



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
January 21, 2016**

Members present: Chairman Barney Ovrut, Members David Brown and Kris Behn, Alternate Kim Mellen

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

7:00 p.m. FM Partners, LLC requests Variances from Sections 6.1.1 and 6.1.4 and Table 6-1 of Chapter 275 Zoning of the Code of the Town of Foxborough to allow provided parking spaces of 400 spaces where 432 parking spaces are required for proposed uses. The property, located at 369, 381 and 383 Central Street, is in a Highway Business Zoning District and a Zone II Water Resource Protection District. Atty. Frank Spillane, Engineer Eric Prive and Planner Greg Guglielmo of DiPrete Engineering, Marc Landry of High Road Hospitality and Cris Crecelius of Saletin Real Estate Group were present for this application. They are asking for variances to the parking requirements at Forbes Crossing (Foxfield Plaza). The Zoning Bylaws requires 432 parking spaces and they are providing 400 parking spaces. Atty. Spillane reviewed the site which contains 9.73 acres in Foxboro and 1.86 acres in Mansfield.

As part of the property redevelopment, they have three current tenants that would like to stay; one of the current tenants initially asked for a 3,000 sq. ft. space in the redeveloped building but have now indicated that they would like a 3,500 sq. ft. space which changes the parking requirements to 432 as there is more restaurant space than initially proposed, which is an increase over the 400 spaces the Planning Board approved in its Site Plan Approval. The applicant feels that 400 spaces will adequately serve the site of the various businesses because of the different hours for each use (hotel, restaurant, retail); they estimate that there will not be more than 350 cars on the site at any one time.

Greg Guglielmo, Planner for DiPrete Engineering, explained that the site should be able to accommodate all the uses under Shared Parking principles of the Urban Land Institute and International Council of Shopping Centers. Using their analysis he calculates that the maximum number of parking spaces during peak use would be 338. The restaurants use spaces from 12 noon until 8:00 to 10:00 p.m., the hotel needs overnight parking. This number would include a 20% safety factor.

Mr. Brown asked about Patriot's game day scenarios where people meet and take one car to the game at the nearby stadium. Mr. Guglielmo stated that it would be up to the management to resolve issues such as these as it is private property.

Mr. Behn stated that some of the restaurants may have high take out traffic which would result in a higher number of customers at certain hours. Mr. Guglielmo stated that this would also be a decision of management on how to resolve that matter also, but he did note that retail uses

would be winding down through the course of the evenings so there should be enough parking available to take out traffic. There would also be a parking management plan for the employees on the site.

Atty. Spillane reviewed the variance criteria noting that it is an irregular shaped lot with two frontages and no rear yards; part of the property is in Foxboro and part is in Mansfield, the property is in two different zones, surrounded by four different zones. The hardship is that they are trying to retain as many of the existing businesses as possible and want to be able to accommodate them all. Atty. Spillane also feels that this request is not a substantial detriment to the public good as a reduction of 7.4% is not a significant change and it will not substantially derogate from the bylaws as it will be a positive change to the site for the public good.

There were not abutters present to speak either in favor or against the project.

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

The Board feels that property management would be responsible for any concerns with stadium parking or take out traffic as it would be an ownership problem. The Board members feel that the request for the Variances is warranted.

A motion to grant the requested Variances for 369, 381 and 383 Central Street with no conditions was made by Mr. Brown and seconded by Mr. Behn. The motion carries 3-0-0.

7:10 p.m. Continued Public Hearing - 144 Main Street LLC requests a Comprehensive Permit entitled "Highland Ridge" pursuant to Chapter 40B of the Massachusetts General Law to approve 8 detached single family homes, 25% of which will be affordable to households earning no more than 80% of the median income. The property is located at 144 Main Street. Atty. Jeff Lovely, applicant Joe Lynch, his consultant Mike Jacobs and Mike Radner of Radner Design Associates were present. They have submitted a revised plan and landscaping design.

Mr. Lynch reviewed the changes that were made, they have moved the orientation of the front corner house so that it now faces away from Main Street and have also moved it over 15 feet to allow for more space between the dwellings. A small retaining wall was added for the detention pond and a turnaround area was also added. In the top portion of the property, the house on lot 8 has been moved up so there is now 16 feet between the homes and open space has been added to the back of lot 8 and the driveway was made wider. The decks have all been replaced with patios and the fire pit in the common area has been removed.

Mike Radner of Radner Designs reviewed the landscaping plan; he wanted to improve the look and the pedestrian access to the site and reviewed the planting plan as well as locations of fencing, lighting and pavers.

An 8 foot pvc fence will be located on the right, left and rear side perimeter property lines of the homes and a post and rail fence will be installed in the front of the property. Three light posts have been located at the front, middle and rear of the property. The plantings in front will include large shrubs for a filter view, no trees are proposed as the roots would damage the drainage.

All the homes will have foundation plantings and hedge rows between the lots, flowering trees will be planted within the site also. There will also be granite posts between lots 4 and 6 and 5 and 7 between the driveways. There will be 12 feet of stamped asphalt included and the pedestrian walkways have been relocated towards the driveways.

Mr. Ovrut asked the footprint of the homes and the lot coverage, it is 310 square feet per home so the lot coverage will be 35% with 16% of it for the buildings. Mr. Ovrut does like the idea of hedges between the homes instead of fencing and feels that the front layout is less awkward.

Mr. Brown still has concerns for parking on the site.

Abutter Dave Duffy of 3 Weston Ave. asked if fencing is proposed for the open triangular area in the rear. Mr. Lynch stated that fencing is not proposed at this time. Mr. Duffy would like to see fencing around the perimeter of the open space in the back of the property. The Board members explained that requests such as this can be a condition of approval.

Bob Conrad of 1 Weston Ave. still feels that site it too dense no matter how they move the buildings around.

Joe Howlett of 148 Main Street feels there will be safety problems that will infringe on the neighbors.

Mr. Ovrut wants Ms. Barrett and Mr. Casbarra to weigh in on the site changes; they were not available for tonight's meeting.

Mr. Ovrut inquired if the reduction of the units would make the project uneconomic. Mr. Lynch feels that it would, it would bring his profit down from 17% to 13%, anything under 15% is considered uneconomic.

Ms. Mellen also has concerns with parking and feels that fewer units would make the project more livable and marketable. Atty. Lovely commented that the parking complies with town bylaws.

Mr. Brown asked if the open space could be reduced for additional parking. The project needs to be looked at how it will affect those who end up living there.

The Board requested an updated pro forma to reflect the current plans and asked the applicant to provide figures for 8, 7 and 6 units. Plans reflecting different numbers of units would also be needed.

A working session may also be needed to review different options.

The Board requested a new pro forma by January 28, 2016 to that the Board will be able to have it reviewed by the February meeting.

The next meeting is scheduled for February 18th which is school vacation week. Members have conflicts with that week so the meeting will be scheduled for February 24th.

A motion to continue the Hearing to February 24, 2016 was made by Mr. Brown and seconded by Mr. Behn. The motion carried 3-0-0.

GENERAL BUSINESS

Minutes – December 17, 2015

Ms. Mellen has submitted edits to the December minutes, which the Board reviewed.

A motion to approve the minutes of December 17, 2015 as amended was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 4-0-0.

There may have been a settlement in the Hanover appeal, Mr. Ovrut checked with Town Counsel and he hasn't received a dismissal of the appeal yet.

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

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kristofor Behn, Clerk