

**Foxborough Planning Board
Meeting Minutes
March 14, 2013
Town Hall**

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Ron Bressé, Alternate John Rhoads and Shannon McLaughlin (at 7:05 p.m.)

Also Present: Planner Sharon Wason

The scheduled 6:45 p.m. Executive Session did not occur as Town Counsel was not available.

General Business

The Board discussed the Stretch Energy Code Bylaw which is back on the Warrant for the May Town Meeting.

A **motion** that there is not enough information available to support this warrant article at this time was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

Meeting dates were set for May 2 and May 30.

Ms. McLaughlin arrived at 7:05 p.m.

Ms. Wason reminded the Board that the requests for consulting engineering services are due on Monday and the interviews will be scheduled for March 21st. Mr. Rhoads and Mr. Greene will help Ms. Wason with the interviews.

Ms. Wason would also like to do an analysis of comparative real estate values with the help of an intern.

The parking calculations have been completed for the downtown area. It was discovered that 1,283 spaces are needed. There are 483 currently available. This number does not include the church parking lots or the Orpheum Theater.

7:10 p.m. Form A – King Phillip Place

The Board met with John McCarthy of Fox 1 Development for a Form A on King Phillip Place. He would like to move the lot lines between lots 7 and 8. They are in the R40 district and not in a WRPD. Both lots will meet all requirements for lot size and frontage. They will now be referred to as Lot 7a and 8a. He would also like to move the lot lines between lots 3 and 4. The existing home is on lot 3 and the lot line was drawn through the home by mistake. The lot line has been moved away from the house. The lots will be conforming for lot size and frontage and will now be referred to as Lot 3b and 4b.

A **motion** to approve the Form A change at King Phillip Place for lots 7 and 8 which will now be Lot 7a and Lot 8a was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

A **motion** to approve the Form A change at King Phillip Place for lots 3 and 4 which will now be Lot 3b and Lot 4b was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

**7:15 p.m. Continued Public Hearing – Site Plan Review
Foxboro Sports Center Expansion
10 E. Belcher Road**

Mr. Grieder stated that he was reviewed the minutes from the last meeting under the Mullen's Rule to be eligible to vote on this application as he was absent from that meeting.

Mr. Bressé stated that he has filled out a disclosure as he is an abutter but has no interest in this development.

Rich Touzos was present along with Engineer Rob Truax of GLM Engineering. Mr. Truax presented the lighting plan for the site. Mr. Greene wanted to know if the lighting standards were met.

Ms. Wason stated that the references to the traffic plan were removed from the decision. The applicants will be required to submit a yearly report on the traffic management plan. The plan will be attached to the decision.

Mr. Truax is proposing to use portable lights at Spring Brook and have the police monitor the intersection during busy times.

The Board would like to see any overflow traffic in the driveway be required to back into the spaces so it will be easier for them to exit. They also would like to see a designated drop off area for the buses. A snow plan is also needed

The parking in the rear of the building has been removed. The fire lanes at the front of the addition need to be added to the plan.

There will be an attendant in the parking lot during busy times to control the parking.

The Police Chief is in support of no parking on East Belcher and Spring Brook from 7 a.m. to 5 p.m.

The Board wanted to know if blasting will be necessary for the addition as there is rock on the site. If it is necessary, the applicants will apply for all necessary permits. It was not necessary for the original construction.

The Chief also recommends additional lighting on East Belcher, one additional streetlight on a pole. He recommends LED lights be used. He would also like the existing spotlight in the driveway be converted to an LED streetlight.

Ms. Wason stated that the traffic management plan will be needed when there are events with more than 250 attendees.

The Board reviewed the draft decision. A bond amount is needed; the Board decided on \$10,000. The landscape plan, pavement striping and as-built plans will be due before occupancy permits are granted. Silt control is needed on the erosion plan.

A **motion** to close the Public Hearing was made by Mr. Bressé and seconded by Mr. Weinfeld. The motion carried 5-0-0.

An amendment was made to finding 6.5.12.

A **motion** to adopt findings 6.5.2 through 6.5.13 of the Site Plan Review for FSC Realty was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

Amendments were made to conditions 18 and 19.

A **motion** to grant the Site Plan Approval for FSC Realty with conditions as amended including a \$10,000 bond and verification of the amended plan showing fire lanes, bus drop off area and snow storage was made by Mr. Grieder. Conditions:

1. The applicant shall provide a performance guarantee in the sum of \$ 10,000 to secure the completion of the landscaping plan, drainage system installation, pavement striping, and as-built plan.
2. The applicant shall pay the required inspection fee prior to any site work occurring on the property or the issuance of a building permit.
3. The conditions of this Site Plan Approval shall be added to the final set of approved plans submitted to the Board for signatures.
4. A representative from the Planning Board shall review and approve the limits of clearing **prior to** the removal of the trees. The intent of this provision is to ensure that as many mature trees as possible are retained on the site – especially in the front-yard
5. The vegetative screening and fencing around the parking lot shall be maintained as long as the Foxboro Sports Center facility is in operation. 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.
6. The drainage system shall be functional (re: soil stabilized, rip-rap installed, basins grassed, etc.) prior to an occupancy permit being issued for the structure. The applicant shall install oil & grease traps in the catch basins.
7. A maintenance plan for the "rain garden" at a detail comprehensible to a landscaping worker shall be submitted and approved by the Board.
8. The applicant or successors are required to maintain the drainage system. Catch basins shall be cleaned at least twice yearly, once in the spring and once in the fall. Failure to maintain the drainage system 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 such deficiency in maintaining the drainage system will be considered a violation of this approval.
9. 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.
10. The Planning Board reserves the right to require that the infiltration basin be fenced after construction if it is determined by the Board that the basin is holding water and presents a safety hazard.
11. The erosion control plan must incorporate measures to prevent storm-water and mud (from vehicles) from entering onto East Belcher and Spring Brook Roads during construction.
12. 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.

13. Working hours shall not exceed 7 a.m. to 7 p.m. Monday through Saturday per Town of Foxborough General By-Laws.
14. 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.
15. 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) installation of stormwater management facilities;
 - c) installation of trees and other landscaping features;
 - d) prior to the final paving of the parking lot and drives; and
 - e) completion of site work.
16. All Site work must be completed within twelve (12) months of the issuance of a Building Permit.
17. 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 Department of Public Works and the Board's Inspector.
18. The Planning board, the applicant, and the Police Chief shall request from the Board of Selectmen appropriate parking controls on E. Belcher and Spring Brook Roads.
19. A LED streetlight shall be installed on E. Belcher on pole numbered -18 north of the site approximately midway to Cocasset Street, per the request of the Police Chief. The applicant shall reimburse the Town the cost of the installation of the streetlight. The existing spot light on the utility pole at the E. Belcher Road driveway shall be modified to a LED streetlight.
20. The Applicant shall add a Snow Removal Plan and designated snow storage area(s) to the plan.
21. All signs installed on site shall comply with section 15B of the Foxborough General By-Laws. Standard stop signs shall be installed by the applicant at Foxboro Sports Center driveway and E. Belcher Road intersection and at the intersection of Spring Brook Road and Foxboro Sports Center driveway. Signs to be installed per the specifications of the Town of Foxborough.
22. Handicapped access and facilities shall comply with the Americans with Disability Act and Architectural Access Board standards.
23. Large events (defined as "any event that exceeds attendance in excess of 250 spectators") on the same day shall be timed in order to allow sufficient time for parking "changeover."
24. The applicant shall encourage school teams to arrive and depart by bus to the extent possible.
25. The Foxboro Sports Center traffic management plan (TMP) attached to and incorporated as a part of this approval shall be utilized for when several large events have been scheduled simultaneously and sequentially and for the occasional standalone event where it is anticipated the parking demand shall exceed 250 spaces. The applicant shall submit a written report annually not later than June 1st to the Planning Board and Police Department detailing the number of times and the dates that the TMP was implemented in the preceding twelve-month period, a description of the adequacy of measures, and any other observations. Any incidents which result in Police Department reports or citations shall be separately detailed. The Board or the Police Department may request that the TMP be modified, amended, or revised at any time.
26. Parking spaces along the E. Belcher Road driveway may only be utilized for events covered by the TMP. Parking in these spaces shall be back-in head-out to maximize safety of people leaving

parking spaces as well as those entering the site. Persons parking in these spaces shall comply with the large event traffic management plan, exiting the site as designated in the plan. Grass or other parking surface shall be maintained and not allowed to turn to mud.

27. Any proposed change(s) from the approved site plans or additional site work deemed substantive by any Town official shall be presented for review by 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 to the Board.
28. The following elements shall be added to the plans – fire lane extended at the rear of the building, fire lane designated along the northerly side of the building addition, bus drop area designated adjacent to the rear entrance, and snow storage area(s) identified and shown on plans. A proof set of plans shall be submitted to the Planning Board for staff review at least one week prior to scheduled endorsement.
29. As built plans shall be submitted to the Board after construction and prior to the release of the performance guarantee.
30. All construction shown on the site plan must be completed prior to the issuance of an occupancy permit.
31. Site plan approval shall lapse if construction is not commenced within twenty-four (24) months from the date of approval.

Seconded by Mr. Greene. The motion carried 5-0-0.

7:35 p.m. Zoning Article Hearing #1 – Amend Zoning Bylaws by changing the title of Table 4-1

A **motion** to open the Public Hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

Building Commissioner Bill Casbarra explained that these articles are housekeeping corrections to the Bylaws. These changes are proposed by Mr. Casbarra and Atty. Ovrut of the Zoning Board of Appeals.

The first change is to the title of Table 4-1. It will go from “Dimensional Regulations for Residential Uses” to “Dimensional Regulations for Uses in Residential and Neighborhood Districts” as non-residential uses are included in the table.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 5-0-0.

7:40 p.m. Zoning Article Hearing #2 – Amend Zoning Bylaws by changing the title of Table 4-2

A **motion** to open the Public Hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

This is another housekeeping correction. The title of table 4-2 will go from “Dimensional Regulations for Non-Residential Uses” to “Dimensional Regulations for Uses in Non-Residential Districts”.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Ms. McLaughlin. The motion carried 5-0-0.

7:42 p.m. Zoning Article Hearing #3 – Amend Zoning Bylaws Section 3.2.2 subsection 2

A **motion** to open the Public Hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

This article is to change the language in the Home Occupation Section 3.2.2 Subsection 2. The word “dwelling” will be replaced with the word “residence”.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Ms. McLaughlin. The motion carried 5-0-0.

7:45 p.m. Zoning Article Hearing #4 – Amend Zoning Bylaws Section 3.2.2 subsection 4

A **motion** to open the Public Hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

This article is to change the language in the Home Occupation Section 3.2.2 Subsection 4. The Advisory Committee suggested additional language to clarify the sentence. The whole sentence will be struck and replaced with: “Not more than two (2) persons in addition to family members residing in the residence may be employed within the principal residence or in an accessory building; and”

A **motion** to insert the language suggested by the Advisory Committee and change the language on the Warrant was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

A **motion** to close the Public Hearing was made by Ms. McLaughlin and seconded by Mr. Bressé. The motion carried 5-0-0.

7:48 p.m. Zoning Article Hearing #5 – Amend Zoning Bylaws Section 3.2.2 subsection 5

A **motion** to open the Public Hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

This article is to change the language in the Home Occupation Section 3.2.2 Subsection 5. The word “building” will be replaced with “residence or accessory building”.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Ms. McLaughlin. The motion carried 5-0-0.

7:50 p.m. Zoning Article Hearing #6 – Amend Zoning Bylaws Section 3.2.2 subsection 6

A **motion** to open the Public Hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

This article is to add additional language in the Home Occupation Section 3.2.2 Subsection 6. The words “to the principal residence or accessory building” will be added after “The making of external structure alterations”.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Ms. McLaughlin. The motion carried 5-0-0.

7:53 p.m. Zoning Article Hearing #7 – Amend Zoning Bylaws Section 10.2.2 subsection 3

A **motion** to open the Public Hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

This article is to delete language in this section. The words “and that desirable relief may be granted without substantial hardship, financial or otherwise to the petitioner or appellant” which are before the words “and the desirable relief may be granted without substantial detriment to the public good” will be deleted.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Ms. McLaughlin. The motion carried 5-0-0.

7:55 p.m. Zoning Article Hearing #8 – Amend Zoning Bylaws by striking Section 5.3 and substituting a new Section 5.3

A **motion** to open the Public Hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

This article is to delete the language for “Nonconforming Structures” and to replace it with new language entitled “Nonconforming Structures that are not Single and Two-Family Residential Structures”.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Ms. McLaughlin. The motion carried 5-0-0.

A **motion** to support Zoning Articles 1-8 including Article #4 as amended was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

A report will be sent to the Advisory Committee.

8:00 p.m. Informal Discussion with NPP Development representatives on future development

Dan Kranz of the Kraft Organization, Karen Staffier and Craig Lizotte of VHB and Woody Beals also of the Kraft Organization met with the Board to discuss future development at Patriot Place.

Mr. Rhoads disclosed that his son works for VHB but he will be staying for the discussion.

Mr. Kranz is having this meeting with the Board to update them on new development at Patriot Place. There are already some new or soon to be opening businesses at Patriot Place which are: Sage, a Japanese steakhouse, the expansion of the Brigham and Women’s medical facility, Capriotti’s Sandwich shop, Cupcake Charlie’s and Ulta Cosmetics store.

There is no news in regards to the wind turbine, rail station or housing as well as the area across the street from Patriot Place.

Improvements to the parking lot have taken place which included installing a permanent island to replace the painted island. This results in less traffic speeding across the parking lot.

They do have a new proposal which will be filed with the Board in the next 30 – 60 days for Site Plan Approval. They would like to expand the Permissible Building Area (PBA) by adding a hotel with 125 – 150 rooms, a quick serve restaurant of 4,500 sq. ft. and a daily needs retail establishment of 14,500 sq. ft. This would be located between the North and South developments and will be applied for as a single project. Green areas and landscaping are also planned. The hotel may have to be done separately if an agreement is not reached with the proposed tenant in time. They will be giving up 800-900 parking spaces to build this new area.

Mr. Rhoads wanted to know if the MEPA status will need to be updated. Mr. Krantz responded that they will need an initial review but will not be required to file a notice of change.

This development is allowed by right but will need Site Plan Approval from the Board. The PBA was a tool used by the Board in the original Special Permit Application. The Board would like the area of the PBA verified.

John Murtagh of the Walpole Planning Board feels that this will be an excellent use.

Joan Sozio, 25 Eastman Ave. – stated that she is concerned about the town having enough water to supply a new hotel. Reuse water is not allowed to be used in a hotel. The town already has an iron and manganese problem in that area and pumping more water will make it worse. She would like to see low flow fixtures used.

The application will go to the Board of Water and Sewer Commissioners and the Fire Department as part of the Site Plan approval process.

8:45 p.m. Discussion of Compost Site on East Belcher Road

A violation order has been issued by the Conservation Commission for the wetlands violations on the site. They were given a 6 month Site Plan Approval in November of 2011 and asked for only one extension. The Site Plan expired last September.

They will have to restore the wetlands there also.

A Site Plan Approval for the compost area only will be applied for by the Town. The Town Manager is hoping to open the Compost Area on April 1st with an operator to be determined.

Chain link fencing will be required to separate the compost area from the logging area. This can be removed once the area is restored. The reclamation area will be replicating the wetlands.

8:55 p.m. Planner's Report

Intern – As previously mentioned, Ms. Wason would like to hire an intern to do an analysis of comparative real estate values. This would take about 100 hours and he could also work on the downtown parking which would take about 25 hours. He would be paid \$15 per hour; the funds would come out of the Consulting Engineering Account.

A **motion** to hire Ryan Norton as an intern for 125 hours was made by Mr. Grieder and seconded by Mr. Weinfeld. The motion carried 5-0-0.

Town Meeting Articles – The Public Hearings for zoning articles had the wrong Town Meeting date in the first advertisement and have been re-advertised for April 11th.

The office is in need of two additional flat files, they cost around \$1,300 each new.

A handout for Town Meeting is needed in regards to the funding for the Master Plan.

Upcoming meetings will be held on March 21st, April 11th and April 25th.

Crossfit Torque Plans

The Board endorsed the plans for Crossfit Torque.

9:10 p.m. Meeting adjourned

Respectfully Submitted,
Diana Gray

Approved by: Kevin Weinfeld _____

Date: 10/24/2013