

**Foxborough Planning Board
Meeting Minutes
August 18, 2011
Public Safety Building**

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Ron Bressé

Members Absent: Shannon McLaughlin, Alternate John Rhoads

Also Present: Planner Sharon Wason

7:00 p.m. Old Business

30 Panas Road

Sharon Wason presented a report from inspector Norman Mullaney on the site at 30 Panas Road. She informed the Board that engineer William Buckley would be meeting with Mr. Panagopoulos to prepare a work plan to address the issues listed in the report.

Town Planner's Report

S.Wason explained that the PWED grants are no longer being managed by MassDOT and were merged into MassWorks program. Bid opening for Payson Road roadway improvements is Tuesday, August 25th.

Engineer Jeff Dirk has emailed the MassWorks application sections that they were doing for the Big Y application. In addition, the Patriots are submitting a MassWorks application for the pedestrian bridge.

The South Coast Rail grant was submitted. Currently working with Tim Cummings on a Sustainable Communities Challenge Grant: \$100,000 minimum for a Downtown Economic and Housing Plan and Comprehensive Zoning rewrite after the Master Plan is written. The grant is due on September 9th. Board of Selectmen has been asked to join the MAPC Sustainable Communities Coalition (which will garner 2 points on the application). The Selectmen will be considering at their August 30th meeting.

Attended a TRIC meeting for Mr. Paicos. She stated that TRIC will have a seat on the Boston MPO and there is discussion that Norwood's rep, who is the president of the Neponset Valley Chamber of Commerce would run from the TRIC region. In addition, Needham, another TRIC town is running as an at-large seat.

She requested that the Board approve to have November 7-9 off to accompany her husband at a conference. The Board agreed to the time off, especially noting all the work that has been accomplished in a short amount on time.

7:10 p.m. FY12 Work Program

S.Wason presented a work plan, asked the Board to review and prioritize the items on the list.

Cul-de-sac length – the Board discussed the cul-de-sac length issue. S.Wason stated that other Towns’ regulations should be researched. W.Grieder stated that performance standards should be set.

Housing Plan – S.Wason stated that a housing plan should be a priority.

Department Fees – S.Wason explained that she added a \$7 fee per abutter for notifications to the list of fees that Marc Resnick had developed.

**7:30 p.m. Continued Public Hearing
Big Y Supermarkets**

Attorney Frank Spillane was present with Matthew D’Amour, Big Y Foods Director of Store Development, Pete Smith, Big Y Foods Manager of Store Development, William Buckley, P.E. of Bay Colony Group, Inc., Jeffrey Dirk, P.E. of Vanasse & Associates, and Eric Bednarek, RLA of the Cecil Group.

W.Buckley stated that at the last meeting, the applicants were given direction from the Board and the Town’s professional staff and consultants. They have prepared revised drawings according to the revisions discussed.

He stated that the parking scheme was shifted to allow vehicles to flow, but still make it difficult for a cut-through. Showed dumpster location in the existing building, but may have to return to the Board to relocate it. Public safety officials requested that access be maintained in the rear of the existing building. The location of a sidewalk was changed to allow for a safer crosswalk. The Water Department asked that the water line be reconfigured to continue the loop, brought the water line in, also modified hydrant locations. The cost water line portion of the work was added to the PWED grant application.

W.Grieder stated that Building Commissioner Casbarra’s letter expressed a concern about Building 2 tenants, the type of businesses that would remain relating to parking requirements. He asked if there should be designated parking for future needs. W.Buckley responded that the retail number they are using is conservative.

W.Buckley stated that they modified the landscaping in the basin areas, presented elevation drawings for the modification of the east side. The roof was changed; columns and opaque windows were added.

E.Bednarek presented revisions to the plan. Showed the buffer on north side of the site, located all trees to be saved and placed evergreens, plan shows concept of the berms, invasive vines will be removed. Also, groundcover will be wildflower mix. Plant material was added at the basins in the entrance on Central Street. The Foxborough Boulevard entrance will be dressed up. S.Wason stated that the sign at Foxborough Boulevard is not shown. W.Buckley responded that the location has not been determined. S.Wason stated that sight lines are to be kept when determining location of the sign.

Comments from the public:

Jack Rico, 6 Vernal Avenue – asked that they plant evergreens that will grow tall enough to provide buffer and noted that there are trees that should not be kept. E.Bednarek responded that

some trees have been pruned for utilities, but there are some deciduous trees that provide buffer. J.Rico responded that there are only smaller trees and vines. E.Bednarek responded that any quality material will be preserved. He stated that an arborist will go to the site and tag the trees to be kept and those who will be removed. W.Grieder stated that some of the houses with decks will be shielded by shorter trees and higher decks with the larger trees.

