

**Foxborough Planning Board  
Meeting Minutes  
June 12, 2014  
Boyden Library**

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Ron Bressé, John Rhoads,  
Associated Gary Whitehouse

Also Present: Planner Sharon Wason

**7:00 p.m. Planner's Report**

Ms. Wason gave the following report:

PARC Grant – the Recreation Committee has committed \$45,000.00 of their funds to round out the funding for the project.

Town Manager – would like to invite Mr. Keegan to a Board meeting to discuss ongoing projects and issues.

Downtown Traffic - report from Mr. Gillon was received, Mr. Greene and Mr. Rhoads are reviewing it.

South Coast Rail Grant – submitted an application for Route 1 study.

Subdivision Rules & Regs – Revisions will get underway in July.

GIS – Finance Director Scollins has approved payment for the new GIS license from an existing fund. A voucher has been prepared and submitted for payment.

Personnel changes – we have received approval from Town Manager Keegan to promote Ms. Jordan as Staff Planner and hire Ms. Gray as the Board Clerk, the Board approved and signed the Employee Action Form.

**7:10 p.m. Request for lot release “Governor’s Meadow” subdivision**

Mr. Weinfeld read request from Mr. Mordini to release one lot on VanDoorn Avenue. Mr. Grieder stated that he is concerned about the state of Weston Avenue and requested a report from site inspector Mullaney on that status of the subdivision.

A motion to delay action until report from Mr. Mullaney and response from Mr. Mordini have been received was made by Mr. Greene and seconded by Mr. Grieder. The motion carried 5-0-0.

**7:12 p.m. Request for lot release “The Gables at Foxboro Green” subdivision**

Developer John McCarthy was present and discussed Mr. Mullaney’s report. He stated that the main outstanding item is the removal of the utility pole on Route 106 and he is expecting the utility to remove it in the next week or so.

A motion to release lots 7 & 3 of “The Gables at Foxboro Green” subdivision was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

Mr. Grieder and Ms. Wason left the meeting to attend a short Billboard Advisory Committee meeting. During Mr. Grieder's absence, Mr. Whitehouse will be sitting as a voting member.

**7:15 p.m. Public Hearing – Special Permit  
Temporary Parking Lot – JYOTI LLC  
96 Washington Street**

Mr. Patel was present. He stated that no changes are being proposed. Mr. Weinfeld read comments from staff and noted that no issues were reported in the last year.

There were no comments from the public.

A motion to close the public hearing was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

A motion to approve the Special Permit with the following conditions was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

**CONDITIONS:**

1. The site shall only be used for parking up to 86 vehicles (**including** parking for motel patrons) during any single Stadium through June 30, 2015. Any deviations from this will result in enforcement action from the Zoning Enforcement Officer and a new public hearing to reconsider this Special Permit.
2. A total of 57 spaces may be employed for stadium events. 39 temporary spaces shall be allowed by this Special Permit. 18 permanent spaces shall be allowed to be used for stadium events. 27 spaces are dedicated for patrons of the Red Fox Motel and the applicant has been notified to monitor this situation. Additionally, two handicapped spaces are required by the Building Commissioner to meet the requirements of the Massachusetts Architectural Access Board, and may be utilized as approved by the Building Commissioner.
3. The Planning Board, its designee or any Town officials withhold the right to count the number of vehicles parked on the site to ensure compliance with the 86 approved spaces. Other than being required to park additional vehicles by the Massachusetts State Police, or Foxborough Public Safety personnel, not more than 86 vehicles shall be parked (**including** parking for motel patrons).
4. All requirements for Commercial Parking Lots licensed by the Board of Selectmen shall apply to this lot. Any other regulations of town Boards common to Commercial Parking Lots shall also apply (re: Board of Health portable toilet regulations).
5. The applicant shall remove any trash from within 100' of any wetland on or near the property.
6. No public access shall be allowed to the south side of the main building. A barrier shall remain in place during all stadium events.
7. Other temporary uses of this property other than for commercial parking for stadium events are not allowed (re: auto sales/auctions, flea markets or similar uses).
8. All approved spaces shall be outlined on the ground with lime, paint or a similar product. These spaces shall be clearly delineated prior to each stadium event when parking will occur.
9. The site shall be cleaned and all loose refuse disposed of within twenty-four hours after each stadium event. All waste material shall then be removed from the site.
10. All spills of fluids from any motorized vehicles shall be cleaned immediately using a Spill Kit recommended by the Water & Sewer Superintendent.
11. The applicant shall make available to the public the bathroom in the motel office or provide one porta-john on site and/or comply with any other requirements of the Board of Health. Patrons shall be informed by numerous visible signage that a public toilet is available within the main office of the

motel. Signs shall be located, at a minimum, at the front and rear of the special permit parking spaces, and as may be required by the Board of Health.

12. There shall be no old mattresses or other motel room furniture stored outside on the property.
13. Any proposed change(s) from this approval and its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).
14. This permit shall be valid for one year until June 30, 2015.

**7:20 p.m.      Public Hearing – Special Permit  
Temporary Parking Lot – BRH Park LLC  
94 Washington Street**

Mr. Holmes was present. He stated that no changes are being proposed. Mr. Weinfeld read comments from staff and noted that no issues were reported in the last year.

There were no comments from the public.

A motion to close the public hearing was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

A motion to approve the Special Permit with the following conditions was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

**CONDITIONS OF APPROVAL:**

1. All spaces may be employed for stadium events provided that the restaurant is closed to the public.
2. If the restaurant is open for stadium events, then 24 spaces shall be set aside and marked for restaurant patrons only. The remainder of the spaces may be used for stadium parking.
3. The Planning Board, its designee or any Town officials withhold the right to count the number of vehicles parked on the site to ensure compliance with the 167 approved spaces. Other than being required to park additional vehicles by the Massachusetts State Police, or Foxborough Public Safety personnel, not more than 167 vehicles shall be parked on the site at one time.
4. All requirements for Commercial Parking Lots licensed by the Board of Selectmen shall apply to this lot. Any other regulations of Town Boards common to Commercial Parking Lots shall also apply (re: Board of Health portable toilet regulations).
5. Use of this property other than for commercial parking for stadium events is not allowed (re: auto sales/auctions, flea markets or similar uses). This condition shall not apply to the operation of the restaurant on site.
6. The applicant shall provide 2 porta-johns or a number as may be approved by the Board of Health. The second porta-john location shall be in the southeast corner of the site.
7. The applicant shall remove any trash from within 100' of any wetland on or near the property.
8. All approved spaces shall be outlined on the ground with lime, paint or a similar product. These spaces shall be clearly delineated prior to each stadium event when parking will occur.
9. The site shall be cleaned and all loose refuse disposed of prior to and after each stadium event when parking occurs. Trash shall also be removed from the wooded areas abutting the lot.
10. All spills of fluids from any motorized vehicles shall be cleaned immediately using a Spill Kit recommended by the Water & Sewer Superintendent.
11. There shall not be any storage of old or unused restaurant equipment outside.
12. The night lighting shall be tested and operational prior to the first night home game of the New England Patriots.

13. Any proposed change(s) from this approval and its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).
14. All of the conditions from the previous Special Permits shall remain in full force and effect.
15. This permit shall be valid for one year until June 30, 2015.

**7:25 p.m.      Public Hearing – Special Permit  
Temporary Parking Lot – Cal & Ellen Davis  
201 North Street**

Mr. & Mrs. Davis were present. He stated that no changes are being proposed. Mr. Weinfeld read comments from staff and noted that no issues were reported in the last year.

There were no comments from the public.

A motion to close the public hearing was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

A motion to approve the Special Permit with the following conditions was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

**CONDITIONS OF APPROVAL:**

1. The temporary lot shall only be used for parking up to 40 vehicles during any single Stadium event through June 30, 2015. In addition, four personal vehicles and two tenant vehicles are also allowed.
2. The Planning Board, its designee or any Town officials withhold the right to count the number of vehicles parked on the site to ensure compliance with the 40 approved spaces. Other than being required to park additional vehicles by the Massachusetts State Police, or Foxborough Public Safety personnel, not more than 40 vehicles shall be parked on the site at one time.
3. The first two paved parking spaces on the right side entering the property shall be designated as handicapped parking spaces.
4. All requirements for Commercial Parking Lots licensed by the Board of Selectmen shall apply to this lot. Any other regulations of town Boards common to Commercial Parking Lots shall also apply (re: Board of Health portable toilet regulations).
5. The applicant shall provide a “porta-john” on site, or comply with any other decision of the Board of Health concerning the number and location of bathrooms.
6. The applicant shall remove any trash from within 100’ of any wetland on or near the property.
7. Use of this property other than for commercial parking for stadium events is not allowed (re: auto sales/auctions, flea markets or similar uses).
8. All approved spaces shall be outlined on the ground with lime, paint or a similar product. These spaces shall be clearly delineated prior to each stadium event when parking will occur.
9. The site shall be cleaned and all loose refuse disposed of prior to and after each stadium event when parking occurs.
10. All spills of fluids from any motorized vehicles shall be cleaned immediately using a Spill Kit recommended by the Water & Sewer Superintendent.
11. The night lighting shall be tested and operational prior to the first night home game of the New England Patriots.
12. Any proposed change(s) from this approval and its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).

13. This permit shall be valid for one year until June 30, 2015.

**7:30 p.m. Public Hearing – Special Permit  
Temporary Parking Lot – 16 Washington Street LLC  
16 Washington Street**

Mr. Stanton was present. He stated that no changes are being proposed. Mr. Weinfeld read comments from staff and noted that no issues were reported in the last year. Mr. Stanton stated that the lot owners meet the requirements and all gravel lots should have the same requirements.

There were no comments from the public.

A motion to close the public hearing was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

A motion to approve the Special Permit with the following conditions was made by Mr. Rhoads and seconded by Mr. Greene. The motion carried 5-0-0.

**CONDITIONS OF APPROVAL:**

1. The temporary lot shall only be used for parking up to 89 vehicles during any single Stadium event through June 30, 2015.
2. The Planning Board, its designee or any Town official(s) withhold the right to count the number of vehicles parked within this temporary lot to ensure compliance with the 89 approved spaces. Other than being required to park additional vehicles by the Massachusetts State Police, or Foxborough Public Safety personnel, not more than the 89 vehicles shall be parked during any single stadium event.
3. Any access/egress issues or problems at the entrance of the site onto Route One shall continue to be resolved to the satisfaction of the Massachusetts State Police.
4. All requirements for Commercial Parking Lots licensed by the Board of Selectmen shall apply to this lot. Any other regulations of town Boards common to Commercial Parking Lots shall also apply (re: Board of Health portable toilet regulations).
5. Use of this property other than for commercial parking for stadium events is not allowed (re: auto sales/auctions, flea markets or similar uses). This condition shall not apply to the operation of the restaurant on site.
6. No porta-johns shall be located to the rear of any parking spaces. Access to them shall be clear with no obstruction(s) and subject to any other conditions of the Board of Health. The number and location of porta-johns shall comply with any decision of the Board of Health
7. The applicant shall remove any trash from within 100' of any wetland on or near the property.
8. To be employed for stadium events, each individual parking space shall be properly striped (pursuant to the approved site plan). No parking shall occur on those spaces/areas which are not striped to the satisfaction of the Planning Board or its designee.
9. The ends of the parking rows shall be properly marked and the spaces striped to ensure that the access widths are maintained.
10. A dumpster shall remain at the lot during stadium events and the site shall be cleaned and all loose refuse disposed of within twenty-four hours after each stadium event. Trash shall also be removed from the wooded areas abutting the lot. All waste material shall then be removed from the site.
11. All spills of fluids from any motorized vehicles shall be cleaned immediately using a Spill Kit recommended by the Water & Sewer Superintendent.

12. The night lighting shall be tested and operational prior to the first night home game of the New England Patriots. Should the Planning Board have concerns with the level of lighting, intensity of the lights, or lighting spillage onto abutting properties or the street the Board reserves the right to require the applicant to adjust the level of lighting, the type of lighting fixtures or the location of individual lights.
13. Any proposed change(s) from this approval and its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).
14. This permit shall be valid for one year until June 30, 2015.

**7:35 p.m.      General Business**

**Lakeview Pavilion**

Mr. Rhoads stated that he attended the neighborhood presentation. The owners will need a special permit from the ZBA for expansion of a non-conforming use. They are adding a basement for storage and equipment. He stated that neighbors expressed concern about traffic and suggested a sign directing traffic towards the pavilion.

**7:40 p.m.      Public Hearing – Preliminary Subdivision  
Forge Estates – Deer Hill Development LLC  
204 East Street**

Mr. Grieder and Ms. Wason returned to the meeting.

