



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
August 21, 2014**

Members present: Chairman Neil Forster, Vice Chairman Barney Ovrut, Member Kim Mellen, Building Commissioner Bill Casbarra, Beals and Thomas – Gerry Preble, 40B Consultant Ed Marchant and Town Planner Sharon Wason (at 7:35)

Chairman Forster opened the meeting at 7:00 p.m. in the Media Center of the Foxboro High School, 120 South Street.

GENERAL BUSINESS

The Board reviewed the minutes from July 17, 2014.

A motion to approve the minutes from July 17, 2014 as submitted was made by Ms. Mellen and seconded by Mr. Ovrut. The motion carried 3-0-0.

7:10 p.m. Continued Public Hearing - Fox Comm Way, LLC. requesting a Comprehensive Permit pursuant to Chapter 40B of the Massachusetts General Laws to approve 20 detached single family homes, 25% of which will be affordable to household earning no more than 80% of the area median income. The property, known on Assessors Map 084 as Parcel 2060 is located at 8 Community Way. The applicants Fox Comm Way, LLC, Daniel Russell and Joe Lynch, were represented by Atty. Jeff Lovely, Traffic Consultant Jeff Dirk and Affordable Housing Consultant Mike Jacobs. Engineer Bill Buckley of Bay Colony was not available this evening.

Chairman Forster stated that concerns have been brought up in regards to drainage, wetlands and traffic. Atty. Lovely stated that concerns with the roadway and drainage will be addressed at a future meeting when Mr. Buckley will be available, but Mr. Buckley will continue to work with the consultants on the issues.

Chairman Forster noted that Mr. Marchant had called him in advance of this meeting as an introduction.

A site walk still needs to be set up; the Conservation Commission would like to come on the site walk also.

40B Consultant, Ed Marchant, introduced himself and explained that he will be an objective advisor to the Board and will report on the materials needed from the applicant and will also advise and answer questions of the Board.

Civil Engineer Gerry Preble of Beals and Thomas has been retained to review the engineering aspects of the application for the Board and his services will be paid for by the applicant. He will conduct an independent peer review on stormwater, traffic, pedestrian traffic and conservation issues. He explained that he has worked on many 40B projects including a few in Foxboro. He just received the materials this week and will also be attending the site visit.

Mr. Marchant stated that he worked with the Board in 2006 on the Hanover Project (The Lodge at Foxboro) as well as a project in 2007 in Stoughton which was developed by Conroy Developers. Mr. Lynch works for Conroy. Mr. Marchant does not perceive this as a conflict but wants to disclose this fact. Atty. Lovely has no issues with this disclosure.

Traffic Consultant, Jeff Dirk of VHB reviewed the traffic study that had been prepared and previously distributed to the Board.

The Board asked Mr. Dirk if a permit will be needed from the owner of the nearby railroad tracks. Mr. Marchant stated that they may need to sign off on the project, perhaps through the Executive Office of Transportation as they are state owned.

Mr. Dirk reviewed the existing conditions and noted that this development should not result in a significant increase in new vehicles to the area as they have estimated 24 vehicle trips in the morning peak hours and 25 vehicle trips in the evening.

They had the traffic volume calculated and noted that there are 8,500 vehicles per day on Cocasset Street which includes traffic both ways. The counts were taken in July but were adjusted higher to note the school traffic come September. This information was gathered by Accurate Counts, an independent third party.

They also measured the speeds in the areas and noted that the average speed is 38 M.P.H. in the 35 zone.

Ms. Wason arrived at 7:35 p.m.

There is also pedestrian and bicycle traffic in the area but there are no marked bike lanes. The area has good pavement surfaces as it was recently repaved. The three year crash info provided by the state only showed one crash over the last five years. The Foxboro Police Department has been asked to provide local statistics also.

Mr. Dirk also calculated future traffic both with and without the development. A currently unbuilt development entitled River Ridge which is 40 units was included in the future study. The future traffic study shows a 1% growth rate in the area due to more vehicles on the road, which is the same when you include the proposed development. There were no measurable delays in queuing at the intersection.

The site distance at the new intersection will need to be addressed; a site distance of 200 feet is required so some vegetation trimming will need to occur to maintain that distance. Signs and pavement markings will also be used.

Mr. Preble had no specific comments right now but explained that this report will be reviewed by his team.

Mr. Marchant explained that the peer reviewer reviews the reports from the developer but does not generate new reports.

Ms. Wason noted that critical information regarding school traffic was not included as the nearby school has a high percentage of walkers to the school. Mr. Dirk will look into data on walkers.

Mr. Ovrut will be the member of the Board to speak to about traffic issues.

Ms. Mellen will be the member to speak to about Conservation issues.

Mr. Marchant feels that more information is needed about the architectural of the buildings, the affordability and public safety. The architect only provided minimal plans, he would like to see full sized plans with elevations, exterior materials, specs and if there will be any differences between the market and affordable units. He would like to know if they are proposing basements or not and the proximity of the homes to the street, screening to be used and the safety measures to be used for the homes near the railroad tracks.

It should also be noted if decks are proposed on the homes or not. The affordable units need to be shown on the plans also and if there will be phasing of the project that also needs to be noted. If the project is approved, they will need to go back to the state for final approval on the pricing of the units.

Mr. Marchant would also like more information on blasting since this was a former quarry site. This would include information on earth removal quantities and number of trucking trips on and off the site.

Mr. Forster feels the most important question is how many units can be accommodated on this site.

Mr. Preble noted that the site plan is dated over a year ago, he would like to have that updated. The narrow roadway is a concern; the plans have it at 20 feet, the traffic study references 22 feet. Mr. Preble also feels that there are standards to be met in regards to sidewalks and drainage. This is a lengthy dead end road and without sidewalks people will be walking in the street.

Mr. Marchant noted that comments are also needed from other Boards in town.

Bob Boette, the Chairman of the Conservation Commission, noted that they have submitted comments in regards to the Vernal Pools and feel it is very important that the wetlands and groundwater protection bylaw requirements not be waived.

Judi Johnson, a member of the Conservation Commission, also noted that there are two vernal pools on the property which are breeding habitats; she would like to see a nature corridor on the northern end of the property also.

Mr. Forster asked if the pools were certified. Mr. Boette stated that one is in the process of being certified that is off the property but the landowners have not granted them permission to certify the second pool. Mr. Boette is also concerned that any blasting will damage the pools.

Ms. Mellen requested that the potential pools be shown on the plans.

Mr. Marchant noted that the vernal pools may have an impact on the project design so this should be resolved as soon as possible. Mr. Preble stated that he has a wetlands expert that can review this aspect of the project.

Linda Derba of 2 Brandon Lane stated that one of the vernal pools is on her property and she feels it could be a liability as it is up to five feet deep in some parts and in the winter the kids may try to skate on it.

Bob Ritcey of 3 Pratt Street noted that the existing sidewalks in the area are unsafe to use in some areas or are non-existing; there are no sidewalks currently on Community Way either. In regards to traffic accidents, he can remember three major accidents and also notes that there are accidents under the railroad bridge on East Street. Another problem is event parking from the "V"; people park on the neighborhood streets during events there so the traffic increases during those times. He also noted that the underpass on East Street gets flooded during heavy rains.

Ray Fuller of 3 Fairbanks Road is concerned about blasting and drainage.

Ms. Derba noted that the preschool at the Burrell School serves the whole town, not just their neighborhood.

Judy Cummings of 290 Cocasset Street is concerned that the traffic study was done when school was not in session.

Mr. Marchant noted that the state provides adjustment factors for schools to be used in the traffic studies. He also noted that the applicant has requested a list of waivers with their application and it is up to the ZBA to grant them or not, there are state rules that cannot be waived however. The Board needs to provide a balanced decision, however, because if the decision is appealed the Board loses control over the process.

Mr. Forster noted that the objective is to have a reasonable legal decision.

Ms. Cummings asked why they are allowed to apply for so many homes. Mr. Marchant explained that the town is required by the state to have 10% affordable housing and currently Foxboro is at 8.7%, which does not meet the requirement and allows these kinds of applications.

Ms. Cummings is concerned for the wildlife in the area and the cutting of the trees.

Mr. Preble stated that he would be in touch with Mr. Buckley to discuss the engineering concerns. He will also be submitting a comment letter on items to be addressed before the next meeting.

Mr. Ritcey asked if there would be preference given to Foxboro residents. Mr. Marchant explained that the town is allowed to give preference up to 70% of the affordable units, which in this case would be three of the five affordable units.

The site walk will be coordinated with the Board and the engineers and posted once a date is decided.

A motion to continue the hearing to September 18, 2014 was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk