



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
June 4, 2015**

Members present: Chairman Neil Forster, Vice Chairman Barney Ovrut, Member Kris Behn, Alternate David Brown, Building Commissioner Bill Casbarra and 40B Consultant Ralph Wilmer

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

The Board wished to recognize the recent passing of Town Planner Sharon Wason. Town Manager Bill Keegan addressed the Board stating that he felt that Ms. Wason was one of the finest professionals he had ever known with her tremendous background and wealth of knowledge. She was extraordinary with the way she dealt with difficult and challenging issues in town. Her husband shared with Mr. Keegan that of all the towns she worked for in her career, she enjoyed working in Foxboro the most.

Mr. Ovrut added that he most recently worked with Ms. Wason on the Sign Bylaw Committee and felt she was a wonderful, dedicated person who was always willing to listen to others and was trying to make things better for Foxboro. She had a great sense of humor and the town has lost a good person and he has lost a good friend.

Mr. Forster feels that the town will have a hard time finding someone to replace Ms. Wason that will be as caring and good for the town as she was.

7:10 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 Continued Public Hearing was made by Mr. Ovrut and seconded by Mr. Behn. The motion carried 3-0-0.

There was a sitewalk on May 30th attended by Mr. Brown, Ms. Mellen, Mr. Ovrut and 40b Consultant Ralph Wilmer. They walked the perimeter of the site while Mr. Buckley explained the location of buildings, roadways, access points, etc.

Correspondence received since the last meeting was reviewed by the Board.

Bill Buckley of Bay Colony then explained the modifications made to the Site Plan. These modifications were made based on input from the town, the Board and Beals and Thomas. Two parking areas were eliminated as Ms. Wason had submitted comments that she was concerned with the amount of parking spaces proposed. The number has been reduced from 447 spaces to 431; Mr. Buckley feels that this should be more than adequate parking. Buildings 3 and 4 have been

shifted slightly and the park area has been reconfigured to provide more green space; the pool area has also been reconfigured. The grade of Building 5 has been dropped four feet to make it more handicapped accessible and this will also result in less of a view of it from South High Street. The school bus area was added to Fisher Street as well as a sidewalk to the bus area and also down to the nearby 99 Restaurant. The sidewalk stops at the first driveway. Garages A, C and F have been expanded to provide bicycle storage and parking.

The Fire Department was consulted for the emergency access; the South High Street proposal would be too steep so the emergency access was added further up Fisher Street. It will be locked with a gate and key. Mr. Buckley noted that Beals and Thomas have concerns with equipment being able to turn in this area.

The snow storage area was moved closer to the Interstate 95 ramp, it won't impact any of the screening. The planting plan and lighting plans have also been modified. The lights on the building will be 20 feet up but the lot lights will be on 12 foot poles. There will be a seven foot high fence along the South High Street property line and additional buffer land is being conveyed to the four abutters there.

Mr. Forster asked how they determined the number of units to be located on the site.

David Hall of Hanover stated that they performed market analysis and financial analysis as well as site plan and feasibility studies to determine the number of units. He stated that they have tried to fit the buildings in as graciously as they could; they feel there is a market for these units.

Mr. Forster remains concerned with the number of units.

Mr. Hall stated that their other development, The Lodge, is at 98% occupancy and since opening has never fallen below 95%. They do not own the Lodge as their interests were sold to the other major shareholder.

Mr. Behn asked if a feasibility study was ever done on three stories.

Mr. Hall stated that it is not feasible to construct five three story buildings, they have fixed costs in the land price, this review, mitigation, etc. that cannot be spread over a reduced number of units. They are not willing to reduce the number of units or the height of the buildings.

Atty. Frank Spillane stated that Mass Housing liked the amount of open space that was being maintained by this project and the 13.85 units per acre being proposed is considered low for multi-family housing; there are many projects in the state with much higher density.

Mr. Brown asked about the profile from South High Street. Mr. Buckley apologized that the landscape architect did not provide the right information and he will get the correct profile before the next meeting.

Mr. Ovrut asked about the elevation from South High Street down to Fisher. Mr. Buckley explained the elevations and the building heights and also noted that some of the trees are high enough to block the view of the buildings also.

Mr. Behn asked if the buffer will be able to maintain itself once the ground is disturbed near the roots. Mr. Buckley stated that the applicants are cognizant of maintaining the buffers and the landscape architects came here from Texas to tag the trees that will be saved.

Mr. Hall stated that they will be committed to the final plan; they are passionate about saving trees in this company.

Mr. Ovrut asked about impervious coverage. Mr. Buckley stated that 34% of the property will be impervious.

Mr. Forster asked if there would be blasting. Mr. Buckley stated that some large rocks would need to be removed but is not sure if they would need blasting.

