

**Foxborough Planning Board
Meeting Minutes
May 12, 2011
Town Hall**

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Ron Bressé, Shannon McLaughlin, Alternate John Rhoads

Also Present: Planner Marc Resnick

7:00 p.m. General Business

Minutes

The Board reviewed the minutes of the meeting held on February 10, 2011. There were no changes or corrections.

Motion by Ron Bressé to approve the minutes of February 10, 2011 as submitted. Seconded by Gordon Greene. Unanimous Affirmative Vote (4:0:1)(Shannon McLaughlin abstained)

7:10 p.m. Reorganization of the Board

The Board discussed the reorganization of the Board since Clerk Scott Barbato is no longer serving on the Board.

Motion by G.Greene to re-appoint Kevin Weinfeld as Chairman of the Board. Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

Motion by K.Weinfeld to re-appoint William Grieder as Vice-Chairman of the Board. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to appoint Gordon Greene as Clerk of the Board. Seconded by S.McLaughlin. Unanimous Affirmative Vote (5:0)

7:15 p.m. Discussion concerning the Ancient Marinere

Joyce Carlson, 9 Mechanic Street was present. She stated that Building Commissioner Casbarra told he that she didn't need to attend the meeting discussing the request for a site plan waiver. She stated that she would like to discuss the application with the Board. She stated that two sheds were added to the rear of the property for screening; they are proposing no changes to the patio bar other than adding a roof. G.Greene stated that the Board wants to see the buffering and the plan to ensure that the plans meet the zoning requirement. W.Grieder stated that this Board would like to review the site plan. K.Weinfeld recommended that Ms. Carlson contact the engineer that prepared the plans and ask that he prepare a full site plan and a site plan application. He stated that a hearing could be held on June 9, 2011.

7:30 p.m. Discussion concerning “Highlawn Farm” subdivision

Developer Michael Intoccia was present. K.Weinfeld stated that the Board was informed that Michael Intoccia sent a letter to the neighbors concerning the installation of dry wells. W.Grieder stated that the neighbors received a letter last night informing them that they need to decide if they would like to have dry wells installed in their property and were required to respond this morning. He stated that the letter is not a true representation, stating that the Town is forcing Mr. Intoccia to do this. K.Weinfeld stated that the homes are private and the homeowners need to be able to make an informed decision. He stated that if a homeowner feels that the current drainage is acceptable then they don't need to have the dry wells installed. W.Grieder stated that this is necessary because there was omission in the plans. M.Intoccia stated that he would like the work to be done since this is the right season.

Nancy Condangelo, 19 Lawton Lane – stated that their house was the first one built. They have installed a pool, sprinkler system but had a massive flood in the basement. Because of location of pipes in the sprinkler system, they are very concerned about the damage this installation may cause. M.Intoccia stated that the machine used to dig the trench is small. K.Weinfeld stated that he would expect that any disturbances to the land, Mr. Intoccia would be responsible to replace or repair any damage. James Condangelo asked if the system would connect every downspout. M.Resnick stated that they would tie in as many roof drains as reasonable. He stated that it would be up to the homeowner; the engineer would have to work with each homeowner to design the type that would suit the site. M.Intoccia stated that engineer William Buckley meet with each of the neighbors to design the dry wells for their homes. N.Condangelo asked what recourse they have. M.Intoccia stated that he needs to have this done as soon as possible so he can move on with construction of the subdivision. W.Grieder recommended that they neighbors take him up on the offer and have engineer design and find out the options to make an informed decision.

Jeff Burton, 25 Lawton Lane – stated that most houses have sprinkler system and need assurances that things will be repaired.

Jen Foley, 22 Lawton Lane – stated that the subdivision doesn't have street lights and there are over 10 kids in the subdivision. Also, sprinklers were damaged when digging trenches for lights and the trenches remain open which is a danger for the children.

N.Condangelo stated that there is a hole for foundation of an unbuilt home that is not fenced and construction trucks that are parked overnight in the empty lots. She submitted photos of the subdivision.

M.Intoccia presented a voucher for the purchase of street lights. He stated that the holes will be filled next week once the conduit is installed.

Jason McAulliffe, 21 Lawton Lane – asked which lot is being held. M.Intoccia responded that the lot is across the street from his property.

N.Condangelo asked about the boulders at the cul-de-sac. M.Intoccia stated that he will speak with Bobby Hearn and discuss this.

Michael DiNunzio, 24 Lawton Lane – stated that he put his own drainage system, but would like to look at this.

M.Intoccia presented copies of check to Truax for catch basin cleaning and to Baynes Electric for street lights. Neighbors stated that catch basins were cleaned today.

N.Condangelo asked when was the Board made aware of the drainage issue. K.Weinfeld responded that the Board was made aware of it last fall and has been working with Mr. Intoccia to get this issue resolved.

J.Foley asked when basin cleaning needs to happen. M.Resnick responded that there should be a maintenance plan, but annual maintenance is required.

W.Grieder encouraged the neighbors to sign up at the Town's website to have agendas emailed to them so they can attend meetings when discussions happen. K.Weinfeld stated that the Board wants to hear from the homeowners.

**8:20 p.m. Continued Public Hearing – Site Plan Review
“Boyden Library”
10 Bird Street**

W.Grieder stated that voting on the library hearing will be a challenge since Scott Barbato is no longer a member and was replaced by new member Shannon McLaughlin. He stated that he feels that the Mullin rule doesn't apply since S.McLaughlin was not present as a sitting member at the original hearing. He suggested that John Rhoads sit for the hearing since he was present at the original hearing. K.Weinfeld stated that he is concerned due to the proximity of S.McLaughlin's home to the project. S.McLaughlin stated that she discussed this issue with the State Ethics Commission and was informed that there wasn't a problem but that she would need to disclose that she was part of the list of neighbors receiving updates on the project. She stated that she will seek Town Counsel's opinion concerning the Mullins rule.

K.Weinfeld read a request received from engineer William Buckley requesting that the hearing be continued to May 26, 2011.

Motion by W.Grieder to continue hearing to May 26, 2011 at 8:00 p.m. Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

8:30 p.m. Discussion concerning “Autumn Valley” Estates

Developer Phil Moore was present along with engineer Ken McKenzie. P.Moore presented a response to the letter from May 2, 2011. K.Weinfeld read letter dated May 2, 2011.

Catch basin cleaning – P.Moore presented receipt for catch basin cleaning.

Cherry tree in Sheehan's property – P.Moore showed picture of the damaged tree and stated he would give them an extra tree.

Sidewalk easements – P.Moore stated that his attorney submitted all the easements that were granted, only missing Mrs. Rodriguez's but her attorney has not returned calls. K.Weinfeld asked that attorney Michelmore write a letter explaining the situation.

Certificate of Compliance – K.McKenzie stated that is in the works.

Ladder rungs – P.Moore stated that they are complete. D.McKenzie stated that he will inspect them.

Swale cleaned – P.Moore presented a deed stating that Conservation now owns the swale.

Street trees – P.Moore stated that the trees will be delivered on June 1st and installed June 3rd. He presented a voucher for purchase of trees.

Loaming and seeding – P.Moore stated that he will redo the grass strip. He stated that reseeded will be done when the trees are done. He presented photos of the strip.

Replacement of arborvitae – P.Moore stated that it will be done.

Underground drainage system – P.Moore stated that he doesn't think that there has been a problem. K.McKenzie stated that the pits contribute to the water table. He stated that they are not shown on the as-built plans. W.Griender asked why they wouldn't be in the as-built plan. K.McKenzie responded that they are not required to be shown.

Roadway as-builts and bounds – P.Moore stated that this is being done since the winter is over.

P.Moore asked that a letter be sent to the bank to state that the Town will not be taking the bond once the items are completed

9:00 p.m. Informal discussion concerning 204 East Street

Engineer William Buckley was present. He explained the location of the property and showed a conventional subdivision plan. He stated that there are three pieces of land involved that total 18.5 acres and have 2 houses. He showed the open space abutting the property. He stated that they will be proposing an OSRD. They have held informal meetings with the Conservation Commission and the Canoe River Commission and offered to sell the land to them, but they didn't have funds. M.Resnick asked if Mr. Barbato has contacted the State directly, adding that there are agencies that have funds to purchase land. W.Buckley stated that he will talk to this client about it.

W.Buckley presented the proposed conventional subdivision plan with 2 access points, but there's an issue due to wetlands crossings. The Canoe River has been designated an Area of Critical Environmental Concern. Wetlands have been delineated and approved by DEP. They are proposing a roadway with one sidewalk and would have retaining walls to minimize impact. K.Weinfeld asked if his client is entitled to two wetland crossings. W.Buckley responded that a crossing could be approved if wetland filling is less than 5,000 s.f. They will also need to have the Planning Board determine what adequate access is.

W.Buckley then presented two options for an OSRD.

Option A – main road is 1,238 ft long and a spoke which extends the roadway to approximately 1,579 ft. He stated that the Canoe River Commissioner would like the project to have a 500' green belt. There are 11 new lots on the site, keeping 2 existing homes. Mr. Hunt's access would be off the new road. M.Resnick stated that except for road length, plans meet the standards.

Option B – all of the work can be done outside of the riverfront area. Roadway length is 1,000 s.f. They would request waivers to construct one sidewalk and roadway beyond 800 ft. The layout of the road would be 50 ft. and width of pavement would be 24 ft. M.Resnick suggested changes to the plan. W.Buckley stated that he would prepare a revised plan and return to the Board for more input.

M.Resnick suggested relocating two lots on the main road, removing one cul-de-sac and reducing the other cul-de-sac. The Board then discussed the request to waive the 800' road length limitation on a cul-de-sac. W.Buckley stated that there have been only 3 subdivisions that were granted waivers: Walden Farms, due to environmental reason; Autumn Valley, improved the drainage of abutting properties; Christensen Estates, cul-de-sac of North High Street was created by the construction of Route 95. He stated that granting the waiver for this subdivision would remove the need for a second wetland crossing in a significant wildlife corridor. W.Griender

recommended that the applicant ask the Conservation Commission to write a letter supporting the waiver of the 800' rule.

M.Resnick stated that abutter Tom Hunt should be deeded a temporary access easement to the road during construction since the road would be in private property.

9:45 p.m. Meeting adjourned

Approved by: Kevin Weinfeld, Chairman

Date: August 25, 2011