Les Goodson, 396 Central Street – stated that he is pleased that the Big Y will be remove the neighboring house, but is concerned what it will look like at the end of the project. He stated that there are a lot overgrown vines that need to be removed. He asked that a fence be installed to separate the property line. E.Bednarek stated that there's a large row of evergreens that are tall and dense that should remain. L.Goodson stated that there trees that have grown over 3' onto his property. Also his property abuts the rear of the building to be kept and is concerned about the dumpster location. E.Bednarek stated that quality trees will be kept, all brush and vines will be cleaned out. L.Goodson stated that he would like to go through the property with someone to mark the trees to be kept and removed and asked if they would consider installing a fence. E.Bednarek responded that he would be contacted when the trees are to be marked. W.Buckley stated that he understands the concern about the dumpster location but it is approximately 200' from the house, 60' from the property line. He stated that they would prefer not to double up on the buffering, but that the dumpster has to be shielded with a 6' fence with slats.

Elizabeth Potter, 4 Alex Lane – stated that she is concerned about the buffer on Central Street. She would like to see 30' evergreens on the front. Stated that she is concerned about buses and overnight parking for trucks. E.Bednarek responded that street trees will be planted which will be 20-30' tall when planted, lower plantings to shield the lower part. W.Grieder showed a sign to be posted to deter idling. E.Potter asked where the Bonanza buses would pick up passengers. M.D'Amour stated that buses would no longer pick up at the plaza, they would not be willing to sacrifice parking spaces for the buses. S.Wason stated that Bonanza could be contacted to offer County Street parking lot. W.Grieder stated that they are now aware of the problem on the property (trucks idling), but neighbors should call the police station to complain where there are buses idling overnight.

Leo Potter, 4 Alex Lane – presented a letter from the residents of Alex Lane requesting that the driveway be moved away from across Alex Lane. K.Weinfeld read response from the applicant. J.Dirk stated that if the driveways are off-set there would be conflicts, the design is the safest design. K.Weinfeld stated that the design will deter cut through and traffic light will help getting people to enter the site through Foxborough Boulevard.

S.Wason stated that the property requires a Special Permit because the detention area is in the WRPD and due to the renovation work in the WRPD. Since it is unknown the type of tenants that will be housed in the 35,000 s.f. building, the site plan may need to be reopened, the Board should contemplate to issue a Special Permit to allow the work in the WRPD and a Site Plan for the site work.

There were no more comments from the public.

Motion by W.Grieder to close the public hearing for the Special Permit. Seconded by G.Greene. Unanimous Affirmative Vote (4:0)

G.Greene asked what the plan is for the tenants' relocation. M.D'Amour responded that the approval triggers the transaction for the purchase of the plaza, after the purchase is completed, the Foxboro furniture tenants will be given time to sell out their inventory and move out. Tenant

spaces will be built and after the tenants have been relocated, the building will be demolished. Construction for the supermarket building would start on November 2012 and expect to open the store in the spring of 2013.

S.Wason stated that she prepared a draft approval for the special permit with the following findings:

- The proposed improvements comply with the design standards as noted in the WRPOD By-Law.
- The drainage design uses Best Management Practices (“BMP’S”) employing low impact development methods for the stormwater design. The BMP's comply with the DEP Stormwater Guidelines. This system will also ensure adequate recharges to the groundwater, fulfill the design criteria noted in the By-Laws, and should not impact water quality entering the ground water on the site.
- The pre-existing, nonconforming, nonresidential structure and use conform with the dimensional requirements of the Zoning By-Laws and Special Permit Case No. 11-03 issued by the Board of Appeals in February 2011.

Motion by W.Grieder to approve the Special Permit for 369 Central Street. Seconded by R.Bressé. Unanimous Affirmative Vote (4:0)

S.Wason then read the conditions prepared for site plan approval for the Board’s consideration.

Motion by W.Grieder to approve the site plan for 369 Central Street with the following conditions;

1. The Applicant shall pay the required inspection fee prior to any site work occurring on the property or the issuance of a Building Permit.
2. A performance guarantee in the amount specified by the Board of shall be provided to the Planning Board prior to the issuance of a Building Permit. This shall secure the construction of the landscaping, drainage, utilities, pavement installation, striping, and as-built plan. This shall be in the form of an Irrevocable Letter of Credit not to expire prior to October 1, 2013, or a passbook account. If the applicant desires to secure the improvements with a Tri-Partite agreement or other form of performance guarantee they shall return to the Board for review and approval of the type of guarantee and all necessary documents.
3. The mitigation commitments made by the Applicant in the “Draft Environmental Impact Report” EOEA No. 14692 are incorporated as commitments in this Site Plan.
4. The Applicant shall install and maintain tree protection fencing and other protective measures for landscaping to be preserved. The tree protection fencing shall be located so that construction activities and site alterations do not disturb the root zone of the trees designated for preservation. The Board’s Inspector may order that the protective measures be relocated to better protect trees and landscaping to be preserved. The Applicant shall replace any trees and landscaping designated to be preserved, which were damaged, killed, or removed as a result of construction activities.
5. Working hours shall not exceed 7 a.m. to 7 p.m. Monday through Saturday per Town of Foxborough General By-Laws.
6. All required sedimentation and erosion controls shall be in place prior to the commencement of construction. The Planning Board inspector shall be contacted for inspection prior to the commencement of construction. The best management and maintenance practices for the site shall be complied with at all times, including after the issuance of a Certificate of Occupancy for the premises.
7. The Applicant shall notify the Planning Board in writing two or more working days prior to the following construction milestones or as otherwise instructed by the Board or the Planning Board inspector:

- a) commencement of work on-site;
 - b) completion of the site grading and site work;
 - c) installation of stormwater management facilities;
 - d) installation of other subsurface utilities;
 - e) installation of trees and other landscaping features;
 - f) prior to the final paving of the parking lot and drives; and
 - g) commencement of site work.
8. The Applicant shall file an easement for the water main through the site or enter into an Agreement to allow the Town 24-hour access to the water line as directed by the Board of Water and Sewer Commissioners of the Town of Foxborough prior to the connection with the Town of Foxborough water system.
 9. Any pavement within the public right-of-way shall be properly cut, patched and sealed/infrared and, if necessary, the disturbed portion of any street shall be overlaid with pavement. This work shall be inspected and approved by the Highway Superintendent and the Board's Inspector.
 10. The fencing and vegetative screening to be installed on the site shall be maintained. Failure to do so will be considered a violation of this approval. In the event of a maintenance failure, the applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the applicant's failure to cure will be considered a violation of this approval.
 11. The Applicant shall prepare a Snow Removal Plan to be approved to the Planning Board prior to the application for a Certificate of Occupancy. This Snow Removal Plan shall be in accordance with the Operation and Maintenance Plan for Storm Water BMP's dated May 2011 filed with the application.
 12. The applicant or successors are required to maintain the drainage and stormwater management system. The system shall be cleaned and maintained as required by the Operation and Maintenance Plan for Stormwater BMP's. Failure to maintain the drainage system will be considered a violation of this approval.
 13. The spill prevention and control plan as submitted should be expanded and a copy of the expanded plan filed with the Planning Board and Foxborough Fire Department for any on-site fueling activities, on-site fuel storage, or other activities where a potential for a spill may exist prior to beginning construction on site. This plan shall detail location of activities and storage, ways to reduce the chance of spills, to stop the source of spills, to contain and cleanup spills, and to dispose of materials contaminated by spills, training procedures for personnel performing activities which may result in spills and personnel responsible for spill prevention and cleanup, and notification procedures.
 14. Truck traffic shall be directed to utilize the Foxborough Boulevard entrance to the site to the extent possible both during construction and after a Certificate of Occupancy has been issued for retail and restaurant uses on site. Trucks which exceed the size which can be accommodated at the Foxborough Blvd. driveway may enter the site from Central Avenue, but no trucks may enter the site from Central Avenue between the hours of 7 p.m. and 7 a.m. The Applicant and their tenants, successors, and assigns shall advise those delivering goods and materials to the site to utilize the appropriate drive and of time restrictions for deliveries using Central Street.
 15. All signs installed on site shall comply with section 15B of the Foxborough General By-Laws. The Applicant shall install "STOP" and other standard traffic control signs as directed by the Planning Board or other Town official.
 16. 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.
 17. An area for reserve parking shall be shown on the northerly side of the proposed 56,100 square foot supermarket. Should the Planning Board have concerns with the sufficiency of parking on site, the Board will reserves the right to require the applicant to build the reserve

- spaces, otherwise increase the number of parking spaces, provide further encouragement through the Transportation Demand Management program as detailed in the MEPA Certificate, or take other appropriate measures.
18. Handicapped access and facilities shall comply with the Americans with Disability Act and Architectural Access Board standards.
 19. The final design of the type and location of the roof-top HVAC and other units shall be submitted to the Board for review. The Board reserves the right to review noise impact to surrounding properties and require the applicant to mitigate any problems.
 20. The conditions of this Site Plan Approval shall be added to the final set of approved plans submitted to the Board for signatures.
 21. As built plans shall be submitted to the Board after construction and all construction shown on the site plan must be completed prior to the issuance of an occupancy permit.
 22. Any proposed change(s) from the approved plans deemed substantive by the Planning Board and/or the Building Commissioner or any future changes in the use or in the intensity of an existing use, 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). Approved revisions shall be illustrated on plans and submitted.
 23. Site plan approval shall lapse if construction is not commenced within twenty-four (24) months from the date of approval.
- Seconded by G.Greene. Unanimous Affirmative Vote (4:0)

9:00 p.m. 30 Panas Road

W.Buckley stated that he will be meeting with Mr. Panagopoulos to discuss the items that need to be fixed. S.Wason stated that the changing of loading docks from 4 to 6 is significant and the Town was not informed. She stated that the Board recognizes that the economy is difficult and he has a tenant, but need to fix some issues on the site. There is a DEP regulation relating to idling and it must be enforced. W.Buckley stated that he will be preparing a timeline for the work to be done.

9:10 p.m. Discussion concerning the “Highlawn Farm” subdivision

Attorney Bob Shelmerdine was present along with Bob Hearn. B.Shelmerdine informed the Board that the street lights have been installed. He stated that today they re-sent to National Grid the letter accepting responsibility for the lights and the Town still needs to submit the letter to National Grid. Once both letters are received, National Grid will issue a work order for the final connection of the lights. The final connection requires the installation of copper wire, National Grid needs to open the transformer and electrician can pull the wire. Once the work order is issued, it could take a couple of weeks for the work to be done.

Remaining open items:

- 5f. Lawn Repair – B.Hearn stated that the machine to do the work will be there on Tuesday (8/23).
14. Dry Wells – B.Shelmerdine stated that they are still working on this. He stated that they are part of the punch list and he would focus on this item now.
16. Rock Crusher – B.Shelmerdine stated that the work is not set to begin until October.

Nancy Condangelo, 19 Lawton Lane stated that 6 out of 7 houses were represented at the meeting with the engineer and all agreed to have the wells installed.

Jim Condangelo, 19 Lawton Lane stated that they saw an ad for the foreclosure of lots in the subdivision and asked what would happen if the Bank takes over the subdivision. K.Weinfeld responded that the Town is holding monies to help finish the subdivision. J.Condangelo asked what happens with the punch list. B.Shelmerdine stated that they began the process of punch list items at the beginning of July and will continue to do the work.

9:30 p.m. Discussion concerning extra parking spaces at “Patriot Place”

Attorney John Twohig of Goulston & Storrs was present along with Woody Beals and traffic engineer Jeffrey Dirk of Vanasse & Associates.

J.Twohig presented a plan showing the added 22 parking spaces in the through-lanes. The plans also show turning movements for the largest fire truck the Town owns. He stated that they have a letter from Moriarty Associates stating that since the spaces are not on a regulated roadway, they do not need to comply with the Mass Architectural Access Boards’ Rules & Regulations for off-street parking. He stated that they have met with Building Commissioner Casbarra and handed the access regulations on parking.

W.Beals stated that the spaces were marked when the lots were re-striped this year. He stated that tenants like the idea of having parking spaces for customers closer to the shops. W.Grieder stated that he is concerned that it wasn’t addressed until after it was done. S.Wason asked how they deter patrons from using the spaces for parking on game days. W.Beals responded that barricades are installed early in the morning on game days.

G.Greene stated that he would like to discuss the bogs since there is a lot of poison ivy. He asked who’s responsible for the maintenance of the trail since there are some areas that need attention. W.Beals stated that he would contact him directly to discuss this issue.

S.Wason stated that on-street parking is now used as a traffic calming measure, although speed is not an issue in those roadways. She suggested adding a time limit on the used of the spaces. J.Twohig responded that it would be difficult to enforce and could create confrontations with patrons.

J.Twohig asked what the next step should be. S.Wason asked if the Fire Chief has seen the plans. J.Twohig responded that Building Commissioner Casbarra said that he has shown it to the Chief and he is okay with the plan. Police Chief O’Leary wanted to note that there is no parking on game days. W.Grieder asked that a formal plan be submitted for review.

10:15 p.m. Meeting adjourned.

Approved by: Kevin Weinfeld, Chairman

Date: December 8, 2011