



BOARD OF APPEALS  
**TOWN OF FOXBOROUGH**  
40 SOUTH STREET  
MASSACHUSETTS  
02035

**Foxborough Zoning Board of Appeals Minutes  
February 24, 2016**

Members present: Chairman Barney Ovrut, Members David Brown and Kris Behn, Building Commissioner Bill Casbarra

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

**7:00 p.m. Christos Papadopoulos requests Variances from Section 9.1.2 of Chapter 275 Zoning of the Code of the Town of Foxborough, to allow the construction of a structure for Office/Service use on a lot where 300 feet of frontage is required and 282.42 feet is provided, a front yard setback from Washington Street where 75 feet is required and 31.42 feet is provided, a front yard setback from North Street where 75 feet is required and 50.2 feet is provided, a left side yard setback where 75 feet is required and 0 feet is provided, a right side yard setback where 75 feet is required and 58.67 feet is provided, impervious lot coverage where 70% is required and 78% will be provided, lot area where 80,000 sq. ft. is required and 16,261 is provided, landscaping where 25 feet is required and 0 feet is provided, and a variance from the lot width and depth requirements of Table 4-2, Dimensional Regulations. The parcel located at 24 Washington Street is located in the S-1, Special Use District and is not located in any restrictive overlay districts. Bill Papadopoulos was present with his colleague Anthony Cefalu. Mr. Papadopoulos would like to re-apply for an auto detailing permit that was granted in 2014 but lapsed.**

Mr. Brown stated that he was not on the Board when the first request was made so he would like some details on the proposal. Mr. Papadopoulos explained that the existing building will be coming down and a two bay drive through auto detailing business will be located there. The site will still be used for game day parking also. The business will be leasing the land. Mr. Papadopoulos is waiting for his engineer to arrive to explain further.

A motion to continue the Public Hearing for 24 Washington Street until later in the evening was made by Mr. Behn and seconded by Mr. Brown. The motion carried 3-0-0.

**7:10 p.m. Lexington Foxboro II LLC requests Variances from Sections 4.3.1 of Chapter 275 Zoning of the Code of the Town of Foxborough to allow access not through or across the legal frontage and for a common driveway to utilize the existing driveway for access to both subdivided lots. The property, located at 33 Commercial Street, is in a Limited Industrial Zoning District.** Mr. Ovrut stated that he had been contacted by the Planning Board in regards to an ANR that had been applied for by the applicants and advised them that a Variance would be needed by the Zoning Board. Larry Beals and Pat Connolly of Beals Associates and Ashley Dan of Lexington Foxboro were present for this hearing. This site is the former Foxboro Company which was sold to the Lexington Company. Currently they have two separate users interested in the property so they would like to subdivide it. The property contains 40.8 acres with frontage on Commercial Street, one building is 78,000 sq. ft. and the other is 80,000 sq. ft. for a total of 158,000 sq. ft. They are not proposing any changes to the

existing buildings or parking and will need to go back to the Planning Board for subdivision approval if the Variances are granted.

Dividing the lots would result in one lot having its frontage on Central Street and the other will keep the frontage on Commercial Street but both lots will be accessed through the Commercial Street entrance. They looked at the possibility of creating a driveway onto Central Street but it would have to go through a residential area and there are wetlands that would need to be crossed so they decided to maintain an easement for the Commercial Street driveway for the lot.

When they went to the Planning Board for an ANR to divide the lot, the Planning Board requested they seek Variances for Access not through the legal frontage and a Common Driveway.

Mr. Beals explained the need for a Variance due to the soil, there are wetlands on the Common Street frontage and also the shape of the lot, the only access would be through a residential area. He also feels that this action will not be detrimental to the public good.

Ashley Dan of Lexington Foxboro stated that they have an active buyer for one of the lots and the Foxboro Charter School may be interested in the other building.

The Board asked about snow removal. Mr. Beals explained that they will have Common Maintenance Agreements for the driveway.

Robinson Brook is in the area of Central Street but they will not have to go before the Conservation Commission.

A memo from Planning Director Paige Duncan was read into the record.

No other abutters were present.

Mr. Beals noted that a slight change has been made to the plans since submission to locate the leech field. They will submit the revised plan via pdf.

A motion to close the Public Hearing was made by Mr. Brown and seconded by Mr. Behn. The motion carried 3-0-0.

A motion to grant the requested Variances as presented this evening with a condition that the applicant receives any permits as may be required from the Planning Board for this property was made by Mr. Brown and seconded by Mr. Behn. The motion carried 3-0-0.

**7:20 p.m. Continued Public Hearing - 144 Main Street LLC requests a Comprehensive Permit entitled "Highland Ridge" pursuant to Chapter 40B of the Massachusetts General Law to approve 8 detached single family homes, 25% of which will be affordable to households earning no more than 80% of the median income. The property is located at 144 Main Street.** Atty. Jeff Lovely submitted a letter on February 19, 2016 requesting a continuance to the March 17, 2016 meeting to give the Board's consultant time to review the pro forma material that was submitted. A working session meeting will be scheduled for early March to review the pro forma with the consultant. This meeting will be posted.

A motion to continue the Public Hearing for 144 Main Street to March 17, 2016 at 7:05 p.m. was made by Mr. Brown and seconded by Mr. Behn. The motion carried 3-0-0.

## **24 Washington Street (continued)**

Isam Hijazi, of BCD Design, Engineer for the project arrived to explain further details on the project. There will be 13 parking spaces and the building will be 2,686 sq. ft. Eleven parking spaces were needed to comply, they are providing thirteen, including one handicapped space. Chris Papadapolous added that approximately six vehicles will be serviced per day. They will have up to four employees.

The Planning Board can impose conditions on the direction of the parking spaces, landscaping and the curb cuts.

Mr. Hijazi discussed the Variances being requested, the triangular shape of the lot requires a Variance for the frontage on North Street; they have 122 feet but could have 300 feet if the frontage is figured to the apex of the radius of the curve on North Street. The Board would rather leave the request in.

The lot coverage is 78% but to have them comply with the 70% would render the lot unusable.

The Board discussed imposing all of the same conditions from the 2014 decision with the addition of a condition that all contamination on the property be remediated to the satisfaction of the Building Commissioner and the EPA.

There were no abutters present.

A motion to close the Public Hearing was made by Mr. Behn and seconded by Mr. Brown. The motion carried 3-0-0.

A motion to approve the requested Variances with conditions that the applicant pursues all required permits from the Planning Board; Detailed Plans shall be submitted and approved by the Building Commissioner with the plans attached to this decision; All contamination on the property, both above and below ground, shall be remediated to the satisfaction of the Foxborough Building Commissioner and the Massachusetts Department of Environmental Protection; All work in connection with the automobile detailing business shall be performed within the new building; Only low hazardous materials may be used in connection with the automobile detailing business; and any substantial change to the nature of the automobile detailing business as described in this Decision shall be prohibited unless first authorized by the Board in writing was made by Mr. Behn and seconded by Mr. Brown. The motion carried 3-0-0.

## **GENERAL BUSINESS**

### **Minutes – Jan 21, 2016**

The Board reviewed the minutes of January 21, 2016.

A motion to approve the minutes of January 21, 2016 was made by Mr. Brown and seconded by Mr. Behn. The motion carried 3-0-0.

### **Endorse Acknowledgement - Nadia Estates Comprehensive Permit Decision is consistent with Mass Housing documents**

The Board members signed the acknowledgement that the Nadia Estates decision is consistent with the documents submitted to Mass Housing. This is part of the final state approval of the Nadia Estates Comprehensive Permit process.

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

Respectfully Submitted,

Diana Gray

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Signed on behalf of the Board

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Kristofor Behn, Clerk