needs to be signed with the developer prior to the application being submitted to the State, and then a ballot question needs to take place. S.Crimmins asked if the residents can request that the Board of Selectmen not negotiate with the developer. W.Griender responded that it is a requirement of the bill, which is the reason he urged people to read the bill.

Nancy Campany, 1 Messinger Ave. – asked if an expert has reviewed these articles. She stated that Town Counsel needs to look at them to see how they will affect the Town. Regarding wind turbines, she stated that there are things missing from the model by-law, language is very loose. All items in EDAOD should now be required by Special Permit. She stated that she would like the Town to get as much protection possible. She stated that she is concerned about enforcement and the impact in the future after current developers are no longer in charge. She stated that a Town meeting should be held so citizens can express their opinion to the Selectmen. W.Griender responded that the Board is aware of the points made on the wind bylaw and acknowledged that enforcement is an issue.

Jean Lightbody, 6 Spring Street, resident since 1984 – stated that the Board has a chance to stop this adding that she is concerned about gambling addiction.

George Adler, 64 Granite Street – stated that he is concerned about allowed height of buildings; current public safety is geared for up to 150 ft, by allowing 300 ft the Board needs to consider the additional costs to the Town, which it is in perpetuity. K.Weinfeld responded that it is an issue that would be addressed when a project is presented but not for a zoning change. W.Griender stated that a project is always reviewed by the Town’s departments for comments.

Neil Forster, 209 South Street – Zoning Board of Appeals member, submitted a copy of a letter sent to the Board of Selectmen speaking as a private citizen. He stated that in 2006, during the site plan review for Patriot Place, the Selectmen didn’t respond in time to Environmental Impact

Report, in his letter he requests that they are diligent. He stated that he read the gaming bill approved which does not mention MGL Ch. 30. He stated that chapter 30 gives the right to request the EIR. He stated that Federal review would be needed for rail changes.

Roslyn Liftman, 9 Independence Drive – stated that she wonders how people can make up minds without knowing facts. She stated that one of the facts is the bad economy; this project would provide the chance for creating new jobs.

Joan Sozio, 25 Eastman Ave. – stated that she is concerned because she feels that a policy study is necessary. She stated that there's no mention of the water supply in Town; there's not enough water in Town to serve another hotel.

Mike Esty, 34 Atherton Road – stated that construction jobs mentioned is nice, maximum number of jobs would be 500.

Bill Hamilton, 45 Eldor Drive, South Walpole – stated that water supply is a concern. Stoughton had a moratorium on construction for 10 years because they maxed out the use of water. He stated that this development could stretch water supply that would require a moratorium.

Tim Griffin, Walpole – stated that his property is in part in Walpole and Foxborough and wondered if the language excludes Walpole. K.Weinfeld stated that the requirements would be the same regardless of town.

Richard Mazzocca, Walpole Planning Board Member – stated that previous discussions dealt with building heights, etc. but now it is for a possible casino and people don't want it. He stated that he would like to know the Board's position on a casino and asked that they just say no to the casino.

Tery Berardinelli, 8 Putnam Drive, Walpole – asked if there are any provisions on schools by the casino bill, Boyden elementary is 1 mile away from the stadium.

Virginia Coppola, former State Representative, 74 Fairway Lane – stated that it is easier to amend a bill than it is to approve the bill. She stated if gambling is allowed in any part of Town, then the whole Town could be vulnerable. She requested that a warrant article be in the next Town Meeting excluding casinos, slots machines and other gambling in the Town. She stated that in 2004 the Town voted 3 times to not allow gambling on Route 1.

Cathy Longley, 1 Tucker Lane – stated that the rail study is a 24 page document, she is extremely concerned about the commuter rail station; idling station would be included. She asked if idling stations and bus stations are part of the proposal. The Board needs to consider that it is privately proposed rather than to meet resident needs. 2<sup>nd</sup> phase to Worcester via Framingham via Foxborough would have 3 amplified lines 9-10 trains per day. K.Weinfeld stated that the study was privately funded. He stated that the Planner did a lot of research, found the document and required a presentation. He stated that idling is a big concern. He stated that Federal train regulations are very powerful and all encompassing, but still need to try to do our best to express our concerns. W.Grieder stated that the actual study by the MBTA is more in depth, gives more of an idea of idling stations and where they would be located. He stated that increased speeds are commuter specific. He stated that the only thing stopping the project it is the MBTA itself, they have realized that they don't have the monies to do this, it is unknown if the federal government would help them.

