

**Foxborough Planning Board  
Meeting Minutes  
September 12, 2013  
Town Hall**

**Members Present:** William Grieder, Gordon Greene, Ron Bressé, John Rhoads

**Members Absent:** Kevin Weinfeld and Shannon McLaughlin

**Also Present:** Planner Sharon Wason, Representative Jay Barrows, Selectman Ginny Coppola, Mike Ferrone, Engineer Bill Buckley (Bay Colony), Kelly Coates and Joe Pierik of the Carpionato Group, Bob Baker and Larry Stern

**7:00 p.m. Planner's Report**

**Billboard Advisory Committee** – Ms. Wason met as part of the Billboard Advisory Committee recently and reviewed the results of these meetings with the Board. The Sign By-Law was moved from the Zoning By-Laws to the General By-Laws in 1995, the Committee feels that a new Sign By-Law is needed. Ms. Wason obtained estimates from consultants who would help rewrite the by-law and the Finance Director is looking for ways to fund a consultant, which cost be around \$20,000. There is an Economic Development Fund from the town's liquor licenses that could be used. Selectman Lorraine Brue will ask the Board of Selectmen if it could be used for this purpose. The Committee has asked Ms. Wason to help develop a scope and an RFQ. The consultant would hold meetings to get the information out to the public. An updated survey with this topic could also be sent out. The Board discussed the difference between electronic message boards and electronic billboards; electronic message boards are an allowed use. Ms. Wason also noted that most billboards have a monopole with a V-shape to allow them to get two sided signs but current regulations state that the signs need to be parallel with the road. The Board has no issues with Ms. Wason helping the Committee.

**GIS project** – Ms. Wason wanted to discuss a GIS project. Advisory Board member Larry Thomas' daughter can work on the GIS project as part of her college work.

**Town Meeting Articles** – The Board will have two articles on the Town Meeting Warrant, the rest will be held in the spring or earlier if it is found that an additional town meeting is needed.

**MassWorks grant** – Ms. Wason and Rep. Jay Barrows met with the State DOT in regards to the MassWorks grant. A letter of support is needed from the Board.

**Transit Grant** – CTPS would like the Metropolitan Planning Organization to do the work on the grant. Money will come from the Zoning Review Fund.

**OSRD Workshop** – There will be a joint meeting with Conservation for Open Space Bylaw Review with Randall Arendt on October 21<sup>st</sup>.

**Foxboro Plaza** - Work on Foxborough Plaza is scheduled to begin on Monday; Mr. Mullaney has had a pre-construction meeting with them already.

**7:15 p.m. Request for reduction of performance guarantee held for “Rosewood Estates II” subdivision**

The Board met with Mike Ferrone in regards to a bond reduction. The top coat has been put down as well as catch basins, trees have been planted. The stop sign has not been installed yet.

Ms. Wason is recommending release of no more than \$16,300 as the trees are supposed to be in for a year and the stop sign has not yet been done. A report has been submitted from Mr. Mullaney.

Mr. Ferrone asked if a fence could be installed instead of a guardrail. He is not sure of the cost.

Some of the amounts used to calculate the bond were the old amounts. Releasing \$16,300 would result in the bond being reduced from \$44,330 to \$28,030.

A **motion** to release funds in the bond for Rosewood Estates to bring the balance down to \$28,030 was made by Mr. Bressé and seconded by Mr. Greene. The motion carried 4-0-0.

They do not have a covenant in place yet, Mr. Ferrone will work with the office to get this done.

**7:25 p.m. Form A – 115/117 Belcher Road - Vandenberghe**

The Board met with engineer William Buckley of Bay Colony in regards to a Form A plan at 115/117 Belcher. The Board agreed to waive the fee if they came back in a timely manner. This is for two brothers who are subdividing their land. They did receive a lot width Variance from the Board of Appeals. There will be no impact to their septic systems.

A **motion** to approve the Form A for 115-117 Belcher Road was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 4-0-0.

**7:30 p.m. Foxfield Plaza reuse study plan informal presentation**

The Board met with Kelly Coates and Joe Pierik of the Carpionato Group and engineer William Buckley of Bay Colony Group in regards to the Foxfield Plaza. They would like to demolish and reconstruct the buildings in the plaza in a new configuration.

Mr. Coates reviewed the history of the buildings in the area, he noted that some have been empty for a number of years; he feels that they need a good retail anchor to help revitalize this area.

Right now the plaza is being used as a cut through from Forbes Blvd to Central Street. He would like to redevelop the plaza but will need the help of the Planning Board, the Zoning Board and the Board of Selectmen. Vernal Avenue will not be included in the redevelopment area.

Mass Highway has ruled that the plaza cannot be reconnected to the state drainage system; Mr. Coates expects that they should be able to be grandfathered and will ask for that. He also feels that the detention basins should be underground.

Mr. Coates feels that the main store, which will be a 45,000 – 60,000 sq. ft. supermarket, should be facing Forbes Boulevard which will discourage the plaza being used as a cut through. There would be other

retail buildings on one side and two restaurants in the front, one would be a Panera. They would also like to develop into Mansfield, but the land would need to be purchased and a Zoning Change would be needed there.

The rear of the new supermarket would be facing Central Street, to make it more attractive they are proposing a stone wall with vines and arborvitae which would look similar to their project in Cranston RI on Oaklawn Avenue.

They will also work with Vernal Ave residents on cedar fencing and landscaping.

In the front of the project, the area between Foxborough Blvd and Route 140, they will work with the Conservation Commission to beautify that area to make it more of an entrance to the site.

Mr. Grieder asked about the current tenants. Mr. Pierik stated that they have spoken to the current tenants and they are all interested in staying, they are willing to work with them.

The Board noted that the new building will be in the setback on Central Street and will require a Special Permit and/or Variance from the Zoning Board, the proposed wall may also be considered a structure and require a Variance.

Representative Jay Barrows stated that he would be working on a state grant for the area with Ms. Wason. This would be for the lights at 140 and Central Street which the state wants done as part of this project. He will also reach out to Rep. Poirier as she is the rep for Mansfield.

Mr. Rhoads had concerns with acoustics from the rear loading area and the stone wall. He liked the idea of phased lighting that is being proposed.

Sewer capacity will be addressed, they hope that the town will be part of the IMA by the time they are ready, but if not they will use whatever capacity that is allowed and have on site septic for the remainder.

A Notice of Project Change may be required of their MEPA permit. This project is actually smaller than the Big Y proposal but does have more changes in the front than that one did.

Mr. Grieder advised them to meet with the neighbors as they will probably have concerns with tractor trailers and delivery noises.

### **8:05 p.m. Discussion concerning Fairway Woods subdivision**

The Board met with Mr. Buckley, Bob Baker and developer Larry Stern in regards to Fairway Woods. A progress inspection was performed by Mr. Mullaney and he has some concerns. The road was paved at 21 feet and not 20 feet as shown on the plans; he is concerned with the impact on the catch basins.

Mr. Buckley has reviewed the issues and the solutions proposed by Mr. Mullaney and feels that they are acceptable. The extra foot should not result in more drainage as it is a small amount of impervious.

North High Street is a scenic road so the stone wall will need to be reconstructed. Mr. Mullaney also noted in his report that the granite curbing alignment is not right in places, one on the cul-de-sac and one on the straightaway.

The Board discussed implementing a ticketing system for Mr. Mullaney to use when he has concerns. The purpose being to allow the developer to continue work, but at his own risk when compliance issues arise.

**8:15 p.m. Public Hearing – To amend the Zoning Bylaws to implement the state’s medical marijuana statute**

A **motion** to open the Public Hearing and to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Ms. Wason noted that the Attorney General has ruled that towns cannot ban medical marijuana treatment centers so a location to allow them is needed as well as regulations and guidelines. The state regulations restrict the area to grow to 20,000 sq. ft. and it is not to be considered an agricultural use. Ms. Wason is proposing that it be allowed by Special Permit in the S1 District. Police Chief O’Leary has sent a letter in support of this article.

Ms. Coppola noted that this is not on the Fall Town Meeting Warrant. Ms. Wason stated that the town has six months to act at Town Meeting, this hearing freezes the zoning. This will be on the priority list for the spring town meeting.

A **motion** to continue the hearing to October 24, 2013 at 7:30 p.m. at the library was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried 3-0-0.

**8:20 p.m. Public Hearing – To amend the Zoning By-Laws to provide greater flexibility for subdivisions in the R-40 Zoning District**

A **motion** to open the Public Hearing and to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Ms. Wason explained that this is part of the Innovate Development Standards which are alternate land development techniques. One of the new sections is for Shared Driveways (8.5.2) which is a driveway that will be shared by two abutters. Common Driveways are currently not allowed. These Shared Driveways would be allowed by Special Permit.

Another section deals with the Extension of Dead End Roads (8.5.3). This is for dead ends that exceed 800 feet in linear feet. A Special Permit would be required for this also. After review, the Board decided to strike provision #1 as too stringent.

The next section is for Historic Settlement Patterns (8.5.4); after discussion it was decided to strike this whole provision.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Ms. Wason will write a recommendation letter to the Advisory Board.

A **motion** to approve the Innovative Residential Development Article and to have the Town Planner write a positive report was made by Mr. Bressé and seconded by Mr. Greene. The motion carried 3-0-0.

**8:30 p.m. Public Hearing – To amend Section 11 of the Zoning Bylaws by deleting the existing definition of Height, Building and inserting a new definition**

A **motion** to open the Public Hearing and to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Ms. Wason explained that this is a change to the way height is measured.

A **motion** to close the Public Hearing was made by Mr. Bressé and seconded by Mr. Greene. The motion carried 3-0-0.

A **motion** to approve the change to the definition of Height, Building was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

**8:35 p.m. Public Hearing – To amend Table 3-1 of the Zoning Bylaws by inserting a use entitled Brew Pub and a definition of Brew Pub in Section 11**

A **motion** to open the Public Hearing and to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Ms. Wason explained that this article was written for a specific lot owner on East Belcher for wine production. The use would be town wide and not just on this property.

Ms. Coppola asked if a liquor license would be required. Ms. Wason stated that a license if required from the state not the town.

The definition includes the provision that not more than 20% of the production capacity can be sold.

A **motion** to continue the Public Hearing to October 24, 2013 at 7:35 p.m. at the library was made by Mr. Bressé and seconded by Mr. Greene. The motion carried 3-0-0.

**8:45 p.m. Public Hearing – To amend Table 4-1 of the Zoning Bylaws by inserting a column for MAXIMUM LOT COVERAGE and adding note 4.1.2.5**

A **motion** to open the Public Hearing and to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Ms. Wason explained that this article will add to a provision for maximum lot coverage to the Bylaws. Mr. Grieder questioned if the R-40 and NB category should be 30% instead of 25%.

A **motion** to continue the Public Hearing to October 24, 2013 at 7:40 p.m. at the library was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

**8:50 p.m. Public Hearing – To provide funding for the PARC grant, if received**

A **motion** to open the Public Hearing and to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Ms. Wason stated that she has been told that state money is available and the application is ready.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

A **motion** to approve the funding of the PARC grant was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

**8:55 p.m. Public Hearing – To adopt the 12<sup>th</sup> paragraph of MGL Ch 41, s 81U to allow the Planning Board to expend forfeited bonds with permission of the Board of Selectmen**

A **motion** to open the Public Hearing and to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Ms. Wason explained that this is a provision that would allow the Planning Board to go to the Board of Selectmen for forfeited bonds instead of Town Meeting.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

A **motion** to approve the adoption of the 12<sup>th</sup> paragraph of MGL Ch 41 s 81U was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

**9:00 p.m. Public Hearing – To designate Cross Street as a scenic road pursuant to Section 11 of the General Bylaws and MGL Ch 40 s 15C**

A **motion** to open the Public Hearing and to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

Ms. Wason stated that designating Cross Street as a scenic road is recommended by the Historical Commission, the Conservation Commission as well as the Planning Board.

Ms. Wason explained the history of scenic roads, it started as a class project in 1989 and fourteen streets were designated. There are no criteria to designating a scenic road. Ms. Wason would like this to be part of the GIS project, if a road is on either the 1850 town map or on a map prior to 1950 it would be identified as an older road with possible historic sites. Criteria could be developed in regards to road width and other criteria.

Ms. Wason feels that Cross Street should have been included on the 1989 list.

Scenic Roads have restrictions on work to the walls, trees and right of ways.

The Board would like to continue the hearing to ask the residents of Cross Street if this is wanted.

A **motion** to continue the Public Hearing to October 24, 2013 at 7:45 p.m. at the library was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

**9:20 p.m. Update on Master Plan by Kathy McCabe**

This item will be placed on a future agenda.

**9:25 p.m. Adoption of Planning Board Fee Policy**

Ms. Wason explained that the policy was discussed at a previous public meeting.

A **motion** to approve the adoption of the Planning Board Fees as submitted was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-0.

**9:30 p.m. General Business**

Member Shannon McLaughlin has notified the Board that she will be moving and will be resigning from the Board. Mr. Rhoads would like to become a full member of the Board.

The Department of Local Services will be conducting a Municipal Law Seminar in October that Ms. Jordan would like to attend as it will address revolving fund accounts.

**9:45 p.m. Meeting adjourned**

Respectfully Submitted,  
Diana Gray

Approved by: William Grieder\_\_\_\_\_

Date: 11/14/2013