



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
December 18, 2014**

Members present: Chairman Neil Forster, Vice Chairman Barney Ovrut, Member Kim Mellen, Alternate Kevin Penders and Building Commissioner Bill Casbarra

Chairman Forster opened the meeting at 7:00 p.m. in the Media Center of the Foxboro High School, 120 South Street.

7:00 p.m. Academy at Foxborough requests a Variance from Section 15(B)(V)(A)(1) of the General Bylaws to allow a 15 square foot freestanding sign where a 3 square foot sign is allowed and to allow an 8 square foot wall sign where no wall signage is allowed at 115 Mechanic Street. The property is located in the R40 Residential Zoning District and is not located in any restrictive overlay districts. Katrina Joseph from the Academy at Foxborough was present; she is requesting a sign for her school for promotion and safety. The Academy has 65 – 70 students and she stated was forgotten by the police during an incident where the public schools in the area were placed in lockdown last year. She would like two signs, one at the driveway of the building and the other on the side of the building near the entrance doors. The Foxboro Bible Church owns the building and there is another tenant in the building also. The Academy has 15 employees and the students are 3 – 8 years old, there are no walkers to the school.

Abutter Stephen Hixon of Dixon's Path asked about the aesthetics of the proposed sign. He also wanted to know if the sign would be removed if the school ever left the premises.

Ms. Joseph stated that there would be no lighting on the sign. The school is open Monday – Friday from 7:00 a.m. to 6:00 p.m. with some programs in the evenings (Concerts, plays, etc.).

A motion to close the Public Hearing was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

The applicant is requesting a variance for a free standing sign and a wall sign. Mr. Ovrut stated that the regulation only allow one free standing sign per lot in the R40 district. There was also a request for a similar sign made in case 05-3; this was for the Lutheran Church on Route 140, they wanted a second freestanding sign larger than three square feet; that application was denied.

The Board does not have a problem with granting the Variance request for the wall sign but does not want to set precedence with granting the free standing sign.

Mr. Penders commented that he is familiar with the school as he lives near that area and has seen the traffic in the area. He has also seen the current sign within the larger sign on the site.

Building Commissioner Bill Casbarra noted that the wall sign would be allowable under the new Sign Bylaw that is awaiting the State Attorney General's approval. He also noted that this is a corner lot with two separate driveways which is different than the Lutheran Church request.

A motion to deny the request for a Variance for a free standing sign at the Academy at Foxborough was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

A motion to allow the Variance for a wall sign of 18 square feet at the Foxborough Academy that will have no illumination and to be located on the brick wall between the two front windows of the school and that the sign will be removed if the school vacates the site was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

The Board suggested to Ms. Joseph that she send a letter to the Police Chief and the Town Manager in regards to her experience last year.

7:10 p.m. Stephen Mordini requests a Special Permit pursuant to Foxborough Zoning By-Law Table of Use, 3.L.5 to construct a detached residential garage in excess of 625 square feet on the property located at 14 Gary Road. The request is to construct a one and a half story garage measuring 40' X 30' with a gross area of 1200 square feet. The property is located in an R-40 Residential Zoning District and not located in any restrictive overlay districts. Steve Mordini was present as well as the homeowner, John Eva. Mr. Eva would like to construct a secondary detached garage on his property as his current garage has been outgrown by his family. He has antique cars that he would like to store as well as woodworking equipment.

Mr. Mordini explained that the new garage would be a two car garage and they would like it to be a 1½ story structure. They would like electricity but will not be needing water. Mr. Eva would like the garage to be detached so he would not have to change the internal layout of the house.

They would like to have a separate driveway which would not link to the current driveway. Mr. Eva feels that he cannot extend the existing garage as it would be too close to the property line and there is granite ledge behind the house.

Michael Greeley of 85 Fairway was concerned with the wetlands in the area.

Mr. Eva stated that he had spoken with other neighbors and they had no concerns.

A motion to close the Public Hearing was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

The Board discussed the criteria for a Special Permit. Mr. Forster is concerned with the request for a separate structure. Mr. Ovrut is concerned with the size in relation to the existing house; it would be 1/3 of the current footprint. Ms. Mellen is concerned with what future owners of the property may do with the garage.

A motion to deny the request for a Special Permit to construct a detached residential garage in excess of 625 square feet at 14 Gary Road was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

7:20 p.m. James and Pamela Gibson request a Special Permit and if necessary, a Variance to extend an existing non-conforming parking area as an accessory use pursuant to Foxborough Zoning By-Laws, Section 5.2 and Section 9.7.8 which prohibits parking within the front yard setback. The property, located at 14 Mechanic Street is an R-15 Residential Zoning District and Foxborough Center Overlay District. Property owner James Gibson and Shane Oates from Coneco Engineering were present. Mr. Oates explained that Mr. Gibson would like to construct an additional 1900 sq. ft. 3-story building on his lot as a second dwelling. This building would contain four 1-bedroom apartments and retail space on the first floor. The existing building on the lot contains a business and four apartments ranging from studio to two bedrooms. The newly created Foxboro Center Overlay District allows additional residential use but they are here tonight in regards to the additional parking that would be needed. Presently they have parking for six cars and would like to add additional parking in the side yard setback. If allowed in the setback they would have seven total spaces which are still three short of the requirement (including handicapped parking). Off street parking is available in the area but the Planning Board has stated

that off street parking cannot be used to fulfil the parking requirements as they have concerns with winter storms and emergencies.

