



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
October 18, 2018**

Members present: Members Barney Ovrut, Kim Mellen 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. Brian Grace seeks a Special Permit pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, Section 5.4.2., to allow the construction of a residential addition which will increase the habitable floor area of the non-conforming structure by more than 25%. The property is located at 32 Lakeview Road in the R-40 Residential and Agricultural District and is not located in any restrictive overlay district. Mr. Grace was present and represented himself. Mr. Grace is rehabbing the house on the property at 32 Lakeview Road and would like to construct an addition off the rear of the house. The addition would be 16 feet wide and between 38 and 41.5 feet in length, the house is 31 feet wide. This will be a single floor addition for a master bedroom, full bathroom, mud room, laundry room and half-bathroom and will match the other side of the house to make it more symmetrical. He is before the Board due to the increase in floor area of more than 25%, he is proposing an increase of approximately 48%. The addition will be constructed of the same materials as the house, vinyl siding with black trim windows. The existing home is non-conforming due to the size of the lot (approximately 34,000 sq. ft. where 40,000 sq. ft. is required) and the side yard setback is approximately 10 feet where 15 feet is required.

Abutter Cathleen Raftery of 30 Lakeview Road asked about the garage on the property. Mr. Grace is planning on rehabbing the garage in the future, it will stay a two-car garage.

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

The Board moved immediately into deliberations. The rehabbing of the house is a definite improvement and there is plenty of land to accommodate the addition. The new addition will not increase any of the current non-conformities.

A motion to approve the Special Permit for a residential addition at 32 Lakeview Road with the following conditions: The addition will be situated as shown on the plans, the addition will be no greater than 16 feet in width and no greater than 41.5 feet in length and shall not be any closer than 11 feet to the side yard setback and the exterior materials shall be comparable type, design and color as the existing home was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

7:10 p.m. Paul & Beth Frost seek a Special Permit pursuant to the Code of Foxborough, Chapter 275, Section 5.4.2 to allow the demolition of a pre-existing non-conforming residential addition and the reconstruction of a 17' x 40' garage/workshop with a second floor within the existing non-conforming side yard setback and a Special Permit or

Variance, as applicable, pursuant of Table 4.1.1 to construct a porch with ramp within the front yard setback. The property is located at 8 Highland Circle in the R-40 Residential and Agricultural District Zoning District and is not located in any restrictive overlay districts. Mr. Frost was present and represented himself. He explained that he has purchased the ranch style home at 8 Highland Circle which currently contains a sunroom with a sunken floor. He would like to replace the sunroom with an attached garage and woodshop. They would also like to install a deck with ramps for future wheelchair access. He and his family plan on one floor living with the second floor being used as a play space and bedrooms for the children. There was a previous Variance granted for the property to construct the sunroom, this project will extend the side yard encroachment by three feet, the current structure is 12 feet from the property line, the new structure will be 9 feet from the property line. The increase in the non-conformity can be accomplished through a finding, the Variance runs with the land, not the owner.

Mr. Frost will have items for personal use in the garage; the exterior will match the existing house. The front porch will be vinyl sided with composite decking, maybe stonework trim. The existing home is already in the front yard setback by a few inches, therefore a Special Permit is required, not a Variance.

Kevin Penders of 2 Highland Street, spoke in favor of the petition.

There was a letter submitted from Danielle and Kevin Riley of 6 Highland Circle in support of the petition also.

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

The Board immediately moved into deliberations. The Board is inclined to grant the petition as it will not be substantially more detrimental than the existing structure.

A motion to approve the Special Permits for 8 Highland Circle with the following conditions: The garage/workshop shall be constructed according to the submitted plans, it shall be located on the property as shown on the plans no closer than 9 feet to the side yard property line, there shall be no commercial or business operations in the workshop, the exterior materials shall match the existing home, the porch shall be constructed as shown on the plans and be no closer than 26 feet to the front property line and an As Built Plan shall be submitted to the Building Commissioner after the foundation is poured was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

7:20 p.m. Cynthia Wallent seeks a Variance pursuant to the Code of Foxborough, Chapter 275, Table 4.1.1 to allow the construction of a 20' x 20' pool house within 14.5' of the property line where 15' is required. The property is located at 32 Alden Street in the R-40 Residential and Agricultural District Zoning District and is not located in any restrictive overlay districts. Ms. Wallent was present and represented herself. There was an error in the notice, 30 feet is required for the setback, not 15 feet. Ms. Wallent explained that she would like to install a pool house and in ground pool on her lot for her family which includes children ages 3, 5 and 6. She will be installing a privacy fence which will be similar to the neighbor's fence. The proposed pool house will contain a bathroom and shower so the family does not need to go back into the house from the pool. They would also like to have a kitchenette with bar seating and a patio with a large table in the pool house. They have been advised to connect the septic line directly to their system, it will not need to go back through the house. They also may have a heat source for the cooler nights. The pool house will be on a foundation and will have white vinyl siding to match the house.

Abutter Sandy Jodice of 27 Alden Street spoke in support of the petition, she feels they take a lot of pride in their property and will do a good job.

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

The Board moved immediately into deliberations. Mr. Brown feels that this proposed pool house is close to being a second livable area and does not want to set precedent by allowing this. Ms. Mellen noted that there is a patio as part of the pool house. Ms. Brue feels it would be a good addition to the property and Mr. Yeghian is very supportive of the petition also.

A Variance requires problems with soil, shape or topography on the property. Is there a substantial hardship? Could the pool house size be reduced or moved on the property no Variance would be needed. The Board suggested that the pool house be scaled back to just a bathroom and storage area. Ms. Wallent will take these suggestions back to her family and asked for a continuance to the next meeting.

7:30 p.m. The Sage Center for Learning, Inc. 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 213-6, Table 2.B.1 to erect a new monument sign, replacing the existing monument sign, with a setback of less than 10'. The property is located at 171 Mechanic Street in Sign District 2. Nancy Carroll the Business and Finance Director for the Sage School was present and represented the applicant. She explained that they would like to replace the current wooden school sign with a stone sign. They based their design of the new sign on the other public school signs in town. They would like to put it in the same location, which is approximately 5 feet from Mechanic Street, which is less than the required 10 feet. The sign will be 10' x 5' made of granite and stone with floodlights on the bottom on a timer. The sign will be turned off at 9:00 p.m. unless there is an event at the school.

The Board referred to the Sign Bylaw tables and noted that most of the requirements are for commercial uses. The location of the sign requires a special sign permit. The Board after much discussion decided that the Bylaws do not prohibit the school from having a monument sign on their property and that it is appropriate to replace the current dilapidated sign with a new sign in order to address the signage needs of the school.

A motion to grant the Special Sign Permit to the Sage School at 171 Mechanic Street with the following conditions: The proposed sign shall replace the existing sign as shown on the submitted plans and it shall be located no less than five feet from Mechanic Street, the sign shall not be lit after 9:30 p.m. unless there is an event at the school, in such cases, the sign lighting shall be turned off as soon as possible after the event was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

7:40 p.m. Continued Public Hearing - Marlene Muse-Johnstone and Kevin Johnstone request a Variance from Section 4.0, Table 4-1 of the Code of the Town of Foxborough Chapter 275 - Zoning Bylaws to allow 72 feet of frontage where 200 feet is required for the creation of a new building lot for a single family home at 106 North Street. The property is located in the R-40 Residential and Agricultural District and is not located in any restrictive overlay districts. Neither the applicants nor their attorney was present at the hearing, this hearing will be continued to November 15, 2018.

A motion to continue the Public Hearing for 106 North Street to November 15, 2018 at 7:00 p.m. was made by Ms. Mellen and seconded by Mr. Brown. The motion carried 3-0-0.

GENERAL BUSINESS

The Board reviewed the minutes of the September 20, 2018 meeting.

A motion to approve the minutes of September 20, 2018 as amended was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 4-0-1.

The meeting was adjourned at 9:10 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk