



BOARD OF APPEALS  
TOWN OF FOXBOROUGH  
40 SOUTH STREET  
MASSACHUSETTS  
02035

**Foxborough Zoning Board of Appeals Minutes  
September 18, 2014**

Members present: Chairman Neil Forster, Vice Chairman Barney Ovrut, Member Kim Mellen, Alternate Kris Behn, Beals and Thomas – Gerry Preble, 40B Consultant Ed Marchant and Town Planner Sharon Wason

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

**GENERAL BUSINESS**

Mr. Ovrut updated the Board on the progress with the Sign Bylaw. The Sign Bylaw Committee met with the Advisory Committee recently to review the proposed bylaw. They proposed three districts in town with electronic signs allowed on Route 1. The Advisory Committee did not support the electronic signs addition. The Committee met again following that meeting and decided to remove the electronic signs from the revised bylaw at this time.

The revised Sign Bylaw will go before Town Meeting for a vote in November; it will still be under the General Bylaws. If the revision passes, the Committee will work on an Electronic Sign Bylaw amendment for the spring Town Meeting.

The Committee also discussed having an integrated permit for large developments. All existing signs can still continue their uses no matter if the revision passes or not.

**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 and John Rockwood, Environmental Consultant

Chairman Forster stated that blasting has yet to be addressed; he did not see any reference to blasting in any of the review letters so far.

Gerry Preble of Beals and Thomas, the consulting engineer, reviewed his comment letter of September 16, 2014. He noted that he attended the recent site visit as well. The plans have been reviewed by a Landscape Architect, a Wetlands Specialist and a Certified Planner on his staff. Mr. Preble noted that the plans are conceptual as with most 40b's. Mr. Preble went over the issues and concerns with the engineering including the need for sidewalks, small lot sizes and setbacks. He also recommends that the parking spaces be enlarged and more guest parking spaces should be included.

Stacy Minihane of Beals and Thomas reviewed the wetlands issues. There is a large vernal pool near the site that is in the process of being certified by the state; if it is certified, there is no work being proposed in that wetland area but it would require a 100 foot buffer. Ms. Minihane also recommends a vegetated corridor be maintained and blasting should be avoided if possible to avoid

changes to the wetlands areas. She also recommends that construction outside of the vernal pool season be considered and if any curbing is proposed it is Cape Cod berm to facilitate wildlife movement.

Judi Johnson of the Conservation Commission asked if the road could be built so the amphibians could cross under it instead of over the road.

Ron Müller the Traffic Engineer working with Beals and Thomas reviewed the submitted traffic study. He feels that all methodology used in the Vanasse Traffic study is appropriate and reasonable. He does feel that consideration needs to be taken for children walking to the nearby school by installation of a sidewalk. He also stated that a sight line plan and profile be prepared showing the 200 foot minimum sight line distance. Mr. Muller also recommended improvements to the intersection of Community Way and Cocasset Street including changing that section of Community Way to a one way street and making the other end of Community Way where it meets Cocasset Street more of a T style intersection with a stop sign. He also recommends the road width be a minimum of 22 feet wide.

Bob Ritcey of Pratt Street stated that in the winter, cars have to use the right side to get to Cocasset Street due to the snow blocking the road on Pratt Street. Children have a hard time crossing the street to get to school during those times. The Board suggested that Mr. Ritcey meet with the Town Engineer to discuss his concerns.

Ms. Wason read the memo from Town Engineer Chris Gallagher.

Atty. Lovely stated that since these comments were just received this week, it will take time to prepare a response to them and they will address them at the next meeting. The Board is concerned with the 180 day time limit to make a decision.

Ed Marchant stated that the applicant can agree to extend the time if everyone is still working on the project.

Jeff Dirk of Vanasse and Associates agrees with the recommendations presented for traffic mitigation. A site distance plan will be prepared. He also has no problem with the proposed realignment of the intersection. The applicant would contribute via a Fair Share Contribution if the town decides to move forward with that proposal.

The next meeting will be held on October 23<sup>rd</sup> instead of October 16<sup>th</sup> due to attendance conflicts.

A motion to continue the Public Hearing to October 23, 2014 was made by Mr. Ovrut and seconded by Ms. Melen. The motion carried 3-0-0.

**GENERAL BUSINESS**

The August 21 minutes will be reviewed at the next meeting.

The meeting was adjourned at 9:05 p.m.  
Respectfully Submitted,

Diana Gray

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Signed on behalf of the Board

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Kim Mellen, Clerk