

**FOX COMM WAY LLC**

7 Bristol Lane  
Foxborough, MA 02035  
(781) 290-9334

June 20, 2014

Mr. J. Neil Foster, Chairman  
Foxborough Zoning Board of Appeals  
40 School Street  
Foxborough, MA 02035

RE: Wyman Village Comprehensive Permit Application  
Community Way, Foxborough, MA

Dear Chairman Foster and Board members,

Enclosed please find a Comprehensive Permit Application and a Petition for Public Hearing in connection with the above referenced proposed development. We are also providing the board with a check of \$ 3,450 for the application fee as outlined in Article 5 Section 5.03 of the Foxborough Zoning Board of Appeals Rules and Regulations.

Fifteen copies of the of the application and the project plans have been prepared, (1) copy has been filed with the Clerks' office and the remaining 14 copies filed with the Planning Office.

We look forward to the opportunity of presenting the Wyman Village project to the Board and respectfully request that you schedule a public hearing at your earliest possible convenience..  
Thank you.

Very Truly Yours,

  
Daniel Russell  
Fox Comm Way LLC  
Member

cc:Jeffrey M. Lovely, Counselor At Law  
Michael H. Jacobs, Affordable Housing Consultant  
William Buckley, Bay Colony Group, Inc

Board of Appeals  
Town of Foxboro  
40 South Street

**APPLICATION FOR BOARD OF APPEALS HEARING**

Name of Applicant: FOX COMM WAY LLC Tel # 781 290 9334

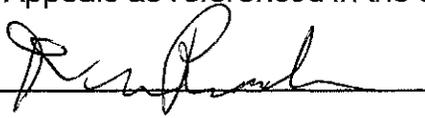
Mailing Address: 7 Bristol Lane, Foxborough, MA 02035 Email: jlynch419@gmail.com

Location of Property Subject of the Hearing: 8 Community Way

Assessors Map #: 8<sup>u</sup> Parcel #: 2060 Zoning District: R40

The undersigned hereby petitions the Board of Appeals to grant a Comprehensive Permit at the premises located at 8 Community Way pursuant to Chapter 40B of the Massachusetts General Laws to approve 20 detached single family homes 25% of which will be affordable to households earning no more than 80% of the area median income.

I, Daniel Russell, as applicant, hereby request a hearing before the Foxborough Zoning Board of Appeals as referenced in the above application.

Signed:  Date: 6-20-14

**Tax Collector's Release:**

The above referenced applicant is applying for a comprehensive permit from the Zoning Board of Appeals and is in good standing with respect to any taxes, fees, assessments, betterments or other municipal charges as recorded in this office.

\_\_\_\_\_ Date: \_\_\_\_\_  
Foxborough Tax Collector or Agent

**Town Clerk Receipt:**

The above referenced application has been received and recorded with the Town Clerk

\_\_\_\_\_ Date: \_\_\_\_\_  
Foxborough Town Clerk

FOX COMM WAY LLC

325

53-447/113  
472

6-14-14

Date

Pay to the  
Order of

Town of Foxboro

\$ 3,450.00

Amount in

Three thousand four hundred fifty - 00/100

Dollars



ROCKLAND TRUST

For

*[Signature]*

⑆011304478⑆

2472001698⑆

0325

**Abutting Properties for 8 COMMUNITY WAY 84-2060**  
**(300 feet)**

**Location:**

084 / / 2066 / /  
137 EAST STREET

**Owner:**

VON GAL EMILY GRACE  
137 EAST STREET  
FOXBOROUGH, MA 02035

**Location:**

084 / / 2067 / /  
141 EAST STREET

**Owner:**

IVANOVSKIS PAUL & LONI TE  
141 EAST STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

084 / / 2069 / /  
1 WILLOW STREET

**Owner:**

ARES ELAINE L  
1 WILLOW STREET  
FOXBORO, MA 02035-0000

**Location:**

084 / / 2070 / /  
136 EAST STREET

**Owner:**

ANGUS ALAN W & LUANN  
136 EAST STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

084 / / 2165 / /  
135 EAST STREET

**Owner:**

MITCHELL WHITNEY & KAREN M  
135 EAST ST  
FOXBORO, MA 02035-0000

**Location:**

084 / / 6394 / /  
FAIRBANKS ROAD-REAR

**Owner:**

BISANTI, GLAUCO & ANGELINA  
816 CHICKADEE DRIVE  
PORT ORANGE, FL 32127-4769

**Location:**

097 / / 2059 / /  
320 COCASSET STREET

**Owner:**

JACOBSON ROBERT T & JOANNE M TE  
320 COCASSET STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2061//  
1 BRANDON LANE

**Owner:**

MINKIN DAVID A & DAWN M TE  
1 BRANDON LANE  
FOXBOROUGH, MA 02035

**Location:**

097//2930//  
EAST STREET

**Owner:**

MBTA  
000  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2932//  
12 COMMUNITY WAY

**Owner:**

FOLEY JUDY E  
12 COMMUNITY WAY  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2933//  
14 COMMUNITY WAY

**Owner:**

TOWN OF FOXBOROUGH SCHOOL DEPT  
40 SOUTH STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2934//  
20 COMMUNITY WAY

**Owner:**

BOURGOYNE JOHN R  
20 COMMUNITY WAY  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2935//  
138 EAST STREET

**Owner:**

HEFFERNAN MARTIN J JR & SUSANNE  
138 EAST ST  
FOXBORO, MA 02035-0000

**Location:**

097//2942//  
317 COCASSET STREET

**Owner:**

ECHOLS KATHLEEN K & WILLIAM H III TE  
317 COCASSET STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2943//  
321 COCASSET STREET

**Owner:**

KELLY JIM E & PAMELA M TE  
321 COCASSET ST  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2944//  
325 COCASSET STREET

**Owner:**

KRUG MICHAEL T  
325 COCASSET STREET  
FOXBOROUGH, MA 02035

**Location:**

097//2945//  
16 MORSE STREET

**Owner:**

TOWN OF FOXBOROUGH SCHOOL DEPT  
40 SOUTH STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2946//  
COCASSET STREET

**Owner:**

VETRANS OF FOREIGN WARS POST 2626  
O COCASSET STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2954//  
9 COMMUNITY WAY

**Owner:**

IBBITSON DANIEL E  
277 HANCOCK STREET  
WRENTHAM, MA 02093-0000

**Location:**

097//2955//  
COMMUNITY WAY

**Owner:**

TOWN OF FOXBOROUGH  
40 SOUTH STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2956//  
4 PRATT STREET

**Owner:**

JONES STEPHEN M & EILEEN L TE

4 PRATT STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2958//  
15 COMMUNITY WAY

**Owner:**

MOORE PATRICK T & JACQUELINE A  
15 COMMUNITY WAY  
FOXBORO, MA 02035-0000

**Location:**

097//2964//  
140 EAST STREET

**Owner:**

STRACHAN JEVENS & ALLYSON TE  
140 EAST STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

097//2965//  
144 EAST STREET

**Owner:**

BURNS DANIEL F & TERESA M TE  
144 EAST STREET  
FOXBOROUGH, MA 02035-0000

**Location:**

097//6408//  
1 COMMUNITY WAY

**Owner:**

THOTHATHIRI NAMBIKRISHNAN  
SUDHA SREEVATHSAN TE  
1 COMMUNITY WAY  
FOXBOROUGH, MA 02035-0000

**Location:**

097//6423//  
4 STOCKBRIDGE ROAD

**Owner:**

GYGI STEVEN P & MELANIE P TE  
4 STOCKBRIDGE RD  
FOXBORO, MA 02035-0000

**Location:**

097//6424//  
3 STOCKBRIDGE ROAD

**Owner:**

COURTNEY NICHOLAS P & HARMONY M TE  
3 STOCKBRIDGE ROAD  
FOXBOROUGH, MA 02035

**Location:**

097//6501//  
2 BRANDON LANE

**Owner:**

DERBA, JOSEPH J & LINDA BOYDEN

2 BRANDON LANE  
FOXBOROUGH, MA 02035-0000

**Location:**

084//2052//  
COMMUNITY WAY

**Owner:**

MBTA  
BOSTON, MA

**Location:**

097//2059//  
320 COCASSET STREET

**Owner:**

JACOBSON ROBERT T & JOANNE M TE  
320 COCASSET STREET  
FOXBOROUGH, MA 02035

**Location:**

072//1792//

**Owner:**

**SEE ATTACHED**

**\*\*PLEASE TAKE NOTICE: PARCEL 2957 IS APPEARING ON THE ASSESSOR'S MAP 97  
HOWEVER IS NOT IN THE ASSESSOR'S DATA BASE AND MAY BE COMBINED WITH ABUTTING  
PROPERTIES OR DELETED.**

**LOCATION:**

072//1792//

**PARCEL 1792 SHOWING ON THE FOXBORO ASSESSORS MAPS IS NOT IN THE ASSESSORS VISION SYSTEM. IT APPEARS TO BE THE OPEN SPACE CONSISTING OF 42.79 ACRES BELONGING TO THE CANNON FORGE/SUMMERFIELD PLANNED UNIT DEVELOPMENT.**

**IFA PROPERTY MANAGEMENT  
C/O LORELL MANAGEMENT CORPORATION  
84 RICHARDSON AVENUE  
NORTON, MA 02766  
(508) 222 - 1220**

**FOXBOROUGH BOARD OF ASSESSORS**



## INDEPENDENCE FORGE

**Independence Forge**

**Cannon Forge**

**Summerfield**

## IFA Contact Info

### Property Management

Lorell Management Corporation  
84 Richardson Avenue  
Norton, MA 02766  
Phone: **(508) 222-1220** | Fax: **(508) 222-1211**  
[www.lorellmanagement.com](http://www.lorellmanagement.com)



### Insurance Agent

The Richard W Endlar Insurance Agency  
858 Washington Street, Suite 200  
Dedham, MA 02026-6099  
Phone: **781-455-6664** | Fax: **781-453-0209**  
[Request Certificate of Insurance](#)

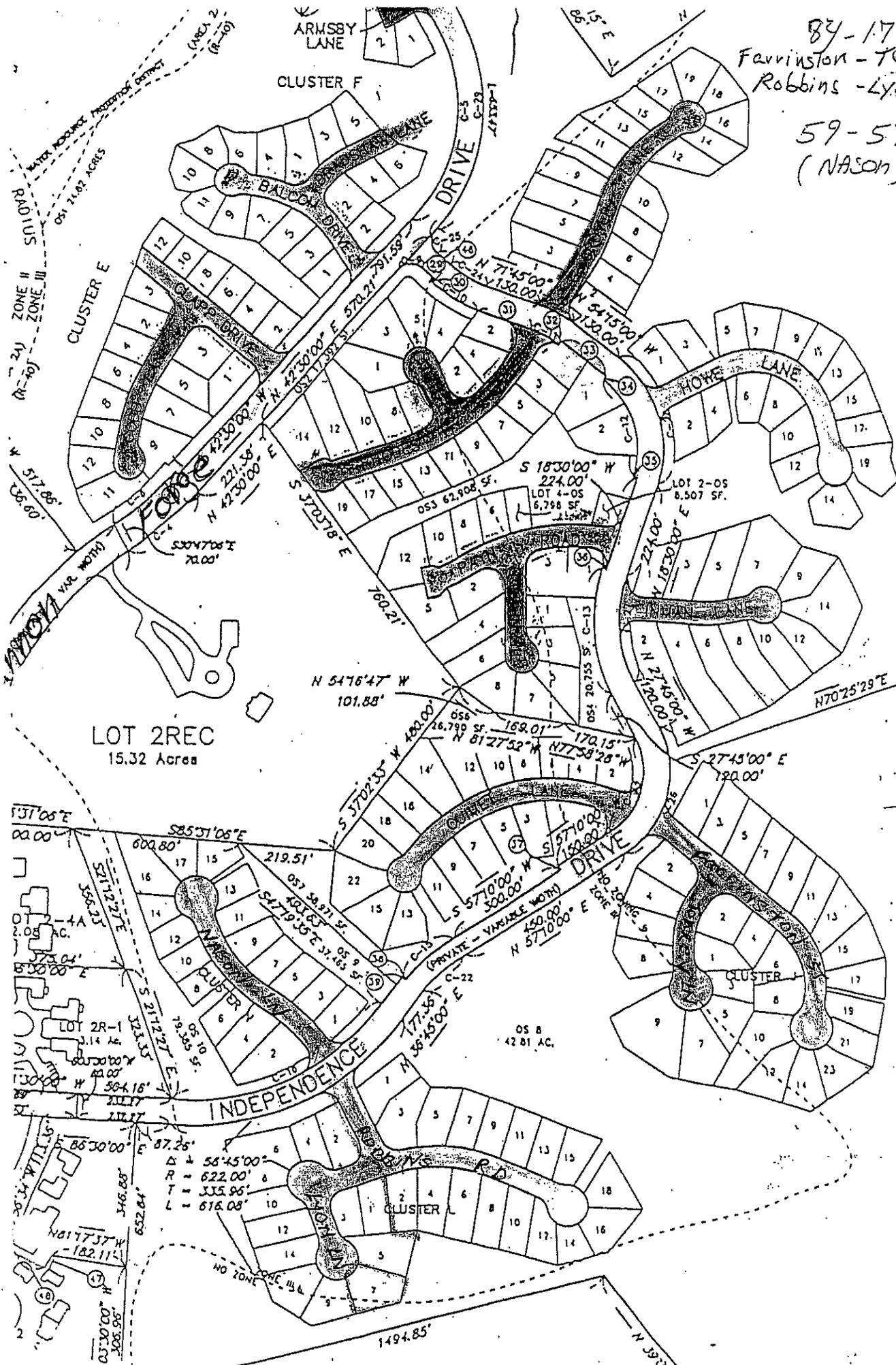
### Local Links

[Town of Foxborough](#)  
[Foxborough Police](#)  
[Foxborough Fire Department](#)



84-1792  
 Farrington - Torrey  
 Robbins - Lyon

59-5777  
 (NASON)



ANNON FORGE/SUMMERFIELD: (326 units)  
 Summerfield: Single-family, 2 bedroom homes with  
 35' x 44' grading box, 40' required between  
 homes. Built with Special Permit, open space  
 not called "non-conforming".  
 DUT = Planned Unit Development

## DEVELOPMENT NARRATIVE

### Project Description:

Wyman Village is a proposed 20 home detached single family development located on a 5.6 acre parcel of land off Community Way in East Foxboro. Five or 25% of the homes will be designated affordable and must be offered for sale to households earning no more than 80% of the area median income. Three (3) of the affordable homes will be reserved for current Foxborough residents. The homes are all 3 bedrooms, 2 1/2 bath, with a 1 car garage and range in size from 1700 to 1750 SF. There are 2 proposed floor plans. The first is designated for empty nester couples with a first floor master bedroom and two additional bedrooms upstairs. The second plan is a traditional family design with all the bedrooms upstairs.

### Site Description:

The property consists of 5.6 acres of mostly undeveloped land. There is an old two family home located at the street frontage on Community Way. The existing two family is in terrible shape and will be removed as part of this development. The land is zoned R-40 which allows single family homes on 40,000 sf lots. The parcel is "L" shaped starting at the Community Way frontage. It extends north about 400' then turns east to meet the MBTA train tracks. There are some wetland resources on site which have been determined in a recent decision of the Foxborough Conservation Commission in an Order of Resource Area Delineation (ORAD) DEP # 157-517. In addition the Foxborough Board of Health has witnessed six percolation tests necessary for the two separate septic systems as shown on the Conceptual Utility Plans attached. The neighborhood is generally single family homes with a few multifamily homes mixed in. Other neighborhood features include the Elliot School which remains under town ownership but no longer functions as a school, the Burrell Elementary School and to the north Cannon Forge, a large cluster residential housing project built in the 80's.