Mr. Gibson stated that he also owns the building at 17 Mechanic Street which has a four car garage that could be used for the additional parking requirement. This garage is not being used by the residents of 17 Mechanic Street as parking is available for them already. 17 Mechanic Street has five units.

Mr. Casbarra stated that handicapped parking is not triggered until 15 parking spaces are required.

Jeff Lovely owner of 6 Railroad Avenue expressed concerns that residents would park on his property.

A motion to close the Public Hearing was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

Ms. Mellen noted that 9.7.1.3 of the Zoning Bylaws talks about innovative parking in the FCOD district.

Mr. Penders feels that not enough information was given in the application. There was no mention of the 17 Mechanic Street parking before this evening.

Ms. Mellen would like to see the garage at 17 Mechanic Street before making a decision.

A Site Walk will be scheduled before the next meeting.

A motion to continue deliberations for 14-11 14 Mechanic Street to January 15, 2015 was made by Ms. Mellen and seconded by Mr. Ovrut. The motion carried 3-0-0.

7:30 p.m. Continued Public Hearing - Foxboro Realty Associates LLC requests a Special Use Permit to allow a Non-Digital Billboard with two faces on Washington Street (Assessors Map 30, Parcel 695). A letter has been received requesting to Withdraw without Prejudice. Atty. Alex Tsianatelis was present and explained that they will be withdrawing until the new Sign Bylaw is approved by the Attorney General.

A motion to allow the applicant, Foxboro Realty Associates, LLC, to withdraw their application for a Non-Digital Billboard on Washington Street was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

7:40 p.m. Continued Public Hearing - 91 Washington Street Investors LLC c/o Foxstar Corp. requests a Special Use Permit to install a free standing billboard at 91 Washington Street. A letter requesting a continuance to March 2015 and granting an extension to May 30, 2015 has been submitted by Atty. Frank Spillane.

A motion to grant the continuance to March 19, 2015 for 91 Washington Street Investors LLC and to accept the extension to May 30, 2015 was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

7:50 p.m. Continued Public Hearing - Fox Comm Way, LLC. requesting a Comprehensive Permit pursuant to Chapter 40B of the Massachusetts General Laws to approve 20 detached single family homes, 25% of which will be affordable to household earning no more than 80% of the area median income. The property, known on Assessors Map 084 as Parcel 2060 is located at 8 Community Way. Ms. Mellen read into the record the correspondence received since the November meeting. The Fire Department is requesting a 90' diameter at the cul-de-sac instead of the 70' on proposed. The Planning Board has expressed concerns with the density and streetlights.

Stacy Minehan and Matt Cody of Beals and Thomas were present and summarized their review letter of the revised plans. They feel that the stormwater and sewer can handle 20 units.

Bob Boette of the Conservation Commission stated that Certification of the Vernal Pool in the area has been received from the state. This could impact the placement of three of the homes as well as the road.

Ed Marchant would like additional information of the affordable units with specifications on both the affordable and market rate units.

Atty. Jeff Lovely noted that the recreational area has been removed from the plans.

Ken Smith of Technical Services Group gave a presentation on the physics of blasting and its effects on surrounding areas. He noted that a pre-blast survey will be done for any property within 250 feet to document existing conditions.

Atty. Lovely submitted an updated list of waivers requested.

Mr. Buckley noted that the local 100 foot No Disturb zone cannot be complied with but they have moved the road and changed the grading to try to move as far away as possible from the wetlands areas. They cannot eliminate three homes and have an economically feasible project.

Environmental Scientist John Rockwood noted that areas on the left and the right of the wetlands will remain forested and the roadway will be constructed with minimal impediments. Measures would be taken during construction using critter gaps in the erosion controls to not impede the movement of the wildlife.

Linda Derba of Brandon Lane asked how close to her property line the decks would be. They would be from five to eight feet from her property line.

The Board will begin working on draft conditions for the next meeting.

A motion to continue the meeting to January 15, 2015 was made by Ms. Mellen and seconded by Mr. Ovrut. The motion carried 3-0-0.

GENERAL BUSINESS

The minutes of November 20, 2014 were reviewed.

A motion to approve the minutes of November 20, 2014 was made by Ms. Mellen and seconded by Mr. Ovrut. The motion carried 3-0-1 with Mr. Penders abstaining.

Mr. Forster informed the Board that a new 40b will be coming soon; it is for 248 units on 18 acres in 4 ½ story tall buildings on Fisher Street.

The meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk