

**Foxborough Planning Board  
Meeting Minutes  
September 24, 2015  
Boyden Library**

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

**Members Absent:** None

**Also Present:** Staff Planner Gaby Jordan

**Planner Report**

Ms. Jordan reported that she, Mr. Weinfeld, Mr. Rhoads, Mr. Greene and Bill Casbarra are members of the Planner Director Screening Committee. They conducted phone interviews with seven candidates on September 21<sup>st</sup>. In person interviews will be conducted with four candidates next week, after that interview, the committee will narrow the list down and interviews will be set up with the finalists before the whole Board.

The next joint meeting to discuss the Master Plan will be October 1<sup>st</sup> in the McGinty Room. After that meeting, Kathy McCabe will be meeting with the Board to discuss finalizing the Master Plan, their contract expires at the end of October.

Amanda Chisolm would like to hold a Route 1 Economic Forum, possible dates are November 4<sup>th</sup>, November 5<sup>th</sup> and November 10<sup>th</sup>. Ms. Jordan has sent out a survey asking for Board member's availability on those dates.

The Kennedy Donovan Center is planning to demolish and reconstruct their building on Commercial Street. They are under the provisions of an exempt use so Site Plan Review is not necessary, there was an administrative review meeting with town department heads this afternoon. The Director, Engineer and Architect met with the departments to explain the new plans. They plan on starting work this fall and finishing by July 2016. Mr. Grieder asked if the access through the Papa Gino's parking lot would be maintained. He would like to know if there are any conditions from the original permit addressing this access.

**Continued Public Hearing – Accessory Apartment 19 Joanna Drive**

Danielle La Plante was present and represented herself. She explained that they purchased the home at 19 Joanna Drive in July 2015 with an existing apartment in it. They would like permission to continue the use of the accessory apartment for her parents. They have been doing renovations and would like to put the refrigerator and stove in the apartment. There would be no exterior changes to the house.

Mr. Grieder explained that the apartment would be specific to her parents and if anyone else were ever to move in they would need to come back before the Board.

Comments were read from the Board of Health, Fire Department and Building Commissioner. Mr. Casbarra signed off on the net floor area also.

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

A motion to approve the Accessory Apartment at 19 Joanna Drive was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 5-0-0.

**Continued Public Hearing – 27 Lakeview Road Scenic Road Bylaw and Definitive Subdivision – Open Space Residential Development**

Mr. Bressé recused himself from this hearing as a relative owns land nearby. Mr. Grieder has filed a Mullen's petition of the hearing that was missed.

Bill Buckley explained that they needed to file for a Scenic Road Permit as they will be moving or removing some of the wall near the street. They will be removing approximately 20 feet of the wall for the driveway of the second house. The area has been marked.

In regards to the Open Space plan, the neighbors asked for an easement for their solar panels that will limit the height of the trees nearest the neighbor's house so as to not block their solar panels. They are willing to let this be a condition of approval. They are not doing any work within the buffer zone so no applications before the Conservation Commission are necessary.

Mr. Rhoads asked about the grading of the driveways so they will not drain towards Lakeview Road. Mr. Buckley stated they are willing to have that as a condition of approval also.

Mr. Greene still doesn't like the idea of having the Open Space land being land locked, he would rather see an easement to that area; he would be an advocate of the project if access were granted. Mr. Bressé pointed out that they cannot ask for an easement on someone else's property. Mr. Buckley explained that this creates problems in small areas; people will be going through someone else's yard to access this open space. Mr. Grieder also feels that it will be an enforcement issue in the future and Mr. Whitehouse added that it would put an unfair burden on the builder.

Mr. Rhoads added that he feels it is important to keep the undeveloped land around the pond no matter if there is direct access or not.

A motion that a condition be required that there be access to the Open Space portion of the site was made by Mr. Greene and seconded by Mr. Rhoads. The motion failed 1-4-0 with Mr. Greene being the only affirmative vote.

