

Bay Colony Group, Inc.
Professional Civil Engineers & Land Surveyors

4 School Street, PO Box 9136
Foxborough, Massachusetts 02035
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E-mail: mailbox@baycolonygroup.com

October 5, 2019

Mr. Ronald Bressé, Vice Chairman
Foxborough Planning Board
40 South Street
Foxborough, MA 02035

RE: 40 School Street/21 Market Street

Dear Mr. Bressé:

On behalf of our client, Douglas A. King Builders, Inc., we are submitting herewith a site plan/special permit in accordance with Section 9.7 FOXBOROUGH CENTER OVERLAY DISTRICT (FCOD) of the Town of Foxborough Zoning Bylaws. Enclosed please find 14 copies of the site plan, a storm water analysis, a Special Permit application, and a certified list of abutters and abutters to abutters within 300'. A check in the amount of \$1,000 is enclosed in accordance with the Town fee of \$1,000/developed acre with a minimum fee of \$1,000. We understand that we will also be responsible for the advertising fee once that has been determined.

The proposed project involves the redevelopment of the 19,444 sf parcel containing the former Foxborough Fire Station and Keating Funeral Home located on the intersection of School Street, Rockhill Street, and Market Street. The proposed use includes the partial demolition and redevelopment of the former station into a Brew Pub/Restaurant on the first floor and 4 market rate one bedroom/studio apartments on the second floor, the demolition of the funeral home and the construction of a 4 story residential building containing 15 market rate one bedroom or studio units that will be rental units. In addition, an 11 vehicle parking lot will be built between the two buildings.

The fire station will include a 4,600 sf brew pub/restaurant that will contain approximately 80 seats for indoor dining, 36 seats in a seasonal outdoor patio, and 28 seats at the bar. The rear two bays on Rockhill Street will be demolished and the remaining bay will be used as the kitchen and for the brewing operation. Small additions will be added to the Rockhill Street side and the rear of the building in order to accommodate access and egress requirements. The existing façade will remain with some minor adjustments anticipated as we move through the permitting and design process. Shoveltown Brewery of Easton, MA will be the owner/operator of the brew pub and they anticipate that they will employ approximately 25 persons and that the largest operating shift will include one manager, two bartenders, four servers, and three kitchen staff for a total of about 10 persons. In accordance with the Zoning

Bylaws, 4 of the 11 surface parking spaces will be allocated to the second floor apartments and they will be marked for their use. The remainder of the surface parking will be for the use of the brew pub and we observed 36 striped on-street parking spaces within 500' of the facility which can be counted toward the 15 required parking spaces for the brew pub. Douglas A. King Builders, Inc. committed to the Town that they would develop the existing property at 15-17 Market Street into a municipal parking lot. That work will involve remediation of any hazardous materials on the property, demolition of the existing house, and construction of a 14+/- vehicle parking lot with access from Market Street. We anticipate filing a site plan for that project once the details of the land transfer between the Town and Foxborough Housing Authority are worked out.

The 15 unit residential apartment building will contain 3 levels of apartments and one level of underground parking for 15 vehicles, which is all of the required parking for the building. The currently proposed design includes brick in the lower half of the building with Azek type panels used on the upper half, fascia soffit, panels and trim. The main entrance will be located facing the fire station and the surface parking lot. The vehicle access to the underground garage will be off of Market Street through a garage door entrance. The building will contain an elevator that will go from the parking garage to the top floor. As a result of the numerous informal meetings with the Planning Board, which included neighbors, as well as formal hearings with the Board of Selectmen, who have issued the Municipal Conversion Permit, the building elevations were significantly revised in order to match the layout of the other anchor buildings in the downtown area, such as the former post office, the banks, and the Town Hall as well as the residential buildings on the west side of Market Street.

We are requesting that the Board exercise their discretion allowed under the FCOD zoning (Section 9.7.7.1) and allow 4 stories where 3 are allowed by right and a height of 42' where 40' is allowed by right. As previously discussed, the building has an underground parking garage, which is counted as a story under the definitions in the Zoning Bylaws. We also request that the Board allow a minimum building sideline setback of 1.7' for the residential building where 10' is required. The building is proposed to be setback 2.3' from Rockhill Street, 10' from Market Street, 1.7' from the small rounding at the intersection of Rockhill Street and Market Street, and 2.2' from the lot to the east being retained by the Town. Please note that the setback from Market Street complies with the zoning setback requirement and the 2.3' setback from Rockhill Street is the same as the former fire station.

During the public hearing for the Municipal Conversion Permit the Town's traffic consultant, Pare Corporation, prepared a traffic impact report at the request of the Selectmen. One section of the report was dedicated to the impact that this project would have on the traffic in the Common area. The executive summary stated that

“The addition of traffic associated with the proposed development at 40 South Street /21 Market Street is not anticipated to have significant impact to the traffic conditions at the Common under the existing roadway geometry or the proposed modifications. The proposed development will increase traffic volumes on Rockhill Street and Market Street. However, given the low volume of traffic on these roadways under existing conditions, the additional traffic generated by the development can be accommodated by the existing roadways.”

We have met with Chris Gallagher, the Foxborough Town Engineer to discuss the proposed development as it relates to the reconstruction of Rockhill Street and Market Street as well the connections to the municipal sewer and water systems. The site will be served by municipal sewer and water and based on those discussions the connections will be from Rockhill Street.

The Proponent has engaged a hazardous waste consultant has conducted an inspection of the property and is currently remediating the fire station and the funeral home. We anticipate starting construction immediately after receiving all permits and appeal periods have lapsed, which we estimate will be in November, 2019. Demolition of the funeral home and the interior of the fire station will start immediately, with the first phase of construction being the reconstruction of the former fire station. We have also had preliminary discussions with the Building Commissioner, Town Planner and the owners of 34 School Street regarding impacts during the construction of the project, to include parking restrictions, equipment staging locations, and similar issues. We expect to work in close coordination with Town officials and our neighbors while we construct the facility in order to minimize impacts on the area.

The project has been designed in accordance with the FCOD bylaws as well as the 2012 Downtown Strategy Plan and the 2015 Economic Development Master Plan. The FCOD lists 6 elements under the Vision and Purpose section of the bylaw. The following is a summary of why the project complies with the criteria.

1. Promote development or redevelopment of a mix of nonresidential and residential uses in downtown Foxborough. The project is a combination of development and redevelopment of abandoned property into a mixed use project containing a brew pub/restaurant and 19 one-bedroom market rate apartments. The restaurant use was required in the Town's RFP for the purchase of the land and was identified as a key component in the Downtown Strategy Report. Increasing residents was also identified as a key component to rejuvenate the Common area.
2. Encourage a mix of uses on a lot or in a building that are appropriate to the needs of the community and the scale of surrounding neighborhoods. The project utilizes a mixed use design with redevelopment of an existing building and the infill construction on a lot containing the abandoned funeral home. The surrounding neighborhood contains commercial facilities, churches, a social club, and single and multi-family houses. The proposed uses expand on and complement the existing Common area.
3. Promote an active pedestrian environment and innovative approaches to parking. The residential building will contain underground parking for all of the proposed units at a density of one space per unit, which is the required amount under the bylaw. In addition, the Proponent has agreed to construct a municipal parking lot on the 15-17 Market Street site in order to mitigate the concerns of residents regarding parking in the Common area. The project will also include 11 surface parking spaces that will be used for the restaurant and the 4 units on the second floor of that building. The project also includes the reconstruction of

the sidewalks in front of the project which are in significant disrepair. The outdoor patio seating for the brew pub will also increase curb appeal for pedestrians.

4. Provide opportunities for housing, employment and/or shopping in close proximity to residents, municipal facilities and other services. The project will be a mixed use that will provide 19 housing units on the site and will provide employment for approximately 25 persons in the brew pub. It will augment the existing downtown businesses, including the Orpheum Theatre across the street.
5. Maintain a consistently high level of design quality throughout the district. Annino Associates is a well known firm that has designed the Remax building and YMCA on Mechanic Street as well as numerous buildings in local downtowns. Douglas A. King Builders, Inc. was the prime developer in the redevelopment of the Foxborough State Hospital and is well known in the Town as a quality builder. This team will bring to the project over 50 years of experience in redevelopment of downtowns.
6. Preserve the historic character of the Center and promote compatible development. One of the main components of the project is the restoration of the former fire station into a brew pub/restaurant/apartment building. The development is compatible with the Center and is in compliance with the planning documents prepared by the Town over the past 7 years.

We look forward to working with the Town to bringing this project to fruition and thank you for your consideration.

Very truly yours,

BAY COLONY GROUP, INC.



William R. Buckley, Jr., P.E.
Project Manager

Encl.

FOXBOROUGH PLANNING BOARD SPECIAL PERMIT APPLICATION

The undersigned hereby applies for a Special Permit under Section 9.7.5.3 of the Foxborough Zoning Bylaws.

1. **Applicant:** Douglas A. King Builders, Inc.
Address: 115 Main Street North Easton, MA 02356
Phone #: 508.238.2038
Email: sschofield@dakbuilders.com
Signature of Applicant: Sam Schofield Digitally signed by Sam Schofield
DN: cn=Sam Schofield, o=Douglas A. King Builders, Inc., ou, email=sschofield@dakbuilders.com, c=US
Date: 2019.10.01 11:03:57 -0400

2. **Owner of Record:** Town of Foxborough
40 South Street Foxborough, MA 02035

Signature of Owner: 

3. **Location of Parcel(s) or Structure:** 40 School Street/21 Market Street

Assessors Map & Parcel # Map 79, Parcels 015,016,156 **Zoning District** GB (within Foxborough Center Overlay District)

4. **Dimensional Information of the Parcel:**
Frontage: 267.58' (Rockhill Street) **Square Feet:** 19,444+/- sf
Existing Lot Coverage: 90%+/- **Proposed Lot Coverage:** 85%+/-
Zoning Status of the Parcel or Structure: 2 Structures - Combination of conforming and pre-existing non-conforming
Proposed Building Size: Brew Pub - 2 story/4,135+/- sf
Apartment - 4 story, 5,976+/- sf **Proposed Building Height:** Brew Pub - 22'
Apartment - 41'


5. **Present Use of Structure or Parcel:** 2 structures formerly used as a fire station and funeral home - currently unused

Proposed Use of Structure or Parcel: Brew pub containing 4 - 1 bedroom apartments & Apartment building containing 15 - 1 bedroom units

6. Explain how the request fulfills the Special Permit criteria (Attach a separate sheet).
7. Explain the special conditions or characteristics (if any) which apply to this request (Attach a separate sheet).

Town Collector's Release

The owner of the property for which the Special Permit is being requested is in good standing with respect to any taxes, fees, assessments, betterments or other municipal charges.

 (Tax Title) 10/1/19
Treasurer's Office Representative **Date**

Town Clerk Receipt

This application has been received and recorded with the Town Clerk.

Town Clerk's Office **Date**

FEB 05 2019

TOWN OF FOXBOROUGH



BOARD OF ASSESSORS
TOWN OF FOXBOROUGH
40 SOUTH STREET
FOXBOROUGH MASSACHUSETTS 02035

(508) 543-1215

Fax: (508) 543-6278

CERTIFICATION OF ABUTTERS

PROPERTY OWNER: Town of Foxborough
MAILING ADDRESS: 40 South Street, Foxboro
PROPERTY LOCATION: 40 School Street
ASSESSORS MAP/PARCEL: 079/016
APPLICANT: Bay Colony Group PHONE: 508-543-3939
AUTHORITY REQUESTING LIST: Planning Board Special Permit
DATE SUBMITTED: 2/5/2019
LIST REQUESTED: 500 FT 500 FT 100FT ABUTTER TO ABUTTER

I, Keenie Ruben ASSIST ASSESSOR acting as a custodian of assessment records, do hereby certify that the attached documents contain true and complete information from the most recent tax list of the Town of Foxborough, Massachusetts.

I further state that these documents include the names and addresses of abutters to the abutters 300 ft. 79-16 40 School St.

Date: 2/6/19

BOARD OF ASSESSORS
FOXBOROUGH MASSACHUSETTS

Massachusetts General Law c. 40A, s.11, "The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes."

The Assessors Office will complete the abutters list within 7-10 business days. There is a \$25.00 fee for an abutters list.

"The applicant is solely responsible for requesting the appropriate abutters list required by the applicable Mass General Law."

Abutting Properties for
40 SCHOOL STREET
FOXBOROUGH, MA
079/016
(300 feet)
2/5/2019

Location:
078/047
31 MARKET STREET
Owner:
BETHANY
CONGREGATIONAL
CHURCH
31 MARKET STREET
FOXBORO, MA 02035

Location:
078/048
3 ROCKHILL STREET
Owner:
BETHANY
CONGREGATIONAL
CHURCH
29 MARKET STREET
FOXBORO, MA 02035

Location:
078/009
28 MARKET STREET
Owner:
KRISTEN AARON ARNOLD
28 MARKET ST
FOXBORO, MA 02035

Location:
078/008
9 ROCKHILL STREET
Owner:
NOONAN, EDWARD J. & AMY
M. TE
9 ROCKHILL STREET
FOXBORO, MA 02035

Location:
078/002
12 ROCKHILL STREET
Owner:
FULLER JOHN C ET AL
TRUSTEES
ST ALBANS LODGE TRUST
12 ROCKHILL STREET
FOXBORO, MA 02035

