

**Foxborough Planning Board  
Meeting Minutes  
July 26, 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**

**Master Plan** – Sharon Wason stated that the sewer discussion was originally scheduled for the August 9<sup>th</sup> meeting but since there is a Patriots home game that evening the discussion was moved to the evening meeting of August 23<sup>rd</sup>. She would like to also have the Team meet with the Board before the September 13<sup>th</sup> meeting to discuss the final presentation prior to public presentation. William Grieder stated that the master plan presentation will be shown on Cable Access he asked the Board's opinion on whether it would be preferable for the presentation to be taped in the studio or taped live at the Board's meeting. After a brief discussion, the Board agreed that taping the presentation in studio would be a better choice. S.Wason stated that W.Grieder felt that the video could be shown throughout the year to keep things fresh in the mind of the citizens

**7:10 p.m. Public Hearing  
Department Fees & Rules and Regulations**

Kevin Weinfeld read the public hearing notice. S.Wason presented a memo discussing some changes to the prepared regulations.

There were no comments from the public.

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

**Motion** by W.Grieder to adopt the proposed Department Fees & Planning Board Rules and Regulations with the changes discussed. Seconded by Ron Bressé. Unanimous Affirmative Vote (5:0)

**7:30 p.m. Lot Release Request  
"Highlawn Farm" subdivision**

John Walsh and Julie McDermott represented the applicant.

K.Weinfeld read letter submitted by Mr. Walsh requesting the release of lots B-12, B-13, B-14, B-31, B-32 and B-33.

S.Wason stated that she has received permission to speak with Town Counsel concerning the Development Agreement. Attorney Lou Ross recommended pursuing a new Tri-Partite Agreement (TPA) instead of the Development Agreement. She will be working on it in the next couple of weeks so the TPA can be presented at the September 9<sup>th</sup> Board meeting. K.Weinfeld asked how this issue affects the request for this evening. S.Wason asked if the Board feels confident enough that a new TPA will be in place at the next meeting. She stated that in the existing TPA, Mr. Intoccia is a party and he is no longer the owner of the properties.

J.Walsh stated that in good faith, they are presenting a \$100,000 check to the Town to be held in escrow for the construction of recreation amenities. Gordon Greene stated that in good faith, the Board should consider releasing some of the lots, since the Town Counsel has given us guidance in how to proceed. W.Griender asked the status of the Conservation filing. S.Wason responded that the Conservation Commission is discussing the Deed next Monday. She added that EOEA has reviewed the deed and noted that they need to add a signature block for the Board of Selectmen.

Nancy Condangelo (19 Lawton Lane) asked if one of the lots being released is where the rocks are being piled. J.Walsh responded that it is, but will be working on keeping the piles down and will be managing it correctly.

**Motion** by W.Griender to release lots B-12, B-13, B-14, B-31, B-32 & B-33. The Board discussed the lot release request. Several members felt that it is important to cooperate with the development of the project, but felt that the Board needs to ensure that the Tri-Partite Agreement is in place before the release of all lots.

**Motion** by W.Griender to release lots B-12, B-13, B-14 and B-31. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

### **7:30 p.m. Subdivision Regulations Presentation**

Consultants John Schmid and Horace Aikman were present and reviewed the suggested changes to the subdivision regulations.

#### Section 2.01 List of Defined Terms.

Some of these duplicate MGL definitions, some are mostly regulation; some are defined differently in the Foxborough Zoning By-Law. These regulations should refer to MGL Ch. 41 s. 81L and reconcile difference with zoning; remove regulation from definitions (such as a preliminary plan is mandatory for any proposed non-residential subdivision of land and strongly recommended by the Board for residential subdivisions.

#### Section 3.00 Plan Thought Not to Require Approval.

The Board may consider adding these requirements to be included in the ANR plans:

9. Forest edge of wooded areas, trees greater than or equal to 6-inches DBH (diameter at breast height), boulders, stone walls, rock outcroppings and grade changes greater than 4-foot horizontal to 1-foot vertical (4:1) shall be shown.
10. Listing of invasive species of trees and shrubs found on the site shall be shown on the plan

11. Depth of topsoil at four corners of each lot and at the approximate center of the specific lot, measured in inches shall be shown in tabular format keyed to plan. Preserve topsoil samples for testing as described herein.

J.Rhoads commented that this should be part of definitive plans, not necessarily ANR.

“Study Plans”

The Board should encourage applicants to reach out and have informal discussions with town officials during the conceptual design process. This will enlighten the Applicant as to the issues that concern the Town as well as gets buy-in from Town Officials. We recommend a joint meeting with all departments. This allows everyone to hear the same information and encourages dialog between departments.

Section 3.01 Preliminary Plans.

We understand that a public hearing is not required by MGL – The Board could certainly have the Applicant notify abutters by registered mail. The Board should review this with the town’s legal counsel before implementing.

Section 3.02 Definitive Plans.

The Board may want to consider requiring that a Registered Landscape Architect (RLA) be included in every submission. R.Bressé asked how much would that add to the cost to the applicant. H.Aikman responded that it would be a 25-30% increase to the cost. J.Rhoads asked what would be the benefit. H.Aikman responded that an RLA would identify the species that are important. K.Weinfeld stated that a Landscape Architect would have made a difference in a subdivision like Autumn Valley.

Sidewalks – Instead of requiring sidewalks on two sides, require sidewalks to be built on one side but require the subdivision sidewalk to be connected to existing sidewalks.

Topsoils – Require testing existing topsoil. H.Aikman explained that New England soils are very juvenile and are a non-renewable resource. S.Wason stated that the regulations need to explicitly say that an area needs to be designated to store the topsoil. H.Aikman stated that 12” of top soil are needed to support turf, need to have a strong requirement to protect the top soil.

List of Invasive Tree and Shrub Species on site should also be provided.

The Board may also want to consider requiring approval criteria language such as:

- a. Compliance with the Zoning By-Laws of the Town of Foxborough and purposes of these Regulations.
- b. Streets connect to and are accessible from a public way or an existing private way open to the public.
- c. All streets in the subdivision are designed so that they provide for safe vehicular and pedestrian travel.
- d. Provision has been made for the future extension of streets or for access to adjoining property not yet subdivided. Proposed ways shall continue to the exterior boundary of the land being subdivided unless the Board determines allowing a lesser extent of roadway is in the public interest.
- e. All streets shall be in alignment with existing ways in the street system, to the maximum extent possible, and at an appropriate width determined by the Board. Ways shall be continuous, and shall compose a convenient system with connections adequate to ensure free movement of vehicular traffic.
- f. The use of dead-ended streets shall only be permitted if the Board determines that alternatives for connecting to other streets or ways are impractical or unreasonable.

- g. The drainage shall be designed in accordance with these regulations and storm drains, culverts, and related installations, both surface and subsurface, are designed to provide for safe unimpeded flow of natural water courses, drainage of low areas along streets, and to intercept stormwater run-off along streets at intervals reasonably related to the surface type, grade, and area drained. Proper connection shall be provided to the existing drainage system and drains shall be extended to adjacent lands in order to provide for their future continuation. If drainage that runs through land outside the subdivision, appropriate easements are provided. Low impact development stormwater management practices are encouraged, such as privately maintained rain gardens, grass swales, and rainwater reuse.
- h. Adequate water supply exists in terms of quantity, quality, and water pressure, for domestic use and consumption and fire suppression.
- i. Names of streets provide for ready identification and are in keeping with the character of the Town of Foxborough.
- j. Required planting soil volumes have been provided for each shade tree planted within the right of way.
- k. Required landscaping has been provided and designed to provide visual and climactic relief from broad expanses of pavement, to create separations between vehicular and pedestrian circulation, and to enhance the character of the Town and neighborhood.
- l. Indigenous (native) plant material is used to maintain ecological diversity and prevention of local and regional decimation of tree cover by a single disease. Existing healthy, mature vegetation within and adjacent to the right-of-way is retained to the maximum extent feasible.
- m. Stone walls have been preserved where feasible and if the Board determines that the rural and historic character of the neighborhood would be enhanced by new stone walls and features, stone from historic stone walls will be reused to the extent practicable
- n. Sidewalks are designed to be universally accessible and to contribute to an overall network of sidewalks that ultimately will become a continuous and predictable system of walkways offering safe connections from any combination of pedestrian generators and destinations.

