



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

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

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

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

7:00 p.m. Lovely Brothers Real Estate Holdings, LLC requests a Special Permit pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 213: Signs, Section 213-3.F. (3) and Section 213-6.C. (1), Table 4, to alter the pre-existing freestanding sign and to replace it with a freestanding sign that is ± 20 sq. ft. The property is located at 6 Railroad Avenue in Sign District 3. Attys. Jeff and John Lovely were present and represented themselves. Jeff Lovely explained that they are looking to replace the sign at their office at the corner of Bird Street and Railroad Avenue. The current sign is 5 feet x 5 feet on a pedestal and it internally illuminated, it has been damaged by plows. The proposed sign would have two wooden pillars with horizontal signage similar to a sign at 12 Mechanic Street. The sign would be located in approximately the same location; Rich Noonan of the Foxborough Police Department requested that the sign be moved closer to the building so as to not impede sightlines in the intersection. The sign will not meet the 10 foot setback requirements; the new sign will be 30" off of the corner of the property, 12" from the building. The new sign will be lit by LED spotlights from above which are attached to the building and directed towards the sign. The lighting will be turned off at 10:00 p.m. The current sign is 58" tall and approximately 25 sq. ft.; the proposed sign will be approximately 12 feet high and 20 square feet.

There were no abutters present.

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

The Board moved immediately into deliberations. The Board feels that the new sign is in keeping with other neighborhood improvements in the area and discussed conditions to be imposed.

A motion to approve the Special Sign Permit for 6 Railroad Avenue with the following conditions: the proposed sign will replace the existing sign not less than 12" from the Lovely Building in approximately the same location as the existing sign; the sign will be constructed as shown on the submitted plans not greater than 12 feet high and 20 square feet in area; the proposed sign will be illuminated by LED lighting located on the Lovely Building directed towards the sign and illumination is not allowed after 10:00 p.m. was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

7:10 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, Section 213-3.F. (4) and Section 213-5.D., to replace the existing sign with an electronic message board. The property is located at 1 School Street in Sign District 3.

Mr. Ovrut disclosed that he filed a Conflict of Interest form with the Town Clerk due to his work on the sign bylaw. Ms. Mellen also filed a Conflict of Interest form with the Town Clerk for her association with Rachel Calibrese who is on the Board of Directors. Jim DeVellis was present representing the Foxborough Regional Center for the Performing Arts as a member of the Board of Directors. Other board members and Executive Director Emily Garvin were also present.

The Rodman Center is a 501c3 non-profit organization with twenty board members; their primary purpose is for arts and entertainment. The spring Town Meeting passed revisions to the sign bylaw to allow digital signage for non-profit entities with conditions that the sign be one sided only, allows only business messages or town public service announcements and the graphics be either black with a white background or white with a black background. They would like to replace the existing static sign on the side of the Orpheum with a digital sign of approximately 108 sq. ft. which meets the sign requirements of 20% for a wall sign or 200 sq. ft. The current sign has to be changed often in all weather conditions; the proposed digital sign could be changed via a laptop; they have up to three events per weekend. The digital screen will be a High resolution LED and will only display one event at a time, there will be no scrolling, animation or crawling. All other banners on the site will be removed. The current sign is fluorescent and stays on all night, the lighting at the front of the building goes off at midnight. The large Orpheum lettering on the side of the building may stay.

Tom Kraus of 9 Baker Street asked about scrolling being allowed in the future if there was to be an ownership change. The conditions in the decision will be imposed on the sign no matter who owns it and will not change without coming back before the Board.

There were no other abutters present.

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

The Board moved immediately into deliberations. The Board feels that the proposed digital sign fits the character of the area and is an improvement over the existing sign; as well as safer to change. The bylaw change was overwhelmingly approved at town meeting. The new sign will assist the Rodman Center with their marketing and advertising.

The Board discussed conditions to be imposed.

A motion to grant a Special Sign Permit for 1 School Street for a digital sign was made by Mr. Brown and seconded by Ms. Mellen with the following conditions: The proposed digital sign will replace the existing sign and be constructed as shown on the submitted plans at a height not greater than 20 feet from ground level; the sign will be used for program information at the Rodman Center or public service announcements requested by the town; the lettering be white with a black background or black with a white background; flashing or animation graphics are not allowed; the display will last at least 10 seconds; the brightness and intensity of the illuminations will not change during the display; if the glare of the sign impedes motorists as determined by the police chief or the building commissioner, the lighting will be adjusted within 24 hours; the illumination will be turned off at 12:00 a.m. or until the end of the event at the Rodman Center; all other banners and signs will be removed from the premises was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

7:20 p.m. To consider and vote on the following amendments to the Rules and Regulations of the Foxborough Zoning Board of Appeals:

- **Article 1 Organization - Section 1.01 Officers and 1.05 Associate Members**
 - **Article 2 Applications to the Board - Section 2.01 Applications and Section 2.04 Filing and Advertising Fees**
- The local office of the Foxboro Reporter closed in the spring and all advertising for Public Hearings is now done through the Sun Chronicle office in Attleboro,

which resulted in higher rates being charged for publications. Currently we charge a flat rate \$100 per applicant but the advertising costs are exceeding that amount. This amendment would change the advertising section to have the applicant pay the Sun Chronicle directly for the cost of the ads. An additional change is to update the wording of Alternate Members of the Board to Associate Members.

A motion to approve the amendments to the Rules and Regulations of the Foxborough Zoning Board of Appeals as presented this evening was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 5-0-0.

Minutes

The Board reviewed the minutes of October 17, 2019.

A motion to approve the minutes of October 17, 2019 was made by Ms. Brue and seconded by Ms. Mellen. The motion carried 5-0-0.

Nadia Estates Comprehensive Permit Modification Request

The Board met with Jeff Lovely in regards to Nadia Estates. Atty. Lovely is representing an abutter, Bob Doherty of 53 Beach Street. There are five acres that Mr. Doherty has been using as part of his property but in actuality the land is part of Nadia Estates common area. Mr. Doherty and Sage Realty, the owners of Nadia Estates, have an agreement for a land swap of 22,000 sq. ft. to avoid encroachment issues and a lawsuit. In order to do this, they will need an ANR approval from the Planning Board and a modification of the Comprehensive Permit for Nadia Estates. The Nadia Estates project is almost complete and a Homeowner's Association will be established in early December, Atty. Lovely would like to get this taken care of before the Homeowner's Association is established as it would require 75% approval of the association. Mr. Doherty will be paying \$15,000 to the Homeowner's Association as part of the process.

The Board will need to determine whether this constitutes a substantial or insubstantial change. The Board would also like to hear from Mohammad Itani of Sage Realty.

The Board will meet on December 2, 2019 to discuss this request.

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk