

**Foxborough Planning Board
Meeting Minutes
October 11, 2012
Town Hall**

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

Also Present: Planner Sharon Wason

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

Planner Sharon Wason discussed the ongoing parking study. She stated that a parking location for Library employees needs to be found. William Grieder stated that Library Director Cirillo could provide information on where his employees have parked before construction. S.Wason stated that virtually all spaces in the downtown area are marked 1 hour only, which is unnecessary. She stated that the Invensys lot was counted and found that it is 20% used. She stated that the traffic workshop is scheduled for November 1st. She stated that she will work on letters to invite civic leaders and merchants to participate in the workshop.

**7:30 p.m. Public Hearing
Special Permit – Accessory Apartment
10 Paula Lane
Joseph & Julie Kelley**

Motion by William Grieder to waive the reading of the public hearing notice. Seconded by Ron Bressé. Unanimous Affirmative Vote (5:0)

S.Wason stated that the application is to construct an in-law apartment in the basement of an existing home. She read the correspondence received from the following departments:

- Deputy Fire Chief Bagley reviewed and approved the plan as submitted.
- Health Agent Clifford stated that the septic system can accommodate 5 bedrooms and recently passed Title V inspection. She also noted that the apartment needs to comply with 105 CMR 410.402 requiring that no room or area in a dwelling be used for habitation if more than ½ of its floor to ceiling height is below the average grade of the adjoining ground”. Mr. Kelley noted that only 1’ would be below grade.
- Building Commissioner Casbarra stated that the common wall must be clearly delineated in the plans.

Contractor Dan Burns stated that the basement is a walkout so it meets with the requirements for egress. He stated that they have met with Mr. Casbarra who didn’t express any concerns with the plan. Kevin Weinfeld stated that they should meet with Mr. Casbarra to discuss the delineation of the common wall and noted that they should provide the Board with a dimensional plan and provide show the number of bedrooms in the house.

Motion by W.Grieder to continue the hearing to October 25, 2012 at 7:50 p.m. Seconded by Gordon Greene. Unanimous Affirmative Vote (5:0)

7:45 p.m. General Business

Autumn Valley Estates

S.Wason stated that she consulted the Attorney General's Bid Unit and they determined that if the Bank retains the landscaper, then prevailing wages don't have to be paid. She stated that the Highway Department can clean catch basins and the road prior to Town Meeting acceptance.

Special Town Meeting Articles

S.Wason stated that she has submitted 3 articles for the Town Meeting warrant:

- Use variances clarification
- Housing Trust
- Flood Plain Overlay District

She stated that we need to satisfactorily finish the current portion of the Master Plan before requesting more funds.

8:00 p.m. Discussion concerning zoning with Kraft Group representatives

Dan Krantz and Attorney Dan Gaquin of Mintz Levin were present.

D.Krantz handed out a list of zoning changes. A year ago zoning discussions began and a list of some of the modifications were done in conjunction with the Building Commissioner.

A. Clarifications to the Use Table

- Clarify that parking facilities included in Public & quasi-public facilities (BC)
- Clarify that municipal utility lines/apparatus are included in public facilities (KO)
- Clarify accessory use limitations to eliminate ambiguity (BC)

W.Grieder stated that clarification is needed of what is municipal utility line.

B. Clarification of structures in the public interest

Section 4.5.1 requiring that structures must serve a public use and may include electrical apparatus and transportation facilities.

W.Grieder stated that clarification is needed on what is an electric apparatus, and if wind turbines fall under that category.

C. Parking

Amend Table 6-1 by adding parking requirement for new use: "High Tech Office" (1 space per 500 sf net)

Definition of High Tech office facility would be a hybrid use between office and lab or research & development use.

W.Grieder asked that they investigate how other Towns deal with the future if building is "high tech", which has larger square footage per user than normal office uses then but move to a different location; how do they deal with undersize parking. D.Krantz responded that at that point they could add a parking structure. He stated that *ite* parking numbers don't include "high tech" offices.

S.Wason stated that some towns consider the different uses within a building for their parking requirements rather than use one category for a building that contains different types of business with different parking requirements.

D. WRPOD

Section 9.4.7.6 – add "or privately" for treatment works and appurtenances as a permitted use.

Section 9.4.8.7 – add “unless any such activities are incidental to an allowed principal use under these By-Laws”

W.Grieder stated that in the past servicing of vehicles has been discussed, should provide the Board with data on how it will be dealt with, and if it meets EPA requirements.

D.Krantz commented that car washes reuse water. K.Weinfeld stated that Bass Pro Shops would probably like to wash boats and they wouldn't be equipment with a water recycling facility.

E. Principal uses in EDAOD

Section 9.5.4.9 – add language to include “outdoor resort, conference facilities business meetings, sporting events, concerts, family events and amusement and trade shows. Such facilities may include, but not limited to, theaters, arenas, amphitheaters, shopping, dining and food services, hotel guest rooms, suites, resort amenities and personal services for occupants of the facilities”

D.Krantz explained that they have been approached by family resort destinations akin to indoor water park, but zoning doesn't allow it.

W.Grieder stated that the definition is very broad and people are still concerned about a gaming facility. D.Krantz responded that they would like to work with the Board to deal with the broadness of the language to make this more palatable.

Section 9.5.4 – add the following to permitted uses:

12. Gas service station and/or car washes, in connections with retail/mercantile uses.
13. High tech Office Facilities
14. Single & multi-family dwellings, subject to the regulations applicable within the EDAOD under these By-Laws.
15. Commuter rail, bus or other transportation stations/facilities and related or accessory parking and other similar structures and improvements.
16. Spas

S.Wason stated that there are no density regulations within the EDAOD since single & multi-family dwellings are not allowed uses.

