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November 8, 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:

Enclosed please find the modified site plan for the above project. The changes to the plan are as a result of the comments we received at the public hearing on October 24th as well as the written comments from the Town's professional staff and the BSC Group, Inc., the Town's engineering consultant. The following includes responses to the specific comments made by professional staff as well as responses to the comments found in the letters from Mr. & Mrs. Shea and Mr. & Mrs. Bancroft. We have also expanded on the comments in our initial submittal to demonstrate our opinion on how the project meets the standards outlined in the Foxborough Zoning Bylaws. We also note that though the physical height of the building has not changed the regulatory height of the building has been recalculated based on the definition of building height in the zoning bylaws and is now 38' high which removes the special permit requirement for building height, though the number of stories is still four, which still requires a special permit.

Foxborough DPW Memo dated 10/24/2019

The domestic and fire services being split prior to going into the buildings require a PIV. Having a separate fire service will lead to stagnant water that could feed back into the system creating health risks for the tenants and the rest of the water customers. A PIV has been added to each of the buildings between the split and the building (Sheet 4).

The fee for each 6" tap is \$3,500 paid to the Water Department. There is also a fee for the domestic service based on the size. The developer is responsible for all water work associated with this project. New water meters will be required. The meters will be sized by the Town of Foxborough's consultant at the owner's expense. Meters will be paid for by the property owner, installed by their plumber under direction of the water department. We acknowledge this information.

The sewer capacity purchase is based on number of units and number of bedrooms per unit, and for restaurant is based per seat plus an additional flow rate to be determined for the brewery. The developer was provided contact information for the MFN sewer treatment plant and will be required to comply with any recommendations made by the treatment manager. We acknowledge this information and have been

in contact with Jim Boliver at the MFN Treatment Plant regarding the special requirements for the effluent.

Back flows need to be installed as required. All permits for Water and Sewer will be approved by the DPW. We acknowledge this information.

In preparation of this plan, I met with Bill Buckley to discuss the rebuild of a 5' sidewalk, 2' grass strip, and vertical granite curbing (including the 10" reveal on School St). The DPW accepts this and will work to address remaining sidewalks on a similar schedule. We have asked Mr. Gallagher if, instead of a 2' grass strip, we could install a brick accent band along Rockhill Street which would allow us to put landscape elements during the appropriate season. He has agreed to the change (Sheet 3).

Foxborough Design Review Board Memo dated 10/18/2019

The Board met and discussed the proposed redevelopment of the Fire Station/Funeral Home on October 18, 2019. The Board would like the North Rockhill Street side of the fire station to not be all glass and the developer, Mr. King, committed to changing the first floor elevation to brick. After further discussion the Board voted unanimously to approve the design with changes to the exterior of the fire station building as noted above. The architectural plans have been revised to reflect the requested change (Sheet A3).

Foxborough Board of Health Emails dated 10/10/2019 and 10/24/2019

We will need to get a plan review and fee from the applicant in order to make proper comments about the food section of this plan. They will need to comply with the Food Code and this can be found on our website. Our food plan review can be found on our website as well. We will comply with this once we have reached that level of detail on the architectural drawings.

The delivery door can not open directly in the kitchen area. We will address this issue in our code review with the Board of Health.

Foxborough Police Department Email dated 10/24/2019

The parking from my perspective appears what might be the biggest concern, but based on the zoning by-law and the steps that your team has taken to ensure compliance with the developer it appears that the new project is meeting all the zoning requirements. It is obvious based on the current parking situation in town that offsite parking for businesses will be utilized. Current businesses are using this model and this new project will operating under the same model and should be successful. I support the plan and the potential additional parking places on Market Street being proposed is a win for all the business in the area. No response necessary.

Foxborough Fire Department Email dated 10/28/2019

We will need a noncombustible wall constructed behind the dumpster. The wall will have to be high enough to deflect any heat or fire away from Judy's flower shop if the dumpster catches fire. Our concern is the location of the dumpster in relation to Judy's Flowers. Also, we will require the building to be fully sprinkled

and Fire alarm system. The detail for the dumpster has been modified to require solid brick for the rear wall (Sheet 5) and we acknowledge that both buildings must be sprinkled with a fire alarm system.

