



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
April 30, 2015**

Members present: Chairman Neil Forster, Vice Chairman Barney Ovrut, Member Kris Behn, Alternates Kim Mellen and David Brown, Town Planner Sharon Wason and Building Commissioner Bill Casbarra

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

Mr. Forster read a statement into the record explaining the Zoning Board's charge on 40B applications and introduced the members of the Board and administration.

7:00 p.m. Hanover R. S. Limited Partnership requests a Comprehensive Permit entitled "Domain Foxborough" pursuant to Chapter 40B of the Massachusetts General Law to approve 248 rental apartments, 25% of which will be affordable to households earning no more than 80% of the median income. The property, known on Assessors Map 156, Parcels 6531, 4003, 8068, 8069, 8070, 8071, 8072, 8073, 8074 & 8075 is located at Fisher Street & South High Street.

A motion to open the Public Hearing was made by Mr. Ovrut and seconded by Mr. Behn. The motion carried 3-0-0. Mr. Forster read the Public Hearing notice.

The applicant, Hanover R. S. Limited was represented by Atty. Frank Spillane; also present was David Hall of the Hanover Company, Engineer Bill Buckley of Bay Colony, Traffic Consultant Jeff Dirk of Vanasse and Associates and Atty. Deb Horowitz of Goulsten and Stores.

Atty. Spillane explained the proposed site location; it is located off of Fisher Street near Route 140 and South High Street. The site is 18.14 acres of undeveloped land with some wetlands and abuts Route 95, Route 140 and commercial properties (99 Restaurant and the Comfort Inn). There are residential property abutters on South High Street. The land is in two zoning districts; 8.31 acres is in Highway Business and 9.83 acres is residential. There is frontage on both Fisher Street (300.43 feet) and South High Street (402.42). The land slopes approximately 50 feet from South High Street to Route 140. Atty. Spillane then reviewed the setback requirements and screening, buffering and landscaping requirements.

Atty. Spillane then explained the project, they are proposing to construct a 248 unit residential apartment community with an outdoor pool and patio complex and a club house; the units will be in five buildings each with four stories. Twenty five percent of the units will be affordable (62 units). The site will be accessed by a boulevard driveway on Fisher Street and includes 447 parking spaces and 7 garages (41 spaces). The affordable units will be a mix of one, two and three bedroom units. The three bedroom affordable requirement is new since the last large 40B project, The Lodge, was built a few years ago.

Preliminary meetings were held with town departments beginning in December and they have been before the Conservation Commission to delineate the wetlands. Mass Housing also hosted a site

walk and MEPA held a meeting in town. There have been two meetings with the resident abutters to the project. The signage for the project was not available for this meeting but they will be requesting a waiver for the signage. Waivers will also be requested to have less landscape plantings as they would like to keep the woods natural and a waiver will also be requested to the parking requirements.

Atty. Spillane also noted that there have been meetings with the four direct abutters on South High Street and they are in negotiations to provide those homes with additional land around their homes; this land totals approximately ½ acre in total. The neighbors have also requested a seven foot wooden fence to the rear of their properties.

David Hall of the Hanover Company spoke next. He explained that they are based in Houston Texas and have been building luxury apartment complexes for thirty years all over the country. They have permitted fifteen projects in the northeast in thirteen different cities and towns. They built The Lodge in Foxboro in 2009 which contains 250 units.

Mr. Hall explained that the proposed buildings will be similar to The Lodge in regards to the materials, windows and roofs; The Lodge has three stories, they are proposing four stories here. The buildings will have a similar arrangement with a center courtyard. They would like to save the large trees wherever possible on the site. The Board questioned how the trees on the snow storage area could stay.

Ms. Wason explained that the stated considers 250 units or less to be a small project, the state also requires 10% of the affordable units be three bedrooms.

Mr. Willmer stated that he has seen some projects with as many as 300 units; it is usually based on the population of the town.

Mr. Ovrut noted that one building has 56 units, the rest have 48.

Mr. Hall explained that the proposed clubhouse is 6,500 sq. ft.; the offices will also be in that building.

Mr. Forster would like information on the borings that were taken. Mr. Buckley will provide that information.

Jeff Dirk of Vanasse and Associates then reviewed the traffic study that was done. He noted that since this project abuts both Route 95 and 140 they will need to get DOT permits. They studied Route 140 from the Route 95 interchange to the Mansfield town line including the intersections. The study was done in October in favorable weather when schools were in session during the commuter hours of 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m. There are no sidewalks allowed on Route 140 so no pedestrians are allowed.

Mr. Dirk noted that the Fisher Street intersection has about 800 trips per day with 80 at the peak times; the whole area has 35,000 trips per day. The speed limit is posted at 30 mph with most vehicles travelling 40 mph. The 2007-2012 DOT crash data for the intersection is below the state average.

As part of the traffic study they include future known developments, the Meditech building will add approximately 700 employees and a 1% growth rate is also included. It is predicted that the project's traffic will have 70% going to Route 95, 10% towards the center of town and 20% going south.

Mr. Behn noted that the Route 95 ramp already experiences backups and the nearby Charter School also causes backups during peak times. Mr. Dirk will get some information on the ramps for a future meeting.

Mr. Dirk concluded that there will not be a change in the level of service at the Fisher Street so the only expected change will be to the timing of the traffic lights; the Fire Department has requested Opticons be installed at the intersections.

Mr. Dirk observed no site line issues at the proposed driveway location and noted that the boulevard provides both primary and secondary access to the site for emergency vehicles. The neighbors prefer that there be no access through the South High Street frontage but they will construct an emergency access drive if required to do so; this may change the parking in that area. Mr. Dirk suggests that internal sidewalks be constructed out to Fisher Street.

Mr. Brown asked if the sidewalks could be extended to South High Street. Mr. Dirk noted that South High Street currently has no sidewalks.

Bill Buckley of Bay Colony then explained the site, there are wetlands to the east which is an Isolated Land Subject to Flooding, they will not be altering that area of the site but he did note that the site naturally drains in that direction.

They are proposing a 24 foot driveway which is as wide as Fisher Street; a fire template has been run and the fire equipment will be able to access the site.

Mr. Buckley presented an updated cross section of the site showing the elevation from South High Street down to Route 140. The site will be serviced by municipal water and sewer. They would like to minimize the clearing of trees except for the snow storage areas. The stormwater system will be catch basins and manholes and a berm will be constructed around the wetlands which will create a dam with an outlet structure to the wetlands. There is a similar berm behind Chase Lumber and Taylor Farms. Mr. Brown would like to see the cross section through Building 5; Mr. Buckley will provide this information.

Letters from town departments and abutters were read into the record.

The Water and Sewer Commissioners noted that infiltration/inflow mitigation will be required to mitigate the sewer flow that is to be discharged.

Gerry Preble of Beals and Thomas who are the reviewing engineers for the town on this project then introduced Engineer Matt Cote and Traffic Consultant Ron Muller who reviewed their comments. Mr. Cote concerns that he would like addressed include fire equipment access, stormwater and landscaping as well as snow storage areas, the waivers being requested and also noted that only one dumpster is being proposed to serve the entire site.

Mr. Muller does not have a written letter this evening but will be submitting it by next week; he agrees with most of Mr. Dirks report. He did note that any changes to the state highway will need the approval of Mass DOT; he also noted that any proposed signage should not be in the sightline of the driveway and also noted that the width of the driveways could be reduced; he would also like to see directional signage internally as well as crosswalks for pedestrians. He would also suggest a bus shelter for the children at Fisher Street. He also suggests that the sidewalks be extended down to the 99 Restaurant as the residents would probably want to take advantage of this amenity.

Mr. Forster then asked for audience comments.

John McDonald of 4 Roberts Street is concerned with the traffic and asked if the traffic from Mansfield Crossing was included. Mr. Dirk replied that the traffic from the Stop and Shop at Route 140 and Route 106 was included but they did not go past that point down to Mansfield Crossing. Mr. McDonald also noted that there will be additional traffic during Christmas time. Mr. Dirk stated that the queuing at Route 140 will be addressed at a future meeting.

Phil Henderson of 3 Fieldstone Road questioned the numbers in the traffic report. Mr. Dirk noted that they always approximate upward from the actual numbers. Mr. Henderson said that he has been told that Fisher Street will need to be widened. Ms. Wason stated that the Planning Board receives similar requests but doesn't recommend widening roads as it usually leads to faster traffic.

Mr. Forster stated that the number of units is not a given at this point and will be further discussed.

Robert Smith of 7 Sampson Road asked if any future projects at Foxfield Plaza were included in the traffic counts. Mr. Dirk explained that since there is no project currently planned at Foxfield Plaza they could not account for any numbers from there, any future project at that site would have to perform their own traffic study. Mr. Smith stated that the local newspaper had a report that Route 140 is the most dangerous road in Foxboro and reported there were 14 accidents in a 1.6 mile stretch. Mr. Forster advised Mr. Smith to submit a letter with his concerns and a copy of the article.

Shiela Brion of 10 Bradner Street asked if the residents could have a separate traffic study. Mr. Forster stated that they could have their own study but they would have to fund it themselves.

Daniel Sean Miller of 3 Roberts Street asked if the number of units could be reduced. Mr. Forster explained that there is still negotiating and mitigation to be done and it will be done through the Public Hearing process.

Ari Weinstein of 112 South High Street wanted to know the purchase price of the land and asked about the excavators currently on the site. The land was purchased for \$4 million and the excavators were there for soil testing. Mr. Weinstein also asked how much soil will be removed. They are proposing to remove up to 20,000 yards. He also asked about the Conservation comment that said the Army Corp of Engineers should survey the land. Atty. Spillane stated that this was not a requirement of the Conservation Commission, just a request.

Eric Galani of 2 Roberts Street asked how many units were asked for at The Lodge versus how many ended up being built. Atty. Horowitz stated that they initially proposed 295 units at The Lodge to the Board of Selectmen but they presented 250 at their hearings before the ZBA.

Kenny Collins of 3 James Street asked where in the neighborhood the residents would go.

Mr. Forster asked that the engineers coordinate their review comments so that new information will be available at the next meeting.

Ms. Wason noted that the following information was requested by the Board: Mr. Buckley needs to provide soil boring information, Mr. Dirk will provide information about the queuing on Route 95 ramps, Mr. Brown would like to see the elevations through building 5 from South High Street, Mr. Dirk will provide further information on the timing of the lights at Route 140 and Fisher Street, Mr. Muller has requested that the width of the entrance driveway be reduced and sidewalks be constructed to the 99 Restaurant, they Board would like to know how the snow storage area will function with the buffering trees, if an emergency access driveway is required, how does it affect parking, Mr. Henderson will be submitting a letter with resident's issues, Conservation noted that the Corp of Engineers be involved, the police department needs to provide current accident information for Route 140.

The continued hearing will be heard on Thursday, June 4, 2015 at the Media Center at 7:00 p.m.

The Board will be conducting a Site Walk on Saturday, May 30, 2015 at 9:30 a.m.

An additional meeting will be scheduled for Tuesday, June 30, 2015.

The meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

Diana Gray