



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

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

Members present: Chairman Neil Forster, Vice Chairman Barney Ovrut, Alternates David Brown and Kim Mellen, 40B Consultant Ralph Wilmer, 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.

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 Continued Public Hearing was made by Mr. Ovrut and seconded by Mr. Brown. The motion carried 3-0-0.

Atty. Frank Spillane was present as well as Atty. Deb Horowitz of Goulston and Storrs and David Hall of the Hanover Company.

Atty. Spillane feels that all the traffic and civil engineering for the project has been completed. They have recently submitted a mitigation letter which Atty. Spillane reviewed with the Board. To date they have mitigated impacts and offered improvements valued at approximately \$250,000 in granting of land to abutters, traffic signal improvements, trees, sidewalks, fencing and a bus shelter as well as an inflow and infiltration study for the Board of Water and Sewer. Additional mitigation is being offered in that they will design and complete construction of a right turn only lane on Fisher Street or give \$150,000.00 in lieu of if MassDOT does not approve the project, they will also make a mitigation payment to the town in the amount of \$150,000.00. The projects to be funded from this payment will be determined by the town at a late date through the Board of Selectmen. This brings the total amount of mitigation from Hanover to \$550,000.00.

Mr. Brown asked if any of the items such as fencing or the cost of the turning lane end up costing less would the difference be given to the town. He feels \$55,000 for fencing is overestimating the cost.

Mr. Ovrut would rather look at what is being proposed instead of the dollar amounts.

John Macdonald of 4 Robert Street stated that most people turn left leaving Fisher Street. He submitted pictures to the Board showing traffic on Route 140. He stated that since there are so many projects being proposed on Route 140 in Foxboro shouldn't the town request a comprehensive traffic study of the whole corridor.

Mr. Forster stated that if it can't be decided if the turning lane should be left or right, then the funds should just be set aside for the future when it is determined.

Jeff Dirk of Vanasse and Associates stated that Route 140 is a state highway and the state is responsible for improvements, the town can ask the regional planning agency for assistance in getting this done. He also stated that projects proposed after this application was filed do not need to be included in this traffic study, but any future projects will need to include information about this project in their traffic studies.

Jan Vigeant of 11 South High Street asked about the appraisal value of the land and feels that it is not an accurate number.

Mary Hourigan 475 Chauncy Street Mansfield asked if the Mansfield Town Planner has been informed about this project as the traffic will affect Mansfield residents also. Mr. Dirk stated that MassDOT makes determinations on state roads regardless of town jurisdictions.

Ms. Hourigan also feels that the ecological aspects need to be looked at also. Atty. Spillane stated that they may need to go before Conservation for the traffic improvements and will do so if necessary.

Bob Smith of 7 Sampson Road had concerns about the number of traffic lanes being proposed. Atty. Spillane stated that the mitigation funds would be held while traffic issues are worked out with the state.

Mr. Smith wanted to know if funds would be made available for a turning lane from Route 140 to Fisher Street. Atty. Spillane stated that the additional mitigation funds made available to the town could be used for that purpose but the state would need to allow it.

Ari Weinstein of 112 South High Street asked about a traffic study for all of Route 140 and if the project would be required to employ local workers.

Atty. Spillane noted that the sign waivers have been added to the list of waivers. The Building Commissioner will review the list of waivers.

A motion to close the Public Hearing was made by Mr. Brown and seconded by Mr. Ovrut. The motion carried 3-0-0.

A motion to begin deliberations on August 20, 2015 at 7:00 p.m. was made by Mr. Brown and seconded by Mr. Ovrut. The motion carried 3-0-0.

GENERAL BUSINESS

The Board reviewed the minutes of June 4, 2015 and June 30, 2015.

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

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kristofor Behn, Clerk