Atty. Spillane has drafted a decision. He recommends that the solar easement be in a separate document or the deed as it is not really a Planning Board issue. He also recommends that it be limited to the Kissinger's only. The Board agreed with Atty. Spillane and condition #3 was deleted.

A motion to close the Public Hearing for the Scenic Road Bylaw and the Definitive Subdivision and Open Space Residential Development for 27 Lakeview Road Subdivision was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

A motion to approve the Scenic Road Bylaw for 27 Lakeview Road Subdivision was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried 5-0-0.

A motion to approve the Special Permit and Definitive Subdivision for 27 Lakeview Road Subdivision was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried 5-0-0

**Continued Public Hearing – Definitive Subdivision – London Estates – 95 Main Street**

The Applicant had requested a continuance to October 8, 2015 but has since amended the request and asked that it be continued to October 22, 2015 as they are not going before the Conservation Commission again until October 19, 2015.

A motion to continue the Public Hearing for London Estates to October 22, 2015 at 7:30 p.m. was made by Mr. Bressé and seconded by Mr. Greene. The motion carried 5-0-1 with Mr. Rhoads abstaining.

**Request for a Minor Modification to the Site Plan Approval – Solar Array – 70 Mechanic Street**

Mr. Weinfeld recused himself from this discussion as he is an abutter. Mr. Grieder has filed a Mullen's petition for the hearing that he missed.

Chris Ianuzzi of TTI Environmental came before the Board to ask for a Modification to their approved Site Plan, they need to have lighting beneath the solar canopies. They will remove any existing lighting located where the canopies will be installed. The canopies have a 15 degree tilt to them and the lighting will be installed in the ceiling of the canopies.

A letter from an abutter at 48 Mechanic Street has also been received; she attended the Public Hearing in August and was told that the owner's would be installing a buffer along her property line. She has not heard from anyone since that meeting and asks that a requirement of this modification be that she gets something in writing from the property owners to be sure that she gets her buffering trees as promised by Mr. Ianuzzi.

The Board reviewed the submitted photometric plan. The lighting on the existing poles was not included in the photometric plan. The Board inquired whether the new lights would be on a timer and how many lights would be needed. Mr. Ianuzzi estimated that there would be approximately 50 lights in total with approximately 18 being in the longer canopy and approximately 12 each in the two shorter canopies. There will be no lighting on the ground mounted units.

Mr. Weinfeld was concerned that the first floor residents of Pine Tree Gardens will be impacted from the glare of the lights.

Mr. Rhoads would like to see a condition for the timing of the lights.

A motion to consider this request for lighting as a Minor Modification to the Site Plan Approval for the Solar Array at 70 Mechanic Street was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

A motion to approve the requested lighting for the Solar Array at 70 Mechanic Street with conditions that the existing poles and lights within the footprint of the canopies be removed, the type of lighting be standard shoebox lights, the lights shall be programmed with on and off times, a planting plan to address abutter concerns or an agreement between the abutter and the property owner be submitted before electrical connection is allowed was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

## **Continued Public Hearing – Special Permit/Site Plan Review – Foxfield Plaza – 369 Central Street**

Atty. Frank Spillane and Engineer Eric Prive were present representing the applicant Jeff Saletin who was also present.

Mr. Prive stated that the review from BSC had been received and responded too, a supplemental review from BSC stated that all their items were addressed and also contained four recommended conditions in regards to sewer and water services. They have been working with MassDOT regarding intersection improvements and are also still working with the Conservation Commission.

Mr. Prive then reviewed the revised plans; a speed bump has been added to the rear of the existing buildings and they have also added the secondary turn off from the Central Street entrance to the retail areas.

The Board asked if the roundabout option will be pursued. Mr. Prive stated that it is not part of the DOT application. Mass DOT is also not requiring a light at Foxborough Boulevard so it will remain a flashing yellow light.

Amy Archer of PARE Corp then reviewed the traffic study with the Board. She noted that the expected traffic from the recently approved 40B on Fisher Street has been incorporated into their figures. They are projecting 5,000 vehicle trips per day which is an increase of 600 vehicles over existing conditions. The amount of cut throughs should decrease and there is a very low crash rate in the area with no major accidents noted.

The timing of the lights at Route 140 and Forbes Boulevard will need to be adjusted to maintain the level of service at the intersections. A light is not being recommended at Foxborough Boulevard unless it becomes warranted in the future.

Mr. Grieder noted that this is an atrocious area and some exit interviews with people attending conferences in the nearby Meditech building noted the “scary area down the road” as a concern. He also stated that MassDOT has been totally unresponsive in regards to improvements at the Route 140/Walnut Street intersection and they are doing the same thing here.

Jeff Saletin stated that he would welcome improvements to the intersection and that his traffic engineer suggested a four way stop or flashing red. MassDOT stated that they had never approved a four way stop on a state highway before. Mr. Saletin suggested that the town send in a letter in support of a four way stop perhaps through the Board of Selectmen. This isn’t really a state highway anymore as Route 140 has shifted over the years.

Ginny Coppola of the Board of Selectmen stated that her Board is trying to get Mass DOT to take a tour of Route 140 from Norton to the Charter School so they could see the roadway and street conditions first hand including all the dangerous intersections. The State Reps are working on this on behalf of the involved towns.

Mr. Rhoads offered to work on a letter from the Board stating the importance of having a four way stop.

Conservation issues are still being worked on in regards to the view corridors from Route 140. They will also be filing with the Zoning Board for a Special Permit for the signs on the property under the new Sign Bylaw.

A motion to continue the Public Hearing to October 8, 2015 at 7:45 p.m. was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 6-0-0.

### **Public Hearing – Sumner Estates Subdivision Construction**

Mr. Weinfeld noted that he has spoken with Mr. Treannie in regards to this subdivision and the work left to be done. He also let him know that a hearing was being held this evening. Mr. Treannie was not present.

There is \$29,000 left in the cash bond that the Board is holding. This may not be enough to finish all the work needed. Since this is not a public process it does not need to go out to bid. Ms. Jordan has been working with the Highway Department on costs also. Mr. Rhoads will talk to Town Engineer Chris Gallagher on a punch list of the remaining items and their costs.

Mr. Treannie will be notified of the Board's intention to take the bond so the work can be completed on this subdivision.

A motion to continue the Public Hearing to October 8, 2015 at 7:15 p.m. was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried 6-0-0.

### **Planner Report (continued)**

Mr. Grieder would like to recommend a stipend for Ms. Jordan due to the increase in her workload with the absence of a Town Planner. The rest of the Board supports this action and Mr. Weinfeld will address this with Assistant Town Manager Mary Beth Bernard.

The playground equipment has been ordered for the Payson Road Recreation Area. Highway Department staff will excavate and prep the area prior to installation. A new split rail fence needs to be installed by the Ernie George Field as the current utility pole on the ground is blocking drainage. The Recreation Department will be paying for the fence and the Highway Department will be installing it.

Inspector Norm Mullaney has some issues with the drainage construction at the Village Townhomes at Chestnut Green. Ms. Jordan notified King Builders and received a response from Sam Schofield that the items will be addressed.

### **Active Subdivisions**

Curbing is being installed at Durham Park and the sidewalks are also being constructed.

The Tree Warden has approved the proposed locations of the street trees at Lincoln Hill Estates.

Fundraising for the Sharon Wason Memorial Pavilion has been slow, the Recreation Department voted to appropriate \$15,000 towards the project at a recent meeting. A story will be submitted to the paper also. Other groups were waiting to see what the town would appropriate before they would take any action. An estimated \$55,000 is needed.

In regards to the Housing Trust, three members are needed; Selectmen John Gray is gathering names. Mr. Weinfeld will contact Mr. King about the Housing Trust Payment schedule.

The meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

Diana Gray

Approved by: William Grieder

Date: 11/12/15