



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
January 19, 2017**

Members present: Chairman Barney Ovrut, Members David Brown and Kris Behn, Alternates Kurt Yeghian, Kim Mellen

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. Zachary Johnson seeks a Special Permit pursuant to the Code of Foxborough, Chapter 275, Table 3-1.L.5 to allow the construction of a residential garage in excess of 625 square feet and 1 ½ stories. The request is to construct a 35' x 30' detached two-story garage on the property at 69 Borrows Road. The property is located in an R-40 Zoning District and is not located in any restrictive overlay districts. Mr. Johnson was present and represented himself. Mr. Johnson explained that he would like to construct a two car garage with a living space above which would be personal space for him. His property consists of two adjacent lots which were combined with the house lot for zoning purposes. He is proposing to replace a current 12' x 20' shed with the 30' x 35' garage structure. This part of Borrows Road is a paper street which is used for the frontage. The garage will be located 50 – 60 feet from the road and will use the current driveway for access.

The second floor will be 1050 sq. ft. and Mr. Johnson is proposing a full bathroom and kitchenette with open space in the center for his collection of vintage video games, he would like to have water and electricity. He will not be using this space for business purposes. The current home is approximately 65' x 26'. The exterior of the garage would match the current house with cedar shingles and stone. He is also proposing a 6' x 8' deck on the second floor which would face the back of the property. This deck would have sliders for additional light in the space.

The current home has a three car garage which contains his wife's vehicle, his personal truck and his state police vehicle. The new garage would store his lawn equipment as well as his In-law's vehicles when they go to Florida for the winter.

Abutter Paul Morrison of 77 Grove Street spoke in opposition to the project, he is concerned that it will become an apartment for the applicants In-laws.

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

The Board immediately moved into deliberations.

Ms. Mellen stated that she could appreciate the desire for personal space but feels that the allowance of water and electricity as well as the large size raises concerns that the space could turn into something else in the future.

Mr. Behn stated that the Planning Board requires In-Law apartments to be attached to the main home and seek a Special Permit through their Board. He is concerned that this could become an In-law apartment.

Mr. Yeghian suggested that the applicant reduce the size of the garage and have no water service. The Board usually prohibits running water in detached garages.

Mr. Brown feels that asking for 60% over the allowed size with a full second floor is too excessive. He suggested having a 1 ½ story instead. He is against the proposal as presented.

A 625 sq. ft. 1 ½ story is what is allowed under the bylaw.

Mr. Johnson asked to withdraw his application.

A motion to allow the applicant to withdraw his application for a residential detached garage at 69 Borrows Road was made by Mr. Brown and seconded by Mr. Behn. The motion carried 3-0-0.

General Business

The Board reviewed the minutes of December 15, 2016.

A motion to approve the minutes of December 15, 2016 as submitted was made by Mr. Brown and seconded by Mr. Yeghian. The motion carried 3-0-0.

Mr. Ovrut has prepared the 2016 Report of the Zoning Board for the Annual Town Report; the Board has reviewed the report and has no additional comments.

The meeting was adjourned at 7:45 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kristofor Behn, Clerk