

**Foxborough Planning Board  
Meeting Minutes  
May 28, 2015  
Boyden Library**

**Members Present:** Kevin Weinfeld, William Grieder, Ron Bressé, Gordon Greene, Alternate Gary Whitehouse

**Members Absent:** John Rhoads

**Also Present:** Staff Planner Gaby Jordan

**Active Subdivisions**

Ms. Jordan reported that the trees are in at Rotchild Drive and 90% of the landscaping has been completed. The shed should be moved next week and they will also begin work on the final paving. Mr. Grieder would like to remind them that the guardrail still needs to be repaired as it is a liability to both the town and the contractor. Mr. Jordan stated that Mr. Treannie expects to have everything completed by June 10<sup>th</sup>. The Board will follow up on the remaining issues.

**Board Re-Organization**

A motion to nominate Mr. Weinfeld as Chairman was made by Mr. Grieder and seconded by Mr. Whitehouse the motion carried 5-0-0.

A motion to nominate Mr. Grieder as Vice Chairman was made by Mr. Greene and seconded by Mr. Weinfeld. The motion carried 5-0-0.

A motion to nominate Mr. Greene as clerk was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 5-0-0.

**59 Leonard Street – Request for Site Plan Modification/Waiver**

The Board met with David Madoff, Atty. Steve Frank and Mark Gentile as well as Atty. Mike Khoury. They are interested in purchasing the property at 59 Leonard Street and changing the use from a vending machine distribution company to car servicing for Boston Coach as a Minor Modification. They are looking for a maintenance facility for their vehicles; they have two other locations in Watertown and Everett. In this area, they provide special needs transportation in Mini Vans.

Mr. Grieder noted that the existing business has not been fully compliant, the screening and buffering is not adequate. He recommends they apply for Site Plan Review as this location abuts a neighborhood and they should be made aware of the proposed change.

There are also outstanding taxes due to the town. Atty. Khoury stated that any amounts due will be paid as part of the closing.

Mr. Greene would also like to see Site Plan Review. Atty. Khoury stated that although he is mindful of the town's procedures, he was led to believe that a Minor Modification could be granted as they are not making any exterior changes to the building. He did apply for Site Plan Approval today to be heard on

June 11<sup>th</sup>. Mr. Bressé is also concerned with the parking and storage of vehicles. Mr. Gentile assures the Board that they run a spotless shop both in and out.

### **Continued Public Hearing – Amendments to the Subdivision Regulations**

A motion to continue the Public Hearing to July 9, 2015 at 7:30 p.m. was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

### **Sullivan Way**

Ms. Wason, Ms. Jordan and Town Engineer Chris Gallagher met recently to discuss Sullivan Way. Mr. Gallagher is working on an estimate from Ian Brown Landscaping, they did the work on Carleton Lane; he would straighten the trees that have fallen over, replace trees as needed, clean up and make the area more presentable. The replanting and reseeding would have to wait until the fall due to the dry weather we have been experiencing lately. There is still the issue of continuity of maintenance once the street is accepted; the town does not provide maintenance on the grass strips between the sidewalk and the street. They do not have a Homeowner's Association for this maintenance of the common areas and entrance to the subdivision.

Mr. Weinfeld noted that other parts of town have grass strips that the homeowner's maintain.

Neil Asnes of 15 Sullivan Way asked when the work would be done. Ms. Jordan stated that once the estimate is received the work could commence although some of the items can't be done until the fall. It is hoped that this street will be on the Fall Town Meeting agenda for acceptance.

### **Public Hearing – Definitive Subdivision - London Estates 95 Main Street**

A motion to open the Public Hearing and to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 4-0-0.

Bill Buckley of Bay Colony was present representing the applicant Briarwood Construction. Mr. Buckley explained that this is an approximately 16 acre site that they would like to put 16 single family lots of 15,000 sq. ft. each with 100 feet of frontage. Currently there are three buildings on the site that will be removed. There are wetlands on the property that have been delineated by the Conservation Commission. They will be applying to Conservation as part of this process also.

Mr. Buckley then reviewed the plans. The roadway length will be 1,240 feet in total which is over the 800 feet allowed for a dead end road and will require a Special Permit. They will also need a Special Permit for a shared driveway for two of the lots. The entranceway will be a boulevard divided road with a six foot wide island in the middle with trees in it. The homes will have individual septic systems and they have performed soil tests and found good course soil. There is high groundwater on the site so both the road and the homes have been elevated four feet. The septic systems will be in the front with walkout basements in the rear. They will be using municipal water from Main Street that will be looped.

There is a 10,000 sq. ft. 50 foot wide parcel being separated from the main lot. This is a non-buildable lot that will be conveyed to an abutter; they will need to retain an easement through this lot for the utilities.

They would like permission to not build the entire frontage to be able to pull the cul de sac back 100 feet from the property line and to keep the roadway away from the wetlands.

In regards to stormwater, the site was approved for contractor bay buildings in the 1980's and site work was started but the owner passed away and it was never completed. The site drains towards the wetlands and the culvert on Main Street. Mass DOT will not allow tying into their drain system so the stormwater will be directed to a wet basin on the western end of the site. The basin will have a wall and fencing around it and it will treat and store up to a 100 year storm. There will also be catch basins and manholes to assist with the drainage.

Lots 15 and 16 will have a shared driveway to help minimize the driveways on roadway A; each of those lots is 4-5 acres. The driveway will be in place of the existing path with a box culvert under it to cross the stream; this is to satisfy minimum activity in a buffer zone.

They are in receipt of BSC's initial review and will be addressing their concerns.

Comments were read from the Building Commissioners, the Board of Health, the Fire Department and from Abutter Richard DeCoste.

Joe Whall of 91 Main Street asked if perc tests have been performed yet. Mr. Buckley stated that they could not be done over the winter and will be done soon. Mr. Whall asked how they could be moving forward without the perc tests, he has concerns that the water will back up on his and other neighbor's properties.

Rebecca Center of 47 Baker Street stated that there has been water on the site for years.

Stewart Stevens of 70 Cross Street whose son lives on Main Street stated that the Sunoco site still has water on it, even with the dry spring we've been having. He also has concerns with traffic backing up since it backs up from the condos now during busy times.

Scott MacMaster of 83 Main Street stated that there is high water in the area and he thinks that it won't perc. He already gets water in his basement. He also has concerns with the homes being elevated and feels they will be above his house. Mr. Buckley stated that the applicants will work with him directly since he is a direct abutter.

Darrin James of 12 Glenwood Ave asked why a tree lined entrance is needed. Mr. Buckley explained that a two way entrance could be used for emergency access if it becomes necessary. Mr. James wanted to know who would be responsible for the trees. Mr. Buckley explained that the town would once the road is accepted. Mr. James explained that he is a biology teacher and feels that the trees should be added to roadway B also to help take water out of the ground to help with the drainage.

Jeremie LeClair of 9 Glenwood Ave also had concerns with the drainage.

The abutters asked if they could have an aerial plan that would show the surrounding properties in relation to the site plan. Mr. Buckley stated he would bring an aerial to the next meeting.

Brian Doherty of 91A Main Street feels that a ten foot buffer will not be enough along the back of the Main Street properties.

Mr. Whall of 91 Main Street would like to see a fence in addition to a buffer.

Richard DeCoste of 12 Shea Lane had issues with the no trespassing signs recently put up on the property. He has submitted the potential vernal pool recordings from the property to the state and is not

pleased that the applicants did not come to ask about his concerns and instead threatened to charge him with trespassing. He noted if the abutters on the potential Lot A have been using the land shouldn't they be charged with trespassing. He claims that some of the no trespassing signs were put up on his property.

Mr. Weinfeld warned the abutters to be cautious about going on other's land.

Mr. DeCoste listed his other concerns with the radius of the road, handicapped access, roads in the wetlands, work in the 100 foot buffer, etc.

Mr. Buckley stated that these issues will all be addressed during the course of the hearing.

Ginny Collins of 81 Main Street stated that she and her husband are most concerned with the water flow and that it will come onto her lot.

Rebecca Center would like to make sure that the new road won't connect to Glenwood Ave.

A motion to continue the Public Hearing to July 9, 2015 at 7:15 was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 4-0-0.

#### **Public Hearing – Site Plan Review – New Town Hall**

A motion to continue this hearing until later in the evening was made by Mr. Bressé and seconded by Mr. Greene. The motion carried 4-0-0.

#### **Public Hearing – Accessory Apartment – 37 Hayden Drive**

A motion to open the Public Hearing and to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 4-0-0.

Paul and Sheila Stringfellow were present, they are the homeowners. They have submitted updated plans showing the floor plan. They stated that the main home will remain the same, they will construct an addition to the front for an in law apartment for Mrs. Stringfellow's mother.

Mr. Grieder stated that the permit would be family specific, if there are any changes they would need to come back before the Board. Comments were read from the Building Commissioner and the Board of Health. The Building Commissioner's comments have been addressed with the new plans.

A motion to close the Public Hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 4-0-0.

A motion to approve the application for an Accessory Apartment at 37 Hayden Drive with the standard conditions was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 4-0-0.

#### **Public Hearing Site Plan Review – New Town Hall Building- 40 South Street**

A motion to re-open the Public Hearing and to waive the reading of the notice was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 4-0-0.

Mr. Whitehouse is recusing himself from this discussion since he is on the Town Hall Building Committee.

Bill Yukna of the Town Hall Building Committee explained that they have been working on this project for the past year and a half; they are proposing to build a New Town Hall on the current site in the current parking lot. They have been meeting since last spring with the Board of Selectmen, the Building Commissioner, the neighbors, the DPW, Public Safety and Town Hall staff. LLB Architects were chosen to design the new building; they most recently did the library renovation. Landscape Elements will work on the landscaping and Bay Colony will be the engineers. They would like to develop the entire project, get the pricing and then go to Town Meeting for funding. They have had two meetings with the Design Review Board.

Drayton Faire of LLB Architects, Elena Pascarella of Landscape Elements and Julie Jenkowitz have been working on the inside layout floor plan and the exterior landscaping which they reviewed with the Board.

Bill Buckley has been working on the layout and exterior elevations as well as the drainage.

The Board discussed the proposed island in the parking lot and the signage needed for the building.

Ms. Pascarella stated that the Fire Department requested clear access around the building so some trees were removed but there will still be buffering by shrubs and fencing for the abutters on Howard. The lighting on the site will have LED lighting with cutoff features.

Mr. Greene reviewed the Design Review Comments. Their committee met on May 20<sup>th</sup> and May 27<sup>th</sup>, they had four areas of concern, the use of paneling rather than brick face in the rear and what type of paneling that will be used, the shape of the cupola and they felt that the exterior of the meeting room was too prominent. At their subsequent meeting they voted to approve the design with changes that were made.

Nancy DeMaesschalck of 7 Howard Ave stated that her street is a historic street and the new building will be eighteen feet from her property line and she questioned the location of the building. She has concerns about fire department access.

Bill Yukna stated that the Fire Chief asked for a hydrant closer to the building, the fire department will have access to the property from Liberty. The location of the building was determined based on the number of parking spaces needed.

Mark DeMaesschalck of 7 Howard Ave wanted more detail on how the location was determined. Mr. Yukna explained it was due to the required number of parking spaces.

Mrs. DeMaesschalck asked about the green space. Mr. Yukna explained that during the initial meetings the Board of Selectmen and other Boards in town wanted to preserve the green space. Mr. Greene added that the location was also determined by the need of avoiding the relocation of the current town hall staff.

Mrs. DeMaesschalck would like the building moved farther away from her property, more like the middle of the lot.

Rose Lincoln of 12 Howard Ave suggests moving the building up twenty feet and removing that much of the greenery on South Street. Mr. Yukna stated that would affect the grading on Liberty Place.

Mr. DeMaesschalck asked how many spaces are required. Mr. Yukna explained that 64 parking spaces are required.

Jill Bunker of 43 South Street asked how long the process will take. Mr. Yukna stated that they anticipate construction will take a year from when funding is received. They are hoping to have everything complete by November 2016.

Mr. DeMaesschalck asked what would happen to the gate access they currently have to the rear of their property. Mrs. DeMaesschalck asked about the noise level from the compressors and generators. She stated that she is not against a new town hall, just against the proposed location.

Mark Vaughan of 75 Carpenter Street asked if the interior floor plan could be reduced to reduce the size of the building. Mr. Yukna explained that they went through 12 different renditions of the floor plan to come up with this size.

A motion to continue the hearing to June 25, 2015 at 7:15 p.m. was made by Mr. Grieder and seconded by Mr. Weinfeld. The motion carried 4-0-0.

### **Rosewood Estates – Request to release Performance Guarantee**

McNamara Way was accepted as a Public Road at the last Town Meeting. The developer is requesting the return of the Performance Guarantee in the amount of \$5,200 plus interest. As-Builts have also been submitted.

A motion to release the Performance Guarantee for McNamara Way in the amount of \$5,200 plus interest and to endorse the mylars was made by Mr. Weinfeld and seconded by Mr. Grieder. The motion carried 5-0-0.

### **Fairway Woods – Request to release Performance Guarantee**

Michelmore Way was accepted as a Public Road at the last Town Meeting. The developer is requesting the return of the Performance Guarantee in the amount of \$28, 030 plus interest. As-Builts have also been submitted.

A motion to release the Tripartite Agreement for Michelmore Way in the amount of \$28,030 plus interest and to endorse the mylars was made by Mr. Weinfeld and seconded by Mr. Grieder. The motion carried 5-0-0.

### **Domain Foxborough 40B Presentation**

This will be rescheduled to June 25<sup>th</sup> at 7:30 p.m.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Diana Gray

Approved by: William Grieder

Date: 7/23/15