Helen Merigan, 304 Central Street – asked when the vote for no gambling done was. W.Grieder responded that a proposal came in to resurrect a racetrack, but if the racetrack failed, then gambling could take place in the site. A committee of members representing both sides of the project was formed (RCAC) to advise the citizens on the project. The proposal was defeated at Town Meeting. After that Town meeting, an effort was made to remove gambling from the zoning bylaws. H.Merigan wondered how many times the Town needs to vote no on gambling.

Chris Corcoran, 92 Beach St. – stated that the Foxboro Terminals property is being auctioned.

Ann Marie Kennealy, Walpole – stated that Article 4 was written by Mr. Kraft's attorney, she feels that it is the groundwork for a casino. She stated that the multi-family would be providing low income housing for casino workers. She respectfully requested that these articles be voted down. K.Weinfeld stated that the current zoning only allows multi-family in the R-15 zoning district.

Jim DeVellis, Foxborough Selectman – stated that there are certain things that he cannot address as a Selectman, and that no detailed proposal has been received. He stated that he read the gaming bill, zoning bylaws and the Town charter. He stated that the Gaming Commission has set a process that the developer comes to the Board of Selectmen to negotiate. If and when the Selectmen decide that is okay, an agreement is signed; an application is then submitted to the Commission; the Commission reviews the application; then the developer has to negotiate with abutting towns; if permit is issued, then the Town needs to change zoning which requires a 2/3 approval vote at Town Meeting; finally, a Town-wide vote to allow gambling with a 50% approval required.

Jeff Palumbo, Norfolk Planning Board chairperson – thanked the Board for taking comments. He stated that he is concerned for abutters in both Norfolk and Walpole

There were no more comments from the public.

W.Grieder suggested taking a straw poll on the Board's pleasure. He stated that there are choices on how to proceed. According to discussions the High Tech Park is not feasible and articles 3 and 4 would have been for the high tech park; also, the article on wind turbines is separate from High Tech Park. He stated that there three options: continue all 3 articles, vote to keep articles 2 or 3 or 4, or close articles 2, 3 or 4.

J.Rhoads suggested going forward with article 2 since it isn't directly related to the H.T Park. He stated that he is concerned about changes in articles 3 and 4.

S.McLaughlin stated that she would like to continue all articles.

G.Greene stated that there a lot of time until May Town Meeting, would prefer to close and turn articles down and start again at the beginning of the year.

R.Bressé stated that he would like to continue all articles and would like to see article 4 dissected into smaller parts.

W.Grieder stated that he is disappointed that the applicant's reps are not present. He stated that there are known issues and changes that need to be made. He feels that the Board needs to complete the Master Plan and not be concerned with zoning changes until the unknown project lands somewhere. He stated that regardless of the outcome, community members need to be

involved. He stated that he would like to bring this to conclusion and start again. He stated that sectionalizing article 4 will be a long process. He stated that parts of articles 3 and 4 are by the request of the Town's Zoning Enforcement Officer. He stated that he would support keeping article 2 open.

K.Weinfeld agreed with W.Grieder, article 2 was originally proposed by a smaller business, then others came to make such request, when the Kraft organization started measuring wind speeds, then the Board requested that they craft the language for the zoning article. He stated that articles 3 and 4 could be re-proposed.

**Motion** by W.Grieder to close the public hearing on articles 3 and 4. Seconded by G.Greene.

R.Bressé asked if the articles can be re-introduced. S.Wason responded that Chapter 40A would require that the Board vote that it is not a repetitive petition. J.Rhoads stated that the Board as the petitioners can vote to withdraw the articles without prejudice.

Unanimous Affirmative Vote (5:0)

**Motion** by W.Grieder to continue the public hearing for article 2 to February 9, 2012 at a location to be determined. Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

**Motion** by W.Grieder to not support articles 3 and 4. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

**10:25 pm** Meeting adjourned

Approved by: Kevin Weinfeld, Chairman

Date: January 19, 2012