



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

**Foxborough Zoning Board of Appeals Minutes  
June 15, 2017**

Members present: Chairman Barney Ovrut, Members David Brown and Kris Behn, Alternates Kurt Yeghian and 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. Shane Garrabrant seeks to modify ZBA Case #94-1 by deleting condition #4 and null and voiding the subsequent covenant (Exhibit H) as the current Zoning Bylaw allows an Accessory Apartment by right within the R-15 Zoning District. The property is located at 14 Elm Street in the R-15 Zoning District and is not located in any restrictive overlay districts.** Mr. and Mrs. Garrabrant appeared before the Board and represented themselves. They received a permit for an Accessory Apartment in 1994 which had conditions that they execute a covenant and have the covenant recorded with the Registry of Deeds which stated that the apartment would terminate upon the sale of the property or when the parents were to vacate the property. The covenant also stated that the property could not be sold without first being converted back to a single family dwelling. The Zoning Bylaws have since changed and Accessory Apartments are now allowed by right in the R-15 District. The Garrabrants would like to sell the home with the Accessory Apartment and are asking that the 1994 conditions be deleted. Mr. Ovrut commented that the conditions cannot be deleted because then it would be as if they never existed; instead, the conditions could be nullified going forward.

Mrs. Garrabrant stated that her parents have both passed away, her mother last fall and her father a few years ago.

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 modify Case #94-1 by providing that Conditions #1 and #4 and the Covenant required by such conditions are of no further force or effect from and after the effective date of this Decision was made by Mr. Brown and seconded by Mr. Behn. The motion carried 3-0-0.

## **GENERAL BUSINESS**

### **Minutes – May 18, 2017**

The Board reviewed the minutes of May 18, 2017.

A motion to approve the minutes of May 18, 2017 as submitted was made by Ms. Mellen and seconded by Mr. Brown. The motion carried 5-0-0.

The meeting was adjourned at 7:15 p.m.

Respectfully Submitted,

Diana Gray

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Signed on behalf of the Board

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Kristofor Behn, Clerk