

**Foxborough Planning Board
Meeting Minutes
October 24, 2013
Public Safety Building**

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

Also Present: Planner Sharon Wason

7:05 p.m. Action Items

Form A

46 Cocasset Street – Joseph Lynch

Mr. Lynch was present along with attorney Jeff Lovely. Mr. Lynch explained that the existing home will be kept but the garage would be razed. Ms. Wason noted that the lot is within the Design Review area. Mr. Lovely stated that Ms. Wason had expressed a concern about the location of the driveway on the new lot. He stated that he reviewed the by-law concerning the driveways with Building Commissioner Casbarra who agreed that legal frontage for the corner lot is on both roads. He stated that Ms. Wason also noted that the porch is within the setback but because the division of land doesn't create the non-conformity, the porch doesn't need to be removed. Mr. Weinfeld asked that Mr. Lynch contact the Haddads who are the direct abutters and explain the plans to them. The Board made a finding that there's sufficient frontage and area for the lots and both lots have adequate access on public ways.

A **motion** to approve the Form A since the Board found that the lots created have sufficient frontage and area and access on public ways was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 5-0-0.

Request for release of performance guarantee

“The Commons at Foxborough” – 34 Pleasant Street

Mr. Wooding was present. Ms. Wason read letter requesting the release of the performance guarantee and read report from site inspector Mullaney. She stated that Mr. Mullaney was very happy with the site. Mr. Wooding thanked the Board for their patience and support.

A **motion** to release the performance guarantee was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

**7:15 p.m. Public Hearing – Special Permit – Accessory Apartment
28 Sand Street
Michael Eisenhauer**

Since the application is for a Special Permit, Mr. Rhoads will participate in the vote.

A **motion** to waive the reading of the hearing notice was made by Mr. Greene and seconded by Mr. Grieder. The motion carried 5-0-0.

The Eisenhauers were present. Ms. Wason discussed the plan with the Board. She stated that they will be constructing an accessory apartment in the basement of an existing home. Justin Eisenhauer is the homeowner and the apartment will be occupied by his parents, Michael & Maria Eisenhauer. Ms. Wason read comments from Health Agent Clifford, Building Commissioner Casbarra, and Deputy Fire Chief Bagley approving the plans. Ms. Wason stated that the last 2 criteria of the standards for Accessory Apartments don't apply but they have met all the other requirements.

The Board made the following findings:

- The proposed conversion is in harmony with, and fulfills the intent of the by-law. Specifically, the Board found that the application is in compliance with the nine criteria governing these permits as listed in Section 8.1.2 of the By-Laws.
- Pursuant to Section 10.4.2 Special Permit criteria, the Board finds that the adverse effects of the proposed use do not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. The Board considered the six criteria of this section in making the determination which included consideration of each of the following:
 1. Community needs served by the proposal;
 2. Traffic flow and safety, including parking and loading;
 3. Adequacy of utilities and other public services;
 4. Neighborhood character and social structures;
 5. Impacts on the natural environment; and
 6. Potential economic and fiscal impact to the Town, including impact on Town services, tax base, and employment.
- Pursuant to Section 10.4.4 of the By-Laws, the Board finds that the proposed conversion will not have a detrimental effect on the neighborhood, while the conditions attached below will preclude the second unit from being used by individuals who is not the specified family member of the petitioner.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Grieder and seconded by Mr. Bressé. The motion carried 5-0-0.

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

CONDITIONS:

1. This permit is specific to the petitioner. It is not transferable, nor shall it run with the land.
2. Occupancy of the second unit shall be limited to the petitioner's parents, Michael and Maria Eisenhauer. This Permit shall expire upon the home being sold or when the petitioner's parent(s) no longer resides in the unit. This Permit may be modified by the Planning Board to allow the occupancy by another family member upon petition of the applicant.
3. The kitchen facilities of the accessory apartment shall be removed when the accessory apartment is no longer needed unless the Planning Board determines the facilities (as altered or modified) are incidental and subordinate as an accessory use to a single-family dwelling.
4. This Special Permit shall be recorded at the Registry of Deeds and referenced to the deed of the parcel prior to its taking effect. A copy of the recording information shall be supplied to the Building Commissioner and Planning Office prior to a Building Permit being issued.

5. Any change(s) from this permit or any of 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).
6. This approval shall lapse if construction pursuant to this Permit is not commenced within twenty-four (24) months from the date of approval.

7:30 p.m. General Business

**Request for reduction of performance guarantee
Lawton Lane, Plimpton Road, Mann Lane – “Highlawn Farm” subdivision**

Lawton Lane

Developer John Walsh was present along with Russell Jones, road building contractor. They discussed with the Board the catch basin located at the end of a driveway on Lawton Lane. Mr. Jones suggested doing a double casting with cascade grates. Ms. Wason stated that Mr. Mullaney reported debris running off from the driveway into the catch basin. Mr. Rhoads felt a double casting would be good, cascade grates would be preferable. He added that they need to find out from the resident if they are ok with the catch basin at the end of their driveway. The Board discussed holding an amount for the catch basin until the issue is resolved.

The Board considered the request for a reduction of the bond and agreed to release \$213,000.00 with the new bond amount totaling \$161,077.00.

A **motion** to reduce the amount held as performance guarantee for Lawton Lane by \$213,000.00 was made by Mr. Bressé and seconded by Mr. Greene. The motion carried 5-0-0.

Plimpton Road

The Board discussed the work completed to date and considered the request to reduce the bond for Plimpton Road.

A **motion** to reduce the amount held as performance guarantee for Plimpton Road by \$153,967.77 was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

Mann Lane

The Board discussed the work completed to date and considered the request to reduce the bond for Mann Lane.

A **motion** to reduce the amount held as performance guarantee for Mann Lane by \$141,698.40 was made by Mr. Grieder and seconded by Mr. Rhoads. The motion carried 5-0-0.

Concerning dry wells, Mr. Rhoads stated that there are 10 lots of which 4 are already occupied with 6 vacant lots. He stated that he is looking how lots can be graded to get the water to recharge in the open space lots and to the maximum extent possible and not to bring roof runoffs onto the driveways, front sloped towards the road.

**7:45 p.m. Continued Public Hearing – Town Meeting Article
To designate Cross Street as a scenic road pursuant to Section 11 of the
General By-Laws of the Town of Foxborough and MGL Ch. 40 s. 15C**

Ms. Wason explained that a survey was sent to the Cross Street homeowners to determine if there was support for the designation of Cross Street as a “Scenic Road”. She stated that out of 44 homes, 25 responses were received for the survey, 22 of them were in favor. She distributed a

Scenic Roads FAQ to those present. Mr. Weinfeld explained that he lives in a scenic road and how the by-law works.

Comments from the public:

John Madden, 9 Cross Street – asked how this was started. Mr. Grieder responded that as part of the Master Plan, the Board has been looking at different aspects of Town and Scenic Roads was part of the discussion.

David Solomon, 2 Cross Street - asked how the streets are designated. Mr. Grieder responded that the Board looked at the 1850 map of the Town and found the roads that could be designated and Cross Street is one of the roads. Ms. Wason stated that the Board felt that it's important to start implementing aspects of the Master Plan as the process is going through.

Jonathan Broderick, 69 Cross Street – would like to have a Stop sign at the intersection of Cross and South Cross. Mr. Weinfeld stated that he needs to consult with the Department of Public Works.

Amy Farrell, 57 Cross Street – stated that she walks the road daily and noted that the road has been paved recently. She asked if the designation would mean that the road would be maintained better. Mr. Weinfeld responded that the by-law protects trees and stonewalls.

Rachel Calabrese, 53 Cross Street – asked if the designation would invite more traffic to view a “scenic road”. Mr. Weinfeld responded that it wouldn't, there are no lists or plans or street signs noting “scenic roads”.

Jason Whiting, 33 Cross Street – stated that he loves the idea, but is concerned how it would affect any future improvements to the street, especially construction of sidewalks.

There were no more comments from the public.

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

A **motion** to make a positive recommendation of the article at Town Meeting was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

**8:55 p.m. Continued Public Hearing – Town Meeting Article
To amend the Zoning By-Laws to implement the state's medical marijuana statute**

There were no comments from the public.

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

A **motion** to make a positive recommendation of the article at Town Meeting was made by Mr. Grieder and Mr. Greene. The motion carried 5-0-0.

**8:57 p.m. Continued Public Hearing – Town Meeting Article
To amend Table 3-1 of the Zoning By-Laws by inserting a use entitled “Brew-Pub” and inserting a definition of “Brew-Pub” in Section 11**

There were no comments from the public.

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

A **motion** to make a positive recommendation of the article at Town Meeting was made by Mr. Grieder and Mr. Greene. The motion carried 5-0-0.

8:59 p.m. Continued Public Hearing – Town Meeting Article – To amend Table 4-1 of the Zoning By-Laws by inserting a column MAXIMUM LOT COVERAGE and adding note 4.1.2.5

There were no comments from the public.

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

A **motion** to make a positive recommendation of the article at Town Meeting was made by Mr. Grieder and Mr. Greene. The motion carried 5-0-0.

**9:00 p.m. Public Hearing – Site Plan Review
Department of Public Works Office Building
70 Elm Street**

DPW Director Roger Hill was present. He explained that former Town Manager Paicos began the process of consolidating the Department of Public Works and they would like to relocate the Water & Sewer Department staff to Elm Street. Kaestle Boos did the modular specifications. He stated that they opened the qualifications packets under a week ago, price proposals won't be opened until the technical proposals have been reviewed. He stated that they have looked at the comments from consulting engineers at BSC Group and will address them. He stated that during a snow event, the snow is stored in the north end of the parking lot near where the school buses are kept.

Mr. Rhoads inquired of Mr. Hill if stormwater upgrades could be included with this project to consolidate construction activities. Mr. Hill responded that the gasoline pump facilities are scheduled for upgrades and stormwater upgrades would be included with that project.

Ms. Wason stated that Building Commissioner Casbarra noted that a HP van space needs to be added. Mr. Greene suggested publishing elevation drawings prior to Town Meeting.

Ms. Wason stated that the plans need to include:

- Signature block
- Zoning table shows "required" but not "provided"
- Building should be relocated to 30' away from railroad right of way
- No trees in electrical easement
- Snow storage location shown
- Stop sign
- Bike rack

A **motion** to continue the public hearing to November 14, 2013 at 7:30 p.m. was made by Mr. Bressé and seconded by Mr. Greene. The motion carried 4-0-0.

9:30 p.m. Action Items (cont.)

**Request for reduction of performance guarantee
Congdon Circle – “Highlawn Farm” Subdivision**

Ms. Wason read letter from engineer William Buckley on behalf of Mr. King requesting the reduction of the performance guarantee for the Congdon Circle portion of the “Highlawn Farm” subdivision.

A **motion** to set the performance guarantee for the Congdon Circle portion of the “Highlawn Farm” subdivision at \$95,326.00 was made by Mr. Bressé and seconded by Mr. Grieder. The motion carried 5-0-0.

Request for lot release – “Governor’s Meadow” subdivision

Ms. Wason read letter from Steve Mordini requesting the release of lot 15 on VanDoorn Avenue. A **motion** to release lot 15 of the “Governor’s Meadow” subdivision was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 5-0-0.

9:45 p.m. General Business

Ms. Wason distributed copies of a proposed site plan for a new Cumberland Farms building. She stated that they will be doing an informal presentation at the November 14th meeting.

Review of Meeting Minutes

The Board reviewed the following minutes and approved them as submitted:

March 14, 2013

A **motion** to approve the minutes of March 14, 2013 was made by Mr. Rhoads and seconded by Mr. Bressé. The motion carried 3-0-2 (Mr. Grieder & Mr. Weinfeld abstained due to absence)

March 21, 2013

A **motion** to approve the minutes of March 21, 2013 was made by Mr. Bressé and seconded by Mr. Grieder. The motion carried 5-0-0.

April 11, 2013

A **motion** to approve the minutes of April 11, 2013 was made by Mr. Rhoads and seconded by Mr. Bressé. The motion carried 4-0-1 (Mr. Weinfeld abstained due to absence)

April 25, 2013

A **motion** to approve the minutes of April 25, 2013 was made by Mr. Rhoads and seconded by Mr. Bressé. The motion carried 5-0-0.

May 2, 2013

A **motion** to approve the minutes of May 2, 2013 was made by Mr. Rhoads and seconded by Mr. Bressé. The motion carried 5-0-0.

June 13, 2013

A **motion** to approve the minutes of June 13, 2013 was made by Mr. Weinfeld and seconded by Mr. Greene. The motion carried 5-0-0.

November 18, 2012

A **motion** to reiterate approval of the minutes of November 18, 2012 was made by Mr. Rhoads and seconded by Mr. Bressé. The motion carried 5-0-0.

November 29, 2012

A **motion** to reiterate approval of the minutes of November 29, 2012 was made by Mr. Bressé and seconded by Mr. Greene. The motion carried 5-0-0.

February 28, 2013

A **motion** to approve the minutes of February 28, 2013 was made by Mr. Greene and seconded by Mr. Bressé. The motion carried 4-0-1 (Mr. Grieder abstained due to absence)

10:10 p.m. General Business

“Highlawn Farm” subdivision

Mr. Rhoads presented a preliminary report on the dry wells inspections at the subdivision.

CIC Grants

Ms. Wason informed the Board that she is considering applying for a CIC grant and use the funds to purchase Open Government platform.

10:20 p.m. Meeting adjourned

Respectfully submitted,
Gabriela Jordan

Approved by: Kevin Weinfeld_____

Date: 1/23/2014