



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
November 19, 2015**

Members present: Chairman Barney Ovrut, Member David Brown, Alternate Kim Mellen, Building Commissioner Bill Casbarra, 40B Consultant Judi Barrett

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. Paul Farmer requests a Special Permit pursuant to the Code of the Town of Foxborough, Chapter 275, Zoning, Section 5.2., to change a pre-existing nonconforming use from a motorcycle services and sales use to a sign business. The property, located at 100 Green Street, is in an R-40 Zoning District and is not located in any restrictive overlay districts. Mr. Farmer was present and represented himself. He has been in the sign business part-time since 1983. His business now is mostly computer generated graphics and truck lettering which is cut out of vinyl on a plotter. He also does banners and wood signs occasionally but all this work would be done inside the building. He stated that he has no noise making machinery. He would only be renting approximately 2,400 sq. ft. of the building, not the whole building. He is the only employee and he envisions working three or four days a week as he has a full time job elsewhere; occasionally his wife and children help also. He is requesting hours of 8:00 a.m. to 6:00 p.m. every day including weekends, his fulltime position is a rotating day schedule so he would like to be able to work here on the other days. Most jobs take two to four hours of computer time followed by up to three hours of application.

He uses no chemicals or dyes nor hazardous or flammable materials. He may have a vehicle dropped off to be worked on the next day and would be agreeable to having no more than two vehicles left outside at any one time as a condition of approval. The interior of the building will hold three to four vehicles. He will utilize the existing sign and will have one exterior light over the garage door and one at the front entrance.

Kevin Donase of 6 Cutler Lane commented that many businesses have been in this location over the years, this property is close to his home and he is concerned with the removal of the buffering trees as well as additional lighting, dumping of materials and more vehicles on the property.

Mr. Farmer feels that this business will be a better fit for the neighborhood than previous businesses as it is more arts and crafts than mechanical. He would like to clean up the exterior of the property once the business starts turning a profit.

Mr. Brown suggested that a condition addressing outside vehicles limiting them to no more than two days to prevent the collecting of vehicles. He did note that they can only condition Mr. Farmer's business, not the other business in the building or the garage next door.

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

The Board members immediately moved into deliberations, the Board discussed the use in relation to the neighborhood and feels it will be a good fit as it will not increase the non-conformity nor be more detrimental to the neighborhood in which the property is located.

A motion to grant the Special Use Permit to change a pre-existing nonconforming use from a motorcycle services and sales use to a sign business at 100 Green Street with conditions that the hours of operation be 8:00 a.m. to 6:00 p.m. seven days a week for no more than five days in a seven day period; that no more than two vehicles be stored no more than forty-eight hours outside on the property; all work be conducted inside the building and the permit be specific to Mr. Farmer and non-transferable was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 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. Mr. Ovrut noted that there was a work session conducted since the last meeting that was attended by Mr. Casbarra, Ms. Barrett, Mr. Lynch and himself. Ms. Mellen disclosed that her daughter recently saw a doctor who is an abutter to this project. The Board stated that this would be a case of association by necessity.

Atty. Lovely stated that the plans have been revised as a result of previous meetings and the working session and additional fire safety measures have also been added. With Atty. Lovely this evening are Caitlin Gamache of Cosentini Engineers, Jeff Dirk of Vanasse and Associates and Bill Buckley of Bay Colony as well as applicant Joe Lynch.

Caitlyn Gamache explained that she looked at the plans from a fire protection standpoint as she is a Fire Protection Engineer. She looked at Mass General Law 527CMR which is the Massachusetts Comprehensive Fire Safety Code and the project complies with road width and length; she noted that they used the Mansfield tower truck as a comparison vehicle. The project also complies with required building separation. The applicants will have No Parking of vehicles on the roadway but the code does not address multi-vehicle turning in an emergency situation (fire, ambulance, police, etc.).

Mr. Brown noted that most roads in town loop around, Ms. Gamache noted that the local authority has jurisdiction on road requirements; she just looks to see that minimum standards are being met.

The Board members noted concerns with the roadway width in the winter after snow events, the roadway will end up being less than 20 feet wide. The outriggers on the fire truck are also a concern.

Fire Chief Roger Hatfield noted that the applicants did their due diligence to be sure that all his questions were answered. He and Police Chief O'Leary both had concerns with emergency vehicles backing out onto Route 140. He stated that the Mansfield truck is a good model to use as their current ladder truck dates back to 1994 and is no longer made so the next truck will be the size of Mansfield's. Chief Hatfield noted that usually an engine, a ladder and two support vehicles are sent to a working fire; this is appropriate for the safety of the community.

Even though the town has not seen this type of setting for a single family home community, sprinklers are not required; Chief Hatfield also noted that the septic under the road was a concern of his with the weight of the fire truck but this will be looked at during the Board of Health process. He was happy that the fire pit area was removed from the plans as they are not allowed unless they are being used for cooking.

The Board members are concerned with the parking restrictions being proposed, who would enforce them since this is to be a private road.

The question was posed if there were multiple fires or emergency events how the department would handle that; Chief Hatfield stated that Route 140 would be utilized.

The Board has concerns with exterior fires due to the closeness of the structures and the congested footprint; they would like the developer to think of other options for site layout.

The Board asked the length of the whole road and the length of each emergency vehicle that would respond in an average emergency; most of the roadway length would be taken up with the emergency vehicles. Chief Hatfield noted that they are not a full-time department, personnel would go to the scene as they are available and the important vehicles need to be properly placed.

Mr. Casbarra noted that he is a proponent of 40B's but the density being proposed raises a lot of concerns for both him and the Board; he asked if they looked at other configurations for the buildings such as two three-family townhouses, which would require sprinklers. A different configuration may result in more open space on the site.

The Board members also noted that no fences are currently shown on the plans; the future property owners may put up fences around their property which would be a further hindrance.

Atty. Lovely noted that Mr. Lynch feels that this design will be more in demand and will be a better living situation for the property owners; even if they change the buildings, they will still keep the same roadway.

Ms. Barrett stated that the Board has made their concerns clear, an alternate layout plan is not an unreasonable request; then the Board could at least see if an alternate layout would be a preferable alternative.

Jeff Dirk of VHB, the applicant's traffic consultant, stated that the development is small in size and is not expected to generate much traffic. The access way is located between two traffic signals that cycle every 60 seconds. There are adequate site lines but the access way may be blocked during the queuing of the lights at peak periods. The width of the entrance has been increased to 22 feet to accommodate the turning radius. The posted speed limit is 40 MPH on Route 140.

Mr. Dirk recommends the 22 foot entrance and sidewalk connectivity to the crosswalks but noted that MassDOT will be reviewing the access way as Route 140 is a state road.

Mr. Brown asked about the proposed decks, if the applicant has considered block patios so as to not be looking into the next house's back yard. He also noted that grills may not be allowed on a 10' x 10' deck as they would be too close to the homes.

The members of the Board of Health were present, Paul Steves noted that nothing has been submitted to the Board of Health yet, they have only come in for a preliminary discussion so they have no formal comments at this time. Their Board may approve a shared system or a common system for the septic. Mr. Buckley noted that whichever design is approved will not change the plans; it just changes the monitoring requirements. He also stated that they are not seeking waivers of Board of Health requirements so they will be applying to the Board of Health, the Zoning Board does not need to be concerned with the septic design.

Eric Avedon of the Board of Health explained that they look at the number of units once they receive an application. Paul Mullens of the Board of Health stated that their process should not

hold up the ZBA process, applicants usually apply to the Board of Health after a Zoning Board decision under Title 5 regulations.

Atty. Lovely stated that the curb cut and septic requirements could be conditions of approval.

Matt Cote of Beals and Thomas reviewed the letter that was issued today regarding the revised plans they received last week. They are satisfied at this point as the outstanding issues are mostly advanced engineering design issues that will be addressed as the design advances.

Joe Howlett of 148 Main Street asked if there will be any changes proposed to the right hand units, the third unit overlooks their property's pool area. Atty. Lovely stated that they are not proposing any changes at this time.

Robert Conrad of 1 Weston Avenue stated that he has commissioned his own traffic study as he feels the impact of cars and children on the area have not been adequately addressed. He has lived in the area for a few years and compares the peak traffic periods to a demolition derby.

Donna Howlett of 148 Main Street stated that a development with 24 bedrooms will impact the traffic in the area with the additional cars in an already dense area.

Mr. Howlett asked the prices of the affordable units; Mr. Lynch stated that they will be approximately \$192,000 - \$196,000 each.

Ms. Barrett noted that Foxboro uses the Boston area median income requirements; the cost of the homes cannot be more than 30% of the household income. The homes will also always need to be owner occupied single-family homes to comply with the permit; any change or modification would require a change to the permits both from the town and the state.

A motion to continue the Hearing to December 17, 2015 was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

GENERAL BUSINESS

Correction to ZBA Case #14-06 – Address Correction Needed – Mr. Casbarra noted that this petition references the wrong house number in the “Nature of Application” section and should be amended.

An amended Record of Decision will be prepared for the next meeting.

Minutes – October 20, 2015 The Board reviewed the minutes from October 20, 2015.

A motion to approve the minutes of October 20, 2015 as amended was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

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

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kristofor Behn, Clerk