#### Section 4.05 Performance Guarantee

Board may want to consider updating to provide more teeth. Board should consult town's legal counsel to determine what options are available.

#### Section 4.07 Construction on/or Release of Lots

The Board may want to consider requiring the Developer to provide a fully functioning stormwater management system; PLS endorsed As-Built Plans of the installed utilities, stormwater management system, binder grades; and installed street name signs prior to releasing lots.

#### Section 5.01 Streets

The Board may want to consider requiring the following to allow for a better fit to existing landform, reduce cut and fill and damage to the existing soil and vegetation assets:

- 1. Provide a cut and fill analysis for roadway and full site development. This will allow the Town to see if the Applicant will be bringing materials in or trucking them away.
- 2. Restrict the centerline grade to change more than seven feet between the existing and proposed condition. This should allow the subdivision to complement the existing contours better.

#### Section 5.02 Street width and grades

The Board may want to consider requiring the following to allow for a better street design:

1. Allow the minimum pavement width to be 22 feet. It allows better passing lanes for large trucks and emergency equipment.
2. Allow for minimum roadway slope of 1%. Slopes flatter than 1% have a tendency to puddle along the gutter.
3. Require a level landing area at intersections, such as a maximum 3% grade for the fifty feet beyond the curb line intersections. This allows for a safer stopping in snow and ice weather conditions.

#### Section 5.03 Dead End Street Requirements

The Board may want to consider requiring the following for a dead end street design:

1. Require cul-de-sac have a minimum centerline length of 500 feet. This will minimize the number of stub-like cul-de-sacs. Also consider changing zoning to allow for hammerhead lots and shared driveways.
2. Provide a secondary emergency access route to dead-end streets. This can be provided through easements on private parcels. Easements are generally delineated with posts and may/may not be plowed.
3. Clarify the Boards intent with cul-de-sac on the maintenance of cul-de-sac landscaping improvement.

#### Section 5.04 Street curbing and sidewalks

The Board may want to delete the second sidewalk requirement and require the Applicant to extend any existing public sidewalk to the new subdivision. Sidewalk extension should not exceed the length of the new subdivision. Also, the Board may want to consider deleting or reducing the strip and planting the street trees behind the sidewalk. Description of why is as follows:

The setback of sidewalk from curb line establishes a soil bed that often cannot support turf growth or tree planting. As much as suburban communities strive to create these green strips between roadway and sidewalk, all too often the heat gain from adjacent pavement, children playing, snow loading, etc. creates a dead zone.

#### Section 5.05 Blending Area

The Board may want to consider the following issues to allow for the blending areas:

1. Increasing horizontal slope distance is vague at best. It suggests that increasing the horizontal run of the slope from 3:1 to 4:1 or 5:1 will help retain existing trees. In fact reducing the horizontal run to 2:1 or less depending on soil stability or building stone retaining walls can do more to protect existing vegetation.
2. The industry is coming around to the idea that 6 inches of planting soil is not adequate for turf growth. Six inches of planting soil often does not have the water holding capacity required for sustained turf growth. Somewhere in these sections there should be a definition of planting soil. Using the colloquial word LOAM is not adequate. Consider developing a more detailed definition that requires reuse of existing topsoil, identified to support plant growth, and augmented with offsite manufactured planting soil to achieve the desired planting objectives. Also, defining the seed type will be important. Contractor's routinely hydro seed with ryegrass, which germinates quickly but is very short lived. Other grass species that are non-invasive and native are available and a complete specification contained in these pages would be good idea.
3. The concept expressed by words TREATED AND STABILIZED are vague at best. What you may want is to have a permanent vegetative cover be established.

4. Guardrails at side slopes that fall away from the roadway. Not side slopes on uphill side of the roadway.

#### Section 5.06 Stormwater Management

The Board may want to consider the following items in the stormwater management design criteria:

1. Specify that the analysis is for the “Peak” Rates of runoff. Existing language isn’t clear.
2. Require that soil testing be performed by a Licensed Soil Evaluator-similar to what’s required for Title V sewage disposal design.
3. Consider requiring that subdivisions provide “Drainage Parcels”. This will mitigate easements and the challenges that arise with land owners.
4. Specify that the stormwater management design must meet the design criteria of the DEP Stormwater Management Policies regardless if the project is subject to the Wetlands Protection Act.
5. Require that the Applicant provide a copy of the EPA Stormwater Pollution Prevention Plan (SWPPP) as require by NPDES and the disturbance of one acre of land.

