

**Foxborough Planning Board  
Meeting Minutes  
December 19, 2013  
Boyden Library**

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

**Also Present:** Planner Sharon Wason, Gary Whitehouse

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

**Planner's Report**

Billboard Advisory Committee – The group has been working hard with the consultant. Please forward the link to the survey that was sent earlier this week.

MassWorks Grant – Received notification that the Town did not receive a grant for the traffic signal at the Central and Commercial Streets intersection.

Town Meeting Zoning Articles – The Board will need to rehear the zoning changes for the Annual Town Meeting. The Board can discuss this at length at the January 9<sup>th</sup> meeting.

FY15 Budget – New budget features increased engineering budget line and a request for a ¾ assistant planner.

Cultural Facilities Fund Grant - There is substantially more money available in the new round of Cultural Facilities Fund Grants this year. This would be usable for Memorial Hall. The Intent-to-Apply Deadline is February 7, 2014 with Final Applications due March 7, 2014. Ms. Wason requested permission from the Board to work on this.

A motion to authorize Ms. Wason to work on Cultural Facilities Fund grant application was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried (5-0-0)

Community Preservation Act was refunded too. Payments to communities are just over 51% this year.

MassDOT grant administration – training was completed, CTPS will be able to do the work; waiting for the contracts.

**7:10 p.m. Appointment of Board Associate Member**

Mr. Weinfeld stated that Lynda Walsh and Gary Whitehouse have applied to the position of Associate Member of the Board. Ms. Walsh was present at the meeting and stated that she is withdrawing her application and expressed her support of Mr. Whitehouse. The Board thanked Ms. Walsh for her interest in the Board and for her kindness. The Board considered Mr. Whitehouse's application and noted that he has experience in the construction business and has been attending the Planning Board meetings for the last few months. The Board agreed that Mr. Whitehouse should be appointed to the Board as Associate Member.

As **motion** to request a joint meeting with the Board of Selectmen in order to appoint Mr. Whitehouse as Associate Member of the Planning Board was made by Mr. Greene and seconded by Mr. Grieder. The motion carried (5-0-0)

**7:10 p.m. Action Items**

**Request for reduction of performance guarantee – “Fairway Woods” subdivision**

A request for a reduction of the performance guarantee was submitted by Mr. Stern. Ms. Wason stated that upon review of the reports, she recommends that the Board consider reducing the bond by \$57,500.00 and retain \$24,500.00.

A **motion** to release \$57,500 from the monies held as performance guarantee for the “Fairway Woods” subdivision was made by Mr. Grieder and seconded by Mr. Greene. The motion carried (5-0-0)

**Request for extension of completion date – “Durham Park” subdivision**

Due to potential perceived conflict of interest, Mr. Weinfeld recused himself. Ms. Wason read letter from attorney John Michelmoré requesting a two year extension of the completion date for the “Durham Park” subdivision.

A **motion** to extend the subdivision completion date for “Durham Park” to July 1, 2015 was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-1) (Mr. Weinfeld abstained)

**Request for release of performance guarantee – “Crossfit Torque”**

Ms. Wason stated that work has been completed at the site and the owner is requesting the release of the bond.

A **motion** to release all the funds being held as performance guarantee for “Crossfit Torque” was made by Mr. Rhoads and seconded by Mr. Bressé. The motion carried (5-0-0)

**Sign demand for “Autumn Valley Estates” bond**

Ms. Wason explained that Mr. Guerrini of Guerrini Landscaping provided an estimate for the outstanding landscaping work. She stated that Town workers have cleaned the drainage. Street lights need to be repaired and the street sign needs to be reset. Mr. French has agreed to a fence to replace the bushes that keep dying. She stated that the path to open space has been washed out and needs to be redone. She estimated that \$50,000 should be sufficient to finish the work.

A **motion** to prepare a letter of demand to Walpole Cooperative Bank for \$50,000 to finish the work in the “Autumn Valley Estates” subdivision and to return the remaining funds to the bank was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried (5-0-0)

**7:15 p.m. Public Hearing – Revisions to Subdivision Regulations**

Hearing to be continued.

A **motion** to continue the public hearing to January 9, 2014 at 7:30 p.m. was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried (5-0-0)

**7:30 p.m. Continued Public Hearing – Site Plan Review  
Department of Public Works Office Building  
70 Elm Street**

Ms. Wason stated that Mr. Hill has requested a continuance to February 13, 2014.

A **motion** to continue the public hearing to February 13, 2014 at 7:30 p.m. was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried (5-0-0)

**7:40 p.m. Discussion concerning State Hospital Memo of Understanding**

Mr. King was present along with his engineer, William Buckley of Bay Colony Group. Mr. Buckley stated that they have had discussions with the Board to develop the land in the back of the State Hospital property. He stated that they are presenting an outline to show what they are proposing. The project is the completion of Dexter Road and the completion of the remaining units (45). He stated that the type of units is similar to what Mr. King has been building on Dexter and Capone; the building in the rear of treatment plant area would have elevators. He stated that they have approached the owners of the chapel building to purchase it and demolish it. There's a question about affordable units, 55+ requirements and field mitigation. They are asking the Board to release the over 55 restriction. This piece of project was required to build 12 affordable units, they are proposing to build those units in 2 batches, 4 units to be handicap 1-bedroom units in the garage building; and for the remaining 8 units they propose to submit \$40,000 per unit for the affordable housing fund. For field obligation, they propose to submit \$180,000. The total would be \$500,000 for affordable and field obligation. He discussed payment schedule: a sum at the beginning of the project and quarterly payments. They would like to present a special permit application for this and will show a master plan for the fields and after approval will submit a fully engineered plan.

Mr. Grieder asked what the plan is if there's a failure to reach a deal to purchase the chapel. Mr. Buckley responded that Mr. King doesn't have any control over the chapel, goal is to purchase it from VinCo, if a deal is not reached, they would assume the obligation to demolish the building. Mr. Grieder stated that if they're not successful with the chapel purchase, they will have to tweak configurations. At this point, VinCo has several outstanding items and a new Special Permit will not release VinCo from these obligations. The outstanding items are:

- Community building in chapel
- Landscaping
- Façade for sewer treatment plan

The Board reviewed the submitted Memo of Understanding and made the following determinations:

Whereas:

- The Foxborough State Hospital redevelopment has been a public-private partnership since its inception;
- The Board seeks to implement both the State Hospital Reuse Plan and the Town's Housing Production Plan;
- The redevelopment process has been prolonged by circumstances beyond the control of the Town, including world-wide financial problems;
- The housing development is complete except for the remaining 46 dwelling units and the Board seeks to have these completed as expeditiously as possible;
- The Board desires to repair the working relationship between Mr. King and the Board which was impacted as a result of the King-Foxboro LLC v. Kevin Weinfeld et al. action;

Mr. Grieder made a **motion** to accept the Memorandum of Understanding as presented and was seconded by Mr. Greene. The motion carried (5-0-0)

Mr. Greene stated that elimination of the over 55 restriction would be acceptable. It is his opinion that such a restriction would present a serious hardship in the event of the death of one of the owners and could become an imposition on the elderly. Mr. Grieder stated that the rest of the Board feels the same.

**“Highlawn Farm” – Congdon Circle Performance Guarantee**

Ms. Wason informed the Board that Mr. King submitted a Tripartite Agreement in the amount of \$95,326.00 to cover the work on Congdon. The agreement has been reviewed by Town Counsel. A **motion** to accept the Tripartite Agreement for Congdon Circle in the “Highlawn Farm” subdivision was made by Mr. Weinfeld and seconded by Mr. Greene. The motion carried (5-0-0)

Ms. Wason thanked Mr. King for his cooperation and keeping to the re-use plan. Mr. Weinfeld also thanked Mr. King for all the work he has done as part of the project. Mr. King recognized Mr. Buckley for all the work he has done.

**8:20 p.m. General Business**

**Springbrook Road**

Mr. Bressé concerned that the roads haven’t been marked, no parking signs were removed. Mr. Touzos has done what was required of him, but Mr. Rounds has called him about parking situation, especially during special games. This should be rectified. No Parking signs have been removed.

**Highlawn Farm**

Ms. Wason read letter from Mr. Walsh stating that there are no outstanding items that he is aware of. GG landscape contractor did a good job placing all the trees with no mess on the sidewalk. The Board agreed that the catch basin has to be addressed.

**8:30 p.m. Discussion concerning Football Operations Expansion and request for Minor Modification of Stadium Site Plan; discussion of future plans including Pavilion**

Attorney Peter Tamm of Goulston & Storrs, engineer Craig Lizotte of VHB, Andrew Baker of JK Scanlan and Dan Krantz and Woody Beals of The Kraft Group were present.

Building Commissioner Casbarra was also present for the discussion.

Mr. Tamm stated that during the planning of the stadium, considerable time was spent planning for future development and expansions. He stated that this modification doesn’t require a change of use, they believe that it fits well and isn’t a substantive change and fits nicely with the minor modification concept.

Mr. Krantz explained that this project is the consolidation of football operations, scouting and video departments. Scouting and video have become larger and would like to meld them with the football operations, adding meeting rooms which will require the relocation of the coaches’ office. They will also be adding a women’s locker room to accommodate female employees in football operations. He presented the existing conditions plan and then presented an illustration

showing the addition and an illustration with the floor plan. He stated that football is active all year and they have very tight window for the construction phasing.

Mr. Baker discussed phasing of construction. He stated that they are anticipating having access to the area in early February; training section should be finished in mid-April; meeting rooms in mid-May; coaching area ready prior to training camp; scouting and video in August.

Ms. Wason asked if a sidewalk would be eliminated, Mr. Krantz responded that the sidewalk would not be eliminated. Ms. Wason asked if the public would be able to enter the administrative offices where they do now. Mr. Krantz responded that the access will not change. Ms. Wason asked what will occupy the second level. Mr. Krantz responded that it will be used for additional administrative space. Ms. Wason asked if this construction would add more people. Mr. Krantz responded that it will house staff that is already working but don't have enough space.

A discussion ensued to determine whether this modification should be considered minor or if the change is substantive and requires site plan review. Mr. Tamm argued that this modification is minor, not substantive; adding that the 2000 Stadium Site Plan approval established an administrative review for projects like this. Mr. Casbarra agreed that the Stadium approval is the document that dictates this project, and as such, an administrative review should be sufficient. Mr. Casbarra stated that a pavilion building which has been discussed informally would require site plan review. Mr. Krantz stated that they will be filing for a full site plan review for any stand-alone buildings.

A **motion** to determine that the plan showing the addition and renovation is a minor modification to the site plan because there are No substantial impacts from traffic generation; no substantial sewage generation; no loss of parking; no loss of pedestrian; no increase in lighting; and no change in water management plan was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried (5-0-0)

A **motion** to approve the minor modification with the condition that the applicant to submit as-built plans was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried (5-0-0)

### **Contemplated Future Stadium Improvements**

Mr. Krantz gave the Board an update on the site. He stated that they are adding elevator service for easier access by handicapped patrons. They are also contemplating potential suite expansions adding rental suites to the west side; a 2015 expansion project in the south end zone. As Mr. Casbarra mentioned, there is an idea of a pavilion. He stated that internal groups are discussing it, but the anticipated area is behind the ticket office. He added that they may have a schematic plan for this project in February. Ms. Wason asked if there are any more solar projects planned. Mr. Krantz responded that there's a desire to extend the solar canopies at Patriot Place through CBS Scene.

**10:00 p.m.** Meeting adjourned

Respectfully submitted,  
Gabriela Jordan

Approved by: Kevin Weinfeld \_\_\_\_\_

Date: 5/22/2014