

Bay Colony Group, Inc.

Professional Civil Engineers & Land Surveyors

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February 1, 2024

Mr. Kevin Weinfeld, Chairman
Foxborough Planning Board
40 South Street
Foxborough, MA 02035

**RE: DEFINITIVE PLAN & SPECIAL PERMIT
“Pine Air Estates”**

Dear Mr. Weinfeld,

On behalf of my client, Pine Air, LLC., I am submitting herewith a definitive plan in accordance with Section 3.02 DEFINITIVE PLANS of the Foxborough Subdivision Regulations. We are also applying for special permit under Section 8.5 INNOVATIVE RESIDENTIAL DEVELOPMENT of the Foxborough Zoning Bylaws for construction of an extended dead-end roadway (Section 8.5.4). Enclosed please find: 6 copies of the definitive plan, an Application Form C, Special Permit Application, Designers Certificate Form E, and a certified list of abutters. In accordance with the Board’s decision on the previous definitive plan submittal we are not enclosing a filing fee, but we understand that we are responsible for the cost of legal advertising and for a storm water peer review.

The project involves the construction of 1,024’ of subdivision roadways which will serve 12 single-family homes at the property located at 204 East Street. The existing site consists of a 17.3-acre parcel of land on the northeast side of East Street opposite the intersection of Brookside Drive and East Street. The property contains about 298’ of frontage on East Street and is about 1,250’ deep. There is an existing single-family home with accessory buildings on the property and it will be removed as part of this project. There are wetland resource areas on the property, and these have been confirmed by the Foxborough Conservation Commission in 2020 through an Order of Resource Area Delineation. Soil evaluations witnessed by the Board of Health have been conducted on all of the lots and all of the lots are suitable for on-site sewage disposal systems.

The proposed subdivision roadway is a modified design based on the formal and informal discussions that we have had with the Board and with professional staff. The first 223’ of roadway from East Street is 24’ wide with a 5’ sidewalk on the north side of the roadway with vertical granite curb. There is no grass strip between the pavement and the sidewalk to minimize the amount of filling since it is crossing an isolated wetland. There are also retaining walls on both sides of the roadway that also allow us to minimize the amount of filling of wetlands. The remainder of the roadway is designed in accordance with the standard cross section. The cable, electric and telephone utilities will be located underground and standard Cobra-head, 50-watt, streetlights will be installed at the end of the cul-de-sac and along the roadways. The storm water management system will consist of a conventional drain manhole/catch basin system that will convey runoff to a surface infiltration basin located on

Lot 2 in the lowest portion of the site that is still outside the wetland no-disturb buffer zones. The basin has been designed to capture the 100-year storm event and contains an emergency outflow weir. Due to the topography the basin will be in the side yard of Lot 2, therefore we request that the Board waive the requirement that the house on Lot 2 to be more than 50 feet of the proposed basin.

The proposed roadway is about 1,025' long which means that the roadway exceeds 800' and requires a waiver. Therefore, we are requesting a Special Permit under Section 8.5.4 EXTENDED DEAD-END ROADS. In support of that request, I have prepared a short summary of how this request meets the elements of that regulation.

1. The applicant shall demonstrate that the number of building lots does not exceed the number of building lots of the tract as permitted by Board of Health and Conservation Commission regulations, existing zoning, and as shown on a subdivision plan complying with the maximum length of a dead-end road. The Board in its decision letter dated July 30, 2014, determined that the applicant met the requirements to determine, through the submittal of a preliminary plan, that the site could support 12 lots by a conventional subdivision.

2. Water lines may not dead end. If they can only be looped within the road right of way, the loops shall be separated to the maximum extent possible. The water line will be a dead-end design. In the July 14, 2022 DPW comment letter for a previous design they stated that looping the water back to East Street "may worsen water quality and double the chance of leaks". They requested a loop through to Abbie Lane. It is our understanding that an agreement with Mr. Hunt to allow this is unlikely. However, we have been told that a portion of the Hunt property is being considered for development and we will provide a water easement and 8" stub that can be extended to the potential new development.

3. Utilization of low impact development tools, enhanced stormwater techniques, and other innovative land use development techniques are encouraged. The storm water design is in accordance with the DEP Stormwater Standards. Several of the LID elements of the project includes clustered development, minimizing disturbance to existing trees and shrubs, roof recharge systems for all new homes, deep sump catch basins, proprietary separators, sediment forebays, and restoration of existing buffer zones.