Location:
078/003
14 ROCKHILL STREET
Owner:
ROCKETT CHERYL A
14 ROCKHILL STREET
FOXBORO, MA 02035

Location:
079/153
21 MAIN STREET
Owner:
LYNCH DANIEL J
1 MAIN STREET
FOXBORO, MA 02035

Location:
079/012
1 MAIN STREET
Owner:
LYNCH DANIEL J TR
1 MAIN ST
FOXBORO, MA 02035

Location:
079/011
6 BIRD STREET
Owner:
UNIVERSALIST CHURCH
6 BIRD STREET
FOXBORO, MA 02035-

Location:
079/014
1 SCHOOL STREET
Owner:
FOXBOROUGH REGIONAL
CTR PERFORMING ART
1 SCHOOL STREET
FOXBOROUGH, MA 02035

Location:
079/013
10 MAIN STREET
Owner:
LEEMILTS PETROLEUM INC
C/O NANCY C MAYER
2 JERICHO PLAZA
WING C STE 110
JERICHO, NY 11753-1681

Location:
078/001
22 MARKET STREET
Owner:
BANCROFT RICHARD E &
ALISON D
22 MARKET STREET
FOXBORO, MA 02035

Location:
079/017
34 SCHOOL STREET
Owner:
ERS MANAGEMENT LLC
34 SCHOOL STREET
FOXBORO, MA 02035

Location:
079/018
28 SCHOOL STREET
Owner:
KENNEWAY BETHANY JO
FONGER TR
8 VINAL AVENUE
SCITUATE, MA 02066

Location:
079/157
15-17 MARKET STREET
Owner:
FOXBOROUGH HOUSING
AUTHORITY
90 N CARL ANNON COURT
FOXBORO, MA 02035

Location:
079/020
16 SCHOOL STREET
Owner:
NORFOLK COUNTY TRUST
CO
C/O BANK OF AMERICA
CORP RE
ASSESSMENTS
NC1-001-03-81
101 N. TRYON STREET
CHARLOTTE, NC 28255

Location:
079/019
22 SCHOOL STREET
Owner:
RAY REALTY INC
22 SCHOOL STREET
FOXBORO, MA 02035-

Abutting Properties for
40 SCHOOL STREET
FOXBOROUGH, MA
079/016
(300 feet)
2/5/2019

Location:
079/008
COMMON
Owner:
TOWN OF FOXBOROUGH
40 SOUTH STREET
FOXBORO, MA 02035

Location:
079/154
26 MAIN STREET
Owner:
BENEMI LLC
26 MAIN ST
FOXBORO, MA 02035

Location:
079/159
20 MARKET STREET
Owner:
SHEA ROBERT K & LINDA R
20 MARKET STREET
FOXBORO, MA 02035

Location:
078/ 004
16 ROCKHILL STREET
Owner:
BROCDERICK NATALIE &
ADAM TC
16 ROCKHILL STREET
FOXBORO, MA 02035

Location:
079/158
14 MARKET STREET
Owner:
HALLET SHARON A
21 LEONARD STREET
SHARON, MA 02067

Location:
078/010
12 GRANITE STREET
Owner:
AVIKSIS DAVID & TRUYGO
TRS
24 GAY ST
NEWTON, MA 02460

Location:
092/049
10 MARKET STREET
Owner:
KLEINDIENST FRANCES A
12 PUMPING STATION
FOXBORO, MA 02035

Location:
078/ 006
13 ROCKHILL STREET
Owner:
DIAMOND HENRY JOSEPH
JR & LISA MARIE TE
13 ROCKHILL STREET
FOXBORO, MA 02035

Location:
078/048/000 BG0/001
ROCKHILL STREET
Owner:
BETHANY
CONGREGATIONAL
CHURCH
29 MARKET STREET
FOXBORO, MA 02035

Location:
078/ 007
11 ROCKHILL STREET
Owner:
MAYFAIR REALTY DEV CO
INC
6 PUTNAM RD # 1
FOXBORO, MA 02035

DOUGLAS A. KING BUILDERS, INC.

115 MAIN STREET
SUITE 1D
NORTH EASTON, MA 02356

Eastern Bank

53-179/113

063196

CHECK NO.

ONE THOUSAND AND 00/100 DOLLARS

DATE

AMOUNT

10/01/19

\$****1,000.00

PAY
TO THE
ORDER
OF

78007
TOWN OF FOXBOROUGH
40 SOUTH STREET
FOXBOROUGH MA 02035

Monac *R. Lowell*

AUTHORIZED SIGNATURE **MP**



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