He would also like to see the financial analysis with the feasibility study. Atty. Spillane stated that Mass Housing has already determined that they have the appropriate number of units for the site and they are not required to provide justification to the Board at this time. Mr. Ovrut feels that their feasibility is not the issue; the issue is what is best for the town in regards to traffic, safety, etc. Mr. Hall stated that mitigation is being offered for the increase in traffic and safety.

Jeff Dirk of Vanasse and Associates reviewed his recent comment letter. He feels the mitigation being offered in regards to traffic will result in a net benefit to the area meaning it will be better than what is there now. He found no safety issues from 2002 – 2012 the most recent information available. The site line of the driveway is at 500 feet which exceeds the requirement for site line distance. Mr. Dirk noted the areas of pedestrian access and crosswalks.

Mr. Dirk then reviewed the traffic queuing question; the reconfiguration of the traffic signal sensor system will result in better timing at the lights to clear the lines. He feels that widening and turning lanes are not necessary at this time.

Mr. Behn stated that the left turn from Fisher to 140 is hard now and feels it will get worse. Mr. Dirk stated that the new timing will help the traffic flow and that the conditions after the project will be better than the current conditions.

Mr. Behn has asked for a copy of the traffic study from Mansfield Crossing, he would like to see what the numbers are especially during the Christmas season. Mr. Dirk stated that traffic counts are not performed during December as the areas cannot be designed for one month peak flows. He further stated that the DOT is agreeable to the mitigation proposed.

Mr. Brown asked about the number of trips for this project versus an office building which would also be allowed on the site by right. Mr. Dirk replied that this would be a different type of traffic and the peak numbers would be doubled.

Matt Cote of Beals and Thomas reviewed his comments with the Board. He has concerns with the turning radius of the secondary access, he is afraid fire equipment won't be able to turn properly. It was noted that this access is meant for an extreme emergency where the primary access won't be available. Atty. Spillane responded that the Fire Chief and the Deputy Chief agreed on this location for the secondary access. Most of Mr. Cote's other comments are pre-construction issues.

Bob Smith of 7 Sampson Road stated that the neighbor's had a meeting and he will speak on their behalf. The neighbors are not against development or affordable housing but do have concerns with the safety of the project. Their neighborhood is 65 homes with conservation land in an isolated area, they fear that this project will destroy the feel of the neighborhood with the increase in traffic and make the roads in the area more dangerous.

They feel the negative impacts are the size of the buildings, they would rather see a small subdivision go on the property. They have concerns with the traffic study, the intersection currently has too much traffic, the queuing times on Fisher Street are already long and they feel it will take a few cycles before they will be able to turn onto Route 140 with the increase in traffic. They are concerned with the traffic leaving to drive their children to school, this project will triple the number of people driving their children from the neighborhood and they will probably go to Route 140 and

Walnut Street which is already a dangerous intersection and they feel this will make it even more dangerous.

Mr. Brown stated that any project will result in an increase in traffic; Mr. Smith responded that it already takes him two cycles to get onto Route 140 in the morning on the way to school.

Town Manager Bill Keegan stated that he has a planning background and has dealt with 40B's in the past, he can understand the traffic concerns of the neighborhood and recommends that funds be set aside to study the effects on the traffic in a year to see if any measures need to be taken at that time to mitigate any additional impacts due to the project. This approach worked well on previous projects he was involved in other towns.

Atty. Spillane added that they will be looking for additional signage of 32 square feet facing the highways. The signs will be 4 ft. x 8 ft. and will be 10 – 12 feet off of the ground with ground lighting.

John MacDonald of 4 Robert Street stated that Senator Timilty sent out a letter yesterday to the Board. The Board has not yet received it.

Tom Sarno of 103 South High Street asked if the town could request a Safety Audit from Mass DOT.

The Town's 40B consultant Ralph Wilmer stated that the list of waivers needs to be updated.

A separate mitigation meeting may be necessary.

The issues to be resolved are:

- Get the landscape architects comments on the viability of the buffer
- Get the landscape architect to submit a profile plan with existing conditions
- Check into the possibility of having a Safety Audit conducted by Mass DOT
- Update the requested waivers
- Check to see if the radius of the secondary access is sufficient

The Board reviewed the minutes of the April 30, 2015 meeting.

A motion to approve the minutes of April 30, 2015 was made by Mr. Ovrut and seconded by Mr. Behn. The motion carried 4-0-0.

This hearing will be continued to June 30, 2015, further meeting dates will be discussed at that time.

A motion to continue the Public Hearing to June 30, 2015 at 7:00 p.m. was made by Mr. Ovrut and seconded by Mr. Behn. The motion carried 4-0-0.

The meeting was adjourned at 9:10 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kristofor Behn, Clerk