4. The applicant shall demonstrate that the extended dead-end road addresses one or more of the following:

a. Vehicular safety issues, either elimination of a second curb cut at an unsafe location, elimination of a second curb cut with minimal sight distance, elimination of a road with grades approaching the maximum allowed, elimination of a outset intersection to an existing road, or other factor; Minimizing the number of curb cuts on a main roadway is always a good planning goal. Because East Street is a major thoroughfare, minimizing curb cuts is appropriate.

b. Preservation of land features, such as existing trees, stone walls and other amenities; This item does not apply to this option.

c. Protection of natural, agricultural, historic, or other resources; This item does not apply to this option.

d. Compatibility with abutting lots and land use patterns; An additional roadway will bring traffic closer to the homes located to the north of the site.

e. Substantially reduced maintenance costs for the Town; Approximately 1,000' of roadway would be eliminated by this design, which would reduce the amount of future maintenance required by the Town once the roadway is accepted as a public way.

f. Convenience for the homeowners, the public, and public safety providers. An additional roadway would not provide any convenience for the future homeowners or public.

5. Construction standards, widths, maintenance agreements, easements, and other documentation shall be submitted with the Application for a Special Permit. The proposed roadway design would meet or exceed the construction standards outlined in the Foxborough Subdivision Regulations.

It is the Applicant's intent to donate Parcel B, which is about 7.9 acres (46% of the project area) and contains upland, wetland, trails, and a portion of the Canoe River, to the Town of Foxborough Conservation Commission as dedicated open space. This parcel lies within the Canoe River Area of Critical Environmental Concern and will be contiguous to other open space owned by the Town of Foxborough and Norfolk County and is collectively known as the Canoe River Wilderness Area and contains over 300 acres of open space.

We look forward to meeting with the Board to discuss the project. Thank you for your consideration.

Very truly yours,

BAY COLONY GROUP, INC.

A handwritten signature in blue ink, appearing to read 'William R. Buckley, Jr.', with a long horizontal line extending to the right.

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

Encl.

FORM C

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

Dated: Feb. 17, 2024

To the Foxborough Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property for approval as a subdivision under the requirements of the Subdivision Control Law (MGL, Chapter 41, Section 81-U) and the Foxborough Subdivision Regulations.

1. Name of Applicant: Pine Air, LLC
Address: 364 Hickory Road North Attleboro, MA 02760
Signature of Applicant: [Handwritten Signature]

2. Name of Owner: Scott M. & Elaine D. Barbato 204 East St. Foxboro
Address: Paul A. Barbato 192 East Street Foxborough, MA 02035
Signature of Owner: [Handwritten Signatures]

3. Name of Engineer/Surveyor: Bay Colony Group, Inc.
Address: 4 School Street Foxborough, MA 02035
Mass. Registration No.: PE 35813/PLS 38384

4. Deed of property recorded in Norfolk Registry of Deeds
Book 21696, Page 96
22380 520
22501 440

5. Street Location of Parcel: 204 East Street
Zoning District R40. Is the parcel (or any portion thereof) located within the Water Resource Protection District? yes

6. Total Acreage of the Parcel: 17.25+/-
Total Number of Lots Proposed: 12
Total Street Length Proposed: 1,025 feet.
If an OSRD, Total Acreage of Dedicated Open Space 7.86+/-, percent upland 91% and percent of the entire parcel 46%.

Pursuant to MGL, Chapter 41, Section 81-T, a certified list of names and addresses of the abutters as approved by the Board of Assessors' Office are attached hereto.

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.

Treasurer's Office Representative Date

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

Town Clerk's Office Date

**FOXBOROUGH PLANNING BOARD
SPECIAL PERMIT APPLICATION**

The undersigned hereby applies for a Special Permit under Section 8.3 & 8.5.4 of the Foxborough Zoning Bylaws.

1. **Applicant:** Pine Air, LLC
Address: 364 Hickory Road North Attleboro, MA 02760
Phone #: 617-842-5771 508 989 9012
Email: fredcbottomley@hotmail.com
Signature of Applicant: *Fred C. Bottomley*

2. **Owner of Record:** Scott M. & Elaine D. Barbato 204 East Street Foxborough, MA 02035
Paul A. Barbato 192 East Street Foxborough, MA 02035

Signature of Owner: *Scott Barbato Elaine D. Barbato*
Paul Barbato Sr

3. **Location of Parcel(s) or Structure:** 204 East Street
Assessors Map & Parcel # Map 112, Parcels 6-8 **Zoning District** R-40 (partially within WRPOD)

4. **Dimensional Information of the Parcel:**
Frontage: 298.21' **Square Feet:** 17.25+/- acres
Existing Lot Coverage: <1% **Proposed Lot Coverage:** 13% +/-
Zoning Status of the Parcel or Structure: Existing and conforming
Proposed Building Size: Varies **Proposed Building Height:** 35' max

5. **Present Use of Structure or Parcel:** Residential dwelling
Proposed Use of Structure or Parcel: Open Space Residential Development - 12 lots

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.

Treasurer's Office Representative **Date**

Town Clerk Receipt

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

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