

**Foxborough Planning Board  
Meeting Minutes  
June 26, 2014  
Boyden Library**

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

**Members Absent:** Ron Bressé

**Also Present:** Planner Sharon Wason

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

**Planner's Report**

Personnel issues – Ms. Wason requested approval to hire Ms. Jordan as Staff Planner and Ms. Gray as Board Administrative Secretary. The Board agreed with the decision and voted. Mr. Weinfeld signed the Employee Action Forms.

A motion was made to make the personnel changes as proposed by Ms. Wason was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 4-0-0.

**7:05 p.m. Action Items:**

**Request for minor modification - 16 Borrows Road Accessory Apartment**

Kristine McWilliams was present. She presented revised plans for the accessory apartment. They will not be constructing an addition, but will be converting the two car garage and expanding an existing bathroom.

A motion to approve the minor modification was made by Mr. Greene and seconded by Mr. Grieder. The motion carried 5-0-0.

**Discussion and request for lot release "Governor's Meadow" subdivision**

Mr. Mordini explained that he walked the road with Board Inspector Mullaney along with Lenny Stanley, the contractor that will be doing the patching. Have requested bids for paving the entire road which will be done at the end of the summer. Patching will take care of the problematic area at the entrance of the subdivision. Patching will be done as soon as possible and the top course paving to be done before the end of the season. Patching by the end of August 31<sup>st</sup> and paving by September 30<sup>th</sup>. Mr. Mordini is requesting the release of lot 8 in VanDoorn Avenue.

A motion to release lot 8 of the "Governor's Meadow" subdivision was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 4-0-0.

**7:15 p.m. Public Hearing – Special Permit Accessory Apartment  
94 West Street – Jeffery & Diane Harris**

Due to the fact that Mr. Bressé is not present, Mr. Whitehouse is sitting as a voting member.

Jeff and Diane Harris from 94 West Street appeared and explained they purchased the property from the Littlefields and had intentions from before they bought the house to build an accessory apartment for Diane's parents, Gerald and Mary Vozzella who currently live in Medfield. Her parents' home is too big and has stairs; Mrs. Vozzella is also the caregiver for their 2-year-old daughter. Ms. Wason read a memo from Mr. Casbarra asking about the setbacks and the attached garage. Mr. Harris explained they meet the setbacks.

Mr. Weinfeld read the report from the Board of Health. They stated that the system passed Title V in 2013 and that they need additional information regarding the number of bedrooms. Mrs. Harris explained that they use one bedroom as an office and they are converting the closet in that bedroom to a laundry room; Mr. Greene stated that they should condition the approval upon the okay of the Board of Health. Mr. Grieder recommended that they show that the bedroom was converted to an office and laundry room on their plans and meet with the Board of Health.

Comments from the public:

Mr. Kelly of 102 West Street stated that he is their neighbor and supports the application.

There were no more comments from the public.

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

A motion was made to grant the special permit to Jeffery & Diane Harris with the conditions below was made by Mr. Grieder and seconded by Mr. Greene. 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 the petitioners' father and mother, Gerald J. and Mary G. Vozzella. This Permit shall expire upon the home being sold or when the petitioner's parent(s) no longer resides in the unit.
3. 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.
4. 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.
5. This Special Permit shall lapse if construction is not commenced within twelve (12) months from the date of approval.
6. 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. The number of bedrooms in the existing home shall be reduced by converting a bedroom to an office and converting the walk-in closet to a laundry room and these conversions shall be shown on plans filed with the Building Department. In the event the number of bedrooms on the premises exceeds four, the owners shall make appropriate filings with the Board of Health.

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

Mr. Buckley appeared representing Red Snapper Realty trust. He stated that they met with the Board of Water & Sewer Commissioners and Water Superintendent Worthley. They want the Panas Road water line to connect onto Beach Street through Willis Lane. Line will be upgraded to the 45 building and the Water & Sewer Commission will pay for the installation of the line and waive the connection fee. The revisions from the original plan include more parking spaces, smaller curb cut and a relocated driveway due to Conservation issues.

Comments from the public:

Richard Davis of 20 Willis Lane asked what will be installed as a buffer and what the setback requirements are. Mr. Buckley responded that they will install 6' arborvitae planted 6' apart. Ms. Wason suggested relocation some of the plantings to be added near the house.

Robert Willis of 15 Willis Lane stated that he was concerned that they would continue Panas Road onto Willis Lane and seeing the house remain made it clear that it wouldn't happen. Ms. Wason stated that zoning doesn't allow connecting a commercial use to residential.

Ms. Wason asked if there is an existing right of way for Mr. Davis' driveway. Mr. Buckley responded that there's an easement in place.

There were no comments from the public.

A motion to close the public hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried 4-0-0.

A motion to schedule discussion of draft conditions and vote on the matter was made by Mr. Grieder and seconded by Mr. Weinfeld. The motion carried 4-0-0.

**7:55 p.m. Discussion concerning the Payson Road fields project**

Engineer William Buckley was present along with contractor Richard M. Pacella, Jr. of Pacella Companies. Ms. Wason discussed a memo dated today concerning the Payson Road contract with Pacella Companies. In the memo, she recommends:

1. Request Town Manager sign contract for \$564,000 (Mr. Pacella's base bid)
2. Issue Change Order 1, which deducts:
  - Item 5 Concrete Patio
  - Item 6 MHA Pavement
  - Item 10 Striping
  - Item 12 Secure Buildingfor a total deduction of \$191,000
3. Change Order 2 adds:
  - alternate paths

asphalt walk from Payson Road to baseball pavilion  
walk behind concrete curb at baseball pavilion  
concrete pad for picnic pavilion  
for a total addition of \$85,525

4. The net contract amount is \$468,525. If there's no rock removal, it would be \$458,525.

A motion to approve the recommendations by Ms. Wason was made by Mr. Grieder and seconded by Mr. Weinfeld. The motion carried 5-0-0

**8:00 p.m. Public Hearing – Special Permit  
“Lakeview Pavilion”  
45 Lakeview Road  
45 Lakeview Road LLC**

Due to the fact that Mr. Bressé is not present, Mr. Whitehouse is sitting as a voting member.

Anastasia Tsoumbanos, Natalia Kapourelakos, and Patty Serpis of 45 Lakeview Road LLC were present along with Francis Spillane, Esq. of Spillane & Spillane, William Buckley, PE of Bay Colony Group, and James Owens, LEED AP of Allevato Architects.

Mr. Buckley stated that they are filing with Conservation tomorrow and meeting with them on July 14, 2014.

Mr. Buckley explained that the site has been a function facility since 1906. The current owners purchased in 1988. The facility predates the current zoning bylaw and is a pre-existing non-conforming use. They have had an alcohol license since receiving a variance in the 1970s. The side yard is 40' where 50' is required. There are two frontages, and a side yard along lake and residential. They are seeking a special permit to reconstruct the facility which was destroyed by fire in April and they would like to expand the facility. The ZBA has limited the number of patrons to 600, but the septic system limits to 500 patrons; by building code, they are allowed approximately 800 patrons. The new building will be able to handle two functions at the same time. The facility functions 20 days per month and 85% of the functions are weddings. They received a special permit from the ZBA to allow the expansion of the footprint. The majority of the additional gross foot area is in the basement. Offices, storage, and dressing rooms will be on the side facing residential neighbors

Mr. Owens presented the building plans. He stated that the building will be fully sprinklered. They will be constructing a full basement which means no crawlspace. Walls will have better insulation which reduces noise. The vestibule will be air-locked and will have self-closing doors. Windows will be glazed which will diffuse interior light. HVAC equipment will be in the rear of the building and will be shielded

Mr. Buckley explained that traffic flow remains the same, secondary entrance is gated. The building is served by an on-site septic system which was upgraded last year under the parking lot. There's no drainage measures currently, now are required to abide by DEP Stormwater regulations. Stormwater run-off will go to gutters and roof drain to subsurface infiltration system. The water pressure in Lakeview Road at present is poor. The Town plans to abandon the water tank on Main Street and connect to the tank on Route 1 and the line will be upgraded. This upgrade will give enough pressure to have a fire protection system. Upgrade will not be ready

before functions begin. They will comply with fire code but haven't determined what system will be as of yet. Short term solutions could be installing a pump under the pond and connect to sprinkler system or burying a 30,000 gallon tank with a shed.

Site is lit by 5 flood lights on poles which point in and onto the parking lot. There are no plans to change the lighting. Landscaping will change very little, adding a patio on the left side of the building

Mr. Rhoads stated that the building has nice architecture, the massing is due to architecture and isn't offensive. He stated that he lives in the neighborhood and owners meet with the neighbors regularly to address concerns.

Mr. Grieder should have plans on how to handle parking for separate events. Ms. Serpis responded that they have discussed having a guard.

Comments from the public:

Randy Olsen of 24 Pine Acres Road spoke in support of the application.

There were no more comments from the public:

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

A motion to grant the special permit to Lakeview Pavilion LLC with the condition below was made by Mr. Grieder and seconded by Mr. Whitehouse. The motion carried 5-0-0.

**CONDITIONS:**

1. The improvements, facilities, amenities, and alternations shown on plans dated May 12 and May 31, 2014 prepared by the Bay Colony Group of Foxborough MA are incorporated as requirements and conditions of this approval.
2. The applicant shall provide a performance guarantee in the sum of \$ 5,000 to secure the completion of all required fixtures, appurtenances, amenities, and improvements, including landscaping, drainage system, pavement installation and striping, and as-built plan.
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. The conditions of this Site Plan Approval shall be added to the final set of approved plans submitted to the Board for signatures.
5. The vegetative screening and fencing around the parking lot shall be maintained as long as the Lakeview Pavilion is in operation. Failure to do so will be considered a violation of this approval. In the event of a maintenance failure, the applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the applicant's failure to cure will be considered a violation of this approval.
6. The applicant or successors are required to maintain the drainage system.
7. Should the Planning Board have concerns with the on-site drainage, the Board reserves the right to require the applicant to address drainage issues.
8. Should the Planning Board have concerns with landscaping and screening, the Board reserves the right to require the applicant to address those issues.
9. 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.
10. The erosion control plan must incorporate measures to prevent storm-water and mud (from vehicles) from entering onto Lakeview Road during construction.
  11. The Applicant shall install and maintain tree protection fencing and other protective measures for landscaping to be preserved. The tree protection fencing shall be located so that construction activities and site alterations do not disturb the root zone of the trees designated for preservation. The Board's Inspector may order that the protective measures be relocated to better protect trees and landscaping to be preserved. The Applicant shall replace any trees and landscaping designated to be preserved, which were damaged, killed, or removed as a result of construction activities.
  12. Pursuant to Town of Foxborough General By-Laws Article V. no outside work including, but not limited to, construction, renovation, demolition, loading or unloading materials, and equipment operations, may be performed between the hours of 7:00 p.m. to 7 a.m. Monday through Saturday or all hours on Sunday.
  13. All required sedimentation and erosion controls shall be in place prior to the commencement of construction. The Planning Board inspector shall be contacted for inspection prior to the commencement of construction. The best management and maintenance practices for the site shall be complied with at all times, including after the issuance of a Certificate of Occupancy for the premises.
  14. The Applicant shall notify the Planning Board in writing two or more working days prior to the following construction milestones or as otherwise instructed by the Board or the Planning Board inspector:
    - a) commencement of work on-site;
    - b) installation of stormwater management facilities;
    - c) installation of trees and other landscaping features;
    - d) prior to any final paving of the parking lot and drives; and
    - e) completion of site work.
  15. Any pavement within the public right-of-way shall be properly cut, patched and sealed/infrared and, if necessary, the disturbed portion of any street shall be overlaid with pavement. This work shall be inspected and approved by the Department of Public Works and the Board's Inspector.
  16. All signs installed on site shall comply with section 15B of the Foxborough General By-Laws. A standard stop signs shall be installed by the applicant at the intersection of the driveway and Lakeview Drive. The existing sign, which reads in part "Thickly settled...", immediately across from the access drive shall be replaced with a new sign.
  17. A Traffic Management Plan/Parking Lot Contingency Plan shall be developed and approved by the Police Chief, a copy of the approved plan to be filed with the Planning Board. This plan shall specifically address instances when events are scheduled in both ballrooms requiring parking within the same time frames. Should the plan depend on off-site parking facilities, a copy of the written agreements shall be filed with the Board.
  18. 191 parking spaces are shown on the Plan dated May 12 and May 31, 2014. Should the number of parking spaces required to comply with the Zoning By-Laws be determined by the Building Commissioner to exceed the 191 spaces shown on the plans, the Applicant shall file an amended plan with the Planning Board and identify methods to address parking shortfall, including but not limited to a Special Permit application pursuant to § 6.1.6 of the Zoning By-Laws.
  19. Handicapped access and facilities shall comply with the Americans with Disability Act and Architectural Access Board standards.

20. Site plan approval shall lapse if construction is not commenced within twelve (12) months from the date of approval.
21. All Site work must be completed within eighteen (18) months after the beginning of site work or the date of the issuance of the building permit and must be completed prior to the issuance of an occupancy permit.
22. As built plans shall be submitted to the Board after construction and prior to the release of the performance guarantee.
23. Any proposed change(s) 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.

9:00 p.m. Meeting adjourned

Respectfully submitted,  
Gabriela Jordan

Approved by: William Grieder

Date: 9/12/14