



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
May 20, 2010**

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

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

7:00 p.m. Mark Crichton requests a Special Permit to construct a residential garage in excess of 624 square feet pursuant to Foxborough Zoning By-Laws Table 3-1, Section L.10. The property, located at 230 Main Street is located in an R-40 Residential Zoning District and Zone II Water Resource Protection Overlay District. Member Forster recused himself from this petition. Members seated are Chairman McKenzie, Member Estabrook and Alternate Karvonen. Mr. Crichton was present and represented himself. He would like to replace a 12x32 ft shed with small attached garage and a portable garage with an 800 square foot garage. It would be located 70 feet off of the property line. It will be a gambrel style one-story garage mainly used to store a motor home.

Abutters Bill & Ada Godfried of 3 Pierce Street spoke in favor of the petition; they commented that Mr., Crichton's property is always neat and clean.

Mr. Crichton stated that he would like running water for a sink and electricity in the garage. He estimated that the new garage would be about 10 feet higher than the existing shed; it would be approximately 24.9 feet high and would be located 150 feet from the road.

A motion to close the Public Hearing was made by Member Estabrook and seconded by Alternate Karvonen. The motion carried 3-0-0.

The Board discussed conditions for approval. All existing structures shall be removed, it will be used for residential purposes only, water for a sink and electricity is fine but there is to be no toilets installed, this is to be a single story structure, there is to be no second floor.

A motion to approve the request for a Special Permit at 230 Main Street with conditions was made by Member Estabrook and seconded by Alternate Karvonen. The motion carried 3-0-0.

7:30 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 the applicant were present. Amended plans have been received since the last meeting. As a result of the 18" of rain that was received in March and the subsequent flooding on the site, they have made

substantial changes and have gone back to condominium plans on less of the site; the single family homes are no longer feasible. The new plans call for three buildings of 12 units, 10 units and 14 units respectively. Mr. Cusson sent the plans, renderings, photos and architectural to the Town Planner and the Board Members in advance of this meeting. A new waiver list was also submitted which reflect the changes to the Zoning Bylaws that were recently adopted (the Bylaws were recodified in December, 2009).

They have maintained the emergency access road from the previous plan and noted that the traffic pattern will remain the same.

Engineer Jim Pavlek noted that DEP had a site visit after the rains and agreed with the highest observed wetland line. They have also met with the Town Planner and Conservation Commission to get their input.

They will be providing 94 parking spaces where 81 are required, this includes spaces in garages. They will be looking at permeable pavers where possible for facilitate drainage. The street layout will remain basically the same with underground drainage for the roof drains and parking. The storm water system has been redesigned to accommodate a storm such as was just experienced. The septic system will be limited to 10,000 GPD as per Title 5. This will accommodate 84 bedrooms.

This development will be similar to "The Gables" in Abington, MA on the Brockton line.

Ed Marchant, the Board's consultant states that information is needed such as preliminary architectural plans, elevations, landscaping plan, the location of the marketable units, the pro forma, market comparisons and the preliminary condominium budget.

The overflow culvert will be used to restore original flow which would eliminate water from going towards the Randall property and Morris Street.

Ernie Hirsch of 14 Wayne Drive stated that the roof drains will increase the water table in the area in his opinion; he suggested tying those drains into the overflow.

Gene Harris of 18 Holbrook Street stated that his attorney said that since this project has had significant plan changes, they should withdraw and file a new application for all departments to review. Member Forster disagrees; he feels that they can maintain this hearing as significant events have happened at the site.

Ed Marchant agreed he feels that there is no reason to start again; the changes are due to unforeseen conditions.

Andrea Randall of 11 Holbrook Street stated that their house remained dry during the recent rains, but is concerned that the overflow pipe will result in more water coming to her property. She would like to know exactly where the pipe will be draining to.

Paul Cusson stated that this project is less that what is allowed. The July 2008 guidelines stated the range of buildable area is 8 to 40 units per acre; they are building on 4 acres so they are falling on the lower end of the range.

Member Forster stated that the flooding was a very important event and he is very concerned with the question of health and safety of the project. He would like to know the results of soil

testing and borings, where and when they were done and the calculation of flow from the roof drains.

Town Planner Marc Resnick stated that the applicant needs to show that the site is suitable for drainage; the final calculations need to be submitted prior to the building permit application.

Judy Johnson of 81 Willow Street and a member of Conservation stated that flooding happened in the area ten years ago; their Board continues to be concerned with the water on the site and bringing in more water. She feels that bringing more water into the site through the water supply will increase the groundwater in the area.

Mr. Cusson stated that the site has to be designed to Title 5 numbers; it won't contribute to the groundwater problems. It's surface water drainage they are concerned with. The drainage will be built to the highest water calculations.

It was noted that the March rainfall wasn't a 100 year storm.

The next meeting will be on June 10th at 7:00 p.m.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Diana Gray