



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

**Foxborough Zoning Board of Appeals Minutes  
December 2, 2019**

Members present: Members Barney Ovrut, Kim Mellen and David Brown

Chairman Ovrut opened the meeting at 7:30 p.m. in the Gala Meeting Room of the Foxborough Town Hall, 40 South Street.

**7:30 p.m. Determination whether the request of Sage Realty Trust to modify Comprehensive Permit Decision (Case No. 09-11) is substantial or insubstantial.**

Rami Itani of the Nadia Estates Homeowner's Association and Mohammad Itani (no relation) of Sage Realty Trust were present as well as abutter Bob Doherty and his attorney Jeff Lovely.

Mohammad Itani reviewed the Nadia Estates project, it is a 36 unit condominium 40B development with 9 affordable units located on 18 acres off of Mechanic Street. They are before the Board this evening to discuss two issues, the first issue is a land swap with abutter Bob Doherty. Mr. Doherty has a horse riding area that encroaches on Nadia Estates land. This area is not accessible from the street or from the developed area of Nadia Estates. It was discovered and is now creating a title issue. The solution they are proposing is to swap this land for an equal size piece of land of Mr. Doherty's. The amount of area is important as the number of bedrooms allowed in the development is based on 18 acres (Zone II requires 4 acres per bedroom). Mr. Doherty is covering the costs of the land swap as well as contributing \$15,000 to the Nadia Estates Homeowner's Association.

Rami Itani stated that he works for Stonebridge Homes and lives in the Nadia Estates development. He is a board member for the new homeowners association. He stated that the homeowner's association does not have a problem with the transfer.

40B regulations require that any changes be brought before the Zoning Board to determine if the requested change is substantial or insubstantial. Mohammed Itani believes this request to be insubstantial and hopes the Board will agree. Both parcels contain upland and are located approximately 1,400 linear feet from the nearest Nadia Estates building.

Mr. Ovrut stated that he feels the change is insubstantial as both parcels are the same size and small in relation to the total property. There are significant wetlands in the area also. The request does not comply with a substantial change definition from the state. The other Board members agreed.

A motion to determine the request for a land swap at Nadia Estates as insubstantial was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

The second request has to do with a stop sign that was installed on Morris Street where it crosses Roseland Street, which is the roadway into Nadia Estates. One of the residents on Morris Street has complained about its installation. There are three houses on Morris Street past the Roseland intersection. Mohammed Itani stated that the sign was installed as a safety measure after they had a similar layout in Abington that had an accident. Mr. Itani stated that

Sage Realty owns the land where the stop sign was installed. The Building Commissioner referred the matter to the Zoning Board as it deals with a comprehensive permit.

The Board members feel it is within the landowner's right to install the stop sign, Morris Street is not a town accepted street.

A motion to determine that the installation of a stop sign and stop line on Morris Street where it intersects with Roseland Street is an insubstantial change was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

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

Respectfully Submitted,

Diana Gray

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Signed on behalf of the Board

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Kim Mellen, Clerk