



BOARD OF APPEALS
TOWN OF FOXBOROUGH

40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
July 21, 2011**

Members present: Member Neil Forster, Alternates Barney Ovrut and Kevin Penders

Neil Forster opened the meeting at 7:00 p.m.

7:00 p.m. Continued Public Hearing of Yan Fisher requesting a Special Permit pursuant to Foxborough Zoning By-Law, Section 5.3 to extend a pre-existing non-conforming structure into the front yard setback where 35 feet is required and 23 feet is currently provided. The proposed construction of an addition at 86 Ridge Road will provide a front yard setback of 6' 9". The property is located in an R-40 Zoning District and a Zone II Water Resource Protection Overlay District. Yan and Margarita Fisher were present. Yan showed the footprint of the proposed addition on a plot plan. The addition is not in violation of the easement. He hired a design company and reviewed the plans with the Board. The basement living area remains the same, the proposed living area for first floor is 1,307 sq. ft.; second floor plan shows additional 652 sq. ft. of living space. The wall facing the neighbor's house will not have windows, proposing skylights to provide natural light in the interior. There will be no changes in the basement, but adding access to the basement from the house. The elevation of the addition would be equal to the current height of the house. Will try to match the color of the existing shingles, but will replace entire roof if a matching color is not found and the same will be done with the siding.

No comments from the public.

A motion to close the hearing was approved 3-0-0.

A motion was made to grant the special permit with the following conditions:

- materials for addition match the current materials on the house
- addition should be constructed using the plans submitted
- roof drains should be directed into a dry well or recharge system, since the parcel is located within the Water Resource Protection Overlay District
- all permits and approvals from all town Boards are granted

The motion to grant the special permit was approved 3-0-0.

7:30 p.m. Vin Co. Properties requests a variance from Foxborough General By-Laws Section 15(B)V.A.1. -Sign By-Law to allow a wall sign on a building at the Offices at Chestnut Green at 16 Chestnut Street. The property is located in an R-15 Zoning District and the Chestnut-Payson Overlay District. Greg Baronnes, manufacturer of the sign represented the applicant. They would like to install a sign for a new customer. This is a new bank in New England, have been licensed to operate in Massachusetts. The sign is 19.6 sq. ft. at a considerable setback from the road. All letters will be red, internally illuminated with LEDs,

illuminated from dusk until 10 p.m. with a timer 7 days a week. Kevin Penders stated that he is concerned that there are residences across the street. Neil Forster stated that the applicant had signs approved in December. G. Baronnes stated that the signs approved in December were way finding signs, this sign advertises specific business. N. Forster asked if other signs will be added. G. Baronnes stated that he has not heard of any other signs being added to that side of building.

No comments from the public.

A motion to close the hearing was approved 3-0-0.

Barney Ovrut stated that he is concerned about creating a precedent; another tenant will want to add signs to building. K. Penders shared the same concern. N. Forster asked if there is an alternate place where sign can be placed without a variance. Building Commissioner Casbarra stated that he thought that at the last approval they would have freestanding marquee style advertising for tenants. He stated that the concern is legitimate; the building is in the historic register. N. Forster shared concern as well, especially due to nature of sign and placement.

G. Baronnes stated that they could consider another location. He stated that the approved marquee signs only have 4" high lettering that is not visible from the street. He feels that the sign is a better alternative than placing signs all over the lawn. He asked if the lighting or color is bothersome. N. Forster stated that the concern is the placement of the sign. K. Penders stated that lighting is also an issue; he understands the value from a commercial point of view, Chestnut Green is a new evolving resource so there may others coming. The Board recommended that Mr. Baronnes meet with his client to discuss an alternate location. G. Baronnes asked for a continuance and agreed to sign a waiver of deadlines.

A motion to continue the hearing to August 18, 2011 was approved 3-0-0.

7:55 p.m. Alan-Lawrence Realty Trust requests variances from Foxborough Zoning By-Laws Section 4.1.1 and Table 4-2 to allow 50 feet of frontage where 100 feet is required and to allow a minimum lot width of 50 feet where 67 feet is required 100 feet from the street, and a variance from Section 4.3.1 to allow access to a lot through or across a common driveway and not its legal frontage. The property located at 1,000 Washington Street is located in a Highway Business Zoning District and is partially located in a Water Resource Protection Overlay District. Applicant Alan Antokal was present with engineer William Buckley and attorney Frank Spillane. W. Buckley presented the plans; the parcel is located within Highway Business and Zone __ of the WRPOD. They are proposing to divide the land into 2 lots. One of the lots has 50' of frontage and the second lot has 800' of frontage. Currently, there is a 100,000 sq. ft. building and all the building and most of the parking area is in Foxboro, storage area and some parking in Wrentham. He discussed the land swap that took place to create the current parcels. The land swap allowed the Conservation Commission to preserve open space land between Route 1 and Lakeview Road. He stated that Town Meeting had to approve the land swap and rezoned the back portion into Highway Business from R-40 residential. The applicant is proposing to subdivide the property into 2 lots. Lot 1 is 7.31 acres with access from the 50' strip of land. N. Forster noted that all lots held in common, creating a hardship by subdivision of the lots. F. Spillane stated that they also need approval to use a common driveway. He stated that MassHighway required a common driveway for lot 1 and the abutting property owned by Hanflig to avoid two driveways side by side. He stated that the common driveway is in existence. He showed location of wetlands. N. Forster asked if the need to use the other driveway is due to wetlands prohibiting access on the larger frontage area. F.

Spillane replied in the affirmative. B. Ovrut asked if the common driveway would be on Hanflig property. F. Spillane stated that the driveway starts on Hanflig property, but most of driveway is in his client's lot. B. Ovrut asked if there are any proposals for the lot on the back. F. Spillane responded that there are no plans for the lot at this point. Bob Boette, Chairman of the Conservation Commission spoke in favor of the application; he stated that Mr. Antokal has done the Town of Foxborough a great favor, the land received from the land swap is being used daily by the public.

No more comments from the public.

A motion to close the hearing was approved 3-0-0.

B. Ovrut stated that the application explains the history of the property and what is needed. K. Penders stated that if the existing building was being demolished, the variance would not be necessary; he has no problems with the request.

A motion to grant variance was approved 3-0-0.

GENERAL BUSINESS

The minutes of May 19, 2011 were approved 3-0-0.

The Board signed a voucher.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Gabriela Jordan

Approved on behalf of the Board,