



BOARD OF APPEALS
TOWN OF FOXBOROUGH

40 SOUTH STREET
MASSACHUSETTS

02035

**Foxborough Zoning Board of Appeals Minutes
June 10, 2010**

Members present: Chairman Erik McKenzie, Member Neil Forster, Member Lee Estabrook, Alternates Chris Karvonen

The Chairman opened the meeting at 7:00 p.m.

7:00 p.m. Continued Public Hearing of Sage Realty Trust's request for a Comprehensive Permit to construct 44 townhouse units of which 11 units will be affordable on land known as Assessors Map 20, Parcel 409 in an R-40 Zoning District and Zone II Water Resource Protection Overlay District. Member Estabrook recused himself as an abutter. Paul Cusson of Delphic Associates, Jim Pavlek of Outback Engineering and Mohammed Itani were present. Member Forster had a prepared Memorandum that was read into the record in regards to drainage on the site and buffering for the benefit of the abutters. Mr. Cusson stated that the drainage calculations have been submitted to the Town Planner and the Board, as well as a full narrative and revised plans. The Maguire Group's comments were just received today so responses have not been prepared yet. The Board still has questions if all matters of health and safety have been addressed and also questions on the runoff from the site. Mr. Cusson thinks enough information has been submitted for the Board to make a decision.

Mr. Cusson reviewed the revised plans; due to the recent flooding, the plans have been changed to three condominium buildings with 36 units in total (24 two-bedroom and 12 3-bedrooms). The buildings have been relocated to 3.88 acres on the site out of the 19 acres in total. Mr. Marchant would like to have the calculation of the density and the affordable units need to be identified.

Town Planner Marc Resnick and Ed Marchant have visited the site, the property lines were staked out at the site as requested, but the location of the buildings was not marked. Mr. Itani feels he should not have to pay to have the building locations staked, they are shown on the plans. Mr. Marchant stated that it is not unusual to ask for the staking of the property as it is very difficult for the abutters to understand where the buildings will be located. He feels that the Harris property is the one that will be most impacted by the project. He is encouraged by the amount of existing vegetation and trees on the site and would like to know how much of the existing vegetation will remain. Another important question is what color the exterior of the buildings will be, a neutral color will blend in better.

Mr. Cusson stated that specific issues as these can be conditioned into the decision. The applicants are very concerned with timing; there is a pending vote on 40B changes at the state level. He feels that some of the issues can be addressed in the definitive planning stage. He reminded the Board that definitive plans will be reviewed by the Town Planner and peer

engineers when they are presented. Mr. Itani will stake out the location of the building property corners.

Mr. Marchant stated that now is the time to address the abutters concerns, the plans have changed three times since the start of this project and the abutters are the most impacted.

Alternate Karvonen feels it is not an unreasonable request to mark the location from the house of the nearest abutters (Harris) to the proposed buildings.

Steve Baker of the Maguire Group stated that they received the revised plans on June 8th and has prepared a response for this evening. He reviewed his responses with the Board. He would like more information on the infiltration rates.

Jim Pavlek of Outback Engineering stated that they are looking at pervious pavers and rain gardens to reduce the numbers of drainage chambers; this will be addressed during the final design phase. He also noted that the drainage has been designed to exceed a 100 year storm (7 inches in a 24 hour period) and that the maintenance O&M plan is usually submitted during the definitive phase.

Bob Boette of the Conservation Commission would like to see the catch basins protected during construction so they don't fill up with sand. He would also like to see erosion control measures as part of the definitive plan.

Ed Marchant stated that most 40B's are based on preliminary plans but they usually go beyond preliminary plans and it is up to the Board's judgment to decide when they feel they have enough information to feel comfortable making a decision. The Board is not comfortable with the recent flooding that took place.

Marc Resnick stated that when they get to the definitive plan stage, the plans will be resubmitted to Maguire for comments and everything must be addressed before building permits will be issued. As far as the drainage is concerned, the Board needs to know that they have performed their due diligence to know that the drainage will work.

Ed Marchant stated that final approval is also needed from the state subsidizing agency; building permits cannot be issued without this. They also need to go to the Board of Health for the septic system and get an order of conditions from Conservation. In regards to the buffering of the abutters, is the location of the building and property lines are staked he will meet with the abutters to try to resolve their issues. The Board has 40 days from the close of the hearing to file a decision.

Mr. Itani stated that the lines will be staked by Monday.

Abutter Gene Harris feels that the process is now being rushed to get the hearing closed.

Abutter Andrea Randall is concerned with the location of the drainage pipe behind her house.

Mr. Itani stated that they were willing to meet with the abutters and the landscape architect three weeks ago and the Harris's stated they were not ready, he feels they are using it as a delay tactic.

Mr. Harris stated that the plan proposed did not offer an adequate enough buffer.

Member Forster has asked to meet with the peer engineer and the Town Planner so that he can understand that the proposed design can support these structures. He wants to be sure that there will be no future flooding problems at this site. He is also concerned with the buffering and the affect the drainage will have on the buffering.

Mr. Harris would like to meet with Mr. Marchant, the Town Planner and ZBA members without the developers. The Board feels uncomfortable excluding them from any meetings. Mr. Resnick offered to meet with the neighbors and then the developers to act as a go between.

The next meeting will be on June 17th, before that time, the property will be staked out; the ZBA members will go see the stakes on their own, the developers and neighbors will work on what they would like to see for buffers and the location of the drain pipe on the Randalls property will be located. Member Forster will meet with the Town Planner and peer engineer early next week.

The Board would like to see plans for each individual building, the preliminary landscape plans and the difference between the affordable and market units.

The hearing was continued to June 17th at 7:00 p.m.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Diana Gray