W.Grieder stated that they need to explain why dwellings are wanted since it has been designated as a business district (an economic engine for the Town)

D.Gaquin responded that they can use the Chestnut-Payson Overlay District “CPOD” for guidance.

S.Wason questioned residential, single family homes don't seem consistent with the EDAOD

J.Rhoads agreed with S.Wason.

D.Krantz concurred adding that they are looking more into multi-family units.

W.Grieder stated that there have been 3 studies done on commuter rail. At the Master Plan and Housing Plan discussions, the consultants have talked about rail and bus facilities. Ancillary things like layover stations need to be included otherwise discussion cannot happen. J.Rhoads stated that there are a host of issues that need to be known, for example where the line is coming from. W.Grieder stated that those answers won't come from the Kraft Organization or the Town. Need to know who has the ultimate say on those items. S.Wason stated that many of the landmark train cases predates zoning so zoning may not matter.

F. EDAOD lot coverage definition

Section 9.5.6.3.c – need technical clarification that separation of sidewalk/bike path doesn't constitute separate lot for zoning coverage purposes.

W.Grieder stated that they will need to explain why this is necessary.

G. Split lots in EDAOD

Section 9.5.6 – provide split lot provision to allow for EDAOD zoning to apply to entirety where a 100’ buffer is provided.

K.Weinfeld stated that when residents have lots in split zoning districts, they have to appear at TM to rezone a parcel.

D.Krantz stated that this is to maximize opportunities and to protect residential abutters.

W.Griender stated that the Board would need to look at an overlay on an aerial map showing zoning lines within the EDAOD.

S.Wason stated that this article is identical to last year. Typically, towns regulated more than one district on a lot with the one that needs the requirements the most trumps or the lesser restrictive can be extended so much.

W.Griender stated that there was a lot of concern expressed by other Boards last year about this item.

J.Rhoads stated that they need to have a demonstrative plan to show what parcels will be in play.

H. Multiple Buildings in EDAOD

K.Weinfeld asked that they provide an explanation on how does this impact current regulation that doesn’t allow more than 50% of lot coverage

I. Height

S.Wason stated that a depiction of heights would be helpful.

W.Griender agreed, stated that they should show how tall the stadium is, hotel, water tower, etc.

J. Parking Structures

Clarify at at-grade and underground facilities are permitted.

K. Definitions

Add High Tech office

Add Spa

Amend Municipal Recreation facility – S.Wason asked if this was for liability issues. D.Krantz stated that he will find out. S.Wason clarified that MGL Chapter 40A lists child care facilities as non-exempt uses

W.Griender asked that they clarify publicly that the Board hasn’t blocked or refused to review any proposals; adding that it was disturbing that such misinformation was said. He stated that there are a number of outstanding issues that need to be addressed:

- Beach Street traffic monitoring hasn’t been submitted in 3 years
- Parking modification at Patriot Place North Plaza that has been hanging for a year
- North Street sidewalk needs to be finished

G.Greene added that the Pine Street traffic issue needs to be resolved

Comments from the public:

Debra Burke, South Walpole – asked that they tighten up the language on high tech office, could include uses that allow pathogens that can be dangerous

Howard Siegel, 2 Kathryn Road – requested that no zoning changes be passed until all the casino licenses are issued.

John Murtaugh, Walpole PB member – language is very similar to last year and feels that the definition for spa could lead to a casino.

G.Greene stated that any zoning changes are for what is best for the Town

Michelle Paluzzi, Tucker Lane – asked where the multi-family dwellings would be located. K.Weinfeld stated that Mr. Fire showed available areas that could be used, along North Street and by Cross Street.

Richard Notterbart, Walpole PB member – future of Foxborough sits with this Board and your work is very important

Mike Freiberger, Walpole – asked if it is normal policy to request zoning changes before a project is proposed. K.Weinfeld responded that it's not unusual and that's why allowed uses are set, but understands the concern.

D.Burke – asked if there's a noise restriction. There have been race cars in the lot. W.Griender responded that there are noise limits; call the Building Commissioner's office who will measure noise with the sound meter.

Michelle Paluzzi – any thought given if rail or bus is blocked in Foxborough how that will affect the projects. D.Krantz stated that many facilities in 495 corridor of similar size don't have public transportation.

Kathleen Fitzpatrick, South Walpole – asked if public transportation was part of the high tech office project. K.Weinfeld responded that it wasn't at the time; but the rail has been discussed for many years. K.Fitzpatrick concerning parking spaces, asked if the Town has looked at other facilities that are similar. S.Wason responded that this is being done as part of the ongoing parking study.

George Adler, Granite Street – transportation facilities how about heliport or is it governed by a different agency. D.Krantz responded that FAA would govern. K.Weinfeld responded it could not allow that through zoning except for medical purposes.

W.Griender stated that wind turbines was part of the discussion last year. D.Krantz stated that renewable energy is still an interest but are not prepared to discuss that at this point.

R.Notterbart – asked if Foxboro Terminals is part of the Kraft Organization. D.Krantz responded that it isn't.

D.Burke – Two sites for layover facilities are mentioned in the study, Ashcroft Lane and between 80-84 North Street, noting that there was a petition to not allow rail in Foxborough.

There were no more comments from the public.

Discussion will continue on November 8, 2012 at 8:00 p.m.

9:50 p.m. Meeting adjourned

Respectfully submitted,
Gabriela Jordan

Approved by: _____ Gordon Greene, Clerk _____

Date: April 25, 2013