BSC Group, Inc. Memo dated October 24, 2019

General Comments and Project Plans

1. Has the project been reviewed by the Foxborough DPW and Fire Department for access requirements? The plan has been reviewed by those departments and their comments are addressed in this letter.
2. The Application and plans reference 36 striped on-street public parking spaces within 500- feet of the development that will be used to off-set the parking requirements of the brew pub/restaurant. We request that the Applicant provide a plan showing the location of these spaces and their approximate distances from the site. A plan showing the parking in the downtown area is attached and the actual number of spaces within 500' of the property is 46.
3. The Applicant will be redeveloping the property at 15-17 Market Street into a municipal parking lot. Please provide an update with an approximate schedule of this work versus the Project development. Will development of this lot be a condition of the Special Permit? We have agreed that the construction of the new lot would be a condition of the permit with the further condition that it doesn't have to be completed until an occupancy permit is requested for the 21 Market Street residential building.
4. The Applicant is requested under the Special Permit that the new residential building be allowed at 4-stories and 42-feet height, exceeding the Zoning allowed 3-stories and 40- feet. It should be noted that the buildings first story is underground parking allowing the building to be compliant with the parking requirements of Zoning. Only 3-stories will consist of residential space. No response necessary.
5. The Applicant is requesting that the building setback for the new residential building be allowed at 2.3-feet from Rockhill Street and 1.7-feet from the corner of Rockhill and Market Streets. It should be noted that the building setback on Market Street is Zoning compliant and the 2.3-feet setback on Rockhill Street matches the existing Fire Station building that will remain. No response necessary.
6. Chris Gallagher, Town Engineer, has issued a review memorandum on the Project. The memorandum states that post indicator valves (PIV's) will be required for a split fire and domestic water service on the same tap. Based on this requirement, the new service for the former Fire Station would need to be relocated to allow PIV installation outside of the loading area. The PIV's have been added to the site plan (Sheet 4) and the PIV will be between the door and wall and will not block the loading area.
7. The curb cut on School Street to be closed also allows access to a small alley between the former Fire Station and 34 School Street. Has the Applicant verified that the owners of 34 School Street do not require this curb cut access? The plan has been revised so that area is not blocked (Sheet 3)
8. The improvements on Rockhill Road include a 5-foot sidewalk with a 2-foot wide grass strip. It is our experience that grass strips this narrow seldom experience significant grass growth. We recommend the Applicant explore other options with the Town Engineer to ensure this area achieves the desired goals of improving the Rockhill Road streetscape. We agree and a 24" brick accent band is now proposed for that area (Sheet 3).

9. Two catch basins and one drain manhole are proposed for installation in the street. Please verify that these will be owned and maintained by the Town and that the Town Engineer and/or DPW has reviewed and approved the proposed details and installation. The Town Engineer was consulted prior to submitting the design and he had no comment on that element in his review letter.
10. Garage parking space #9 as shown on Sheet A5 may have maneuvering issues due to the location of the building elevator shaft. We recommend the Applicant provide a turning movement plan for this space. The floor plans are draft only and are still changing, but we have prepared a plan showing vehicle turning movements using the latest parking plan as the base. (attached)

Stormwater Report

11. No soil testing has been performed in the project area. As the project is a redevelopment consisting of primarily building and pavements, any infiltration to groundwater and/or attenuation of peak flow rates to the Town's drainage systems are an improvement. However, we recommend that the Applicant perform a test pit in the area of the infiltration system prior to construction to confirm that groundwater levels are below the bottom of the system. This will ensure that the infiltration system does not discharge groundwater into the Town's drainage system. We would accept that, as a condition of the permit, we would do soil testing to confirm the soil assumptions prior to the installation of the system.
12. Based on previous experience in this area, we concur with the Applicant's use of HSG C soils for runoff curve numbers and infiltration rates. No response necessary.
13. The project's Long-Term Operation and Maintenance Plan should include the following additional information:
 - Proper procedures for vehicle washing on site or prohibitions against vehicle washing,
 - Spill prevention and response provisions,
 - Maintenance of lawns and other landscaped areas including storage and use of fertilizers, herbicides, and pesticides,
 - Pet waste management, and
 - Snow and ice management. A snow storage plan has been provided, however the O&M plan should include a written description of these requirements as well as information regarding deicing and materials/equipment storage. The Long-Term O & M Plan has been revised as recommended and is enclosed.

Letter from Robert & Linda Shea dated October 14, 2019

1. We propose that an odor control system be installed on the restaurant exhaust system so that the neighbors on Market and Rockhill Streets do not smell the odors of cooking food. I believe once required, this is regulated by the Massachusetts Building Code and the Massachusetts Food Code. We will meet all code requirements for the building, but do not believe at this time that anything over and above code requirements are necessary. This is a by-right use in the GB zoning district and it is our opinion that the smell of food, if it occurs, is not a nuisance.
2. We propose that the garage doors for the ground level parking garage for the building at 21 Market Street be relocated to Rockhill Street where the elevation is similar to the elevation on Market Street. This would be a visual enhancement for the residential area. Movement of

the doors to the side of the building would require the building to be raised to meet the roadway grade and would result in the loss of about 3 parking spaces. The underground parking for each resident is a major element of the building which we don't want to change.

3. We propose that restaurant dumpsters, construction dumpsters and trash containers from the apartment building not be emptied or serviced before 7:00 AM or after 10:00 PM as these buildings are in a residential area. We would agree to this as a condition of the permit.
4. We propose that the restaurant grease trap not be emptied or serviced before 7:00 AM or after 10:00 PM as the restaurant abuts a residential area. We would agree to this as a condition of the permit.
5. We propose that demolition not begin before 7:00 AM or after 8:00 PM as the buildings being demolished are in a residential area. We would agree to this as a condition of the permit.
6. We propose that the dumpster servicing the restaurant is screened from view. We also want to confirm that trash generated from the apartment building will be kept in a trash room so it will not be in the view of the residences on Market and Rockhill Streets. A detail of the dumpster screening is on Sheet 5 and the residential building will have a trash room and no dumpsters.
7. Although the letter accompanying this application states that the apartment building has been reduced in height to 42 feet, the plan does not reflect this. Also the architectural plan is not stamped. Sheet A10 shows the height of the building which is measured from the basement floor to the highest point of the flat roof - the basement height is 10' and the three floors are 10'8". The actual height of building as defined under the Zoning Bylaw definition is 37.7' based on the mean grade of the ground adjacent to the building (Sheet 3). The architectural plans will be stamped and signed when filed with the Building Commissioner.
8. Who will be responsible for mowing the strip of grass along the new sidewalks on Rockhill and Market Streets? Though the Proponent has agreed to reconstruct the sidewalks and curbing along the frontage the maintenance will be the responsibility of the Town.
9. It is not clear that snow storage is adequate for the site. It looks like snow storage is on landscaped areas. It doesn't really show where plowed snow will be stored. We understand that snow will be removed from the site in the event of a snowstorm producing many inches of snow. A snow storage plan is included on Sheet 7. As with any land owner it is the responsibility of the owner to clear and remove snow as necessary.

Letter from Rich and Alison Bancroft dated October 24, 2019

- Under FCOD Chapter 275, 9.7.11 and 6.5.7, the applicant's plan shall comply with screening, buffers and landscaping requirements set out in Section 6.4. Section 6.4.5 states that when a multifamily dwelling abuts a residential zoning district or is to be located on a public way

across from a residentially zoned district, as the funeral home does here, screening, buffers and landscaping shall be required. For rear yards, such as directly across from our home on Market Street, "a screening and buffer strip shall be a minimum of 20 feet in width parallel to the property line and shall contain a screen of plantings." King Builders application does not contain the sufficient screening and buffer zones. Our home, which will be facing the proposed four-story apartment complex, will be greatly disturbed by the additional noise and lack of privacy when residents will be able to look directly into our home and yard. Visual buffers are required under the bylaw and are not sufficient.

Section 6.4.7 states "The provisions of Sections 6.4.5 and 6.4.6 shall not apply to uses in the General Business (GB) District as there is no required side-yard setback and only a fifteen-foot front yard requirement within this district. Where possible, a five-foot landscape strip shall be located in the required front yard of uses within the GB District." Therefore, the cited Section 6.4.5 does not apply. We have provided an enhanced landscape area between the residential building and Rockhill Street such that the landscaping will be used to soften the view of the building from Rockhill Street utilizing permanent plantings and seasonal planters (sheet L-1).

- In order to evaluate the safety of motorists, bicyclists and pedestrians utilizing the site and the roadways leading to it, as required by FCOD Chapter 275, 9.7.11 and Chapter 275, 6.5 Performance Standards, we ask that this board get an opinion from public safety officers (police and fire) regarding the building generally, the lack of setback on the side of the building and corners, and the safety of allowing cars to back out of the garage, across the sidewalk, and into the street on an upward slope. The Foxborough Police Department and Foxborough Fire Department have responded and not made any mention as to public safety issues regarding traffic. The Bancroft's incorrectly state that cars will be backing out of the garage, when that is a highly unlikely scenario. Though we note that their and all their neighbors' driveways are oriented such that they must back on to Market Street if they pull in nose first. As to sight distance at the intersection, the configuration is a 4-way stop at that point with excellent site distance in all directions.
- We ask that the board ensure that the final building design is appropriate in scale, massing, and height to ensure that the architecture will be in harmony with the surrounding neighborhood as required by FCOD Chapter 275, 9.7.11 and Chapter 275, 6.5.6 Architectural requirements and thus deny the special permit allowing the building to be more than 3.5 stories. The immediate area features the Bethany Church to the north with a 56' high roof line and a 150' high spire. There is a 3-story, 33' high commercial building to the south and the St. Alban's Masonic Lodge, immediately abutting the Bancroft's to the west, is about 41' high from the front yard to the roof peak. At 42' high it is our opinion that the proposed building is in harmony with the surrounding neighborhood which includes the GB district and the R-15 district.
- We ask that the Board consider lighting as required by FCOD Chapter 275, 9.7.11 and Chapter 275, 6.5.8 and require lighting that points to the sidewalk and does not spill over onto my adjoining property. No lighting is proposed for the Rockhill Street side of the building other than recessed lighting under the overhang that will light the entrance and that casts straight down (Sheet SP1).

- The purpose of the Foxborough Overlay District was, in part, to encourage a mix of uses on a lot or in a building that are appropriate to the needs of the community and *scale of surrounding neighborhood*. This residential building is not appropriate to the scale of the surrounding neighborhood and in fact, this residential building will be more stories than any *commercial* building in the Common or any neighboring streets in addition to being by far the largest residential building in the area. 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 is not just single-family homes, but also contains commercial facilities, churches, a social club, a theater, and single and multi-family houses. It is our opinion that the proposed uses expand on and complement the existing Common area and will provide a transition from the pure commercial uses on the south side of the Common to the pure residential uses in the R-15 zoning district.
- Another stated purpose is to preserve the historic character of the Center and promote compatible development. King Builders submission states that the firehouse will be restored. This is true and in keeping with the bylaw. The residential building is not and King Builders makes no claim that it is. No response necessary.
- Looking at the other purposes (promoting redevelopment of a mix of uses, an active pedestrian environment, and opportunities for housing), the building of a 15 unit residential complex is not any more in keeping with the stated purposes than a residential development with fewer units (such as 6-10 in the apartment building in addition to the 4 in the firehouse). As we have stated in numerous meetings, the project has to be considered as a whole. The redevelopment of the fire station and the construction of the residential component are integrated in that the residential component is driving the train that allows the Proponent to pay the Town the asking bid of \$405,000, where a minimum bid of \$400,000 was required. The contamination abatement of the fire station will be around \$300,000, sewer and water fees will cost around \$150,000, and other soft costs will increase the land cost to about \$1.05 million. Those costs, as well as the additional mitigation cost of demolishing the house at 15-17 Market Street and building the Town a 14-car parking lot, which we estimate will cost \$100,000, as well as the reconstruction of the sidewalks around the project, make it economically infeasible to construct a smaller residential component. The residential component is the linchpin of the mixed-use project. Economics aside, the entire reason for the development of the Foxborough Center Overlay District was to increase the number of people in the downtown area by creating an ability to have a mixed-use on a lot with a high residential density. The underlying GB zoning contained all the elements necessary for commercial development but lacked the one component that would make development feasible, which was the ability to have higher density residential development. All of the development permitted (Wall Street, Railroad Avenue, Bird Street) and proposed (this project and the Lynch Block) since the FCOD has been adopted has been due to that one element.
- The Foxborough Downtown Strategy, which King Builder's references in stating that it complies with special permit criteria on page 3 of its submission, specifically addresses a design approach

for the center of Foxboro and it is not in keeping with King Builders proposal. The Downtown Strategy recommends upper level housing especially *on streets facing the common*. (See Attachment A, Downtown Strategy, p. 148, emphasis added.) A zoning amendment was proposed for a total height of 3 stories, rather than 2.5, *particularly for lots fronting the Common and fronting Central Street*. For residential buildings not facing the Common, such as the funeral home development here: "Care should be taken to ensure these types of developments are compatible with the neighborhood so as not to detract from the existing character or be seen as a negative impact on adjacent property values. In considering housing types for fill-in projects, Cottages or other small home typologies should be considered." (See Attachment A Downtown Strategy, p. 148). The Economic Development Master Plan, also mentioned by King Builders, also reiterates that the priorities for development of the "Downtown Node" included downtown Housing, including upper level, mixed use, and *Cottage infill* surrounding Downtown. (See Attachment B, Economic Development Master Plan, page 64). No supporting documents suggest that a building this size is appropriate. The document being referenced was prepared for the Town as a guidance document in preparing the modifications to the Zoning Bylaws as well as developing the Request for Proposals for the land and to make recommendations on the infrastructure needs of the Downtown. It is not a supporting document referenced in Section 9.7 FOXBOROUGH CENTER OVERLAY DISTRICT (FCOD). In developing the FCOD the Town Meeting decided that the dimensional requirements listed in Section 9.7.6 and 9.7.7 would be appropriate in the FCOD which are less restrictive than what is cited in the report. The FCOD allows 100% lot coverage, 40' of height by right, and 60' by special permit. As we've stated, it is our opinion that the use is compatible with the neighborhood, which is a General Business district as well as an R-15 district. It is also our opinion that the building will not negatively impact adjacent housing values since the new development will tear down 2 derelict buildings and renovate the old fire station.

- Finally, the architectural plans submitted by King Builders are not a final set of plans and are not stamped. There are still significant issues with plans for the restaurant (for example no second means of egress out of the restaurant). For another example, I approached the Board of Health to ask about the delivery overhead door opening up the entire kitchen for deliveries and they expressed to me major concern regarding the acceptability of this plan. The architectural plans are not final plans and are not meant to be stamped, nor is there any requirement to file architectural plans – the only requirement is for elevation plans showing the exterior design of all proposed structures – but we have done so to give the Board an idea of the interior layout of the buildings. The building and health code issues are beyond the purview of the Planning Board and will be addressed with the Inspections Department and Board of Health with the construction drawings. Mr. Annino has designed over 200 restaurants and we are confident that he will be able to prepare plans that pass muster with the Building Commissioner and Board of Health.
- There are also significant issues with the residential building. No special permits should be given unless it is settled exactly how many parking spaces the residential building will provide. There is no elevator room on the plans. If one is added to the parking garage, a parking spot will be lost. As was previously discussed, there is no requirement to file architectural plans because the interior of the buildings is undergoing constant revision during this phase. The latest floor plans for the ground floor of

the residential building are attached. The elevator room is labeled as mechanical room on the first floor

