

**Foxborough Planning Board
Meeting Minutes
February 16, 2012
Town Hall**

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

Also Present: Planner Sharon Wason

7:00 p.m. Planner's Report

FIRM Maps

After discussion with Building Commissioner Casbarra and personnel from the Flood Hazard Management Program Sharon Wason stated that the best idea seems to be to amend the Zoning By-Laws. She worked with staff at Flood Hazard Management Program to draft an article which she and they have approved it. If for some reason it fails at Town Meeting, we can adopt a Board of Health regulation to maintain flood insurability.

Master Plan

The open house is scheduled for March 19th & 20th. A lunch with Town Hall employees and a business breakfast will be scheduled. William Grieder stated that Cathy Longley is interested in participating. Gordon Greene suggested reaching out to other Boards and Committees. Sharon Wason stated that the Conservation Commission is meeting on the 19th and will be discussing this with them. Would like to finish the open house on the 20th at 5:00-8:00 p.m. with refreshments. Gaby Jordan will contact High School for Civics Class/AP for their involvement as well.

Housing Production Plan

The public forum on is scheduled for March 29th.

North Street

DPW Director Hill has been working on the plans for North Street

7:20 p.m. Informal discussion concerning 35-45 Panas Road

Engineer William Buckley was present with Nick Panagopoulos. He stated that Mr. Panagopoulos has built 3 warehouse buildings at Panas Road, last one was completed recently. He stated that the parcel was a farm, but was rezoned in the 1970s. There's an old access to Willis Lane through a gravel private way. Wetlands have been flagged by Conservation and they greatly impact the site. There is a replication of wetland filling on the site; the ratio of replication is 20:1. Entrance to the site is across building 20, with a 24' driveway with large radius for truck access. The two buildings will be flexible that can be used in separate pods or combined spaces. The amount of dock spaces used for warehouses has increased from years past so there will be approximately 2 bays per 10,000 sf. Due to the limited space, trucks and cars will be mixed in the driveways. The buildings will be served by septic; soil tests have been done. The existing water line at the end of Panas Road has good water pressure and will offer to loop the water line through Willis Lane. They will be talking with neighbors to maintain the access but still offer a buffer for the Davis' property. The impact to residential properties will be limited due to topography.

S.Wason stated that there's an existing house in the parcel, but the house pushes the developments further away from Davis' house. W.Buckley stated that Mr. Panagopoulos is currently renting the house, but is planning on living in the house when he retires. S.Wason stated that the house is located in industrial zoned land and suggested that Building Commissioner Casbarra be consulted to determine if zoning relief is needed. This is a pre-existing non-conforming use and meets backyard requirements. She stated that loading docks are mostly facing away from residential areas

W.Buckley offered to visit site with Board members if they would like to tour the site.

S.Wason asked if more parking spaces could be added to the west side of building 35. W.Buckley responded that they could add more spaces.

There were no more comments or questions and Mr. Buckley thanked the Board for their input.

7:55 pm Planner's Report (continued)

Possible Town Meeting Articles

S.Wason explained that after much discussion, she is proposing that the Flood Plain Overlay District article of the zoning by-laws be removed entirely and a new section added with the requirements received from DEP. She stated that this would be the 5th zoning article to be submitted to Town Meeting.

Motion by W.Grieder to submit the Flood Plain Overlay District zoning article for inclusion in the Town Meeting Warrant. Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

8:00 p.m. Continued Public Hearing – Zoning Article

Article 2

This zoning change would amend sections 3 and 7 of the Zoning By-Law by creating Renewable Energy Regulations for the construction and utility of "On-Site Wind Turbines" and "Utility-Scale Wind Turbines" in the Town of Foxborough.

K.Weinfeld that he has spoken with Mr. Twohig since last week's meeting, Mr. Twohig said he would speak with reps from the Kraft Group to see if they would attend tonight's meeting.

S.Wason explained that after last week's meeting, Selectman Lorraine Brue suggested an incremental approach to the turbines, adding the small turbines this year as an allowed use and then next year larger turbines could be added. She stated that there are three alternatives for the Board to consider: the article submitted by Mr. Twohig, the article prepared by W.Grieder and S.Wason, and the proposal to allow only small turbines.

W.Grieder stated that the Board should create an overlay district within the existing overlay district to limit the location of turbines. Also, the Board could wait until the Master Plan open house to ask citizens how they feel about the turbine. S.Wason stated that this could be part of the Master Plan discussion. W.Grieder stated that this would give the Board more time to research smaller turbines and how to react if there's a problem when a unit is built. He stated that larger turbines are adjustable but there are questions whether that adjustability is available in the small

turbines. He stated that a report on the existing medium sized turbine in Nantucket next to the High School shows that there are issues with shadow/flicker in certain times of day on the classrooms and they have to turn the turbine off during those times. He suggested using S.Wason's version as a benchmark.

K.Weinfeld stated that if a turbine is located within the overlay then it may not need to have a Special Permit requirement. J.Rhoads stated that he felt that he wanted to retain Special Permit requirement across the Board; 300' was the mean height and that was the highest level he felt comfortable with. W.Griender stated that the FAA regulations aren't clear on when they have to be notified, but noted that the area is used for helicopters.

S.Wason stated that there's a lot more homework still to be done.

Motion by W.Griender to not submit this article to be included in the Town Meeting warrant. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

Mike McCarthy, 28 Concord Drive, Walpole – stated that he submitted scale depictions of the possible locations of turbines. W.Griender stated that during Master Plan will be discussing what is allowed by right and what could potentially be there. He stated that something will happen in that lot and they will maximize what they can.

Mike Freiberger, 20 Concord Drive, Walpole – stated that there's a difference between buying a house where there's a turbine than having a turbine placed by your house. K.Weinfeld stated that Mr. Twohig has said that these types of uses would be allowed as a utility, but the Building Commissioner informed them that this is not agreeable and that's why a zoning by-law change is necessary.

Greg Mahoney, 12 Concord Drive, Walpole – stated that a news article mentioned that state law requires a setback of 600' from property line and asked if a state law trump local law. K.Weinfeld responded that the town requirements can't be less than state law, but can be stricter. W.Griender stated that the State has provided a model by-law for Town's to base their by-laws on.

M.McCarthy stated that they understand that a turbine might go in the east side and asked if they are proposing an overall zoning change to allow turbines so that turbines can be located in the west side. W.Griender responded that by doing an overlay district then it can be restricted to be only located within the overlay. K.Weinfeld stated that this would be similar to Water Resource Protection Overlay District.

John Swindlehurst, 19 Jason's Path, South Walpole – stated that he did all research when purchasing home including uses that are not allowed by zoning in the area. But now the stadium owners want to change zoning so they can add turbines. K.Weinfeld stated that the zoning changes happen as times change. He stated that the Master Plan will look at the downtown and the rest of Route 1 that is hobbled in comparison to EDA and will be looking for ways to give some relief and foster better development.

M.Freiberger stated that when they purchased their home, there were approx. 200' of forest that existed and bylaws were modified to allow construction of the parking. W.Griender stated that there were no zoning changes when the parking lot was done; they could have cut to the property line but they didn't due to restrictions placed by this Board. M.Freiberger asked if it is beyond the scope of the Town to form a committee to work with the Kraft Group to create something more palatable. K.Weinfeld stated that the Master Plan will address needs and wants, but the Town was

led to believe that they wanted to build a life science park; state was encouraging zoning that would allow those developments to be approved quickly. He stated that the amount of money being bandied about is something that a business person would consider. M.Freiberger stated that the incentive is that he is a neighbor and would be destroying his legacy.

Dave Mackey, 6 Wildwood Lane, Walpole – stated that as of late July they were still talking about the biotech park, but in August the casino possibility was present; feels that they were misleading people. He asked if the number of turbines that can be placed in a lot be considered. W.Grieder stated that the location would limit the amount of turbines. D.Mackey stated that it sounds like the State is pushing green energy but it's still new; asked the Board not to have this Town be the guinea pig that other Towns learn from.

There were no more comments from the public.

Motion by G.Greene to close the public hearing. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

9:00 p.m. Old Business

State Hospital Re-development

W.Grieder informed the Board that he and K.Weinfeld met with Norwood Bank President Christopher Dixon and Senior Vice President John Galvani to discuss the Highlawn Farm subdivision. The Highlawn Farm permit expires July 1, 2012 and S.Wason was asked to write a letter giving notice that the Board intends on acting on the bond and will have S.McLaughlin review the letter.

Motion by W.Grieder to send a letter concerning the Highlawn Farm subdivision. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

10:00 p.m. Meeting adjourned

Approved by: Kevin Weinfeld, Chairman

Date: March 8, 2012