#### Section 5.09 Public Share Trees

The Board may want to consider the following items in their public tree design criteria:

1. Street trees shall be planted within the street layout in the grass strip behind the sidewalk. Where there is no sidewalk they shall be planted eight (8) feet from the curb.
2. Trees to be non-invasive and adapted to the specific environment. Give some consideration to mix of Genus and species of shade trees.
3. Minimum tree height should be 12 to 14 foot height and minimum caliper of 2.5 inches in accordance with ANSI Z60.1-2004, American Standard for Nursery Stock.
4. Establish minimum planting soil volumes and establishing suitable specification for planting soils that describes fertility, structure, and drainage characteristics. As currently defined the developer can simply dig a 3 foot diameter hole, drop the rootball into the hole and backfill a thin volume of soil mix around the root ball.
5. If the Board determines that sufficient existing trees within or immediately adjacent to the road right-of-way exist and can be preserved to function as street trees for the entire length or any portion of a road, the applicant shall only be required to plant street trees where existing trees are determined insufficient and contribute cost of trees which otherwise would have been planted to Town tree fund.

#### Section 5.10 Erosion Control

The Board may want to consider the following items in the erosion control requirements:

1. Require the developer to return in next suitable planting season to establish permanent vegetative cover. The temporary, non-vegetative erosion and sediment controls should not become permanent solution.
2. In regards to grass cover, consider requiring a mix of other, less common species that are more drought tolerant, require limited fertilizer and germinate and prosper on a low pH soil, typical of Foxborough. Examples of these kinds of Genus species include: Upland Bentgrass (*Agrostis perennans*), Coastal Hair Grass (*Deschampsia flexuosa* var. *Pilgrim*), Blue Fescue (*Festuca glauca*), Blue\Hard Fescue (*Festuca glauca* x *F. brevipila*), Hard Fescue (*Festuca longifoli*), and Strong Creeping Red Fescue (*Festuca rubra*). (Considerable effort would be required to develop a suitable seed mix for general use in Foxborough and is beyond the scope of this consultant contract.)

Current turf grass industry directed toward producing more hardy, drought tolerant, wear resistant and disease resistant varieties of a limited number of species: Kentucky

Bluegrass, Creeping Red Fescues, Tall Fescues, Ryegrass and Creeping Bentgrass. Of these species, only the Creeping Red Fescues have sustainable characteristics. Kentucky Bluegrass requires full sun, significant amounts of nitrogen fertilizer, a neutral pH and irrigation. Ryegrass is notoriously short lived; while it germinates quickly it will die out in a lawn unless overseeded on an annual basis. Creeping bentgrass is generally only used in golf course greens; if it strays into a lawn it will colonize, dominate and produce round circles of fine textured turf.

#### Section 6.01 Excavation for Street and Utilities

The Board may want to consider requiring the following:

1. Do not include topsoil as an unsuitable material! It is an endangered, non-renewable resource that has significant value to contractors, who will take it off site and sell it to companies that manufacture planting soils. Keep all topsoil on site for reuse.
2. Disrupt the continuous bed of gravel with silty soil dams that will prevent movement of groundwater out of a site.
3. Delete "Calcium chloride can be damaging to the surrounding landscape. It can substantially alter pH balance of adjacent soils and cause damage to vegetation."

#### Section 6.05 Loam & Seed

The Planning Board may want to consider rewriting this entire section with the following goals in mind:

1. Retain all existing topsoil on site for reuse.
2. Require developer to augment existing topsoil with planting soil from offsite sources.
3. Establish minimum depths of 12 inches for planting soil for turf areas.
4. Establish protocols for mixing topsoil/planting soil with subgrade soils.
5. Require all subgrade soil to be decompacted and capable of minimum percolation rates.
6. Spreading planting soil or loam over existing mown turf is not good approach.
7. Seeding time frame is appropriate for mid-Atlantic region but not New England. Revise for spring and fall seeding seasons. Develop specific requirements.
8. State specs? The likely reference here would be MassDOT, whose Landscape Architects readily admit the state mix for roadside development is out of date and no longer appropriate. Develop criteria of seed types, such as low growing, native or adaptive, low water demand, adapted to low pH soils. Develop sustainable seed mixes.

The Board asked how other towns deal with limiting the length of dead end roads. J.Schmid responded that some towns allow longer roads as long as they provide an emergency egress and some towns limit the length of road by the amount of lots.

S.Wason thanked Mr. Schmid and Mr. Aikman and said that the Board will consider their recommendations.

#### **9:20 p.m. Kraft Organization/Town Discussion Group Update**

K.Weinfeld gave an update on the first meeting. He stated that all sessions will be open to the public and new Town Counsel will be present at the meetings. He stated that Kraft executive Dan Murphy submitted through the Board of Selectmen a Memorandum of Understanding (MOU) and a Term Sheet. He stated that they are trying to build on the agreement that was reached in 2007.

**10:15 p.m. General Business**

**Planner's Report**

S.Wason requested time off on October 8 & 9 to accompany her husband to San Antonio.

**Municipal Affordable Housing Trust workshop** – S.Wason stated that there is a Municipal Affordable Housing Trust workshop scheduled for Wednesday, October 10 from 9 a.m. to 3 p.m. at the Framingham United Church of Christ Conference Center in Framingham. The workshop will address how municipalities can create a Municipal Affordable Housing Trust (MAHT), what the powers of a trust are and examples of trust activities. She stated that the registration fee is \$25 to defer the cost of lunch, materials and the venue. She asked if anyone is interested to attend, the cost of the workshop will be covered by our budget.

**Workplan for FY13** – S.Wason stated that she will prepare a draft of the FY13 workplan for discussion at the 8/23 meeting.

**Downtown Zoning Update** – S.Wason stated that she submitted a South Coast Rail grant for downtown zoning update and Mr. DeVellis signed Tuesday night at the Board of Selectmen meeting. At the meeting, she explained the need for the study: “Although we allow housing at a relatively high density in the downtown (nearly 6 dwelling units per acre in duplexes or multifamily structures), the dimensional requirements for residential and non-residential uses in the downtown (zoned GB General Business, R-15 Residential, GI General Industrial) differ. We do not explicitly state that residential and non-residential uses may occur within the same structure and indeed do not allow any residential use in the GI General Industrial district. We need to allow residential and non-residential uses within the same structure and on the same lot; we need to create permitting that streamlines the process and is flexible; we need to review and update our downtown design review process; we need to encourage the creation of housing in the downtown; and we need to create easy ways to change uses within the downtown. We may also need to examine the location of the districts themselves and the uses within them.”

**North Street Sidewalk** – S.Wason stated that she and inspector Norm Mullaney met with Dan Krantz of the Kraft Group regarding the sidewalk. She stated that about 700 linear feet of the sidewalk was included in the estimate for the intersection and agreed that 500 linear feet remain. Mr. Krantz asked about the difference in costs between 2008 and now. She stated that she found that according to the Bureau of Labor Statistics Producer Price Index, the cost of Asphalt paving mixtures and blocks changed as follows:

2008-2009	-9.3%
2009-2010	+4.4%
2010-2011	+8.4%

February 2012 to May 2012 +1.2%, so about a 5% increase from 2008 to now – basically unchanged.

**Floodplain Regulations** – S.Wason informed the Board that Building Commissioner Casbarra received notice that the Floodplain Regulations adopted by the Board of Health were accepted and approved by the State.

**Master Plan** – S.Wason stated that the portions for open space, housing and economic development have been completed, adding that she needs to determine how much can the contract be extended if the Board wants consultant Kathy McCabe to continue the Master Plan work

**10:25 p.m. Housing Production Plan**

S.Wason stated that the Board of Selectmen has endorsed the Housing Production Plan. The Board briefly discussed the final draft of the Plan and proceeded to vote on the matter.

**Motion** by S.McLaughlin to endorse the Housing Production Plan. Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

**10:30 p.m.** Meeting adjourned

Approved by: Gordon Greene, Clerk

Date: October 25, 2012