



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
October 23, 2014**

Members present: Chairman Neil Forster, Vice Chairman Barney Ovrut, Member Kim Mellen, Alternate Kris Behn and Kevin Penders, Beals and Thomas – Gerry Preble, 40B Consultant Ed Marchant 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.

7:00 p.m. Cataumet Real Estate Group LLC. requests a Finding under Section 15 (B)(II)(H)(3) of the General Bylaws to alter a pre-existing non-conforming roof sign located at 29 Washington Street. The property is located in the S-1 Zoning District and is not located in any restrictive overlay districts. The Applicant was represented by Attorney Scott F. Lacy; Marc J. Civilinski, Cataumet's Manager; Scott H. Clement, Account Executive of Sign Design, Inc.; and Warren A. Moffet, BKA Architects, Inc.

Atty. Lacey explained that the applicant has been making significant upgrades to the building, signage and façade at 29 Washington Street. As part of the process, they would like to relocate the letters on the top of the building that spell "Liquors" for the existing liquor store. The letters would be moved up to accommodate the new façade and over to the right by two feet. The original letters will be refurbished and reused and the new location will be more aesthetically pleasing to the eye.

Mr. Ovrut asked if the letters will remain the same dimension. Atty. Lacey stated that they intend to reuse the existing letters and will not be altering them in any way; they will have the same internal illumination that currently exists.

Mike Stanton of 10 Shepard Street, a Route 1 business owner, expressed support for the petition.

Mr. Civilinski stated that the freestanding sign on the property has been removed and will not be replaced.

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

The Board immediately moved into deliberations. It was noted that the current Sign Bylaw has no provisions for a Finding to enlarge, replace or alter an existing sign unless applying for a Variance or a Special Permit. Since no Variance or Special Permit is required to relocate the sign letters, the Board's position was a Finding was the most appropriate way to address the relocation of the sign letters.

There is also no language in the Sign Bylaw that addresses sign relocation, so the Board will consider this as a replacement of the sign.

A motion to approve the Finding to alter the pre-existing non-conforming roof sign located at 29 Washington Street subject to the following conditions: Only the existing letters of L,I,Q,U,O,R,S may be used and no other letters may be added; the letters shall not change in dimension; the letters shall be moved no more than two feet to the right of their present location and no more than two feet higher than their current location; lighting is restricted to internal illumination; the letters will

be located as depicted in the submitted plan; the existing freestanding sign shall be removed and not replaced was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

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 applicant Joe Lynch was present as well as his representatives Atty. Jeff Lovely and Engineer Bill Buckley of Bay Colony.

Mr. Forster disclosed that he had met with the Town's consulting engineer, Gerry Preble, to review the new plan and applicant's response.

Ms. Mellen explained that she asked members of the Conservation Commission to come to the meeting to explain the importance of vernal pools.

Mr. Buckley stated that there have been modifications made to the plan based on the comments received from the Board, the professional staff and neighbors. They have also removed the septic system as the town now has sewer available as of July 1, 2014. DPW Director Roger Hill had asked them to consider tying into the town sewer system and they have agreed; the nearest location will be at Morse and Cocasset Streets. Mr. Buckley explained that a low pressure system will be used and that every homeowner will have their own pump station. This has opened up the site to relocation of the proposed homes.

Mr. Buckley noted that the original plan had a 20 foot wide roadway with no sidewalks and country drainage swales. The revised plan now has 22 foot wide roadways with a sidewalk on the first 500 feet of roadway. The drainage has not been changed. Mr. Buckley did note that the Summerfield subdivision does not have sidewalks and the road widths are similar.

The homes that were located closest to the abutting lots have been moved elsewhere on the property. The play area has been relocated and the roadway has been moved north to make it further away from the isolated wetlands. The non-resident parking areas have also been removed as the driveways were reconfigured to fit additional vehicles.

The grading plan has not been completed but Mr. Buckley stated that the wetlands were originally going to be higher than the road and they will be now be significantly lower. Decks for the homes were also added to the plan.

Mr. Behn asked if the pump stations would be located above ground and what maintenance would be required. Mr. Buckley stated that they would all be located below ground and he would research the maintenance. Mr. Behn also asked about the ledge on the site. Mr. Buckley stated that the sewer option would require less blasting and be less expensive.

The pipe under the roadway to the property line would be the responsibility of the Homeowner's Association; the responsibility of the portion under the town road will need to be discussed with the DPW Director.

Ms. Mellen asked if the detention basin would be fenced since it is near the relocated play area. The applicant is agreeable to that.

Mr. Preble stated that the comments were issued to the revised plans but he feels that the original plans had more detail than the current plans have and more information is needed.

The Board questioned the location of the play area opposite the sidewalk.

Mr. Preble will work with Mr. Buckley directly in the coming weeks.

Ed Marchant commented that he would like to see the decks offset from one another and would like the distance between the buildings and the decks noted. He stated that a Homeowner's Association maintenance costs budget is also needed. He commented that the fact that other subdivisions do not have sidewalks is not a justification to not have one here, the change in grade increases the safety needs in the area. Mr. Marchant would also like the affordable units identified. He would like more details on the lots located closest to the rail line; fencing and perhaps sound barriers may be needed.

Mr. Casbarra would like to know if different builders would be used, if so, a Project Manager and Superintendent would be needed for consistency. A memo has also been received from Kevin Biggins of the MBTA stating that a fence is needed and they would also like a berm on lot 14.

Bob Boette of the Conservation Commission stated that the Conservation Agent was asked to attend this evening to give a vernal pool presentation.

Jane Sears-Pierce then gave a power point presentation on vernal pools and the creatures that inhabit them.

She feels that the current plan is an improvement over the previous one but still has concerns that the vernal pools will be dewatered by blasting in the area. She would also like to see Cape Cod berms and no storm grates used on the site.

Mr. Boette appreciates the movement of the roadway but would like to see more distance between the roadway and the wetlands if possible.

Atty. Lovely stated that Dr. Rockwood will have more information once the engineering is done but he will be in contact with Beals in Thomas in the meantime.

Mr. Penders is concerned with the slope of the homes proposed on the entrance driveway and also at the new location for the play area.

Mr. Ovrut feels that the play area may need to be moved further up to get it away from the roadway.

A motion to continue the Public Hearing to November 20, 2014 was made by Mr. Ovrut and seconded by Ms. Melen. The motion carried 3-0-0.

GENERAL BUSINESS

August 21, 2014 and September 18, 2014 minutes were reviewed.

A motion to approve the minutes of August 21, 2014 and September 18, 2014 was made by Ms. Mellen and seconded by Mr. Ovrut. The motion carried 5-0-0.

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk