

**Foxborough Planning Board
Meeting Minutes
April 24, 2014
Boyden Library**

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

Also Present: Planner Sharon Wason, Advisory Committee Liaison Larry Thomas

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

Planner's Report

Tree grant – We have received funds from National Grid but the announcement would come after the fall 2014 planting season. Ms. Wason will be preparing a thorough application with Tree Warden Laliberte.

Inclusionary Housing Workshop – Ms. Wason will be attending a workshop on Inclusionary Housing at Devens on May 15th

Parking cash-out fund – Ms. Wason will be working to set up a fund with Finance Director Scollins.

Stone wall Talk – Our Board with the Conservation Commission and the Boyden Library, will host a talk by Kevin Gardner, a stone wall expert. The presentation will be on June 2nd at the Boyden Library.

Route 1 grant application – There is no new information on this application.

Accessory apartments – Building Commissioner Casbarra posed a question about a duplex unit in the R-15 zoning district adding an accessory apartment and the possibility that the unit would become a triplex. Ms. Wason will be working with Mr. Casbarra for a possible zoning refinement to address this issue.

Active Subdivisions

Highlawn Farm

Ms. Wason received a letter from residents at 7 Mann Lane requesting the relocation of the street tree. The Board discussed the issue that the subdivision and the trees are still in private ownership so Mr. Walsh should be making the decision.

**7:15 p.m. Public Hearing Town Meeting Warrant Article
Adoption of the renumbered and revised Zoning Bylaws as part of the
Code of the Town of Foxborough**

Ms. Wason explained that the article is to accept the zoning book as part of the Town code book. She stated that most of the changes are of the typographic corrections and changes. There are two changes that she deems substantive. The first is on page 160: Nursing & Convalescence Home was removed due to the fact the MGL considers them to be residential dwellings.

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

Table 3-1 Table of Uses

Ms. Wason noted that MGL Ch. 40A, § 3 states that imposing land-use requirements on assisted living facilities and nursing or convalescent homes constitutes discrimination and the Attorney General has stated that a Town “cannot apply or enforce its bylaws with respect to such homes”. Because of this, it was recommended that subsections G.12 and G.14 be changed to Y in all districts except for LI (Limited Industrial Zoning District) and S-1 (S-1 Special Use District) where it would be allowed by Special Permit from the Planning Board as they are strictly business districts.

A **motion** to change Table 3-1, subsection G.12 and G.14 so that Assisted living facilities and Nursing or convalescent homes are allowed by right (Y) in all zoning districts except LI & S-1 where they would be allowed with a Special Permit from the Planning Board was made by Mr. Grieder and seconded by Mr. Rhoads. The motion carried (5-0-0)

Section 6.4 Screening, buffers and landscaping

Ms. Wason explained that Section 6.4 has been renumbered as there were two sections 6.3. In the newly renumbered section 6.4, a section dealing with preserved vegetation (6.4.4.1) should be moved from 6.4.3 “Waiver or Modification” and should be added at the end of Section 6.4.8 “General Provisions” as section 6.4.8.6.

A **motion** to strike 6.4.4.1 and relocate the stricken language to 6.4.8.6 was made by Mr. Grieder and seconded by Mr. Greene. The motion carried (5-0-0)

Ms. Wason noted that Section 9.5.12 “Violation of Site Plan” was moved to Section 10.5.15 so it applies to Site Plans in all districts instead of the EDAOD district only.

There were no comments from the public.

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

A **motion** to make a positive recommendation of the article to Town Meeting was made by Mr. Greene and seconded by Mr. Grieder. The motion carried (5-0-0)

7:40 p.m. Continued Public Hearings Town Meeting Warrant:

- To amend Section 11 B. by adding Garfield Street to the list of scenic roads*
- To amend Section 11 B. by adding Leonard Street from Cocasset to Leonard Terrace to the list of scenic roads*
- To amend Section 11 B. by adding Sherman Street to the list of scenic roads*
- To amend Section 11 B. by adding W. Leonard Street to the list of scenic roads*

Mr. Weinfeld recused himself as he was not present at the original hearings.

A **motion** to waive the reading of the public hearing notice was made by Mr. Grieder and seconded by Mr. Greene.

Mr. Grieder stated that after listening to the testimony of the residents and after reviewing the criteria, he feels that the Board should not go forward in adding these roads to the list of scenic roads. Mr. Greene concurred and encouraged planting trees on these roads through the tree program to make the roads more attractive. Mr. Rhoads agreed, adding that none of these roads could be considered scenic road. Ms. Wason stated that these streets should be in our priority area when planting trees.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-1)(Weinfeld abstained)

A **motion** to not support the inclusion of **Garfield Street** to the list of scenic roads was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried (4-0-1)(Weinfeld abstained)

A **motion** to not support the inclusion of **Leonard Street** to the list of scenic roads was made by Mr. Grieder and seconded by Mr. Greene. The motion carried (4-0-1)(Weinfeld abstained)

A **motion** to not support the inclusion of **Sherman Street** to the list of scenic roads was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried (4-0-1)(Weinfeld abstained)

A **motion** to not support the inclusion of **West Leonard Street** to the list of scenic roads was made by Mr. Grieder and seconded by Mr. Greene. The motion carried (4-0-1)(Weinfeld abstained)

**7:30 p.m. Continued Public Hearing – Site Plan Review
35-45 Panas Road
Red Snapper Realty Trust**

William Buckley, P.E. of Bay Colony Group was present and requested that the hearing be continued to the Board's next meeting as they will be meeting with the Conservation Commission next week.

A **motion** to continue the public hearing to May 8, 2014 at 7:30 was made by Mr. Grieder and seconded by Mr. Greene. The motion carried (5-0-0)

**8:00 p.m. Continued Public Hearing:
Special Permit – Temporary Lot
28-30 Pine Street
Mitchell C. Guild**

Mr. Guild has requested to withdraw this application.

A **motion** to accept the request to withdraw the application was made by Mr. Weinfeld and seconded by Mr. Greene. The motion carried (5-0-0)

8:05 p.m. Old Business

Chestnut Green

The Board discussed the December 18, 2007 approval of the Superintendent's home and the reduction in the total number of dwelling units as part of the redevelopment of the former state hospital from 203 to 202. Frank Spillane, Esq. stated that this issue could be addressed with a new Special Permit on that site. William Buckley, P.E. stated that they will be coming for a modification on the office building parcel.

**8:15 p.m. Continued Public Hearing – Special Permit
Village Townhomes at Chestnut Green – Phase II
Douglas A. King Builders**

Frank Spillane, Esq. of Spillane & Spillane and William Buckley, P.E. of Bay Colony Group represented the applicant. Mr. Spillane stated that he helped draft 3 decisions to address the different parcels that are part of the project:

Lot FE-3C: is comprised of 7 buildings, all located on land currently owned by Mr. King.

Lot FE-3G: includes the 7 buildings in FE-3C and the chapel which is not currently owned by Mr. King.

Lot FE-3D: is comprised of 2 buildings, a 15 unit multifamily building and a 4 unit multifamily building in land not currently owned by Mr. King.

Mr. Weinfeld asked the reason for creating separate homeowners associations. Mr. Buckley responded that the type of housing determined it. Mr. Spillane added that financing is also a factor.

Mr. Grieder asked for the number of units in total for project. Mr. Spillane responded 45 units is the total amount; VinCo has no rights to build any more housing units. Ms. Wason stated that Mr. King bought 28 units plus 15 condo units and 3 units are leftover from Capone. He has the right to build 45 units and VinCo has no units to build.

Ms. Wason discussed affordable housing payments due to the Town. She stated that all affordable housing requirements should be on the 7 or 8 buildings approval since the other 2 buildings would have affordable units.

The Board will review the draft conditions and vote at the next meeting.

A **motion** to continue the hearing to May 8th at 7:35 p.m. was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (5-0-0)

9:20 p.m. Discussion concerning the reappointment of Planning Board associate member Gary Whitehouse

Mr. Whitehouse confirmed that he is willing to continue serving as associate member of the Board. Mr. Weinfeld stated that the Board needs to vote on the reappointment and then confirm the reappointment in a joint meeting with the Board of Selectmen.

A **motion** to appoint Mr. Whitehouse as Alternate Member of the Planning Board was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (5-0-0)

9:25 p.m. Meeting adjourned

Approved by: William Grieder

Date: 9/12/14