



BOARD OF APPEALS  
TOWN OF FOXBOROUGH  
40 SOUTH STREET  
MASSACHUSETTS  
02035

**Foxborough Zoning Board of Appeals Minutes  
April 18, 2013**

Members present: Chairman Erik McKenzie, Members Neil Forster and Barney Ovrut, Alternate Kevin Penders.

Chairman McKenzie opened the meeting at 7:00 p.m.

**7:00 p.m. Michael Manning requests a Special Permit pursuant to Foxborough Zoning By-Laws, Section 3-1.L.10 to have a computer repair business as a home occupation at 112 Oak Street. The property is located in an R-40 Residential Zoning District and a Zone II Water Resource Protection Overlay District.** Mr. Manning was present as was his sister. He is starting a computer repair business; it will be in his garage with breezeway access. It would be him and two family members running the business. The breezeway is 16' x 12' and would be the "office" and the garage is 20' x 17' and would be the "repair" area. He would like to have walk-in service with the customers either leaving their equipment to be repaired or staying so he could show them what needs to be done to their equipment and educate the customers.

Mr. Manning has two vehicles at his residence and would be able to accommodate up to six vehicles in his driveway at one time.

He would like to have hours of operation on Mon-Sat from 8 a.m. to 6 p.m. with the ability for people to drop off repairs starting at 5:30 a.m. He will use the existing lighting at the house but would like to have a sign. A three foot square sign is allowed with uplighting.

No business would be conducted in the main house itself, he stated that he also has a workshop room under the garage that could be utilized. Any upgrades for electricity at the house will require a separate permit.

The Board asked how he would dispose of used motherboards; he intends to recycle them at an appropriate facility as they are considered hazardous waste. The Board asked that no soldering be done on site.

Lisa Manning of 104 Morse Street, sister of the applicant, was in favor of the petition. She stated that her brother has a talent for fixing computers and is very responsible.

Thomas Manning of 446 South Street, brother of the applicant, was also in favor of the petition.

Jane Lynch of Cedar Court, Mansfield, the applicant's mother, was also in favor.

The house is 1632 square feet and the garage/breezeway is 564 square feet. A home occupation cannot be more than 40% of the total which in this case would be 650 square feet.

A motion to close the Public Hearing was made by Mr. Forster and seconded by Mr. Ovrut. The motion carried 4-0-0.

A motion to approve the petition with conditions listed in Section 3.22 of the Foxboro Bylaws as well as conditions that there be no more than two persons in addition to family members residing in the residence, the decision runs with the owner and not the property, there be no on street parking allowed, any waste shall be disposed of in accordance with DEP regulations, a three foot sign with uplighting is allowed, the hours of operation be Mon – Fri 8 a.m. – 6 p.m., Saturday from 8 a.m. – 1 p.m. with dropoffs allowed from 5:30 a.m. – 8 a.m. was made by Mr. Ovrut and seconded by Mr. McKenzie. The motion carried 3-0-0.

**7:10 p.m. Adam Goldberg requests a modification to Case No. 12-02 by extending the hours of operation of the Music Den at 106 Mechanic Street to include Monday through Sunday from 9 AM to 9 PM and to allow a change in premise activities to include small group music programs. The Music Den is located in an R-15 Zoning District and is not located in any restrictive overlay districts.** Mr. Forster recused himself from this hearing as his grandchildren attend the music school. Mr. and Mrs. Goldberg were present. They would like to extend the hours at the music school; the original decision's hours are 2:30 p.m. – 8:00 p.m. Mon – Fri, 10:00 a.m. – 3:00 p.m. on Saturday and no Sundays. They would like to change the hours to 9:00 a.m. to 9:00 p.m. Monday – Sunday. They are looking to be able to offer flexible hours for lessons and small group instruction. They are not planning to be open all of these hours, they just want to option to be able to open.

They would also like to be able to offer “Mommy and Me” type groups with one or two instructors.

Robert Larkin of 106 Mechanic Street, the owner of the property is in favor of the petition.

Jim Hazeldine of 3 Margaret Road stated that he had one problem with lighting that was corrected this past year they have been in business. He does not like the idea of them being allowed to open 12 hours a day, this is a residential neighborhood.

Lloyd Gibbs of 2 Margaret Road stated that this is a request to increase their hours from 27 per week to 84, which is a 215% increase. He definitely does not like the idea of Sunday hours being allowed and does not like 12 hour days either. He has had no incidences over the past year.

A motion to close the Public Hearing was made by Mr. Penders and seconded by Mr. Ovrut.

The Board immediately moved into deliberations.

Concerns were raised over the amount of hours being requested; the Board feels that they will have to be scaled back.

The Board inquired where the small group instructions will be as the individual rooms are too small for such groups. They would like to be able to hold them in the lobby area and would be respectful sound wise to not impose upon the neighborhood. The lobby area is not soundproofed like the instruction rooms.

The Board agreed that there should be no Sunday hours allowed.

The Board would like to see the building and where the small group instruction is proposed before continuing these deliberations.

A site walk will be held on May 11<sup>th</sup> at 1:00 p.m. at 106 Mechanic Street.

A motion to continue the public hearing to May 16, 2013 at 7:00 p.m. was made by Mr. Ovrut and seconded by Mr. Penders. The motion carried 3-0-0.

### **General Business**

Alan Curtis of the Conservation Commission came to the Board to discuss the Cocasset River Dog Park. He wanted to know if it was closed illegally in the legal judgment that was given. He is seeking advice before going to Town Counsel with this issue.

The Board would prefer to see a specific question in writing to decide if they even have jurisdiction on this matter before offering an opinion.

Building Commissioner Bill Casbarra stated that there are a few articles on the Town Meeting warrant to update the Zoning Bylaws; these changes have been reviewed by the Advisory Committee, the Planning Board and the Board of Selectmen. The changes are mostly language changes and not substantive changes.

The minutes of December 20, 2012 were reviewed.

A motion to approve the minutes of December 20, 2012 was made by Mr. Ovrut and seconded by Mr. Forster. The motion carried 4-0-0.

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Diana Gray