Mr. Weinfeld explained that this is a hearing for a preliminary subdivision; he then explained the hearing procedures.

Daniel Seigenberg, Esq. and Shane Oates, EIT represented the applicant. Mr. Seigenberg stated that after the informal meeting with the Board, they met with Conservation Manager and Ms. Wason to discuss the plans. The plans were revised and the revised plans are being presented tonight. The original plan was for 13 lots, but after feedback lots were cut to 12. Street length is 940'. Originally planned to have buffer on both sides of the parcel but after discussion with staff, the open space was moved to one side of the subdivision. This subdivision is filed under the Open Space Residential Development (OSRD); the applicants are trying to work with the Town and neighbors to have a better development.

Mr. Weinfeld stated that the Board is not typically adversarial to applicants; we try to work with developers and neighbors. It will be important to present a drawing showing that a definitive subdivision can be built on the parcel. Mr. Seigenberg responded that they have a plan that shows that by right they can build 13 lots.

Mr. Oates presented the OSRD plan. The parcel has just over 8 acres of open space, road is 942', the proponents goal is to have walking trails to connect to conservation land at the rear of the property. They are applying Innovative Design features with low impact design, narrower road, utilizing one sidewalk, LID measures for drainage: roadside swales, rain gardens to recharge to groundwater. The intent is to maintain the topography of the property. Definitive plan shows two entrances with no dead ends, total roadway will be 3,000 lf. There are significant environmental issues, parcel is in an ACEC and a certified vernal pool abuts the property. Will be seeking permits with the Conservation Commission and potentially the Army Corps of Engineers, not intending to fill any wetlands.

Mr. Seigenberg explained that in order to have approval for an OSRD, they have to show the Board that they can build a definitive subdivision by right, need to satisfy Board of Health and Conservation regulations. Not proposing to build on wetland areas. Mr. Grieder stated that they will need to convince the Board that the 2 entrances can be permitted. Mr. Seigenberg responded that they are hoping to do joint filing with Conservation in the definitive process. Mr. Weinfeld stated that the Conservation Commission commented that without details, they cannot comment on the riverfront. Mr. Grieder added that they need to get over the issues with Conservation before coming to this Board. Mr. Oates responded that it's going to be very important for the Conservation Commission to see details that should be worked out with this Board.

Mr. Rhoads stated that the conventional subdivision plan is a proof plan. He asked if they wetlands have been delineated, and asked to see the location of the riverfront. Mr. Oates responded that there is an ORAD in place from a previous project, there is little change due to degraded area. Mr. Rhoads stated that it's difficult to determine if disturbances occurred within approved guidelines, need a memo discussing the disturbance needed to be addressed. Mr. Oates responded that it would require further design

### **Comments from the public:**

Nancy Ellis of 183 East Street stated that they have lived in their house for 45 years, there are springs and vernal pools in area, don't see why this needs to be developed. Mr. Weinfeld responded that those concerns, while valid, should be addressed with Conservation, also a landowner has a right to develop his land as long as it meets the requirements.

Maria Odler of 186 East Street stated that the Canoe River is not shown on the plans.

Colin Browning of 186 East Street asked if the Board received a letter from his attorney. Mr. Weinfeld confirmed that the Board had received the letter. Mr. Browning stated that the property has been previously presented for development and has been turned down. He stated that his driveway crosses the river and were not allowed to pave over the river when re-doing the driveway, questioned the developer's ability to build a road crossing the river. Mr. Grieder responded that the Conservation Commission is where those comments should be made. It is the Board's duty to review this application on its own merits.

Mr. Weinfeld read Building Commissioner Casbarra's memo questioning zoning district location and discussing the driveway and access for abutter Hunt. Mr. Oates responded that during construction, access needs to be provided at all times.

Tom Hunt of 206 East Street stated that he is confused on the length of the road. Mr. Weinfeld explained that the town's bylaw has restricted road length to 800' and waivers have been granted due to special environmental issues; now a road longer than 800' is allowed by special permit. Mr. Hunt stated that he has not heard from Mr. Seidenberg. Mr. Seigenberg stated that he has emailed Mr. Hunt but have not received a response. Mr. Greene stated that they need to address the neighbor directly and not through the Board. Mr. Hunt stated that one of the plans shows a "cart path" or road going up the embankment but it never went up the embankment.

Mr. Rhoads asked which lots are in Zone II of the WRPOD. Mr. Oates responded that lots 10-12 are in the Zone II.

Sean McCarthy of 4 Abbie Lane shared a section of Mass General Laws concerning driveway easements, he stated that he interprets that the driveway may be owned by all easement owners.

Mr. Browning stated that the parcel is in an area where East Street dips and floods affecting houses downstream.

Stephen Krug of 3 Paddy Joe Lane stated that he is a hunter that uses the conservation area in the rear of the property and feels that a development will be displacing hunters due to regulations requiring hunting distances to homes.

Mr. Hunt showed photos of flooding in the area. Mr. Rhoads stated that FEMA flood maps determine the elevation of a property and developers cannot go under the elevation. Mr. Hunt submitted a 1988 letter from the Canoe River Aquifer Committee stating that the culvert under East Street should be replaced. Mr. Rhoads responded that the culvert is owned by the community, the Planning Board cannot require the developer to replace it.

Ms. Ellis asked where the other road is coming out. Mr. Oates responded that if the OSRD plan is approved, only one road will be constructed.

Jacqueline Flaherty of 1 Brookside Drive asked if the street will be across from Brookside drive. She expressed concern about the amount of traffic on East Street and the amount that will be added by the project. Mr. Weinfeld responded that they will have to provide traffic details for a definitive plan. Mr. Hunt stated that in 1988 the Board discussed a traffic report. Mr. Rhoads stated that the report would probably be a memorandum submitted during the definitive subdivision process.

Mr. McCarthy asked whether the “proof plan” has to meet any requirements or Conservation Commission approvals. Mr. Weinfeld stated that the Conservation Commission needs more information as detailed in their memo. The Conservation Commission detailed the history of the site and the information that they would be asking for to make determinations and decisions.

Mr. Grieder stated that the Board will not ask for information just to punish the applicant for making an application but more information is needed than what was submitted. He encouraged the neighbors to keep coming to the meetings and keep involved.

Mr. Krug said there’s too much development; it just has a lot impact on the schools, the roads, and the town water.

Ms. Odler questioned the location of lot lines since land owner Paul Barbato has encroached on their property. Mr. Weinfeld explained that the lot lines are set according to deed records only. She disputed that statement.

The Board discussed the benefits of an OSRD: shorter roads and sidewalks and less infrastructure impacts. This project would preserve nearly 8 acres of open land and may connect to the Town conservation land and create better greenbelt through town.

Mr. Oates stated that would provide more detail, but isn’t sure whether he would commit to full plans at this point but will provide it if the Board believes that they need more info to believe in its feasibility. Mr. Seigenberg stated that the new bylaw provides for flexibility and sensitivity to the land.

A motion was made by Mr. Grieder to continue the hearing to July 10, 2014 at 8:30 p.m. and seconded by Mr. Greene. The motion carried 5-0-0.



Mr. Oates stated that he will try to have the plans ready for July 10<sup>th</sup>, but may request a continuance if the plans are not ready.

**9:00 p.m. Public Hearing – Site Plan Review  
James & Pamela Gibson  
12 Mechanic Street**

Ms. Wason explained that this application was submitted under the new Foxborough Center Overlay District bylaw but the bylaw has yet to be approved by the State’s Attorney General. She recommended that the hearing be continued to July 24<sup>th</sup>.

A motion to continue the hearing to July 24, 2014 at 8:00 pm was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

**9:10 p.m. Form A – Shea Lane**

William Buckley, PE of Bay Colony Group presented the plan. He stated that the plan adds land to an existing non-buildable lot creating a new buildable lot.

A motion to approve the Form A plan since the Board found that the new lot created has sufficient frontage and appropriate access on a public way was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 5-0-0.

**9:20 p.m. PARC Grant – Payson Road Recreation Area**

Mr. Buckley discussed with the Board the budget and the available funds for the project. He stated he will discuss with contractor Rich Pacella reducing the scope to \$402,000.00.

**PARC grant application by the Recreation Committee**

Ms. Wason stated that she will be writing a letter of support for Recreation’s PARC grant application.

**9:50 p.m. Meeting adjourned**

Respectfully submitted,  
Gabriela Jordan

Approved by: William Grieder

Date: 9/12/14