



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
November 16, 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. Jacy Mitchell seeks a Special Permit pursuant to the Code of Foxborough, Chapter 275, pursuant to Table of Use 3-1, L.10 and Section 3.2.2 to allow an Intensive Home Occupation: Tarot Card and Palm Reading at 183 Mechanic Street. The property is located in the R-40 Zoning District and Zone II and Zone III of the Water Resource Protection District.

The applicant was present along with her attorney, Jeff Lovely. Atty. Lovely explained that Ms. Mitchell would like to move her home occupation of tarot card and palm reading from her previous residence at 29 Main Street (ZBA Case No. 07-11) to her new residence at 183 Mechanic Street. She is renting this house and the owner of the home supports this petition. The business would be in one room of the home that is approximately 150 sq. ft. and would be conducted by appointment only. She is the only employee at this time but would like to be able to have an assistant in the future. Atty. Lovely stated that a small sign is allowed of three square feet. The hours of the business would be Monday – Friday from 10:00 a.m. to 6:30 p.m., each session lasts ten to fifteen minutes, usually three or four appointments are scheduled throughout the day. The Main Street location that she was previously located at was in the R-15 Zoning District and was a mixed commercial area, the Mechanic Street location is in the R-40 Zoning District and is mostly residential. Atty. Lovely pointed out that there is a veterinarian and schools located in the area.

Ms. Mitchell would not accept any walk-in clients, there will be no products sold and no business conducted outside the home (in the yard), she would only have up to three people at any one time and is proposing no changes to the building. There is parking available for nine cars in the driveway, the family has two personal vehicles. She would like to have a spotlight for the signage.

Mr. Ovrut read an email from Kerry and Joshua Swain of 185 Mechanic Street abutters who are opposed to the project. They do not want a business located in their residential neighborhood, they note that there are already multiple cars parked in the yard and are afraid that the clients will use their driveway to turn around or park in, they are opposed to signage and are concerned with the increase in traffic and their homes future property value. Mr. and Mrs. Swain were present and the hearing and reiterated their concerns.

Diane Walsh of 176 Mechanic Street was also opposed to the petition, she does not like the idea of businesses in residential areas.

Atty. Lovely stated that he feels all of the neighbors' concerns could be addressed through conditions restricting the number of people, the hours of the sign lighting and the availability of safe parking. He feels that this business serves a community need and would not be detrimental. Mr. Yeghian is also concerned with the number of cars on the property already and the effect on property values in the neighborhood.

The Board noted that Case No. 92-12 was denied in 1992, this petition was for a palm reader on Fairway Lane at South Street.

Mr. Behn is also concerned with the value of the homes in the area and the impact to the town's tax revenues.

Mr. Brown is concerned with the character of the neighborhood.

Atty. Lovely would be agreeable to a condition that there be no backing of vehicles onto Mechanic Street and an inspection of the property for the number of cars there. He feels Home Occupations have a positive impact on the town.

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

The Board immediately moved into deliberations.

Mr. Brown is concerned with the neighborhood opposition and the character of the neighborhood; he is also opposed to allowing signage. Mr. Yeghian is concerned with the traffic getting into and out of Mechanic Street and feels that there is no economic value to the town. Mr. Behn is against signage and the adverse impact to the neighbors. Ms. Mellen noted that there were no pre-existing businesses at this location. Ms. Mitchell then disclosed that she conducts her palm reading business at 4 Central Street in town also.

The Board feels that this petition does not meet the standards of Section 10.4.2 for a Home Occupation due to the adverse effects on the neighborhood.

A motion to approve the Special Permit Home Occupation at 183 Mechanic Street was made by Mr. Brown and seconded by Mr. Behn. The motion failed 0-3-0. The petition is denied.

GENERAL BUSINESS

Minutes – October 19, 2017

The Board reviewed the minutes of October 19, 2017.

A motion to approve the minutes of October 19, 2017 as submitted was made by Mr. Yeghian and seconded by Mr. Brown. The motion carried 5-0-0.

Mr. Casbarra presented the FY19 Budget which needs to be approved by the Advisory Committee. The Board is agreeable to the budget numbers as presented.

The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Barnett Ovrut, Chairman