

**Foxborough Planning Board
Meeting Minutes
June 11, 2015
Boyden Library**

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

Members Absent: None

Also Present: Staff Planner Gaby Jordan

The meeting began with a moment of silence for Town Planner Sharon Wason who passed away recently.

Active Subdivisions

Ms. Jordan reported that she was not able to get in touch with Mr. Treannie in regards to Rotchild Drive but the shed has been moved and the additional driveway removed, the landscaping has been done but the paving has not been completed. She has left a message for Mr. Treannie to get in touch with Norm Mullaney so he can inspect the work. The Board members would like to be sure that the guardrail gets taken care of also.

Payson Road Update

Bill Buckley reported that the project is almost complete; there are still some materials to be removed from the parking lots. The close out documents should be completed in the next two weeks. In regards to the equipment for the tot lot, some items were picked out by Ms. Wason; Bill Yukna is working on pricing and suppliers for the equipment. Ms. Wason had also talked to people who would be using the fields; they preferred a durable surface to the compact gravel. The millings from the town roads could be spread and compacted there. Chris Gallagher will be asked when he gets back from vacation, Mr. Pacella could be consulted with also. This parking lot work would not be part of the grant money.

The balance in the account is approximately \$48,000 this should be enough to pay for the tot lot equipment and the compact materials.

Mr. Grieder asked if it would be graded, Mr. Buckley stated that Mr. Pacella will be taking care of that.

The requirement of the state for the sign installation was completed in time, pictures were sent today of the installed sign.

Tree Warden Dave Laliberte is requesting black plastic and mulch in the area around the sign.

The clearing to create a line of site from the new road has been cut from the budget, and the work cannot be done until the fall.

There are plans in the works to construct the pavilion as a Memorial for Sharon Wason; the pad has already been poured. Board members have already met with the Board of Selectmen and will be meeting with the Recreation Committee to discuss this.

Recreation Committee Chairman Heather Harding was present and stated that she has started a sheet to sign up if you would like to be involved in the memorial. The Recreation Committee is behind this effort and would like to get it out to bid as soon as possible.

Town Manager Bill Keegan stated that Steve Winter from MAPC would look into grant money for this also.

Minutes

The Board reviewed the minutes of April 23, 2015.

A motion to approve the minutes of April 23, 2015 as amended was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 6-0-0.

Request for Extension of Subdivision Completion Date – Durham Park

Mr. Weinfeld recuses himself from this discussion.

The developer is asking for an extension to July 1, 2017 to complete this subdivision. Mr. Greene commented that this seems like a reasonable request. The Board members would like to remind the developer to keep all building materials out of the cul-de-sac and off of the roads.

A motion to grant an extension to July 1, 2017 to complete the Durham Park subdivision was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

Review of Lighting at High School Turf Field

The Board met with Bill Yukna of the School Department. He recapped the progress of the building of the turf field at the high school. He noted that the school department intends to rent the field out in order to pay for future maintenance costs. In order to do this, they will need efficient lighting for the field. They have been able to get a deal with Musco Lighting for half the price and will have the bases installed for free. There will be trenching needed but that is in the CIP budget. Musco lighting can be controlled remotely so they can be turned on and off with just a phone call. They have a 25 year warranty and higher poles with hooded lights to condense the lighting to just the field. He reviewed a package from Musco Lighting with the Board.

Mr. Yukna stated that they will also be able to use half lighting for practice which will cut down on costs and be more efficient.

Mr. Weinfeld asked if the abutters have been told about this plan. Mr. Yukna stated that they will see more lights from the parking area than they will from these lights at the field. He noted that the parking lights will be replaced with LED lights this summer.

Mr. Grieder asked about the maintenance. Mr. Yukna stated that they are under a full 25 year warranty and the lights are designed for upgrades to the technology as it becomes available. The bulbs will need to be replaced every 5,000 to 10,000 hours.

Mr. Rhoads asked about the finish on the poles. Mr. Yukna explained that they will be gray paint with a flat finish as to cause no glare. The same lights are used at King Philip in Wrentham.

School Superintendent Deb Spinnelli stated that they will be meeting soon with the church next door as well as the abutters at the bottom of the driveway.

Building Commissioner Bill Casbarra has determined that this is an administrative review and a full hearing should not be necessary.

A motion to approve the lighting plan at the turf field at the high school as an Administrative Review was made by Mr. Bressé and seconded by Mr. Rhoads. The motion carried 5-0-0.

Public Hearing – Special Permit Temporary Parking Lot Renewal 200 North Street – Cal & Ellen Davis

A motion to open the Public Hearing and continue it until later this evening was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 6-0-0.

Public Hearing – Special Permit Temporary Parking Lot Renewal 96 Washington Street – JYOTI LLC

A motion to open the Public Hearing and continue it until later this evening was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 6-0-0.

Public Hearing – Special Permit Temporary Parking Lot Renewal 94 Washington Street – BRH Park LLC

A motion to open the Public Hearing and continue it until later this evening was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 6-0-0.

Public Hearing – Special Permit Temporary Parking Lot Expansion and Renewal 16 Washington Street – 16 Washington Street LLC

A motion to open the Public Hearing and continue it until later this evening was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 6-0-0.

Continued Public Hearing – Site Plan Review – Town Hall 40 South Street

Mr. Whitehouse recused himself from this hearing.

Bill Buckley of Bay Colony reviewed the punch list of items from the last meeting. A revised plan has been provided showing that they moved the driveway more towards South Street for more land in front of the Town Hall. They have modified the trees for better access to the building. A second walkway has been added as well as the parking lot island changes of a no parking zone and the island has granite edging with a four inch reveal, planters will be installed there during the warm months. In the rear, they have modified the planting plan to address the abutter concerns. In regards to the gate access, it can be added if the town chooses to allow it. A seven foot high fence is being proposed.

Mr. Grieder noted that the abutters wanted the building moved to the center of the lot, if that was done it would change the whole character of the site and would not be in the best interest of the town.

Elaina Pascarella the Landscape Architect stated that the south side buffer was originally proposed to be arborvitae but will now be mixed deciduous trees and evergreens.

Mr. Rhoads noted that he missed the first meeting but has filed a Mullen's Rule affidavit with the Town Clerk. He stated that if Liberty Place is abandoned the Paine School will no longer have frontage and suggested that an ANR to combine the lots as a condition to remedy this situation. He also has concerns with the main parking lot catch basins nearest Liberty Place, a heavy rain situation could cause spill over and he suggests an alternate grate or curbing or a double catch basin to help avoid erosion of the landscape areas. He would also suggest relocating the 8" sewer line under the existing building to a location where it could be normally maintained. He also noted that this will be the first major project in the center of town and as part of the work for the overlay district it was found that the drainage in the center of town is inadequate and suggested that roof drain into chambers or using perforated pipe with stone to help recharge the runoff from the building. No NPDES review will be required as there is less than one acre of land.

The generator pad will be the same as used at the Taylor School and the High School; it will be no louder than a car and will run on natural gas not diesel.

Mr. Grieder asked if there will be any treatment for the radio tower. Mr. Yukna stated that no lattice will be included for the tower. Mr. Grieder would also like to see appropriate signage since the building is moving to the rear of the lot. Mr. Yukna stated that it will be on the front lawn of South Street but has not been designed yet, they will come back once they have a rendering for review.

Town Manager Bill Keegan stated that signage is part of an internal discussion, they would like to have a similar design for all the municipal buildings and this is still being worked on. Building Commissioner Bill Casbarra stated that a 20 sq. ft., 5 ft. high sign is allowed by right.

Mr. Greene asked if the driveway elevations to Liberty Street could be lowered. Mr. Buckley stated that this would affect the ADA access and will need to be looked at. Mr. Greene stated that the neighbor access has been allowed for years and is not in agreement to suddenly deny it. Mr. Keegan stated that it needs to be researched why this access was granted as a policy question; it shouldn't be there if it is not a public safety issue.

Mr. Rhoads also commented on the lighting, he suggests phased lighting and using LED lighting as it has control capabilities.

Jen Sevickis of the Historical Commission asked about the handicapped space in front of the Paine School; school children come to the school for field trips and could this space be used for the bus. Mr. Grieder commented that it would have to be widened to accommodate a bus which would be a significant change and the bus would also be required to back out of the space. It would probably be easier to have the bus pull up in front of the town hall.

Nancy DeMaesschalek of 7 Howard Ave stated she would still prefer to have the building moved but is hopeful for a compromise, she questioned the height of the fence, at first it was said to be eight feet and now it is seven. The height of the plantings is also changing from what was first proposed; she would like them to be at least twenty feet high.

Mark DeMaesschalek of 7 Howard Ave also noted the changing in the plantings and the fence height.

Mr. Grieder stated that it has been determined that the building cannot be moved, the access will be allowed if the town wants it, the tree plan is not finalized yet and the Board can make it a requirement.

Mr. DeMaesschalek asked where the mechanicals for the building will be located. Mr. Yukna stated that there will be a cooling tower for the AC units and a dumpster on the far left side at ground level. He is not sure of the decibels for the AC unit but will get the information. Fire Chief Hatfield noted that the AC system will be the same as the Public Safety building; he cannot hear the units at all. Mr. Buckley commented that the mechanicals can be buffered with trees and evergreens.

Carl Barry of 48 South Street asked if the sewer lines are moved would it disrupt his service as his sewer and electrical lines are both off of Liberty Place. Mr. Buckley stated that they will experience some disruption but the contractor will be able to notify them when it will happen. It can be a condition when the contract is awarded. Mr. Keegan has no objections to having that kind of a condition.

This hearing will be continued to work out the outstanding issues:

- Tree selection and location
- Chiller pad with vegetation location
- The moving of the sewer pipe on Liberty Place
- Determining the need for a Form A for the Paine School
- Location of signage
- Fence Height
- Phasing of parking lights and the hours of the lights

Mr. Keegan commented that a cost estimate is needed as soon as possible and continuing the meeting will delay the estimates. He feels that the issues with the neighbors can be resolved with a neighbor meeting. Mr. Grieder stated that most of the pricing won't be affected, the pricing for landscaping and lighting would be the only issues.

A motion to continue the Public Hearing to June 25, 2015 at 7:15 p.m. was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

Public Hearing – Special Permit Temporary Parking Lot Renewal 200 North Street – Cal & Ellen Davis

A motion to reopen the Public Hearing and to waive the reading of the notice was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 6-0-0.

Mr. and Mrs. Davis reported that they have no changes proposed to their lot and will be keeping the same number of parking spaces, location and layout.

Comments were read into the record from the Board of Health and the Building Commissioner.

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

A motion to grant the Temporary Parking Lot Renewal for 200 North Street was made by Mr. Grieder and seconded by Mr. Weinfeld. The motion carried 5-0-0.

Public Hearing – Special Permit Temporary Parking Lot Renewal 96 Washington Street – JYOTI LLC

A motion to reopen the Public Hearing and to waive the reading of the notice was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 5-0-0.

Rosik and Hardik Patel stated that there will be no changes to their lot.

Comments were read into the record, the Board of Health reminds Mr. Patel to have signage for the bathroom inside.

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 to approve the Temporary Parking Lot Renewal for 96 Washington Street was made by Mr. Grieder and seconded by Mr. Rhoads. The motion carried 5-0-0.

Public Hearing – Special Permit Temporary Parking Lot Renewal 94 Washington Street – BRH Park LLC

A motion to reopen the Public Hearing and waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 5-0-0.

Brian Holmes reported that there will be no changes to their lot and they will have designated spaces for the restaurant.

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 to approve the Temporary Parking Lot Renewal for 94 Washington Street with the standard conditions was made by Mr. Weinfeld and seconded by Mr. Bressé. The motion carried 5-0-0.

Public Hearing – Special Permit Temporary Parking Lot Expansion and Renewal 16 Washington Street – 16 Washington Street LLC

Mr. Stanton was not present this evening. He has submitted an application asking for an expansion of the existing lot.

The Board would like to hear from Mr. Stanton on this application as the Board of Selectmen has stated that there will be no expansion on the lots.

A motion to continue the Public Hearing for 16 Washington Street to June 25, 2015 at 7:10 p.m. was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

Public Hearing – Site Plan Review – 59 Leonard Street

A motion to open the Public Hearing and to waive the reading of the notice was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 6-0-0.

Atty. Mike Khoury represented the applicants who have purchased the building. They are filing for a change of use of the property; there will be no changes to the footprint of the building. The current use is that of a vending machine distributor they would like to have an in-house vehicle repair facility for their transportation business. Atty. Khoury reviewed his prepared memo in regards to the barrier between the adjoining Church lot and their lot, they are proposing to construct a six foot fence on the property line, the

lighting of the property, there will be no changes to the exterior lighting; the hours of operation, they would like to be open from 6:00 a.m. to 9:00 p.m. Monday – Friday and 7:00 a.m. – 3:00 p.m. on Saturday; the work that will be performed on the site, they will perform all vehicle maintenance inside the building; and the vehicle storage, they plan to have approximately fifteen vehicles worked on per day and will store up to ten loaner cars on the property.

The past due taxes have been paid on the property at closing.

Mr. Bressé is concerned with the 6:00 a.m. starting time and if the adjoining lot will be used for parking. Atty. Khoury explained that the adjoining lot will be cleaned and landscaped and they are willing to discuss operating hours.

Tim Maynard of 100 Central Street asked if the paving would stay the same.

Peter Marinelli, on behalf of the Church of the Emmanuel, stated that they have two parsonages on their property that are rented to families with young children that they are concerned that they may be affected by the early and late working hours, he also noted that Church activities use the parking area and that the local children use the lot as a cut through to Lenoard Street. They are also concerned with the lighting; the lights will not be hidden by fencing and the retaining wall.

Atty. Khoury stated that the lighting plan is not new, the fencing was a requirement from a previous permit that was never done but they will be installing a solid fence now.

Mr. Marinelli is also concerned with the materials that will be stored at the site. Atty. Khoury explained that this will not be a public garage; it will be used for a transportation business for Special Needs vans. Mr. Casbarra explained that there are requirements that will have to be met for auto repair uses as part of the permitting process through the Building Department.

Mark Gentile, who is the Operations Manager, explained that they will be using state of the art containment units and will not be using the underground storage tank on the site nor will anything be stored outside. They also have a 24 hour contract with Clean Harbors if anything were ever to happen. He assured the Board that all work will be done inside in a well-insulated area. They are asking for the additional hours in case they ever need to finish up a job on a vehicle that will be needed the next day. They are agreeable to keeping the bay doors closed before 7:00 a.m. and after 7:00 p.m. There will be no auto body work and no painting of vehicles.

Mr. Casbarra noted that the use of a repair facility is allowed by right.

Mr. Weinfeld noted that the area does border an industrial area.

Atty. Khoury stated that the vans to be used there are smaller and lighter than the box trucks used in the current use.

Mr. Gentile stated that they have the required OSHA training, contingency plans, hazmat plans and had the binders with the information at the meeting this evening.

Mr. Rhoads would like to see a condition that the doors be closed outside of regular hours. In regards to lighting, a condition that they come back if there are any changes proposed could be added. He would also like a condition that no heavy buses or construction vehicles be allowed and that the fencing issue be resolved within thirty days of approval.

Lisa Olson of the Church of Emmanuel is concerned with traffic and would like assurances that they not use the cut through. She will ask the pastor is a white vinyl fence is acceptable.

A motion to close the Public Hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 5-0-0.

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Diana Gray

Approved by: William Grieder

Date: September 10, 2015