



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
March 21, 2019**

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

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. Lamar Advertising Co. seeks a Special Sign Permit pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 213: Signs, Section 213-3.C.(1) (a) in accordance with Table 2, Sign District 1, to erect a billboard sign of 672 sq. ft. at the address known on Assessors Map 004 as Parcel 005 on Washington Street. The property, owned by Foxboro Realty Trust, is located in the S-1 Zoning District and is not located in any restrictive overlay district. Atty Frank Spillane came before the Board representing Lamar Advertising, Michael Murphy and Matt Renninger were also present from Lamar as well as landowner Doreen Federico.

Atty. Spillane explained that this property is located on Route 1 South near Rodman Auto Sales. They are proposing a static billboard on this unoccupied land that is currently only used for parking for stadium events. There are wetlands on the property which curtail any other use.

The proposed billboard will be 50 feet high and located 16 feet from the property line where 10 feet is required. The billboard will be 642 sq. ft., 14 ft. x 48 ft.

Mr. Renninger explained that there is a significant amount of pedestrian and automobile traffic in the area that local clients are looking to target their advertisements toward. He feels there is heavy demand for another billboard in the area, there will be ¼ mile between billboards in either direction of the proposed billboard. They also advertise on the billboard on Mike Saegh's property and the electronic billboard near North Street.

The parking use will continue on the lot. Mrs. Federico explained that the property was purchased in 1987 with the intent of putting up a building, but they were told that the property could not be built on and have no plans to try to put up a building now. The Federico's will continue to own the property, Lamar will lease the portion of the land containing the billboard; they will only lose two parking spaces for the base of the billboard.

Mr. Ovrut read a letter from Lamar Advertising regarding demonstrated need into the record.

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. In regards to demonstrated need, the Board felt that Mrs. Federico's interest in pursuing the highest and best use of the land satisfied the demonstrated need requirement of the Sign Bylaw. When asked if they would consider an

electronic billboard in the future if the use is approved by Town Meeting, Mr. Murphy stated that they would consider only one side be converted to electronic.

A motion to approve the special sign permit for a billboard sign on the Federico property on Washington Street with conditions that the sign not exceed 672 sq. ft., 50 ft. in height and be set back at least 10 ft. from the lot line and 16 feet from Washington Street; the sign is located outside of the 500 foot radius of any existing billboard; the construction and design be according to the submitted plan; illuminated by floodlights at the bottom with no light wash beyond the area of the sign; no modification without written approval of the Board; a \$10,000 bond be established with the town to pay for future cost of removal; the decision is specific to Lamar Advertising and may not be transferred during construction; additionally if ownership is ever transferred, the new owner will be required to establish a bond with the town to pay for the cost of future removal and permits shall be obtained from the Office of Outdoor Advertising and from the Building Commissioner was made by Ms. Mellen and seconded by Mr. Brown. The motion carried 3-0-0.

7:10 p.m. Hercules Realty Trust seeks Variances pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, Section 4.3.1, Section 6.1.10.(3), Section 6.4.3, Section 6.4.5.(1) and Section 6.4.8.(2) to allow the subdivision of 35 & 45 Panas Road (Assessors Map 006, Parcel 012 & 006/001) into two conforming lots (Lots 1A & 1B). The property is located in the LI Zoning District and is not located in any restrictive overlay district. The applicant was represented by Atty. Frank Spillane. Atty. Spillane explained that this property obtained site plan approval from the Planning Board in 2014 to construct two commercial buildings on one parcel. Since that time, an ANR has been approved to separate the house lot on Willis Lane. Building two has also been constructed, building one has not yet been constructed, but the plan was modified and approved by the Planning Board in December 2018 to separate building one into two smaller buildings. There is also a 20 foot Right of Way that the neighbor would like to purchase to access their adjoining land.

The proposal this evening would subdivide the parcel into two lots that will be under separate ownership, the house lot also needs reconfiguration. They are looking for variances from this board in regards to landscaping, screening and buffering. They also need a variance for a common driveway to use the existing driveway to access both sites due to the wetlands on the property.

This proposal was brought before the Planning Board and they are generally in support of the concept. A memo from the Town Planner should be forthcoming.

The Board would like to go to the site. A sitewalk was scheduled for Saturday, April 6th at 9:30 a.m.

A motion to continue the Public Hearing to April 18, 2019 at 7:00 p.m. was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

GENERAL BUSINESS

The Board reviewed the minutes of the February 21, 2019 meeting.

A motion to approve the minutes of February 21, 2019 was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 5-0-0.

Mr. Ovrut stated that he and former Building Commissioner Bill Casbarra met with the Board of Selectmen in regards to the proposed changes to the Sign Bylaw to allow electronic billboards.

Ms. Brue, Mr. Ovrut and Town Planner Paige Duncan met with the AdCom concerning proposed revisions to the Sign Bylaw, and Mr. Ovrut and Ms. Duncan met with the AdCom concerning zoning changes being proposed for Town Meeting.

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk