

**Foxborough Planning Board
Meeting Minutes
February 14, 2013
Town Hall**

Members Present: William Grieder, Ron Bressé, Associate John Rhoads, Gordon Greene (arrived at 7:20 p.m.)

Members Absent: Kevin Weinfeld, Shannon McLaughlin

Also Present: Planner Sharon Wason

In light of Mr. Weinfeld & Ms. McLaughlin's absence, Mr. Rhoads will participate in the meeting.

7:00 p.m. General Business

Planner's Report

Livable Communities – Planner Sharon Wason stated that there is training in accessible auditing is available for the Commission, other Town officials, and interested citizens.

“Fox Woods” subdivision – Attorney Cindy Amara of the Town Counsel's office prepared a letter of non-completion which we will submit to the bank to obtain the funds to finish the subdivision.

Zoning changes – New zoning changes were submitted by the ZBA, hearings will be on March 14th.

Street Trees – S.Wason explained that she has worked with new Tree Warden David Laliberte and developed a new street tree policy which contains a list of preferred street trees. He would like to approve the stock before planting.

Motion by John Rhoads to adopt the new Street Tree Policy. Seconded by Ron Bressé. Unanimous Affirmative Vote (3:0)

RFP for engineering services – S.Wason distributed a copy of a request for proposals (RFP) for engineering services and asked the Board for approval.

Motion by R.Bressé to approve the Request for Proposals for engineering services. Seconded by J.Rhoads. Unanimous Affirmative Vote (3:0)

Patriot Place 2012 Traffic Monitoring Plan – S.Wason stated that the report was received this week and asked if the report should be sent to BOS, FPD, DPW and Board members. Board agreed.

Annual Report – S.Wason distributed copies of the 2012 Annual Report from the Planning Board for the Board's review and approval.

Motion by J.Rhoads to approve the Annual Report as submitted. Seconded by R.Bressé. Unanimous Affirmative Vote (3:0)

7:20 p.m. Gordon Greene arrived at the meeting

Sewer Discussion

William Grieder stated that he has attended meetings with Kevin Weinfeld and Gordon Greene and feels that there's a disconnect with the Water & Sewer Commissioners. He stated that the downtown district discussed at the last Board meeting should be called “service area” rather than district. He stated that Water & Sewer doesn't need Town Meeting approval to sign the Inter Municipal Agreement (IMA). The Planning Board needs to make clear that we cannot support the agreement if there's no guarantee that there'll be some sewer reserved to develop the downtown. He stated that he will meet with Commissioner Bill Euerle to discuss the verbiage of the special act.

7:30 p.m. “Highlawn Farm” subdivision update

Developer John Walsh was present. S.Wason stated that the Board wanted to discuss the plans for this season, especially when the trees on the edges of lots would be replaced. W.Grieder stated that he is interested in the timetable for the detention basin restoration

J.Walsh – stated that homes on lots 15 & 16 have been finished and sold. Home on lot 17 is substantially complete, lot 15 is framed, lot 32 is insulated, on lot 13 the foundation is in and should be framed next week. Lots 12, 13 & 14 will be rough-graded.

- Drains will be cleaned in the spring.
- Apologized about tree clearing but it was done by customer request, adding that they will clear with Board staff prior to cutting any new lots.
- The dry well for the drainage basin will be installed at the end of construction
- Discussed stabilization of entrance to Congdon Circle
- Sidewalks – curbing & basecoat could be done this year, especially to serve the homeowners that have lived there. Would like to have an assurance or bond that by Mr. King would be responsible to repair any damages to the sidewalk during his lots’ construction.

S.Wason requested an update every 3 months on the construction. She stated that there are lots that are not as impacted by ledge/rocks that are missing a lot of trees. W.Grieder asked that J.Walsh meet with S.Wason to discuss the replanting plans. J.Walsh stated that they will be landscaping this summer and that will help.

**7:55 p.m. Form A
Lot 5A – Michelmore Way
Lots 1 & 2 – Cocasset & Oak Street
Briarwood Construction**

Applicant Mike Ferrone was present along with surveyor Bill Self. B.Self explained that the previous ANR plans that the Board had approved were not recorded with the Registry of Deeds when it was realized that the lot lines would be changing due to the variance plan that had to be filed with the Zoning Board of Appeals. He stated that the variance was necessary to obtain access on a way other than its legal frontage.

S.Wason stated that she has not been able to review the plans and ensure that the plans match what was approved by the ZBA. W.Grieder suggested that the matter be postponed until the next meeting to verify that the plan matches the variance plan.

**8:05 p.m. Continued Public Hearing
Definitive Subdivision
“Lincoln Hill Estates”
Briarwood Construction**

Applicant Mike Ferrone was present along with surveyor Bill Self. B.Self distributed revised copies of the plans and explained that the water connection through Van Norden was finalized as was discussed at the last meeting. He also distributed copies of the new waiver request list and a response from engineer Todd Pilling on the comments from CDR Maguire. He stated that the only change to waiver request list is reduction of the width for the drainage easement on lot 2.

S.Wason stated that she received the legal form of easements from Mr. Ferrone's attorney. She stated that we have received a draft response from Mr. Coogan of CDR Maguire and a letter from T. Pilling in response. She stated that the response will be sent to Mr. Coogan for review.

S.Wason discussed the location of the utility pole at end of the subdivision roadway and was concerned about sight lines being affected by it. W.Grieder suggested Board members visit the site to view utility pole.

Outstanding items:

- Review list of waivers
- Final comments from consulting engineers
- Board to visit site to view utility pole

Motion by G.Greene to continue the public hearing to February 28, 2013 at 8:00 p.m. Seconded by R.Bressé. Unanimous Affirmative Vote (3:0)

**8:25: p.m. Continued Public Hearing
Special Permit
"Crossfit Torque"
129 Washington Street**

Don Chace was present along with Richard Leslie of Bay Colony Group.

S.Wason stated that the Special Permit application was filed under Section 9.1 and Section 9.4 WRPD, but this use is one of the few uses which don't require a Special Permit, so only Section 9.4 applies. The Board reviewed the draft conditions.

There were no comments from the public.

Motion by W.Grieder to close the public hearing. Seconded by J.Rhoads. Unanimous Affirmative Vote (4:0)

Motion by R.Bressé to determine that Section 9.1 of the Zoning By-Laws is not applicable and approve the site plans and a special permit under Section 9.4 with the following conditions:

1. There shall be no paid stadium parking allowed on the site.
2. There shall be no outdoor storage containers or outdoor storage of any materials on the site.
3. The applicant shall pay the required inspection fee prior to any site work occurring on the property or the issuance of a building permit.
4. A representative from the Planning Board shall review and approve the limits of clearing **prior to** the removal of the trees. The intent of this provision is to ensure that as many mature trees as possible are retained on the site.
5. The applicant shall provide a performance guarantee in the sum of \$10,000.00 to secure the completion of the landscaping plan, drainage system installation, pavement striping, and as-built plan.
6. The drainage system shall be functional prior to an occupancy permit being issued for the structure. The applicant shall install oil and grease traps in the catch basins.
7. The applicant or successors are required to maintain the drainage system. The system shall be maintained in compliance with the Drainage System Operation and Maintenance Plan. Failure to maintain the drainage system will be considered a violation of this approval.

8. Additional landscaping shall be installed between the parking lot and Washington Street and shown on the final set of plans submitted to the Board for signature.
9. Building color scheme shall be as presented in elevation plans dated February 6, 2013.
10. All site work must be completed within twelve (12) months after the date of the issuance of the Building Permit.
11. The erosion control plan must incorporate measures to prevent storm-water and mud (from vehicles) from entering onto Washington Street during construction.
12. The conditions of this Site Plan Approval shall be added to the final set of approved plans submitted to the Board for signatures.
13. As built plans shall be submitted to the Board after construction and prior to the release of the performance guarantee.
14. Any proposed change(s) of use, from the approved site plans, or additional site work deemed substantive by any Town official shall be presented for review by 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). Approved revisions shall be illustrated on plans and submitted to the Board.
15. Should the Planning Board have concerns with the level of lighting, intensity of the lights, or lighting spillage onto abutting properties or the street the Board reserves the right to require the applicant to adjust the level of lighting, the type of lighting fixtures or the location of individual lights.
16. This Special Permit approval letter shall be recorded either at the Registry of Deeds or the Land Court. All recording information shall be provided to the Planning Office.

Seconded by G.Greene. Unanimous Affirmative Vote (4:0)

**8:35 p.m. Public Hearing – Site Plan Review
 Foxboro Sports Center
 10 E. Belcher Road**

W.Grieder explained the public hearing process to the public.

R.Bressé stated that he has filed a disclosure statement with the Town Clerk that he is an abutter to the project, but will have no financial gain.

Applicant Rich Touzos was present along with engineer Rob Truax of GLM Engineering. R.Truax stated that the rink was permitted in November 2003 opened in September 2004. He stated that the rink is 70,000 sq. ft., with 196 parking spaces, there's one access & egress on E. Belcher Road. The sewage disposal system is located in the rear of the lot. He stated that 2 rinks are functioning and are now looking to add on to the building and add a third rink. He stated that they have purchased property on Spring Brook Road which abuts the rink. He stated that there's a drainage basin on the Spring Brook parcel which serves the entire street run off for Spring Brook Road.

R.Truax stated that they are proposing a 28,000 sq. ft. expansion and a rebuilt entryway. He stated that there are two challenges for the site. The first challenge is parking for events that take place 10-12 times a year which causes parking to overflow onto E. Belcher. He stated that the parking area will be revamped and Spring Brook parcel will be the expanded parking. The other challenge is the drainage system. An underground drainage basin and a bio-retention area will be installed. The bio-retention area will provide treatment for the lot run-off and drain into an underground drainage area. Bio-retention area is surrounded by guardrails so no snow can be put there. Roof drains in the existing building go to underground recharge systems.

R.Truax stated that the existing septic system was evaluated. He stated that the system was designed in 2004 to accommodate 6,800 gallons per day (gpd). They have determined that the amount needed for the expanded rink is 6,700 gpd.

W.Griender that during the original design of drainage, there was a discussion about possible contaminants and asked what the process is to maintain the underground basin. R.Truax responded that all drainage goes through a stormceptor with a total suspended solids (tss) removal rate of 80%. There will be no direct discharge of ground run off into the underground system. There will be access ports and staff can enter it to clean if necessary. J.Rhoads stated that they need to ensure that the underground system is not damaged during construction.

W.Griender asked where the snow storage area is located. R.Truax responded that there are grass swales on each side of the bio-retention area where snow can be piled, there's a maintenance plan for the swales to be cleaned out every spring.

W.Griender asked how many spaces will be provided. R.Truax responded that the lots will have 306 parking spaces. S.Wason stated that Building Commissioner Casbarra determined the number of spaces necessary. R.Truax stated that they would like to have access and egress on both driveways.

R.Truax explained that there will be access to the building on the Spring Brook side with a long hallway connecting it to the lobby area. S.Wason stated that the entrances will be sufficient during practices where there are no spectators, but there might be a problem when there are spectators.

W.Griender asked about ice resurfacing. R.Truax responded that each rink will have its own Zamboni to resurface the ice. There are currently two Zambonis and a third one will be purchased for the new rink.

R.Touzos explained that parking problems are during high school season December through February. He explained that high school events will not increase with the added rink, since it would be used for practice. W.Griender asked what the staffing is during an event. R.Touzos responded that there are 2 workers in parking lot, 2 police officers, 2 workers inside with a 1 police officer, 2 tending the counter, 1 cook, and 2 in Pro-Shop.

W.Griender stated that we have to look at the existing problems and don't want to go through the process without recommendations from public safety officials. He asked where would buses park. R.Touzos responded that they could take the buses off-site. R.Bressé suggested banning parking on E. Belcher for cars and park buses on one side of the road between the rink entrance and Spring Brook road. R.Truax stated that they could add parking spaces to the entrance driveway, but prefer not to have cars parked there.

W.Griender asked about pedestrian access. R.Truax responded that there will be pole lights and wall packs on the building.

S.Wason asked what about hours of operation. R.Touzos responded that some schools begin practice at 5:30 a.m. and men's league games end at 12:15 a.m. He stated that outdoor lights are on a timer and turn off at 12:30 am. J.Rhoads asked that they ensure that the lights are shielded. R.Touzos responded that wall packs are shielded. R.Truax stated that they will prepare a lighting plan.

W.Griender asked what the plan for construction and to ensure safety is. R.Truax responded that the new parking area would be built first, then temporary door going in the back by the pro-shop. After that, the foundation for the new rink will be dug and the parking area in front of new rink will be fenced off.

R.Bressé stated that Spring Brook road is grossly congested by Tree Tech parking during the day and it needs to be considered.

W.Grieder asked if there are any outdoor activities during the summer. R.Touzos responded that skill sessions are all inside.

J.Rhoads asked about the location of electricals. R.Touzos responded that they are located in the back, there's already capacity no need to add to the service.

Comments from the public:

Michael Flato, 8 Spring Brook Road – stated that lighting on E. Belcher Road isn't adequate, would like to see more lighting. He stated that trucks with containers enter Spring Brook for his business and many people exiting the lot are not mindful of traffic. W.Grieder stated that Chief O'Leary discussed doing event planning during the review. R.Touzos stated that they will meet with Chief O'Leary to discuss every event prior to the next meeting.

Arthur Rounds, 141 Cocasset Street – stated that parking on E. Belcher is dangerous. Feels that there aren't enough parking spaces, where will people park if there are not enough parking spaces.

W.Grieder stated that a traffic plan for special events needs to be prepared. He would like to see egress only on E. Belcher and use driveway for bus parking area. He stated that normal day to day operation has enough parking, but special events need to be addressed with an enforceable plan. R.Trux discussed using pavers to widen the driveway for extra parking spaces.

Charles Capone, 216 Cocasset – stated that he is a hockey coach and teams are looking to move to this facility and wanted to know if the project is rolling in the right direction. W.Grieder stated that the main issue is special event planning which they are trying to address with Chief O'Leary.

Joe Green, 35 Borrows Road – stated that he is in support of the project, noting that tournaments bring a lot of money to businesses in town.

R.Touzos stated that when the rink was first proposed, the idea was to be a “cradle to college” facility where kids would learn to skate and develop through the years. He stated that they have accomplished that, there are a lot of kids that have grown up in the rink and are playing pro, semi-pro and in Division 1 colleges.

R.Trux stated that S.Wason has noted that the By-Laws require an Environmental Impact Report (EIR) and would like to know if the Board would consider waiving the EIR requirement. W.Grieder responded that the Board could waive the EIR if the following are addressed:

- Bio-retention area protection plan during construction
- Construction phasing plan
- Event traffic planning
- Lighting plan
- Fire lane striping

S.Wason read comments received from town officials:

- Building Commissioner Casbarra wrote that the plan complies with the required number of parking spaces but recommends that the Board explore any opportunity to provide more parking spaces to accommodate peak attendance.

- Deputy Fire Chief Bagley wrote that they would require adequate access for emergency vehicles and that documentation be provided that the ammonia system is going to be safe and adequate for the expansion.
- Assistant Health Agent Duquette wrote that Title V inspection must be conducted. R.Truax responded that he submitted a Title V inspection report to the Health Department this afternoon.
- CDR Maguire had several technical comments.

S.Wason discussed meeting with R.Truax to determine areas where more parking spaces could be added.

There were no more comments from the public.

Motion by G.Greene to continue the public hearing to February 28 at 8:15 p.m. Seconded by R.Bressé. Unanimous Affirmative Vote (4:0)

10:20 p.m. General Business

The Board discussed the need for an update on the Highlawn Farm subdivision litigation and it was agreed that Town Counsel should attend a meeting to update the Board on the case.

Motion by G.Greene to invite Town Counsel to meet with the Board to discuss the Highlawn Farm subdivision litigation. Seconded by J.Rhoads. Unanimous Affirmative Vote (4:0)

10:30 p.m. Meeting adjourned

Respectfully submitted,
Gabriela Jordan

Approved by: Gordon Greene, Clerk

Date: April 25, 2013