



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
July 19, 2018**

Members present: Members Barney Ovrut and David Brown, Associate Member Lorraine Brue and Kurt Yeghian

Chairman Ovrut opened the meeting at 7:00 p.m. in the Gala Meeting Room of the Foxboro Town Hall, 40 South Street.

7:00 p.m. Foxborough Regional Center for the Performing Arts seeks a Special Sign Permit pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 213: Signs, for a Special Sign Permit under Section 213-3.F.(2) and F.(3) to alter the pre-existing wall sign and to replace it with a wall sign that is 9.5' x 11.5' (109.25 sq. ft.). The property is located at 1 School Street in Sign District 3. Mr. Brown recused himself from this hearing as he has a conflict of interest. Bob Hickey was present and represented himself. He is looking for a new wall sign on the side of the former Orpheum Building downtown. The business is now called the Marilyn Rodman Performing Arts Center. Mr. Hickey explained how the property was acquired by a non-profit which he is a part of; they have an eighteen member Board of Directors, two of those members were present this evening, Rachel Calibrese and Paul Beck.

The current sign was placed on the side of the building in 1993, it requires a ladder to change the lettering for coming events; the ladder needs to be placed on an existing Right of Way owned by the service station next door. Mr. Hickey is the only person who changes the lettering due to the liability if someone were to fall on the right of way.

They have been very successful since they opened, being opened seven days a week, the business model is working very well; the signage helps to communicate to the public that they are open and what the coming events are. They would like to put up a new sign on the same location as the current sign with a traditional façade border with an electronic center that could be controlled by computer. They propose the electronic portion to have a white background with black lettering, no graphics or animations will be involved.

The total sign area is approximately 9½' x 11½' constructed of metal and plastic and would be lit from dusk to dawn.

Paul Beck also works for Foxboro Cable Access, he stated that they will be installing permanent camera equipment which he feels is an indication of how successful the business has been.

Rachel Calibrese stated that the theatre was named after Marilyn Rodman, Don Rodman is very supportive of the theatre and was thrilled to hear it would be named after his late wife. She would like to see a new sign which will be more classic looking than the existing sign.

There were no abutters present.

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

The Board immediately moved into deliberations. This signage would meet the definition of a message board under the Sign Bylaw. In Sign District 3 a message portal cannot exceed 20% of the total sign and there is not a provision for Variances in the bylaw. The Board can issue a Special Sign Permit for signs exceeding the area allowed. The exact size of the message portion of the sign needs to be determined. It was estimated to be 24 square feet, 21.85 feet would be allowed. The Board feels that this is a reasonable tolerance to the allowed size and determined a Special Sign Permit would not be needed. However, electronic signs are prohibited in Sign District 3, the Board suggested Mr. Hickey look into alternatives to electronic messages and come back before the Board next month.

A motion to continue the hearing to August 23, 2018 was made by Mr. Yeghian and seconded by Ms. Brue. The motion carried 3-0-0.

7:10 p.m. Determination whether a request for the modification of Comprehensive Permit Decision 14-07, Wyman Village, 8 Community Way is substantial or insubstantial Joe Lynch came before the Board to discuss a proposed change at Wyman Village to the fencing requirement. They would like to change the fence along the MBTA Right of Way from chain link to wooden stockade, Mr. Lynch feels it would be a better safety and visual barrier and would be a substantial upgrade. He will put fill under the grade change areas and a chain link section under the detention basin overflow area. The Board needs to determine whether this would be a substantial or insubstantial change and discussed the matter. The Board determined that a change of material should be considered an insubstantial change to this permit.

A motion that the requested modification of fencing materials for Comprehensive Permit #14-07, Wyman Village is an insubstantial change was made by Mr. Brown and seconded by Mr. Yeghian. The motion carried 3-0-0.

GENERAL BUSINESS

Minutes – June 21, 2018

The Board reviewed the minutes of June 21, 2018.

A motion to approve the minutes of June 21, 2018 was made by Mr. Brown and seconded by Ms. Brue. The motion carried 4-0-0.

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk