

**Foxborough Planning Board  
Meeting Minutes  
September 25, 2014  
Ahern School Auditorium**

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

**Members Absent:** Kevin Weinfeld

**Also Present:** Planner Sharon Wason, Staff Planner Gaby Jordan

**7:00 Review of Old/New Business**

**Planner's Report**

Ms. Wason attended the recent Board of Selectmen meeting with Town Engineer Chris Gallagher and received permission to spend bond money on some of the unfinished subdivisions.

The Master Plan RFP has been reissued with the change to the scope.

The Zoning Board of Appeals has been holding hearings on a Comprehensive Permit called Wyman Village. They needed to change from their regular meeting night of October 16<sup>th</sup> to October 23<sup>rd</sup> due to availability issues. October 23<sup>rd</sup> was scheduled as a Planning Board meeting night which now needs to be changed to either October 16<sup>th</sup> or October 30<sup>th</sup>. The Board members would prefer the October 30<sup>th</sup> date.

Wyman Village Engineer Bill Buckley will be attending the October 9<sup>th</sup> meeting at the request of the Zoning Board. They would like input and recommendations on the suitability of the request for 20 lots as some of the lots are less than 4,500 square feet and are located four to five feet from the street. They are also asking for waivers in regards to wetlands. The reviewing engineer, Beals and Thomas, is also requesting comments on the neighborhood design.

**Active Subdivisions**

Ms. Jordan attended the final inspection of the rebuilt Cumberland Farms with the Building Commissioner; there was one change in that they added two additional streetlights. New plans and As-Builts will be submitted.

**Action Items**

**Request for Lot Release – Governor's Meadow**

Steve Mordini came before the Board to request the release of Lot #11 (2 Van Doorn Avenue). He stated that they have started preparing Weston Avenue for the final paving and hope to have it done in the next three weeks.

Mr. Grieder would prefer not to release the lot until after the paving is complete as he has been receiving complaints that the street has been in disrepair for over a year.

Mr. Rhoads asked what leverage the Board has if things are not finished. The Board has a \$380,000 tripartite and is holding five lots under Covenant.

A motion to release Lot 11 of the Governor's Meadow subdivision was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 3-1-0 with Mr. Grieder opposed.

### **Request for reduction of Performance Guarantee - Highlawn Farms**

John Walsh came before the Board to request a bond release/reduction for the Lawton Lane and Mann Lane Tripartite Bonds. Mr. Walsh stated that the subdivision has substantially completed roads with only a few bounds and As-Builts needed. He expects that work to be done in the next two to three weeks. He has ordered two street lights for Mann Lane; the original brand is no longer available so a replacement was ordered it will have a different wattage but the style will be the same as what was originally approved. The work on Plimpton is progressing and he hopes to have that completed shortly. The catch basin has been moved as requested.

Mr. Greene noted that there is one location where the asphalt does not meet curb and driveway.

Ms. Wason reported in regards to the bond release for Mann Lane, the grass has been planted but has not grown in yet and the trees need to be in for a year. She recommends reducing the bond to \$16,000 for the bounds, trees, As-Builts, loam and seeding.

Mr. Walsh also wanted to address the settlement with Doug King in regards to the curb damage on Lawton Lane. He would like the Board to require Mr. King to put up a bond in case there is any future damage. The Board feels that this is a private party matter. Mr. Walsh reiterated that as part of their settlement agreement between the Norwood Cooperative Bank, Mr. King and the Board a bond was to be required and the Board is the bonding authority. He stated that Mr. King caused substantial damage to the granite curbing which they had to pay to repair. He stated that they will not be responsible for any future damage caused by Mr. King.

Ms. Wason recommends holding \$21,000 for Lawton Lane for trees, bounds, loam and seed and As-Builts as well as a contingency amount.

A motion to retain \$21,000 for Lawton Lane for trees, bounds, loam and seeds, As-Builts and contingencies was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 4-0-0.

A motion to retain \$16,000 for Mann Lane for bounds, trees, As-Builts, loam and seed was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 4-0-0.

### **Confirmation of Lot Release – Dudley Hills Lot 17**

This is a covenant from 1989 that was originally released in 1992, but the lot release wasn't recorded at the Registry of Deeds. A new original release is needed for a real estate closing.

Mr. Rhoads will abstain from the vote as his employer may have done work on this subdivision.

A motion to release Lot 17 from the Covenant of the Dudley Hills Subdivision was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 3-0-1 with Mr. Rhoads abstaining.

## **Discussion with Kyle Wilbur and Eli Levine concerning future solar energy project on East Belcher Road**

The Board met with Kyle Wilbur and Eli Levine in regards to a potential solar farm on East Belcher Road. This is currently residential/agricultural land and Ms. Wason noted that solar is not allowed in that zoning district. Any project of this type would require a rezoning of the land to Limited Industrial, which does have an adjacent zone.

Mr. Wilbur explained that the land was bought in 2006 and they have been trying to develop it residentially but it was found to be contaminated and there were also habitat issues. They are proposing a ground mounted solar array with a small 10' x 10' pad for an inverter and equipment. It has not been determined where it will connect to the grid.

Mr. Grieder stated that more information is needed on what will be installed, where it will connect to the grid, access to the site, etc. This information would be needed before any requests for a zoning change could be made.

The Board also noted that Limited Industrial also has other uses, so solar may not be what ends up going there.

## **Chestnut Green Bond Release**

Vince O'Neil has requested a release of the bond for Chestnut Green. Ms. Wason noted that this would be for one of the two \$50,000 bonds posted by Matt Abrams. This bond was for the drainage work. The drainage has been installed as shown except for a large pipe the Mr. King will be fixing. The maintenance report has been submitted and the required maintenance has been done; the Baker Street basin has been rebuilt and the other drainage has also been repaired. There are other deficiencies in the area but this bond was for drainage only and those conditions have been fulfilled. Ms. Wason recommends that the funds be sent to Mr. Abrams by Certified Mail.

Mr. Rhoads asked if Mr. Mullaney has inspected the site and if the catch basins have been cleaned and serviced. Ms. Wason stated that a certification from a Professional Engineer has been submitted and Ms. Wason has visually inspected the area. They have also stated that they will be filing a report when the catch basins are cleaned annually.

A motion to release the \$50,000 drainage bond and to return the funds to Matt Abrams by Certified Mail was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried 4-0-0.

## **Public Hearing – Special Permit – Accessory Apartment - 2 Austin Lane**

Mr. or Mrs. Pettigrew was not present. Ms. Wason noted that there are still remaining items to be submitted, the proper drawings were not submitted nor was a report from the Board of Health. This property is also in the Zone II and she is not sure if they are in compliance with those requirements.

The Board would like a letter sent to the Pettigrew's suggesting they withdraw their application and refile when it is complete or by October 14<sup>th</sup> in order to get it on the October 30, 2014 agenda.

A motion to send the applicants for an Accessory Apartment at 2 Austin Lane a letter requesting they withdraw their application until all outstanding issues are addressed and resubmit by October 14, 2014 was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried 4-0-0.

## **Discussion with Board of Selectmen concerning Master Plan/Development/Liquor Licenses**

The Board met with Lorraine Brue, Jim DeVellis, John Gray and Ginny Coppola of the Board of Selectmen in regards to Liquor Licenses in town. Ms. Brue explained that she is part of the Asset Review Committee who helps to identify town owned property to be sold and put back on the tax rolls. The former Fire Station and funeral home downtown were previously identified as viable once there was sewer available downtown. The Board of Water and Sewer Commissioners have signed the Intermunicipal Agreement with Mansfield over the summer so sewer will be available soon. The Asset Review Committee feels that in order to put together an RFP for the properties additional liquor licenses would be needed. Special Legislation is needed from the State Legislature to petition for additional licenses; a vote is also needed at Town Meeting. They have identified two other small restaurants in town that would like to have full liquor licenses (they currently have beer and wine licenses). Future development at the Bradlees Plaza and the Foxfield Plaza may also need liquor licenses. There is one dormant license at Chestnut Green available.

Mr. Gray asked if the Master Plan includes any information about liquor licenses helping to stimulate economic development in town. Mr. Grieder explained that they had talked about liquor licenses and sewer capacity during the Master Plan process and did note that most eating establishments would be looking for pouring licenses although there may be issues with licenses downtown due to their locations near churches and schools.

Ms. Coppola noted that Mansfield has legislation looking for licenses for specific areas of town; this language has been vetted at the state level and could be used for similar requests in Foxboro.

Mr. Greene noted that Growth Nodes were included in the Master Plan which would include restaurants and feels that licenses should be available for those nodes.

Mr. Rhoads stated that usually other businesses grow up around good restaurants. In Norwood they have revived their downtown with good restaurants, Foxboro could have something similar.

Ms. Wason stated that a memo could be prepared for the Board of Selectmen explaining the Growth Nodes; she also noted that an establishment being next to a church does not preclude its ability to get a liquor license.

Steve Udden of 21 Carmine Ave stated that there is increased Public Safety risks with the increase in pouring licenses and notes that the romantic view of lovely restaurants is not accurate, in fact, most of those restaurants fail. There are statistics of the increase of alcohol related incidents with the availability of more licenses. The townspeople's children and senior citizens driving will be at greater risk if alcohol is not regulated in town.

Ron Young of the Lafayette House thinks that more research is needed. Most Fire Station conversion to restaurants fails due to the lack of seating and the location of kitchens in old buildings. He noted that some of the restaurants in Norwood are owned by the landlords because the restaurant owner failed. He is not opposed to more licenses but feel that more restaurant industry people should be consulted.

Mr. DeVellis likes the focused approach of the nodes but commented that the request for ten liquor licenses is on the Warrant for the November Town Meeting and feels the process is being rushed. The Advisory Committee has not even weighed in on this article yet.

## **Continued Public Hearing – Site Plan Review and Special Permit Gillette Stadium Traffic & Access Improvements – Washington Street NPS LLC**

Mr. Grieder stated that the Board will not take any further testimony on concerns that have been previously identified.

Dan Krantz of the Kraft Group explained that they have additional traffic information for the Board. Engineer Jeff Dirk of Vanasse Associates reviewed additional statistics on the traffic volume pre-event and post-event for the last Sunday game on September 14<sup>th</sup>. He also reviewed changes to the Traffic Modification Plan to get vehicles to the two lots from Route 1.

Mr. Grieder stated in regards to Wisteria Way in Wrentham, the Foxboro Police Chief has spoken with the Wrentham Police Chief and explained to him that details cannot be requested for another community. He suggested that Wrentham officials begin a dialogue with the Kraft's for Wrentham concerns. The Traffic Management Plan cannot extend past the Foxboro town line into another community.

In regards to the crash data, only personal injury or property damage more than \$1,000 is tracked by the RMV, not all accidents are reported to the police.

Mr. Greene feels that he needs time to study the new traffic pattern presented this evening and he would also like to see hour by hour trip information.

Atty. Peter Tamm stated that the information Mr. Greene requested has been presented this evening. The goal of the Kraft Group is to get approximately half of their employees to use these lots in lieu of parking at the P10 lot. This will not be any new traffic; they are just changing the traffic pattern to the existing employee traffic.

Matt Piekarski, who is the Stadium's Parking Director, stated that 99% of the employees using these lots will come from the south but they can't account for them all and wanted to give a realistic view that some may come from the north.

Bob Boette of the Lutheran Church asked if the Route 1 entrance to the former MOMs could be used. He also noted that his church has services at 8:30 a.m. which get out approximately one hour later and they also have Sunday School at 9:45 a.m. and another service at 11:00 a.m. which people will need to get in and out of Main Street at those times. Jeff Dirk noted that most of the employee traffic will be from 7:00 – 8:00 a.m. for a 1:00 p.m. game with  $\frac{3}{4}$  of the employees in the lots during that time.

Bill Buckley of Bay Colony reviewed the grading and drainage designs. These designs have been reviewed by the Maguire Group and BSC who are the Planning Board's engineers as well as District 5 of Mass DOT. These designs conform to state and local regulations and use Best Management Practices.

Mr. Grieder stated that they are asking for two Special Permits and one Site Plan Approval for the two parking lots and the roadway. Any agreements between the Kraft Group and the Board of Water and Sewer Commissioners in regards to the water line near lot B is not under the Planning Board's purview. There was a question on whether or not this was an abandoned road. FXPL LLC which is a subsidiary of the Kraft Group owns the property and the town has a Right of Way Easement on it. There was a Town Meeting article to abandon the road in the early 1960's but it was not passed, the town Right of Way continues to exist.

Ms. Wason read four letters received into the record, a letter from Jay Hanflig of Robelle Industries dated September 22, 2014, a memo from Police Chief Ed O'Leary dated September 23, 2014, a letter from William Ketcham Town Administrator for the Town of Wrentham and an email from John Brooks of Wisteria Way dated September 25, 2014. The questions that Mr. Brooks had in regards to split lots was addressed.

Mr. Grieder explained that there would be no vote this evening; the Town Planner will be instructed to write two decisions, one an approval and one a denial for the next meeting.

A motion to continue the hearing to October 2, 2014 at 7:00 at the Boyden Library was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried 5-0-0.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Diana Gray

Approved by: William Grieder Date: 10/30/14