

**Foxborough Planning Board
Meeting Minutes
July 12, 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. Review of old/new business

Planner's Report

Sharon discussed with the Board upcoming meeting to discuss different aspects of the Master Plan. She stated that she would like to set up some of the meetings prior to the Board meetings:

- July 26th schedule prior to Board meeting to discuss transportation & Rte. 1
- August 9th at the Board meeting to discuss Water & Sewer issues and invite other Town Boards
- August 23rd prior to Board meeting to continue discussion on Rte. 1

The Board discussed the timing of the meetings and agreed that lunchtime meetings would be preferable.

**7:05 p.m. Continued Public Hearing – Special Permit
Accessory Apartment
1 McNamara Way – Jason & Sarah Hoyt**

Kevin Weinfeld read letter from Sarah Hoyt requesting to withdraw the application without prejudice. There were no comments on this matter.

Motion by William Grieder to close the public hearing. Seconded by Shannon McLaughlin. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to accept letter to withdraw the application without prejudice. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

7:10 p.m. Discussion with developer Ted Wooding concerning 34 Pleasant Street

Ted Wooding was present.

K.Weinfeld read the following memos:

- Building Commissioner Casbarra stating that the new design of the 8 unit dwelling is considered a single structure, therefore, meeting zoning requirements.
- Deputy Fire Chief Bagley wrote that the plans are approved as submitted.
- Conservation Manager Pierce wrote that the Conservation Commission determined that no additional filing is required since the amount of impervious is not increasing.

T.Wooding explained that he narrowed the driveway so there is no increase in impervious. He asked about the possibility of connecting the entire project to sewer. S.Wason responded that she would inquire about it. T.Wooding stated that he would like to start the site work at the end of August, but construction would probably begin in the spring of 2013. The plan is for the units to be 2,000 square feet and sold at \$385,000. He stated that he would return to the Board with revised plans for their review.

7:15 p.m. Planner's Report (continued)

S.Wason presented a report listing the Master Plan required sections and optional sections.

Master Plan Required Sections:

Have or nearly have completed:

- Housing element – identifies and analyzes existing and forecasted housing needs and objectives including programs for the preservation, improvement and development of housing. This element shall identify policies and strategies to provide a balance of local housing opportunities for all citizens. → Modify Housing Production Plan to serve as this chapter
- Economic Development element – identifies policies and strategies for the expansion or stabilization of the local economic base and the promotion of employment opportunities. → the current work
- Open Space and Recreation element – provides an inventory of recreational and resources and open space areas of the municipality, and policies and strategies for the management and protection of such resources and areas. → The Town's recently adopted Open Space and Recreation Plan can be modified

Next Steps:

- Circulation element – provides an inventory of existing and proposed circulation and transportation systems. → Could ask Kathy McCabe to start on this, plus the work Kyle Greaves is doing would be part of this, the sidewalk map Sarah Pierce will be doing in July, and the parking study as well.
- Natural and Cultural Resources element – provides an inventory of the significant natural, cultural and historic resource areas of the municipality, and policies and strategies for the protection and management of such areas.
- Services and Facilities element – identifies and analyzes existing and forecasted needs for facilities and services used by the public. → Specifically includes an inventory of town-owned land and structures, some discussion of surplus land and maybe include sewer and water issues.

Final steps:

- Land Use Plan element – identifies present land use and designates the proposed distribution, location and inter-relationship of public and private land uses. A land use plan map illustrating the land use policies of the municipality needs to be included.
- Goals and Policies Statement – identifies the goals and policies of the municipality for its future growth and development including public input and participation.
- Implementation Program element – defines and schedules the specific municipal actions necessary to achieve the objectives of each element of the master or study plan, we must specify the process by which the municipality's regulatory structures will be amended so as to be consistent with the Master Plan.

Master Plan Optional Sections:

- Water and Sewer separated from all other utilities
- Energy
- Agriculture
- Natural Hazards (Hazard Mitigation Plan?)

**7:20 p.m. Continued Public Hearing – Special Permit
Accessory Apartment
12 Childs Lane – Michael Denekamp**

Michael & Celia Denekamp were present.

K.Weinfeld read memo from Building Commissioner Casbarra with attached revised plans. Mr. Casbarra stated that the revised plans shows that the accessory apartment is 576 square feet in area and meets the requirements of the by-laws. C.Denekamp presented the approved new sewer permit from the Board of Water & Sewer Commissioners.

There were no comments from the public.

Motion by W.Grieder to close the public hearing. Seconded by Ron Bressé. Unanimous Affirmative Vote (5:0)

Motion by Gordon Greene to grant the Special Permit for an accessory apartment at 12 Childs Lane 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 mother, Marlene Denekamp. This Permit shall expire upon the home being sold or when the petitioner's mother no longer resides in the unit.
3. The kitchen facilities of the accessory apartment shall be removed when the accessory apartment is no longer needed unless the Planning Board determines the facilities (as altered or modified) are incidental and subordinate as an accessory use to a single-family dwelling.
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.
5. 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 Ron Bressé. Unanimous Affirmative Vote (5:0)

7:27 p.m. Planner's Report (continued)

S.Wason stated that she met with Building Commissioner Casbarra to discuss possible General By-Law and Zoning By-Law articles for a fall Town Meeting:

- Scenic Road By-Law should be revised
- Change some wording in the Accessory Apartment section
- Complete street policy
- M.5 in the Table of Uses should be an accessory use

- Lot coverage should be added to Table 4-1
- Require a finding for pre-existing nonconforming lots to section 5.0
- Increase in nonconforming nature
- Provisions for tear downs (mini-mansions)
- Driveways and Common Driveways
- Changes to the definition of building height
- Performance Standards should be moved to a different section
- Open Space Residential Development needs updating
- Section 7.1 Municipal Conversions needs to be reviewed

**7:35 p.m. Request to set performance guarantee
“Fairway Woods” subdivision**

Developer Larry Stern was present. S.Wason distributed copies of the construction estimate submitted by Mr. Stern and prepared by Bay Colony Group along with copies of her revised estimate including a 20% contingency. She explained that Mr. Buckley used the MassDOT numbers for prevailing wages when preparing the estimate. She also read Construction Report #1 from inspector Mullaney and the Board discussed that the base coat of paving has been installed. W.Grieder noted that Mr. Mullaney has stated that even though the beginning of the project had some difficulties, that he is now satisfied with the progress taking place. S.Wason stated that the deposit for inspection has almost been exhausted and would like to have \$2,000 extra to finish the project. She stated that any unused monies would be returned. Mr. Stern stated that he would submit a check for the extra monies.

Motion by W.Grieder to set the performance guarantee for the “Fairway Woods” subdivision at \$82,000. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to request an additional \$2,000 to cover the cost of inspections. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

Mr. Stern stated that he would be submitting a cash deposit for the performance guarantee and asked if the Board would consider releasing lots 1, 3 & 4 contingent on the deposit of the cash bond. After a brief discussion the Board agreed to vote on the release of the lots with the condition that the Lot Release form (Form K) be held until the deposit is made.

Motion by W.Grieder to release lots 1, 3 & 4 with the release pending the deposit of the \$82,000 performance guarantee. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

**7:40 p.m. Form A
“Highlawn Farm” Subdivision**

John Walsh explained that they are proposing exchanging land between two lots to install the driveway in one of the houses that were started by the previous developer.

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

7:45 p.m. Request for lot release and discussion with John Galvani concerning the “Highlawn Farm” subdivision

John Walsh stated that they are requesting the release of lot B-17 which is located at the intersection of Plimpton Road and Lawton Lane. He stated that the lot was originally given a Plimpton Road address but they would like to build on it along with the other lots fronted on Lawton. He discussed location of the driveway for the corner lot. S.Wason questioned if the existing Tri-Partite is sufficient surety for the lot. John Galvani stated that one of the concerns is that there are interested parties in the lots and wondered how long it will take for the attorneys to negotiate the development agreement that is being discussed today. W.Grieder stated that he will speak with Selectmen to get authorization to consult with Town Counsel.

Motion by W.Grieder to release from Covenant lot B-17 of the “Highlawn Farm” subdivision. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

J.Walsh distributed copies of the revised proposed development agreement. Concerning drainage, he stated that they will clean out the basins, replace rip rap outflow of south basin, clean bottom, and cut sides of north basin. They will be requesting relief from the remaining missing dry wells for 3 catch basins. He discussed dressing the entrance to Congdon Circle to reduce run off onto Lawton Lane.

K.Weinfeld stated that he spoke with Mr. Glazer, current owner for the two lots designated as affordable. Mr. Glazer stated that by default he became the owner of the 2 lots, his preference would be to sell the lots and walk away. K.Weinfeld invited him to meet with the Board and he declined but stated that he would consult with his attorney. J.Galvani stated that as a bank, they could get involved in assisting home buyers with MassHousing lending W.Grieder stated that the Planning Board and Board of Selectmen have discussed setting up a Housing Trust Fund where developers can make a payment in lieu of building a required affordable unit.

K.Weinfeld expressed concern about Congdon Road not being included in the paragraph stating that they are not obligated to construct Mann or Plimpton until after all lots with frontage on Lawton Lane have been sold. J.Galvani responded that the paragraph could be stricken, explaining that they wanted to ensure that the Board knows that they would like to build all the lots on Lawton before building the spurs.

Since there was an agenda item scheduled for 8:30 p.m., the discussed will be continued in the later part of the meeting.

8:30 p.m. Update on the “Autumn Valley Estates” subdivision

S.Wason informed the Board that she has had 2 conversations with Walpole Bank. She stated that the work to be done is loam & seed and at least 4 trees that need to be replaced.

Joe Abrams, 23 Sullivan Way – stated that an expert should review the trees. S.Wason stated that she would ask Tree & Park Supervisor David Laliberte inspect the trees.

S.Wason stated that the temporary easement area also needs to be restored, adding that the Bank has assured her that the money would be forthcoming.

W.Grieder stated that the Board should have required that a Homeowners' Association be formed for the maintenance of the entrance way. Neil Asnes, 15 Sullivan Way – asked if a letter can be sent to the neighbors to encourage forming a homeowners' association. S.Wason stated that a meeting is held before street acceptance and it can be discussed at the meeting.

8:35 p.m. Discussion concerning the “Highlawn Farm” subdivision – continued

S.Wason continued the discussion of the proposed development agreement. She stated that item #10 should be considered as a “whereas” and asked for that change.

J.Walsh asked if the Quitclaim Deeds for the open space parcels are acceptable. S.Wason responded that she will review the deeds and give them to Conservation for comments.

**8:45 p.m. Request for minor modification
“Rosewood Estates” subdivision**

K.Weinfeld read request from Mike Ferrone to eliminate the drainage overflow structure located in the drainage easement on Lot 7. After a discussion, the Board determined that the request was a minor modification and voted to approve the request to eliminate the overflow structure on Lot 7 of the Rosewood Estates subdivision.

Motion by W.Grieder to determine that the request to eliminate the drainage overflow structure in Lot 7 of the “Rosewood Estates” subdivision is a minor modification and to approve the minor modification. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

8:50 p.m. General Business

K.Weinfeld stated that he attended a meeting of the Water & Sewer Commissioners. They discussed that the Kraft Group would like the Town to form a Committee to negotiate with them, The Committee would be formed by members of various Boards along with citizen representatives and Town staff would be present at the meetings but not be voting members of the Committee. He stated that the Commissioners will discuss at the fall town meeting the concept with the Town that sewer should be a Town-wide expense and funding should be sought from the Kraft Group or interested parties who may be interested in purchasing flow.

S.Wason stated that South Coast Rail grant applications are due July 31st may apply for a grant to review downtown zoning or S-1 district zoning. Board supported the review of downtown zoning.

S.Wason discussed the workplan for FY13 which will feed into Goals and Objectives.

S.Wason discussed the grant activities this year:

- Historic inventory update (probably early winter)
- Transportation Needs (vets and others) March 31, 2013
- Mass Cultural Facilities for GAR Hall

9:30 p.m. Meeting adjourned

Approved by: Gordon Greene, Clerk

Date: October 25, 2012