

**Foxborough Planning Board
Meeting Minutes
March 13, 2014
Boyden Library**

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Ron Bressé, John Rhoads, Associate Gary Whitehouse

Also Present: Planner Sharon Wason

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

Planner's Report

Town Meeting Articles – Ms. Wason informed the Board that she, along with Mr. Weinfeld and Mr. Grieder, met with the Advisory Committee last night to discuss zoning articles, only issue was drive-through windows

Autumn Valley Estates – Ms. Wason informed the Board that Walpole Coop has released a check to cover the costs of completing the subdivision. The Advisory Committee seemed to understand the need for the State statute to contract through Selectmen instead Town Meeting appropriation which is necessary to complete this project.

Downtown Traffic Counts – Ms. Wason stated she received an email from the county engineers that they have begun the requested counts.

Billboard Advisory Committee – next meeting is scheduled for March 19th at 7:30 pm in the Library.

Town Hall space RFP – RFP has been advertised; responses are due on April 4th. Highest priority is for a space downtown. They are looking for 17,500 sf of office and storage space. The RFP is posted on the Town website.

DTLA Grant – Ms. Wason stated that she hopes to get money from MAPC and the District Local Technical Assistance (DLTA) program to do the Route 1 zoning work. Expect to find out before the April 1st Board of Selectmen meeting. On the MAPC website, the closest comparable zone is probably Needham Street in Newton. They will be looking at potential additional development and associated traffic impacts study.

FY15 PARC grant – Ms. Wason informed the Board that she is considering applying for the FY15 round of PARC grants to construct a tot lot on the south side of town. The amount to be requested would be \$50,000 maximum with the town contribution under \$35,000.

Wyman Village – Ms. Wason informed the Board that the project (a proposed 40B on Community Way) received their eligibility letter from MassHousing with the requirement that 25% of the units must be affordable.

Boyden Library

A group of neighbors of the Library were present to discuss with the Board concerns with the new Library.

Kristian Edgar, 8 Baker Street – stated that she is concerned about the lighting in the library; they have discussed with Library Director Cirillo the brightness of the internal lights at night and a light on the street pole that reflects off the building. She stated that the other issue is snow removal; snow is piled against their fence and also reduces the number of parking spaces which causes traffic issues and on-street parking between signs.

Mr. Weinfeld thanked the neighbors and stated that they will follow up with these concerns with Town Hall staff.

7:15 p.m. Action Items

Request for reduction of Performance Guarantee - Mill Street Preserve I & II Subdivisions

Ms. Wason stated that Mr. Lynch is requesting a reduction in the bond for both subdivisions. She stated that there is an issue with the required bounds but Mr. Mullaney has not been able to inspect the site due to the amount of snow on the ground. The Board discussed the request and agreed that funds should be held to cover the cost of bounds and as-built plans.

A **motion** to release \$20,000 for Mill Street Preserve II subdivision was made by Mr. Bressé and seconded by Mr. Greene. The motion carried (4-0-1)

A **motion** to release \$12,000 for Mill Street Preserve I subdivision was made by Mr. Bressé and seconded by Mr. Greene. The motion carried (4-0-1)

**7:30 p.m. Public Hearing
Special Permit – Accessory Apartment
115 Belcher Road
Lance & Vicky Vandenberghe**

A **motion** to waive the reading of the public hearing notice was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried (5-0-0)

Ms. Wason explained the background of the project. She stated that the Vandenberghes started the process last year with a contractor but he didn't obtain the necessary permits and abandoned the project. She stated that they are proposing an addition to the home that will include an accessory apartment for them to live and their daughter would occupy the main house. She read comments from the following departments:

Deputy Fire Chief Bagley reviewed and approved the plan as submitted.

Building Commissioner Casbarra stated that he had no issues with the application.

Conservation Manager Pierce stated that they may need to file a wetlands application.

Health Director Clifford stated that they have not received engineering plans, Title V reports, nor any percolation tests have been done in the property. Mr. Vandenberghe explained that due to the winter conditions, percolation tests haven't been able to be performed. Engineer William Buckley of Bay Colony Group, who will be designing the septic system, agreed that the harsh winter conditions have held up the project. He stated that the results from the percolation tests during the previous septic design showed good soils. The Board discussed their policy to not begin the Public Hearing process until a written report from the Board of Health has been submitted and agreed to waive the requirement due to the exceptionally snowy and cold winter, the large lot size, and the Applicants' engineer's report and comments.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Grieder. The motion carried (5-0-0)

A **motion** to grant the Special Permit with the conditions listed below was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried (5-0-0)

CONDITIONS:

1. This permit is specific to the petitioner. It is not transferable, nor shall it run with the land.
2. Occupancy of the second unit shall be limited to Lance and Victoria Vandenberghe. This Permit shall expire upon the home being sold or when Lance or Victoria Vandenberghe no longer resides in the unit.
3. The improvements, facilities, amenities, and alternations shown on plans dated December 18, 2013 prepared by the Bay Colony Group, Inc. of Foxborough are incorporated as requirements and conditions of this approval.
4. The kitchen facilities of the accessory apartment shall be removed when the accessory apartment is no longer needed unless the Planning Board determines the facilities (as altered or modified) are incidental and subordinate as an accessory use to a single-family dwelling.
5. Due the exceptionally snowy winter, the Vandenberghes shall prepare and receive approval for an updated septic system, if required to do so by the Board of Health, prior to applying for a Building Permit.
6. This Special Permit shall be recorded at the Registry of Deeds and referenced to the deed of the parcel prior to its taking effect. A copy of the recording information shall be supplied to the Building Commissioner and Planning Office prior to a Building Permit being issued.
7. This Special Permit shall lapse if construction is not commenced within twenty-four (24) months from the date of approval.
8. Any change(s) from this permit or any of its conditions deemed substantive by any Town official shall be submitted for review to 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).

**7:45 p.m. Public Hearing
Special Permit – Temporary Lot
28-30 Pine Street
Mitchell C. Guild**

Mr. Guild was present along with engineer William Buckley of Bay Colony Group. Mr. Buckley presented the plans. He stated that the parcel is mostly in the S-1 zoning district. He stated that Mr. Guild has owned by property since 1995 and has parked up to 10 cars until 2 years ago when regulations changed. He stated that there is a 10' buffer on the east side, will mark the parking area with barrels, and will provide one port-a-john. He stated that comments from Health Director Clifford have thrown up a red flag and they will be meeting with the Board of Health at their next meeting to discuss how to proceed.

Mr. Wason read comments received:

Deputy Fire Chief Bagley approved the plans as submitted.

Health Director Clifford wrote that the parking lot is located over the soil absorption system which violates three different Title V statutes and as such, it cannot support and would not approve the plan as presented.

Building Commissioner Casbarra had no issues with the application but suggested that the Board consider that the Stadium is required to provided 22,666 parking spaces and currently there are a total of 28,967 spaces available.

Abutter Mike Small from Seasonal Specialties expressed concerns mostly with safety due to the lack of sidewalks.

Ms. Wason read the criteria to be considered when granting special permits per Section 10.4.2 of the Zoning By-Laws: community needs served by the proposal; traffic flow and safety, including parking and loading; adequacy of utilities and other public services; neighborhood character and social structures; impact on the natural environment; and potential economic and fiscal impact to the Town, including impact on Town services, tax base, and employment.

Public comments:

Anne Pittman, 1 Turner Road –stated that she parks 10 cars per game in her property and expressed concern about how it affects the renters that live in the property.

There were no more comments from the public.

Mr. Grieder stated that Town approval wasn't required when 10 cars were parked but he is uncomfortable with granting support to this plan especially since it's not the property owner who lives there. Mr. Weinfeld concurred, stating that there is a concern that the tenants will be affected and snow removal is a potential issue. He added that he cannot see the need for an additional lot.

Mr. Buckley responded to Ms. Wason's points, re: community needs – other lots which required yearly special permits should also be considered; traffic flow and safety – the plan was reviewed by the fire department; utilities – no issue; public services – there's an issue with sidewalks; neighborhood character – the lot is in the S-1 district; natural environment – will deal with the Board of Health.

Ms. Wason asked if Mr. Guild is present on game days. Mr. Guild responded that he is the lot attendant.

Mr. Buckley requested that the hearing be continued to allow them to meet with the Board of Health.

A **motion** to continue to the public hearing to April 24th at 8:00 pm was made by Mr. Grieder and seconded by Mr. Greene. The motion carried (5-0-0)

8:15 p.m. Informal presentation for proposed "Forge Estates of Foxborough"

Dan Seidenberg, Esq. and Shane Oakes, EIT made the presentation. Mr. Seidenberg stated that they have previously met with Ms. Wason. At the meeting, they had originally presented a conventional subdivision, but Ms. Wason suggested that an Open Space Residential Development (OSRD) be considered. Mr. Oakes showed the original plan. He stated that they discussed the open space options with developer and developed the open space plan that is being shown tonight. He stated that they will incorporate LID measures with swales and rain gardens, adding that there are some lots within the Water Resource Protection Overlay District (WRPOD). 85% of the open space is upland; they are also planning to expand paths to allow access to conservation land.

Mr. Grieder discussed the limit of 800' road length for cul-de-sacs and suggested that they consider shrinking the frontage of the lots to make the road shorter. The Board discussed access and the shared driveway with Mr. Hunt. Mr. Seidenberg stated that they will be contacting Mr. Hunt to discuss granting access to his property from the subdivision road which could potentially

remove one curb cut from East Street. Mr. Hunt was present at the meeting and stated that he has not been approached yet. Mr. Weinfeld suggested that they exchange information at the end of the presentation.

Mr. Oakes stated that there's significant amount of open space. Mr. Grieder asked who will be responsible for the open space. Mr. Seidenberg responded that they may do a homeowners' association. Mr. Grieder suggested approaching the Conservation Commission to gauge their interest in the land.

Colin Browning, 186 East Street – stated that he is an abutter to the property. He read statement expressing his opposition to the project.

Mr. Rhoads asked if tests pits have been done to determine if the parcel can support a conventional subdivision. Mr. Oakes responded that they are in the process and have been finding good soils. Mr. Rhoads asked if they will be filing with the Conservation Commission. Mr. Oakes responded that there is an ORAD is in place. Mr. Rhoads stated that he would like to know who was the wetland scientist/fir that delineated the wetlands.

Mr. Grieder asked when the filing will be done. Mr. Oakes stated that they will meet with Ms. Wason again but expect to file in about 1 month.

Mr. Hunt states that he believes that the lot in the front isn't a buildable lot due to frontage. He stated that in 1988 the Canoe River Aquifer Advisory Council stated that a new culvert needs to be installed under East Street if the parcel is to be developed. Mr. Weinfeld stated that a copy of the document should be presented to the Board. Mr. Hunt responded that he has a copy of the document and can share it. Mr. Oakes stated that he would like to have a copy of the document as well.

The Board thanked Mr. Seidenberg and Mr. Oakes for their presentation and Mr. Browning and Mr. Hunt for their input.

8:50 p.m. Pre-filing informal discussion with Kraft Group representatives regarding pavilion

Dan Krantz of The Kraft Group, Peter Tamm, Esq. of Goulston & Storrs, and Craig Lizotte. P.E. of VHB were present.

Mr. Rhoads stated that the plans have been drawn by VHB and since his son works for VHB he will participate in the discussion but will not participate in any deliberations.

Mr. Krantz stated that he wanted to give an update on the site. First phase of football operations expansion project is due to be completed April 1st and are trying to meet that date. They are looking to expand the concourse bridge which has become a pinch point during events. The speaker system is being upgraded in a 3 year phase. Day of game ADA access is being improved by adding elevators. Suites are also being renovated. Artificial turf will be replaced this year. Verizon would like to implement a distribution antenna system, but it's still an ongoing discussion. Outparcel area: CVS is progressing; have had very good discussions with potential tenants for the hotel. Ms. Wason asked for an update on a pedestrian bridge across Route 1. Mr.

Krantz responded that they will have to pick up the conversation with the new state administration when a new governor is in place.

Mr. Tamm stated that the main reason for this meeting is to discuss a possible pavilion, which is intended to be an extension of the field house. It would be an accessory to the stadium; 2-story building with a 20,000 sf footprint. Mr. Krantz showed schematics and discussed the use of the building. He stated that they will be shifting events from other venues within the stadium. Mr. Tamm stated that the goal is to start working on foundation in May. He stated that they are not seeking a minor modification, but are filing for site plan approval.

**9:20 p.m. Continued Public Hearing – Special Permit
Village Townhomes at Chestnut Green – Phase II
Douglas A. King Builders**

Doug King of Douglas A. King Builders; Frank Spillane, Esq. of Spillane and Spillane; and William Buckley. P.E. of Bay Colony Group were present.

Mr. Spillane discussed Mr. King's discussion with Mr. Burke. He stated that they have agreed if within one year from their March 10, 2014 meeting Douglas A King Builders can acquire the Town land north of Dexter Road, Mr. King will not build the six unit building, but will construct a three unit building and build the remaining units on the Town land.

Mr. Buckley wanted to discuss timeframe to purchase land from VinCo. Mr. Spillane stated that they would like to purchase the land as soon as possible, but may need to wait until the tax credits end in August. The Board discussed the bond being held for the landscaping of the rear parcel that could be released to Mr. O'Neil after the property has been sold to Mr. King.

Mr. Spillane stated that the plan is to build 45 units:

- 4 VA affordable units
- 6 3- unit buildings
- 1 15 - unit building
- 1 2 - unit building
- 1 6 - unit building

Mr. Spillane then discussed phasing of the field and affordable housing mitigation. They are proposing for the recreation field mitigation:

Lot F3-D one payment of \$23,040.00 and four subsequent payments of \$10,800.00

Lot F3-C one payment of \$34,560.00 and four subsequent payments of \$27,000.00

Lot F3-G one payment of \$34,560.00 and four subsequent payments of \$27,000.00

For the affordable housing mitigation, they are proposing:

Lot F3-D one payment of \$40,200.00 and four subsequent payments of \$19,200.00

Lot F3-C one payment of \$61,440.00 and four subsequent payments of \$28,800.00

Lot F3-C one payment of \$61,440.00 and four subsequent payments of \$28,800.00

The Board will consider these proposals and will deliberate at a later meeting.

A **motion** to continue the hearing to April 24th at 8:30 pm was made by Mr. Grieder and seconded by Mr. Greene. The motion carried (5-0-0)

10:00 p.m. Meeting adjourned

Respectfully submitted,
Gabriela Jordan

Approved by: Kevin Weinfeld

Date: 8/14/14