- Three other parking spots shown have significant accessibility issues and do not function properly. (See Attachment C, Garage Plan). The first two cars on the Market Street side would need to pull into the garage and then back in to the space. They will then have to back out of the garage as well. The car furthest in the garage will be unable to exit the garage without backing out the spot and then will have to back out the length of the garage in order to finally back out onto Market Street. This is a safety concern at all times and even more so with an active restaurant and theatre and when exacerbated by weather conditions. The parking spaces are 9'x18' w/24' aisles, which is a standard parking configuration – the Town Hall has the same configuration. We have prepared a turning plan utilizing the latest floor plan demonstrating how cars can pull in and out of the parking garage without backing up (attached).
- The poles proposed are 6x6 steel. These are thin, likely to buckle if hit, and unsafe. They also protrude into clear parking space dimension. The poles do not show a protective column around it which would take up more space and cause some spots to be lost. (See Attachment D, sample pole with protective cover from Foxborough library parking lot). We are confident that the structural engineer will take into account the fact that the steel could be hit and we would accept a condition that the underground garage must be designed in accordance with the Massachusetts Building Code to accommodate 15 cars.
- The parking spaces are so narrow that each car will need to park precisely, within inches, to allow other cars to park between the steel columns. Considering how tight this garage would be, some of the residents will be unable to park in the garage and will need to park elsewhere. Where will those people park since there are no overnight parking areas nearby? As previously discussed, the parking spaces are the same as any parking space in any parking lot in Foxborough – 9'x18'.
- The plan is drawn to meet the absolute bare minimum of requirements in terms of parking lot sizes. It is important to note that the attached parking lot plan shows sedans only and still is not a workable plan as drawn. Given that more than half of the vehicles on the road are SUVs, pickups and vans, it is clear that this parking lot is not acceptable. The purpose of the Planning Board requirements and bylaws is to ensure a safe place to park and maintain the structural integrity of the building. This plan does not show a parking lot that will be able to be built as drawn. See previous responses regarding parking space and aisle sizes and structural engineering design.
- Generally, King Builders proposes 19 units and 19 parking spots. This is insufficient given that there is no overnight parking for the cars of spouses. Section 9.7.8 of the bylaws requires a minimum of 1 space per studio/1-bedroom and a maximum of 1 space per studio/1-bedroom. This plan is in compliance with the bylaws.

The project is subject to the performance standards outlined in Section 6.5 PERFORMANCE STANDARDS of the zoning bylaws. The following is a summary of how

the design meets those standards.

6.5.2. Preservation of landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and vegetation and soil removal. There is minimal landscaping on the existing site. A landscape plan has been developed that will include grasses, bushes and trees around the proposed facilities. Grade changes will be minimal in that the residential building will blend with Rockhill Street as it rises toward the Common.

6.5.3. Off-street parking and loading. The plan shall comply with Section 6.1 of these bylaws. Unless otherwise allowed by the Planning Board, construction materials and standards not specified within Section 6.1 shall be consistent with those found within the Foxborough Subdivision Regulations. Provisions shall be made to accommodate areas for snow storage. This section is superseded by Section 9.7.8 – 9.7.10 in the FCOD. The parking complies with the off-street parking requirement that all residential spaces shall be on the same lot as the use (19 spaces total). The 15 required spaces for the brew pub can be located on-site or within 500' of the property. There are 11 surface parking spots of which 4 will be dedicated to the residential units on the second floor of the old fire station. The remaining 7 spaces are allocated to the brew pub. Since this is less than the 15 spaces that are required the remaining 8 spaces must be located in striped on-street spaces within 500' of the facility. There are approximately 46 spaces within 500' of the facility as shown on the attached plan we have prepared.

6.5.4. Circulation. Driveways and internal circulation shall be safe, adequate and convenient for automotive as well as pedestrian and bicycle traffic. Site distances, driveway widths, grade, location, drainage, signage, islands, and other control structures, curb radii and intersection angles shall all be provided for review. The Planning Board reserves the right to require certain driveways to meet the road standards found in the Foxborough Subdivision Regulations. All of the above items are included within the design and been reviewed by the Foxborough DPW and Foxborough public safety agencies.

6.5.5. Site access. The Planning Board shall evaluate the safety of motorists, bicyclists, and pedestrians utilizing the site and the roadways leading into the site. To ensure the public's safety, the Planning Board may require sidewalks or pedestrian paths within and between developments. The Planning Board may also require the connection of adjacent properties via the use of common drives. It is our opinion that the site is safe for motorists, bicyclists and pedestrians. We are proposing to rebuild the sidewalks on all sides of the project and have taken steps to ensure the safety of patrons sitting outside of the brew pub.

6.5.6. Architectural requirements. Consideration shall be given to ensure that buildings are appropriate in scale, massing, height, roofline, and building materials to ensure that the architecture shall be in harmony with the surrounding neighborhood and the Town. Rooftop mechanical installation shall be hidden from view from the street or adjoining properties. Annino Associates prepared and presented to the Board a detailed analysis of the architectural elements. The rooftop units will be screened from adjoining properties by a parapet that will blend in with the residential housing.

6.5.7. Screening, buffers and landscaping requirements. The plan shall comply with Section 6.4 of these bylaws. Plants should be indigenous to the area or be able to survive New England winters. Salt-tolerant

varieties shall be planted along roadways and parking areas. The plan complies with Section 6.4.7 of the bylaws

6.5.8. Lighting. Lighting shall be designed to enhance public safety and provide for adequate and appropriate outdoor lighting. The design shall not produce unwanted glare, light trespass on abutting properties or an over illumination of the site. A lighting plan has been prepared and provides for adequate lighting that does not spill over toward residential neighbors and minimally spills out on to School Street and Rockhill Street.

6.5.9. Service areas.

1. Service areas and delivery locations shall be located so that delivery vehicles are parked outside the street right-of-way or in on-site driveways. The Board shall ensure that these areas do not impede on-site vehicular circulation. One existing bay with apron will be retained as a delivery area. The basement delivery area and apron will also be retained.

2. The Board may require that specific areas adjacent to buildings or areas of the businesses operations be specifically reserved for loading or delivery operations. These areas can not be counted for parking or utilized for access aisles. The proposed delivery areas are not within parking spaces.

3. All service areas, dumpster and trash receptacle locations, and other similar uses shall be screened from the street and from public view. They may be screened through a variety of materials such as walls, fences, plantings or a combination of these materials. The residential building will have an interior trash room and the brew pub will have an outside dumpster that will be screened.

6.5.10. Utility service. All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical, cable and telephone lines, shall, whenever practicable, be placed underground. All utilities will be underground unless the utility company requires something different.

6.5.11. Drainage.

1. All efforts shall be made to design the drainage system to utilize low-impact development (LID) methods. Developments not incorporating any LID design elements shall prove to the Board that the use of these drainage systems is not feasible for the project due to unique site characteristics or its location. All of the runoff from the brew pub roof and most of the residential building roof will be separately piped to a subsurface system under the parking lot. The remainder will be piped separately to a catch basin on Rockhill Street.

2. Detailed drainage design and computations shall be provided in conformance with the State of Massachusetts, Department of Environmental Protection Stormwater Management Handbook. Closed drainage systems shall be designed for a 25-year storm event. Culverts, detention basins, and infiltration systems shall be designed for 100-year events. A detailed drainage analysis was provided to the Town and reviewed and approved by the Town's consultant, BSC Group, Inc.

3. Post-development drainage rates shall not exceed pre-development levels. Within the Water Resource Protection District, special attention shall be made to ensure water quality is not degraded. Easements shall be shown on the plan. If they are to be granted to the Town, a written easement and a specific easement plan of such for recording purposes is necessary. No easements are necessary and pre- and post-development rates are balanced.

6.5.12. Off-site improvements. The Planning Board may require applicants to make off-site improvements to public roads or other community facilities, or to make payments for the reasonable costs associated with

the impacts of the proposed development. Such improvements may include but are not limited to the widening of streets and improvement of intersections providing access to the site; the installation of curb and sidewalks along streets serving the site; and drainage improvements necessitated by the development of the site. The Proponent has agreed to rebuild the sidewalks in front of the project and has also agreed to remove the house at 15-17 Market Street and replace it with a municipal parking lot.

6.5.13. Public safety.

1. Buildings and adjacent grounds shall permit easy access and operation by fire, police and other emergency personnel and equipment. The public safety departments had no comments on this issue.

2. The Board may require fire lanes at locations providing access to buildings to ensure that these areas are open for fire vehicle access. The public safety departments had no comments on this issue.

6.5.14. Construction standards.

1. All construction specifications shall comply with the standards in the Foxborough Subdivision Regulations. Where these regulations do not cover construction items, construction shall be in accordance with Massachusetts Highway Standards or standard engineering practices as determined by the Board or its designee. The plans meet these standards.

The project is subject to the performance standards outlined in Section 10.4 SPECIAL PERMITS of the zoning bylaws. The following is a summary of how the design meets the criteria set forth in section 10.4.2.

1. Community needs served by the proposal; Beyond the additional tax revenue to the Town, the proposed restaurant and nineteen (19) new apartments will be a financial and visible benefit to the downtown area. The new residents will patronize existing establishments as well as the new restaurant/brew pub. The proposed fifteen (15) new parking spaces under the residential building should virtually eliminate the need for these new residents to park on abutting streets. Local brew pubs, once ubiquitous in city neighborhoods, are becoming extremely popular in the suburban landscape. The vast majority are found in commercial business parks and other isolated areas due to significant start-up and site rental costs. Still, they are thriving as they bring in visitors from outside the community. These visitors will be brought into the CBD with the opportunity for spin-off benefits to other businesses.

2. Traffic flow and safety, including parking and loading; The project traffic impacts have undergone a review by the Town's consultant, Pare Corp. as part of the comprehensive review of the traffic in the Common area. The consultant concluded 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."

3. Adequacy of utilities and other public services; The project has undergone review by the Foxborough DPW, Foxborough Police Department, and Foxborough Fire Department. None of

the comments from these professional staff evinced any issue with the adequacy of utilities or other public services.

4. Neighborhood character and social structures; 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 is not just single-family homes, but also contains commercial facilities, churches, a social club, a theater, and single and multi-family houses. The proposed uses expand on and complement the existing Common area and will provide a transition from the pure commercial uses on the south side of the Common to the pure residential uses in the R-15 zoning district.

5. Impact on the natural environment; and There will be a positive impact on the natural environment in that a currently contaminated site will be remediated and brought up to today's code requirements. Storm water will be improved by the construction of a DEP Stormwater Standard compliant system.

6. Potential economic and fiscal impact to the Town, including impact on Town services, tax base, and employment The rehabilitation of the former fire station and the construction of the new 15-unit residential building are estimated to generate \$76,800 per year in real estate tax revenue. One time revenue will be realized for building permits, sewer permits and other permits which we estimate at about \$175,000. Additional recurring revenue will be generated by the meals tax, but we have not determined that amount. The brew pub is estimated to provide employment for about 25 persons. Due to its central location no impact is anticipated on any town services.

I believe that we have addressed the issues brought to our attention and look forward to our meeting on November 14th.

Very truly yours,

BAY COLONY GROUP, INC.



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

Encl.