Justification Requirements:

1. The applicant/developer, Fox Comm Way is a limited dividend organization and will execute a regulatory agreement pursuant to the law as required by the Site Approval Letter, dated March 6, 2014, issued by Mass Housing.
2. The project is fundable by a subsidizing agency under a moderate income housing subsidy program in accordance with the Site Eligibility letter dated March 6, 2014 issued by Mass Housing.
3. The applicant /developer owns the land. Please refer to section 2 of the Table of content for a copy of the deed.

Preliminary Municipal Review:

The applicant has previously met with the Planning Board, and the Foxborough Housing Authority and considered all comments in preparation of the plans presented herein.

Access and Utilities:

Proposed access is via Community Way a 40' public way. Public water is located in Community Way as well as telephone, electric, and cable/data services. Natural gas lines will be utilized if if available nearby.

Environmental and Stormwater Management:

A complete Hydrologic Analysis and Drainage Report with an Operational and Maintenance Plan for stormwater management will be submitted under separate cover after initial meetings with the Zoning Board of Appeals and Conservation Commission.

### Traffic Patterns:

Community Way is located off of Cocasset Street. Cocasset Street is one of five main roads extending from Foxborough Town Center. It is the primary access from Foxborough Center to East Foxborough. The proposed new subdivision roadway will have direct access to Cocasset Street with minimal impact to abutting neighbors. The project will generate a total of 190 daily vehicle trips per day with 15 in the AM peak hour and 20 in the PM peak hour. These traffic volume increases are considered nominal when dispersed over a 24 hour day or during the peak hours and would not result in a material impact (increase) on motorist delays or vehicle queuing over existing or anticipated future conditions without the project

### Foxborough Housing Production Plan:

In July 2012, the Foxborough Planning Board and the Town Planner commissioned the creation of the Foxborough Housing Production Plan. Funding for the HPP was from the South Coast Rail Technical Assistance Program. The plan was prepared by the Metropolitan Area Planning Council (MAPC). An important statement is made on page 1 of the Executive Summary

*Foxborough renters and owners are facing housing constraints. Lower income renters and owner households are facing great cost burdens in Foxborough: owners are facing this burden more significantly.*

In addition on page 4:

*The age profile of the Town is projected to change in the coming decades. According to MetroFuture projections for the 2000-2030 period, the school age, young professionals and middle-age populations (54 and under) are projected to decline by almost 2000. The 55+ population is projected to grow significantly by just over 3000, with the 65+ population projected to grow the most. These changes will decrease the number of family households and significantly increase the number of non-family households, likely increasing the demand for **smaller housing units**.....*

And on page 41:

*Based on the housing needs analysis, there are a significant number of lower income households **in need of affordable housing**.*

The Wyman Village project proposes to develop smaller (1700 to 1750 sf) 3 bedroom homes including designs with first floor master bedrooms attractive to the growing 55+ and 65+ age population. The proposed project was specifically designed to address many key points outlined in the needs analysis outlined in the Foxborough Housing Production Plan.

Property Address: 8 Community Way, Foxboro, MA

Bk 28674 Pg 319 #26987  
03-17-2011 @ 03:14p

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

CERTIFY

*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

MASSACHUSETTS STATE EXCISE TAX  
Norfolk Registry of Deeds  
Date: 03-17-2011 @ 03:14pm  
Ct1#: 1235 Doc#: 26987  
Fee: \$1,016.88 Cons: \$223,000.00

FIDUCIARY DEED

I, Donald E. Mosher, Executor of the Estate of Bruce A. Mosher, Norfolk Probate Docket No. 09P2829-EA by power conferred by Power of Sale under the Will, and every other power, for consideration paid of Two Hundred Twenty Three Thousand (\$223,000.00) Dollars grant to FOX COMM WAY LLC, a Massachusetts Limited Liability Company with a principal place of business at 7 Bristol Lane, Foxboro, Norfolk County, Commonwealth of Massachusetts,

The land with the buildings thereon shown as Lot 1 on a plan dated March 16, 2011 entitled "8 Community Way, Foxborough, Massachusetts", prepared by Bay Colony Group, Inc. to be recorded herewith. Containing 5.63 acres, more or less according to said plan. Reference is made to said plan for a more particular description.

Intending to convey, and hereby conveying, all of the Premises described in a deed to Bruce A. Mosher dated October 30, 1963 and recorded with said deeds in Book 4118, Page 301 excepting the land conveyed by Bruce A. Mosher to The National Railroad Passenger Corporation by deed dated May 15, 1998 and recorded with said deeds at Book 12514 Page 350.

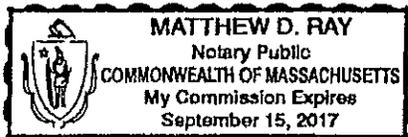
Witness our hands and seals this 17th day of March, 2011.

*Donald E. Mosher*  
Donald E. Mosher, Executor of the Estate of  
Bruce A. Mosher

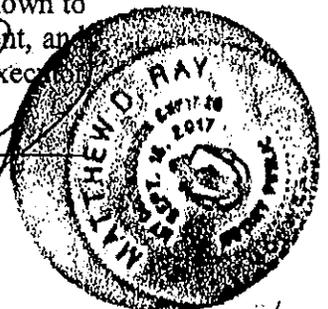
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.,

On this 17th day of March, 2011, before me, the undersigned notary public, personally appeared Donald E. Mosher as aforesaid, proved to me through satisfactory evidence of identification, which was Massachusetts drivers license/personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as Executor of the Estate of Bruce A. Mosher

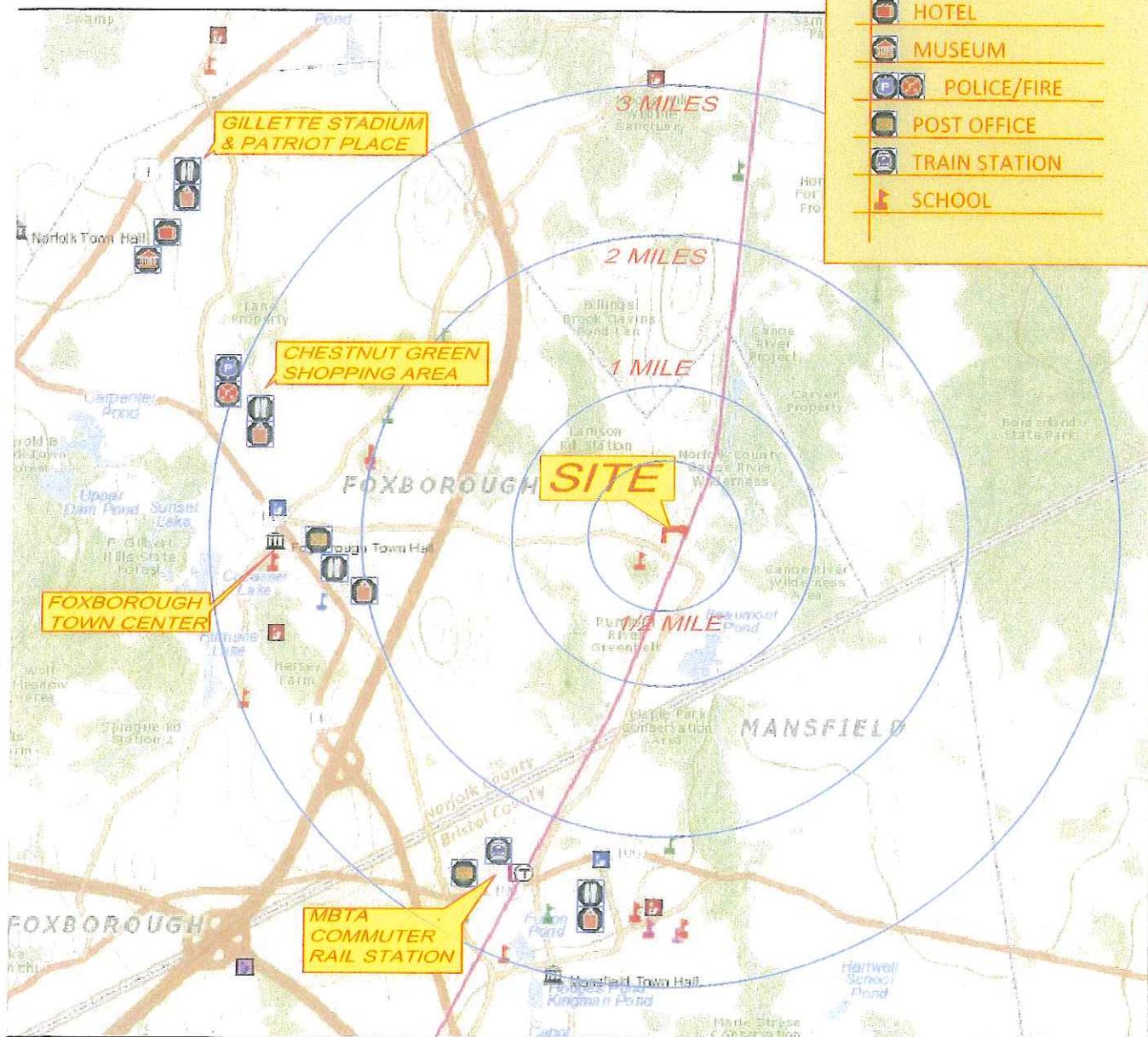


*Matthew D. Ray*  
Notary Public;  
My commission expires:



SEE PLAN FILED IN  
PLAN BOOK 606 PAGE 96

-  RESTAURANTS
-  SHOPPING
-  HOTEL
-  MUSEUM
-  POLICE/FIRE
-  POST OFFICE
-  TRAIN STATION
-  SCHOOL



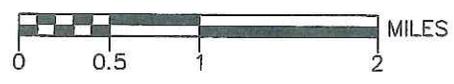
# Wyman Village Foxborough, MA

## Site Locus and Amenities Map

Source Data: Office of Geographic Information (MassGIS)  
Commonwealth of Massachusetts Executive Office for  
Administration and Finance

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

FOUR SCHOOL STREET  
P.O. BOX 9136  
FOXBOROUGH, MA 02035  
508-643-3939





**Wyman Village  
Foxborough, MA**

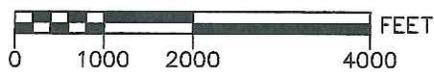
USGS Topographic Map



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

FOUR SCHOOL STREET  
P.O. BOX 9136  
FOXBOROUGH, MA 02035  
508-543-3939

Source Data: Office of Geographic Information (MassGIS)  
Commonwealth of Massachusetts Executive Office for  
Administration and Finance





Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091  
VF: 866.758.1435 | [www.masshousing.com](http://www.masshousing.com)

March 6, 2014

Fox CommWay LLC  
7 Voses Lane  
Milton, MA 02186  
Attention: Mr. Daniel Russell

**Re: Wyman Village  
Foxborough  
PE- 534  
Project Eligibility (Site Approval) Application**

Dear Mr. Russell:

This letter is in response to your application as “Applicant” or “Developer” for a determination of Project Eligibility (Site Approval) pursuant to Massachusetts General Laws Chapter 40B, 760 CMR 56.00 and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development (“DHCD”) (the “Guidelines”) (collectively, the “Comprehensive Permit Rules”), under the following program (the “Program”):

- New England Fund (“NEF”) Program of the Federal Home Loan Bank of Boston.

The proposal is to build 20 homeownership units (the “Project”) on approximately 5.6 acres of land located on Community Way (the “Site”) in Foxborough (the “Municipality”).

This letter is intended to be a written determination of Project Eligibility (“Site Approval”) in accordance with the Comprehensive Permit Rules, establishing fundability by a subsidizing agency under a low or moderate-income housing subsidy program pursuant to the Guidelines which may be found at [www.mass.gov/hed/economic/eohed/dhcd/legal](http://www.mass.gov/hed/economic/eohed/dhcd/legal). To the extent that Project funding is provided by a non-governmental entity such as a Federal Home Loan Bank, this letter is also intended to be a determination of Project Eligibility (“Site Approval”) by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, “Housing Programs In Which Funding Is Provided By Other Than A State Agency.”

MassHousing staff has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive

Wyman Village  
Foxborough, MA  
PE-534

Permit Rules. As a result of our review, we have made the following findings as required pursuant to 760 CMR 56.04(1) and (4): (a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to Final Approval under 760 CMR 56.04(7) ("Final Approval"); (b) that the Site of the proposed Project is generally appropriate for residential development taking into consideration the information provided by the Municipality regarding actions previously taken to meet affordable housing needs; (c) that the conceptual project design is generally appropriate for the Site on which it is located; (d) that the proposed Project appears financially feasible within the housing market in which it will be situated based on comparable sales; (e) that an initial pro forma, including a land value determination consistent with the Guidelines, has been reviewed, and the Project appears financially feasible and consistent with the Guidelines for cost examination and limitations on profits and distributions on the basis of estimated development costs, and the Project is fundable under the Program; (f) that the Applicant would be eligible to apply as a Limited Dividend Organization in connection with an application for financing under the Program; and meets the general eligibility standards of the Program; and (g) that the Applicant controls the Site. Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto.

As noted, MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. In order to maintain eligibility under the Program the following requirements must be addressed as part of your Final Approval application submission:

1. The Applicant must offer a minimum of 25% of the units for sale to households earning no more than 80% of the area median income, adjusted for household size, as published by the U.S. Department of Housing and Urban Development (HUD). The most recent HUD income limits indicate that 80% of the current median family income for a 4-person household for the Municipality is \$64,400. Note, however, that in order to attract a sufficient number of qualified buyers for the affordable units, the initial maximum sales price for the affordable units will be calculated by MassHousing to enable a household earning not more than 70% of area median income of an appropriate size household (appropriate size equals number of bedrooms in the unit plus one) to qualify to purchase the unit under generally accepted mortgage loan underwriting standards.
2. An Affordable Housing Restriction ensuring the units remain affordable to future buyers in perpetuity will govern the affordable units.
3. The Applicant must be a limited dividend organization and agree to limit the profit on the development to not more than 20% of the Project's total development costs as determined by MassHousing.
4. The Applicant must comply with the Land Value Policy described in section IV (B) (1) of the Guidelines and, if applicable, MassHousing's Acquisition Value Policy. The maximum permissible acquisition value that can be included in the Development Budget approved at Final Approval and at the time of Cost Examination/Cost Certification, for

limited dividend purposes, is the "As Is" value (determined by the MassHousing commissioned independent appraisal) of \$358,000 plus reasonable and verifiable carrying costs (where permitted by the Guidelines) from the October 7, 2013 date of your Site Approval application.

5. The Applicant must enter into a Regulatory Agreement with MassHousing, in the standard form for the Program, ensuring compliance with the requirements of the Comprehensive Permit Rules and the Program. The legal description of the Site attached to the Regulatory Agreement must be recordable.
6. In order to satisfy the Program requirements, financing for the Project must originate from a bank that is a member of the Federal Home Loan Bank of Boston ("FHLBB"). Financing for a minimum of 25% of the construction costs must be obtained from the NEF Program. Evidence of a firm commitment for financing for the Project must be provided during your request to MassHousing for Final Approval. The Regulatory Agreement shall provide that any transfer of all or a portion of the NEF lender's interest (including participations or sale of servicing rights) during the entire term of the construction financing shall be subject to the approval of the Subsidizing Agency.
7. The Project must comply with the Commonwealth's Sustainable Development Principles embraced by DHCD.

The Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. The Municipality did not submit any formal comments to MassHousing. Based on MassHousing's site and design review, the following issues should be addressed in your application to the Zoning Board of Appeals ("ZBA") for a Comprehensive Permit and fully explored in the public hearing process prior to submission of your application for Final Approval:

1. Compliance with all statutory and regulatory restrictions and conditions relating to protection of drainage, wetlands, vernal pools and wildlife habitats and nearby conservation areas, if applicable to this Site. You should provide evidence of such compliance prior to the issuance of the building permit for the Project.
2. Compliance with Title V regulations regarding the design and construction of individual wells, septic systems and wastewater treatment plants, if applicable to this Site, except to the extent waived pursuant to Title V. You should provide evidence of such compliance prior to the issuance of the building permit for the Project.
3. MassHousing is concerned that you have not demonstrated any prior 40B residential development experience to complete a development of this size and complexity. In response to this concern, you have notified us that Michael Jacobs, who is an experienced 40B consultant, will be a member of the development team. You should be prepared to

Wyman Village  
Foxborough, MA  
PE-534

discuss Mr. Jacob's 40B development experience, and the ability and experience of your development team to construct a project of this size during the public hearing.

This approval is expressly limited to the development of no more than twenty (20) homeownership units under the terms of one of the Programs, with not less than five (5) of such units restricted as affordable homeownership units for low- and moderate-income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of NEF financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a Comprehensive Permit, the use of any other housing subsidy programs, the construction of additional units or a reduction in the size of the Site, you will be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type (rental/homeownership) or a change in building type or height, you may be required to submit a new Site Approval application for review by MassHousing.

For guidance on the Comprehensive Permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations, 760 CMR 56.00.

This approval will be effective for a period of two years from the date of this letter. Should the Applicant not apply for a Comprehensive Permit within this period or should MassHousing not extend the effective period of this letter in writing, this letter shall be considered to have expired and no longer be in effect. In addition, the Applicant is required to notify MassHousing at the following times throughout this two year period: (1) when the Applicant applies to the local ZBA for a Comprehensive Permit, (2) when the ZBA issues a decision and (3) if applicable, when any appeals are filed.

Should a Comprehensive Permit be issued, please note that prior to ( i ) commencement of construction of the Project or ( ii ) issuance of the building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project, as it may have been amended, in accordance with the Comprehensive Permit Rules (see 760 CMR 56.04(7) and the Guidelines). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of Final Approval as required at Site Approval.

**Further Opportunities for Assistance from MassHousing:** Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency), as reflected in the applicable regulatory documents. Without limitation, we note that if the Comprehensive Permit will contain any local preference conditions, the Guidelines require that the community demonstrate that a local preference is needed and can be implemented in a way that will not have a disparate impact on protected classes. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid

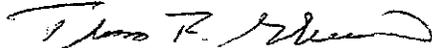
Wyman Village  
Foxborough, MA  
PE-534

**significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.**

Notice Regarding Monitoring Agent: Under current procedures, MassHousing intends to delegate responsibility for monitoring compliance with the minimum affordability requirement to an entity which MassHousing deems qualified to perform the services required. Please contact MassHousing to discuss the selection of a Monitoring Agent.

If you have any questions concerning this letter, please contact Michael Busby at 617-854-1219 or Greg Watson at 617-854-1880.

Sincerely,



Thomas R. Gleason  
Executive Director

cc: Mr. Aaron Gornstein, Undersecretary, Department of Housing and Community  
Development  
Mr. Mark Sullivan, Chairman, Foxborough Board of Selectmen  
Mr. J. Neil Forster, Chairman, Foxborough Zoning Board of Appeals

Wyman Village  
Foxborough, MA  
PE-534

### **Attachment 1.**

760 CMR 56.04      Project Eligibility: Other Responsibilities of Subsidizing Agency  
Section (4) Findings and Determinations

#### **Wyman Village, Foxborough, MA PE-534**

After the close of a 30-day review period and extension, if any, MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

*(a) MassHousing finds that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);*

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income. A letter of financial interest was provided by Rockland Trust.

*(b) MassHousing finds that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);*

Foxborough does not have a DHCD Certified Housing Production Plan. Foxborough does have a current Housing Production plan on file at DHCD. Foxborough has 590 Subsidized Housing Inventory (SHI) units (8.6 % of its housing inventory), which is 64 SHI units shy of the 10% SHI threshold.

*(c) MassHousing finds that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);*

#### **Relationship to adjacent building typology**

The Developer has proposed building 20 single family detached homes with 1,650 to 1,700 square feet of living space with individual lots. The neighborhood is primarily single family homes with a few duplex style housing units scattered throughout.

Wyman Village  
Foxborough, MA  
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### **Building Massing**

The Developer intends to build cottage style housing in a clustered design to create some shared common areas and a sense of community.

### **Relationship to adjacent streets/Integration into existing development patterns**

The surrounding area is largely developed with single family housing with a few duplex style housing units. The proposed development is in character with the abutting properties and general development nearby. Community Way is located directly off of Cocasset Street. Cocasset Street is one of five main roads out of Foxborough Center. This location allows future residents direct access to Cocasset Street without any additional traffic impacts to abutters and neighbors.

### **Density**

The Developer intends to build twenty (20) homes on 5.6 acres, 5 buildable acres. The resulting density is four (4) units per buildable acre, which is appropriate given the proposed housing type.

### **Site Plan**

The Project is to be accessed by a 350 foot road leading to the residential portion of the Site, providing for a substantial set back from the adjacent street. The first 8 homes will be located on the north side of the access road providing some separation from an existing home on the south side of the road. As the road continues the grade rises gradually to an open space area near some exposed ledge outcroppings and wetlands. The remaining 12 homes are dispersed throughout the Site. The clustered design will allow for larger areas of open space for residents to share in the use.

### **Environmental Resources**

There are two prior existing quarry pits in the north part of the Site and an existing walking trail that could be enhanced for future residents' use.

### **Topography**

The subject property rises gradually from the street entry to a flat area to the north. The Site is partially cleared at the entry but heavily forested in the interior. There are two old quarry holes in the north central area which collect water during the wet season.

### **Proposed Use**

Based on MassHousing staff's site inspection, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development and that such use would be compatible with surrounding uses.

*(d) MassHousing finds that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);*

The Project appears financially feasible based on a comparable sales letter submitted by realtor Gil Campos of Campos Homes of Foxborough.

Wyman Village  
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- (e) MassHousing finds that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's guidelines, and the Project appears financially feasible and consistent with the Department's guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;*

The initial pro forma has been reviewed for the proposed residential use and the Project appears financially feasible with a projected profit margin of 15.77 %. In addition, a third party appraisal commissioned by MassHousing has determined that the "As Is" land value for the Site of the proposed Project is \$358,000.

- (f) MassHousing finds that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and*

The Applicant must be organized as a Limited Dividend Organization prior to applying for Final Approval. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program.

- (g) MassHousing finds that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.*

The Applicant controls the entire 5.6 acre Site under a deed of ownership.

## **DEVELOPMENT TEAM**

Applicant/Developer: Fox Comm Way LLC  
7 Bristol Lane  
Foxborough, MA 02035  
Member: Daniel Russell

Architect: Ken Hyszczak, AIA  
Fort Hill Architecture  
54 Canal Street  
Boston, MA 02114-2011  
(617) 305-4163

Civil Engineer: William Buckley  
Bay Colony Group, Inc  
4 School Street  
Foxborough, MA 02035  
(508) 543-3939

Wetland Scientist: John Rockwood, Ph.D. PWS  
Eco Tec Inc.  
102 Grove Street  
Worcester, MA 01605  
(508) 752-9666

Affordable Housing  
Consultant: Michael H. Jacobs  
MHJ Associates  
41 Coolidge Street  
Brookline, MA 02446-2401  
(617) 232-7475

Legal Counsel: Jeffrey M. Lovely, Counselor At Law  
6 Railroad Ave  
Foxborough, MA 02035  
(508) 698-3000

Real Estate Agent: Gil Campos  
RE/Max Real Estate Center  
30 Mechanic Street  
Foxborough, MA 02035

Department of Housing and Community Development  
 Chapter 40B Subsidized Housing Inventory (SHI)  
 as of April 30, 2013

Community	2010 Census Year Round Housing Units	Total Development Units	SHI Units	%
Abington	6,364	511	478	7.5%
Acton	8,475	944	552	6.5%
Acushnet	4,097	129	99	2.4%
Adams	4,337	321	321	7.4%
Agawam	12,090	503	471	3.9%
Alford	231	0	0	0.0%
Amesbury	7,041	865	501	7.1%
Amherst	9,621	1,082	1,035	10.8%
Andover	12,324	1,431	1,148	9.3%
Aquinnah	158	41	41	25.9%
Arlington	19,881	1,323	1,118	5.6%
Ashburnham	2,272	147	32	1.4%
Ashby	1,150	0	0	0.0%
Ashfield	793	2	2	0.3%
Ashland	6,581	345	240	3.6%
Athol	5,148	246	246	4.8%
Atholboro	17,978	1,195	1,195	6.6%
Auburn	6,808	212	212	3.1%
Avon	1,763	74	74	4.2%
Ayer	3,440	456	290	8.4%
Barnstable	20,550	1,822	1,363	6.6%
Barre	2,164	78	78	3.6%
Becket	838	0	0	0.0%
Bedford	5,322	1,091	900	16.9%
Belchertown	5,771	394	368	6.4%
Bellingham	6,341	682	557	8.8%
Belmont	10,117	388	388	3.8%
Berkley	2,169	135	20	0.9%
Berlin	1,183	222	102	8.6%
Bernardston	930	24	24	2.6%
Beverly	16,522	1,971	1,849	11.2%
Billerica	14,442	1,472	842	5.8%
Blackstone	3,606	165	123	3.4%
Blandford	516	1	1	0.2%
Bolton	1,729	192	64	3.7%
Boston	269,482	51,554	49,971	18.5%
Bourne	8,584	1,183	563	6.6%
Boxborough	2,062	324	24	1.2%
Boxford	2,730	64	23	0.8%

Boylston	1,765	26	26	1.5%
Braintree	14,260	1,640	1,102	7.7%
Billerica	4,803	298	251	5.2%
Bridgewater	8,288	228	224	2.7%
Brimfield	1,491	80	80	5.4%
Brockton	35,514	4,479	4,479	12.6%
Brookfield	1,452	47	41	2.8%
Brookline	26,201	2,536	2,104	8.0%
Buckland	866	3	3	0.3%
Burlington	9,627	1,391	989	10.3%
Cambridge	46,690	7,181	7,091	15.2%
Canton	8,710	975	870	10.0%
Carlisle	1,740	52	46	2.6%
Carver	4,514	144	144	3.2%
Charlemont	615	3	3	0.5%
Charlton	4,774	83	83	1.7%
Chatham	3,460	168	168	4.9%
Chelmsford	13,741	1,317	990	7.2%
Chelsea	12,592	2,157	2,152	17.1%
Cheshire	1,481	0	0	0.0%
Chester	585	27	27	4.6%
Chesterfield	524	19	19	3.6%
Chicopee	25,074	2,582	2,545	10.1%
Chilmark	418	3	3	0.7%
Clarksburg	706	8	8	1.1%
Clinton	6,375	551	551	8.6%
Cohasset	2,898	325	141	4.9%
Colrain	731	0	0	0.0%
Concord	6,852	762	719	10.5%
Conway	803	0	0	0.0%
Cummington	426	16	16	3.8%
Dalton	2,860	158	158	5.5%
Danvers	11,071	1,376	1,013	9.2%
Dartmouth	11,775	971	941	8.0%
Dedham	10,115	1,141	1,096	10.8%
Deerfield	2,154	33	33	1.5%
Dennis	7,653	346	332	4.3%
Dighton	2,568	412	110	4.3%
Douglas	3,147	183	140	4.4%
Dover	1,950	69	17	0.9%
Dracut	11,318	993	660	5.8%
Dudley	4,360	105	105	2.4%
Dunstable	1,085	0	0	0.0%
Duxbury	5,532	437	188	3.4%
East Bridgewater	4,897	225	168	3.4%
East Brookfield	888	0	0	0.0%
East Longmeadow	6,072	504	436	7.2%

Eastham	2,632	57	48	1.8%
Easthampton	7,567	515	459	6.1%
Eden	8,105	488	385	4.8%
Edgartown	1,962	94	89	4.5%
Egremont	596	0	0	0.0%
Erving	778	0	0	0.0%
Essex	1,477	40	40	2.7%
Everett	16,691	1,313	1,313	7.9%
Fairhaven	7,003	476	476	6.8%
Fall River	42,650	4,905	4,809	11.3%
Falmouth	14,870	1,226	794	5.3%
Fitchburg	17,058	1,660	1,659	9.7%
Florida	335	0	0	0.0%
Foxborough	6,853	600	590	8.6%
Framingham	27,443	2,875	2,875	10.5%
Franklin	11,350	1,534	1,015	8.9%
Freetown	3,263	98	80	2.5%
Gardner	9,064	1,315	1,315	14.5%
Georgetown	3,031	374	362	11.9%
Gill	591	24	24	4.1%
Gloucester	13,270	980	945	7.1%
Goshen	440	6	6	1.4%
Gosnold	41	0	0	0.0%
Grafton	7,160	551	313	4.4%
Groton	2,451	64	64	2.6%
Granville	630	3	3	0.5%
Great Barrington	3,072	293	221	7.2%
Greenfield	8,325	1,170	1,153	13.8%
Groton	3,930	375	204	5.2%
Groveland	2,423	132	75	3.1%
Hadley	2,200	261	261	11.9%
Halifax	2,971	28	28	0.9%
Hamilton	2,783	124	84	3.0%
Hampden	1,941	60	60	3.1%
Hancock	326	0	0	0.0%
Hanover	4,832	441	441	9.1%
Hanson	3,572	265	143	4.0%
Hardwick	1,185	32	32	2.7%
Harvard	1,982	279	109	5.5%
Harwich	6,121	326	326	5.3%
Hatfield	1,549	47	47	3.0%
Haverhill	25,557	2,661	2,439	9.5%
Hawley	137	0	0	0.0%
Heath	334	0	0	0.0%
Hingham	8,841	2,153	557	6.3%
Hinsdale	918	0	0	0.0%
High Brook	4,262	434	434	10.2%

Holden	6,624	498	192	2.9%
Holland	1,051	19	19	1.8%
Ilwaco	5,077	327	211	4.2%
Holyoke	16,320	3,416	3,373	20.7%
Hopedale	2,278	111	111	4.9%
Hopkinton	5,087	547	425	8.4%
Hubbardston	1,627	52	52	3.2%
Hudson	7,962	901	730	9.2%
Hull	4,964	101	101	2.0%
Huntington	919	47	47	5.1%
Ipswich	5,735	517	491	8.6%
Kingston	4,881	347	170	3.5%
Lakeville	3,852	570	254	6.6%
Lancaster	2,544	192	107	4.2%
Lanesborough	1,365	25	25	1.8%
Lawrence	27,092	3,851	3,832	14.1%
Lee	2,702	173	176	6.5%
Leicester	4,231	153	153	3.6%
Lenox	2,473	179	179	7.2%
Leominster	17,805	1,456	1,419	8.0%
Leverett	792	2	2	0.3%
Lexington	11,946	1,515	1,334	11.2%
Leyden	300	0	0	0.0%
Lincoln	2,153	308	236	11.0%
Littleton	3,443	447	291	8.5%
Longmeadow	5,874	265	265	4.5%
Lowell	41,308	5,255	5,220	12.6%
Ludlow	8,337	179	179	2.1%
Lunenburg	4,037	129	129	3.2%
Lynn	35,701	4,459	4,458	12.5%
Lynnfield	4,319	700	487	11.3%
Malden	25,122	2,566	2,500	10.0%
Manchester	2,275	122	110	4.8%
Mansfield	8,725	990	944	10.8%
Marblehead	8,528	399	330	3.9%
Marion	2,014	203	154	7.6%
Marlborough	16,347	1,732	1,668	10.2%
Marshfield	9,852	749	544	5.5%
Mashpee	6,473	295	277	4.3%
Mattapoisett	2,626	69	69	2.6%
Maynard	4,430	363	363	8.2%
Medfield	4,220	212	194	4.6%
Medford	23,968	1,680	1,642	6.9%
Medway	4,603	285	233	5.1%
Melrose	11,714	966	892	7.6%
Mendon	2,072	106	49	2.4%
Merrimac	2,527	403	147	5.8%

Methuen	18,268	1,932	1,643	9.0%
Middleborough	8,921	776	370	4.1%
Middlefield	230	7	7	3.0%
Middleton	3,011	149	145	4.8%
Milford	11,379	983	721	6.3%
Millbury	5,592	244	221	4.0%
Millis	3,148	183	120	3.8%
Millville	1,157	26	26	2.2%
Milton	9,641	558	426	4.4%
Monroe	64	0	0	0.0%
Monson	3,406	148	148	4.3%
Montague	3,926	422	390	9.9%
Monterey	465	0	0	0.0%
Montgomery	337	0	0	0.0%
Mount Washington	80	0	0	0.0%
Nahant	1,612	48	48	3.0%
Nantucket	4,896	180	122	2.5%
Natick	14,052	1,674	1,417	10.1%
Needham	11,047	865	839	7.6%
New Ashford	104	0	0	0.0%
New Bedford	42,816	5,095	5,064	11.8%
New Braintree	386	0	0	0.0%
New Marlborough	692	0	0	0.0%
New Salem	433	0	0	0.0%
Newbury	2,699	94	94	3.5%
Newburyport	8,015	703	610	7.6%
Newton	32,346	2,525	2,436	7.5%
Norfolk	3,112	144	111	3.6%
North Adams	6,681	891	879	13.2%
North Andover	10,902	1,196	671	6.2%
North Attleborough	11,553	309	297	2.6%
North Brookfield	2,014	142	142	7.1%
North Reading	5,597	604	533	9.5%
Northampton	12,604	1,490	1,425	11.3%
Northborough	5,297	718	605	11.4%
Northbridge	6,144	472	457	7.4%
Northfield	1,290	27	27	2.1%
Norton	6,707	715	405	6.0%
Norwell	3,652	294	139	3.8%
Norwood	12,441	717	705	5.7%
Oak Bluffs	2,138	158	146	6.8%
Oakham	702	0	0	0.0%
Orange	3,461	439	375	10.8%
Orleans	3,290	327	297	9.0%
Otis	763	0	0	0.0%
Oxford	5,520	404	404	7.3%
Oxford	5,495	316	268	4.9%

Paxton	1,590	12	12	0.8%
Peabody	22,135	2,164	2,049	9.3%
Pelham	564	4	4	0.7%
Pembroke	6,477	773	619	9.6%
Pepperell	4,335	197	130	3.0%
Peru	354	0	0	0.0%
Petersham	525	0	0	0.0%
Phillipston	658	6	6	0.9%
Pittsfield	21,031	2,083	1,962	9.3%
Plainfield	283	0	0	0.0%
Plainville	3,459	210	176	5.1%
Plymouth	22,285	845	740	3.3%
Plympton	1,039	47	47	4.5%
Princeton	1,324	20	20	1.5%
Provincetown	2,122	230	189	8.9%
Quincy	42,547	4,089	4,089	9.6%
Randolph	11,980	1,288	1,288	10.8%
Raynham	5,052	602	487	9.6%
Reading	9,584	1,133	705	7.4%
Rehoboth	4,252	97	25	0.6%
Revere	21,956	1,818	1,808	8.2%
Richmond	706	0	0	0.0%
Rochester	1,865	8	8	0.4%
Rockland	7,030	457	411	5.8%
Rockport	3,460	135	135	3.9%
Rowe	177	0	0	0.0%
Rowley	2,226	154	92	4.1%
Royalston	523	3	3	0.6%
Russell	687	14	14	2.0%
Rutland	2,913	81	81	2.8%
Salem	18,998	2,351	2,349	12.4%
Salisbury	3,842	532	308	8.0%
Sandisfield	401	0	0	0.0%
Sandwich	8,183	555	314	3.8%
Saugus	10,754	848	759	7.1%
Savoy	318	0	0	0.0%
Scituate	7,163	354	309	4.3%
Seekonk	5,272	88	85	1.6%
Sharon	6,413	461	461	7.2%
Sheffield	1,507	30	30	2.0%
Shelburne	893	51	51	5.7%
Sherborn	1,479	41	34	2.3%
Shirley	2,417	60	60	2.5%
Shrewsbury	13,919	951	860	6.2%
Shutesbury	758	2	2	0.3%
Somerset	7,335	286	267	3.6%
South Ferrisburgh	33,632	3,228	3,216	9.6%



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 4B – Order of Resource Area Delineation**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
**157-517**  
 MassDEP File Number  
 Foxborough  
 City/Town

**A. General Information**

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**Note:**  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Foxborough  
 1. Conservation Commission

2. This Issuance is for (check one):  
 a.  Order of Resource Area Delineation  
 b.  Amended Order of Resource Area Delineation

3. Applicant:  
 a. First Name Joseph b. Last Name Lynch  
 c. Organization Fox Comm Way LLC  
 d. Mailing Address 7 Bristol Lane  
 e. City/Town Foxborough f. State MA g. Zip Code 02035

4. Representative:  
 a. First Name John b. Last Name Rockwood  
 c. Organization EcoTec, Inc.  
 d. Mailing Address 102 Grove Street  
 e. City/Town Worcester f. State MA g. Zip Code 01605

5. Project Location:  
 a. Street Address 8 Community Way b. City/Town Foxborough c. Zip Code 02035  
 d. Assessors Map/Plat Number 084 e. Parcel/Lot Number 2060  
 Latitude and Longitude (in degrees, minutes, seconds):  
 f. Latitude 42.06274 g. Longitude 71.20413

6. Dates:  
 a. Date ANRAD filed 4/14/14 b. Date Public Hearing Closed 5/19/14 c. Date of Issuance 5/20/14

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:  
 a. Title 8 Community Way, Existing Conditions Plan for Abbreviated Notice of Resource Area Delineation  
 b. Prepared By Bay Colony Group, Inc., Foxborough, MA c. Signed and Stamped by William R. Buckley, Jr., PE, # 35813  
 d. Plan Date, Final Revision Date April 8, 2014, revised 4/25/14 e. Scale 1" = 40'  
 f. Additional Plan or Document Title ANRAD filing with John Rockwood, Ph.D., PWS cover letter dated 4/11/14 g. Date Received 4/14/14  
 h. Additional Plan or Document Title NHESP VPRS Vernal Pool Report, Observation #V882 dated 4/23/2014 i. Date Received 4/28/14

9. Fees Paid:  
 a. Total State Fees Paid \$924.00 b. Fee Paid to State \$449.50 c. Fee Paid to Town \$474.50



**B. Order of Delineation**

1. The Conservation Commission has determined the following (check whichever is applicable):

- a.  **Accurate:** The boundaries described on the referenced plan above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):
  - 1.  **Bordering Vegetated Wetlands (Wetland A)**
  - 2.  **Other resource area(s), specifically:**
    - a. **Wetland B - Isolated Land Subject to Flooding [310 CMR 10.57(1)(b)]:** A VPRS Report was submitted to NHESP by the property's abutter on 4/23/2014 (observation # V882); copies were given to the Commission during the ANRAD hearing. In addition, during the Conservation Manager's 4/17/14 site visit with the Applicant's Representative, evidence was collected to verify that Wetland B is a certifiable vernal pool.
    - b. **Wetland C - Land Subject to Flooding [310 CMR 10.02(1)(e)]:** During the Conservation Manager's 4/17/14 site visit with the Applicant's Representative, evidence was collected to prove that Wetland C is a certifiable vernal pool, identifying it as vernal pool habitat. *(The preamble to the Land Subject to Flooding (LSF) section states that LSF is significant to the protection of the wildlife habitat interest only where it has been identified as vernal pool habitat.)*
    - c. **Wetlands B & C - Vernal Pool Habitat [310 CMR 10.04 (Definitions) & 10.60(1)(c)]:** The Foxborough Conservation Commission hereby finds that the evidence collected (a, b above) determines that Wetlands B and C provide vernal pool habitat.
    - d. **100-foot Buffer Zone** associated with delineated Bordering Vegetated Wetlands.
    - e. **Bordering Land Subject to Flooding and Riverfront Area do not occur on the site.**

- b.  **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):
  - 1.  **Bordering Vegetated Wetlands**
  - 2.  **Other resource area(s), specifically:**
    - a.

- c.  **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):
  - 1.  **Bordering Vegetated Wetlands**
  - 2.  **Other resource area(s), specifically:**

3.  **The boundaries were determined to be inaccurate because:**



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 4B – Order of Resource Area Delineation**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

**157-517**

MassDEP File Number

Foxborough

City/Town

### **C. Findings**

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00).

This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission.

The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

### **D. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



**WPA Form 4B - Order of Resource Area Delineation**

157-517

MassDEP File Number

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Foxborough**

**E. Signatures**

5/20/14  
Date of Issuance

Please indicate the number of members who will sign this form.

4  
1. Number of Signers

Robert W. Boette  
Robert W. Boette, Chairman

Judith L. Johnson  
Judith L. Johnson

Allan F. Curtis  
Allan F. Curtis, Vice Chairman

James Marsh

Eric Nelson, Clerk

Valerie Marshall

Douglas L. Davis  
Douglas L. Davis

5/19/14  
Date

**THIS ORDER IS VALID FOR THREE YEARS FROM THE DATE OF ISSUANCE.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_, unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

1.  By hand delivery on \_\_\_\_\_

Date

2.  By certified mail, return receipt requested on \_\_\_\_\_

Date

5/20/14

## Waiver Requests

Through the Comprehensive Permit, the Foxboro Board of Appeals has the authority under M.G.L. chapter 40B and its implementing regulations to waive requirements of local bylaws; further, the Board of Appeals can act on behalf of any local permitting authority through the Comprehensive Permit process. The project plans reflect an attempt to minimize the number of waivers requested and we believe reflects a plan that is contextually appropriate on several different levels. Following please find a preliminary table of the waivers necessary to permit the proposed project; this list will be updated as necessary as permitting proceeds.

<b>WAIVERS FROM ZONING</b>		
<b>LOCAL REGULATION</b>	<b>REQUIREMENT*</b>	<b>PROPOSED</b>
1. Section 1.0 Purpose and Authority: 1.5.2 Wetlands	Foxborough Protection By-law	Requested Waiver of the Foxborough Wetlands Protection By-law
2. Section 1.0 Purpose and Authority: 1.5.3 Demolition	Foxborough Demolition By-law	Requested Waiver of Section 10 of Foxborough General By-law
3. Section 4.0 Dimensional Requirements, 4.1 General requirements.	Lot Area: 40,000 SF Lot Frontage: 200' Front yard: 35' Side Yard: 15' Rear Yard: 30' Min Lot Width: Distance From Street: 100' Width: 135'	Lot Area: 4500 SF Lot Frontage: 50' Front Yard: 15' Side Yard: 7' Rear Yard: 8' Min Lot Width: Distance From Street: 20' Width: 50'
4. Section 4.0 Dimensional Requirements, 4.2 Special Dimensional Requirements 4.2.4 Corner Lot: # 4	Open area in 25' triangle at corner lot	Waiver Requested
5. Section 6.0 General Regulations: 6.1.8 Location Off Street Parking: 6.1.8.3, 6.1.8.5	Parking spaces shall not arranged to back into street  Not two driveways shall be located within 20% of total frontage from each other	Waiver Requested  Waiver Requested.
<b>WAIVERS FROM SUBDIVISION REGULATIONS</b>		
1. Article 2.01 A. 4. List of Defined Terms	4. Grading Box requirements	Waiver Requested
2. Article 3. Plan Submittal and Procedures	Plan Submittal and Procedures	Waiver Requested, ZBA is permitting granting authority

<p>3. Article 4. Planning Board Actions</p>	<p>Planning Board Actions are not necessary for Comprehensive permit applications</p>	<p>Waiver Requested</p>
<p>4. Article 5. Design Standards</p>	<p>A. 5 Minimum center line shall radius of curved street shall be 200'</p> <p>A. 6 Street jogs shall have minimum center line off sets of 125'</p> <p><b>Section 5.02 Street Width and Grades</b></p> <p>A. Street layouts shall be minimum of 50'</p> <p>B. The width of dead end streets shall be 24'</p> <p>D. 2. Summits of vertical curve shall be graded to provide 200' of site distance.</p> <p><b>Section 5.03 Dead End Street Requirements</b></p> <p>D. Dead End Street shall be no more than 800'</p> <p>E. Dead End Streets require cul-de-sacs with a min. layout diameter of 110' with a circular area with 42' radius.</p> <p><b>Section 5.04 Street Curbing and Sidewalks</b></p> <p>A. Granite Curbs required</p> <p>B. Sidewalks are required</p> <p><b>Section 5.06 Storm Water Management</b></p> <p>A - D</p> <p><b>Section 5.08 Public/Private Utilities</b></p> <p>B. Street Lighting</p> <p><b>Section 5.09 Public Shade Trees</b></p> <p>A -C</p>	<p>Waiver Requested</p> <p>Waiver Requested</p> <p>Waiver Requested to 30'</p> <p>Waiver Requested to 20'</p> <p>Waiver Requested</p>
<p><b>WAIVERS FROM GENERAL BY-LAWS</b></p>		
<p>Article V. Sec 10 Town Regulations</p>	<p>Demolition By-law</p>	<p>Waiver requested for 2-family house</p>
<p>Article V Sec 13 Town</p>	<p>Earth Removal By-Law</p>	<p>Waiver Requested, it is likely that excess</p>

Regulations		material beyond 200 cy will need to be removed from the site.
Article IX Wetlands and Groundwater Protection By-law	Separate set of regulations under the direction of the Conservation Commission	Waiver requested, follow DEP Wetland Protection Act.
	<b>WAIVER FROM BOARD OF HEALTH REGULATION</b>	
Board of Health Supplemental Regulations for the Disposal of sanitary Sewage	Supplemental Local Septic System Regulation	Waiver Requested-Follow Title 5-requirements
	<b>WAIVERS FROM ZONING BOARD OF APPEALS REGULATIONS</b>	
Article 5 Comprehensive Permits	Section 5.03 h, j	Waiver requested- the regulation h, and j are inconsistent with the 40B regulations section 56.06 (6).