



BOARD OF APPEALS
TOWN OF FOXBOROUGH

40 SOUTH STREET
MASSACHUSETTS
02035

APPLICATION FOR BOARD OF APPEALS HEARING

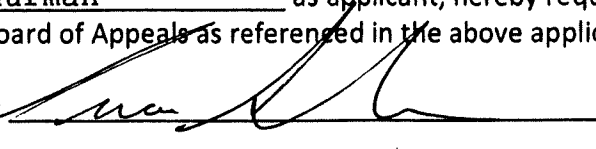
Name of Applicant: Lucas C. Schurman Tel # 339-224-0088
Mailing Address: 41 Sherman St., Foxborough, MA 02035
Location of Property Subject of the Hearing: 41-43 Sherman Street
Assessors Map #: 093 Parcel #: 104 Zoning District: R-15
Is the property located in any zoning overlay district? No xx Yes If yes, please identify overlay district
Owner of Subject Property (if different than applicant):
Address of Owner (if different than applicant's address):
Were previous decisions rendered on the subject property? No Yes xx. If yes, please Provide copy of decision(s). Case 89-27 attached

***NATURE OF APPLICATION (complete appropriate hearing request):**

1. Request for a **SPECIAL PERMIT** under Section of the Zoning By-Laws to allow
2. Request for a **VARIANCE** from Section 4.1.1 Table 4-1 of the Zoning By-Laws to allow a side yard of 20 feet where 25 feet is required
3. An **ADMINISTRATIVE APPEAL** in accordance with Section 10.2.2 of the Zoning By-Laws (explain):
4. **OTHER** (i.e. Comprehensive Permit, Finding or Sign Bylaw - Chapter 213 Signs)
Explain: Modification to Case 89-27 to eliminate or modify condition #1 to allow the footprint of the existing four family dwelling to be expanded with the addition of a 5th dwelling unit as indicated on Zoning Board of Appeals Plan filed herewith.

*If necessary, attach additional description page(s).

I, Lucas C. Schurman as applicant, hereby request a hearing before the Foxborough Zoning Board of Appeals as referenced in the above application.

Applicant's Signature:  Date: 1/28/21

***If applicant is other than owner of subject property; owner must sign authorization below.**

I, _____ as owner of subject property, hereby authorize the applicant, _____, to act on matters before the Foxborough Zoning Board of Appeals as referenced in the above application.

Subject Property Owner's Signature: _____ Date: _____

Official Use Only

Tax Collector's Release

The above referenced applicant is applying for a permit from the Zoning Board of Appeals and is in good standing with respect to any taxes, fees, assessments, betterments or other municipal charges as recorded with the Treasurer's Office.

Tax Collector or Agent's Signature:  Date: 1/28/21

Town Clerk Receipt

The above referenced application has been received and recorded with the Town Clerk.

Town Clerk or Agent's Signature: _____ Date: _____

INSTRUCTIONS FOR APPLICATION FILING: INCLUDE EIGHT (8) COPIES EACH.

1. Completed application with all signatures affixed.
2. Copy of assessor's map showing parcel subject to hearing.
3. Plot Plan, certified by land surveyor or civil engineer showing proposed work (Mortgage survey plans will not be accepted).
4. Construction plans showing building elevations with dimensions (if applicable).
5. If an administrative appeal, include denial letter or zoning determination from the Building Commissioner or other Town Official (if applicable).
6. Abutter's List (within 300 feet of subject property), certified by the Town Assessor.
7. Any additional documentation relevant to the hearing.
8. Appropriate fees (See Fee Schedule)

DEC 29 2020

TOWN OF FOXBOROUGH



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

(508) 543-1215

Fax: (508) 543-6278

CERTIFICATION OF ABUTTERS

PROPERTY OWNER: Lucas C. Schurman

MAILING ADDRESS: 43 Sherman Street, Foxborough, MA 02035

PROPERTY LOCATION: 43 Sherman Street

ASSESSORS MAP/PARCEL: Map 093, Parcel 104

APPLICANT: Frank Spillane PHONE: 508-543-0100 x312
closings@spillaneandspillane.com

AUTHORITY REQUESTING LIST: Attorney

DATE SUBMITTED: December 29, 2020

LIST REQUESTED: 500 FT XXX 300 FT 100FT ABUTTER TO ABUTTER
=====

I, Harold S. D., Assessor, acting as a custodian of assessment records, do hereby certify that the attached documents contain true and complete information from the most recent tax list of the Town of Foxborough, Massachusetts.

I further state that these documents include the names and addresses of abutters to the abutters 300 Feet MAP 93 PARCEL 104

Date: 1/5/2021

**BOARD OF ASSESSORS
FOXBOROUGH MASSACHUSETTS**

Massachusetts General Law c. 40A, s. 11, "The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes."

The Assessors Office will complete the abutters list within 7-10 business days. There is a \$25.00 fee for an abutters list.

"The applicant is solely responsible for requesting the appropriate abutters list required by the applicable Mass General Law."

Abutting Properties for
43 SHERMAN STREET FOXBOROUGH, MA
Map 093/ / Parcel 104/000 000/000

(300 feet)

Date: 01/05/2021

PAGE 1 OF 2

Location:
092/ / 110/000 000/000
LEONARD STREET
Owner:
MARCOU DAVID JR TR
224 CALVARY ST
WALTHAM, MA 02453

Location:
092/ / 112/000 000/000
55 LEONARD STREET
Owner:
MAHO LLC
8 ACADEMY PLACE
ORLEANS, MA 02653

Location:
092/ / 111/000 000/000
59 LEONARD STREET
Owner:
WALTHAM RIVERS EDGE LLC
224 CALVARY ST
WALTHAM, MA 02453

Location:
092/ / 109/000 000/000
65 LEONARD STREET
Owner:
WINSLOW GEORGE D, TRUSTEE
WAC REALTY TRUST
65 LEONARD STREET
FOXBOROUGH, MA 02035

Location:
093/ / 105/000 000/000
37 SHERMAN STREET
Owner:
LADD BRENDON & LYNDSEY TE
37 SHERMAN ST
FOXBORO, MA 02035

Location:
093/ / 103/000 000/000
47 SHERMAN STREET
Owner:
LAVERY MICHAEL F & KERRY A
FEDERICI JT
47 SHERMAN STREET
FOXBOROUGH, MA 02035-0000

092/ / 082/000 000/000
17 SHERMAN STREET
Owner:
NORFOLK REALTY GROUP LLC
58 FAIRMONT AVENUE
WALTHAM, MA 02453

Location:
092/ / 089/000 000/000
29R WALL STREET
Owner:
BERNAT JOSEF, TRUSTEE
29R WALL STREET
FOXBOROUGH, MA 02035-0000

Please note: Parcel 104 abuts Conrail - Rail Road with no parcel number. Map 92 lot 110 has a small lot next to it with no parcel number. Map 93 shows a lot containing 43,710 sf with no parcel number, as well as the lot next to it approximate lot size 140 x 203 feet with no parcel number.



BOARD OF APPEALS
TOWN OF FOXBOROUGH
MASSACHUSETTS
02035

#85
RECEIVED
SEP 20 1989
TOWN OF FOXBOROUGH

RECORD AND DECISION

September 1989

Case No. 89-27

Name of Petitioner:

Winslow B. Schurman, Jr.

Nature of Petition:

For a finding by the Board pursuant to Section 102.10 of the Revised Zoning By-Laws of the Town of Foxborough (the "By-Laws") that the extension of a pre-existing nonconforming three-family use to a four-family use will not be substantially more detrimental to the neighborhood than the existing use, or alternatively for three (3) variances to allow the addition of a fourth apartment unit to the building, resulting in a lot not complying with the minimum requirements of the By-Laws as to sideyards, frontyards, and screening within a required buffer area. The property in question is owned by the petitioner and is located at 41-43 Sherman Street in the R-15 Residential District.

A public hearing was held on the above petition on Wednesday, August 16, 1989 at 8:00 p.m. in the Town Hall after notification by publication in the Foxboro Reporter, by posting on the Notice Bulletin Board in the Town Hall, and by mailing to parties in interest, all as required by law. Members of the Board present and acting on the petition were:

James M. Whalen
Joyce M. McDonough
Paul D. Griem, Jr.

The petitioner is the owner of a 48,364 square foot lot (the "Lot") with a two or three-family dwelling located on the Lot as shown on a plan (the "Plan") prepared by Bay Colony Surveying, Inc., dated August 16, 1989. A copy of the Plan is attached hereto as Exhibit A.

The petitioner seeks to add a fourth dwelling unit to the house on the Lot, which is presently being used as a three-family dwelling. The petitioner proposes two avenues of relief:

First, the petitioner contends that the existing three-family use of the building is a pre-existing nonconforming structure (nonconforming as to frontyard depth, sideyard depth and compliance with certain

screening requirements which would apply to the building if it is a multi-family structure as opposed to a two-family structure. See By-Laws, Schedule B) which could be altered to permit the addition of a fourth dwelling unit upon a finding by the Board, under Section 102.10 of the By-Laws and G.L. c.40A, §6, that the proposed four-family use would not be substantially more detrimental to the neighborhood than the existing three-family use. The making of such a finding presupposes that the existing use of the building as a three-family dwelling predates the date of the zoning amendments in 1976 which rendered the building nonconforming. Based upon the evidence presented to the Board, we are unable to conclude that the existing use of the building is entitled to pre-existing nonconforming status. Some testimony presented to the Board indicates that ten years ago the building was used as a two-family structure. In this circumstance we decline to make such a finding because we are not satisfied that the petitioner has established that the building is lawfully used as a three-family dwelling, and we assume for purposes of this decision that the buildings lawful use is as a two-family dwelling.

Alternatively, the petitioner seeks variances as to frontyard depth, sideyard depth and certain screening requirements. The existing house has a frontyard depth of 30.7 feet and sideyard depth of 11.4 feet. As a two-family use, the building currently complies with the 25 foot frontyard requirement of the By-Laws, but does not meet the 15 foot sideyard requirement of the By-Laws. By changing the use of the building to a four-family use, the sideyard requirement increases to 50 feet, and the frontyard requirement also increases to 50 feet. In addition, under the provisions of Section 200.6.C.1 of the By-Laws a 25 foot wide buffer strip, with certain plantings, must be provided along the sideyard abutting Lot 1 as shown on the Plan.

In support of the petitioner's application for variances the petitioner argues that no variance would be required if the existing house were razed, as opposed to being renovated, as proposed. The petitioner feels that the present location of the house is more suitable and more economic than constructing a new four-family house on the Lot. If the petitioner is entitled, subject to the granting of a special permit, to raze the existing house and reconstruct a new four-family house, he contends that this Board should look favorably on converting the existing house to a four-family dwelling.

Several neighbors and Town officials appeared at the hearing to express concerns regarding the proposal.

In view of the foregoing, the Board is of the view that a literal enforcement of the applicable frontage, sideyard and screening provisions of the By-Laws would, in this case, involve a substantial and unnecessary hardship to the petitioner. We find further that in view of the size and shape of the Lot and location of the Building on the Lot, a circumstance particularly affecting this Lot, a literal enforcement of the By-Laws in this situation would result in a substantial and unnecessary hardship to the petitioner. Granting the requested variances upon the several

conditions imposed below will not nullify or substantially derogate from the purposes of the By-Laws, nor will it cause a substantial detriment to the public good.

The Board is of the opinion that the petitioner has satisfied all of the conditions required by the By-Laws for the requested variances. Therefore, the Board unanimously votes to grant the requested variances on the conditions that:

1. The footprint of the existing house not be expanded;
2. That the Lot as shown on the Plan not be subdivided, nor any portion of the Lot conveyed except as part of a conveyance of the entire Lot;
3. That a Special Permit be obtained from the Planning Board to permit the use as a four-family dwelling; and
4. That the variance from the provisions of Section 200.6.C.1 is granted only with respect to the requirement that the buffer strip be 25 feet in depth. In view of the 11.4 foot sideyard, the petitioner shall be required to comply with the provisions of Section 200.6.C.1 only to the extent that compliance is practicable within that 11.4 foot sideyard.

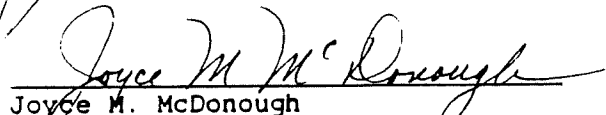
Finally, in view of the fact that the building, whether it is presently considered a two-family or a three-family dwelling, is nonconforming as to its frontyard, the Board hereby unanimously finds that the proposed use as a four-family dwelling will not be substantially more detrimental to the neighborhood than the existing use. The variances shall be of no effect until recorded with the Norfolk County Registry of Deeds after certification by the Town Clerk as required by G.L. c.40A, §11.

The foregoing is a true copy of Decision No. 89-27 issued by the Board of Appeals of Foxborough, Massachusetts. Copies of this decision have been filed with the Town Clerk and the Planning Board.

Dated: September 27, 1989

FOXBOROUGH ZONING BOARD OF APPEALS


James M. Whalen


Joyce M. McDonough

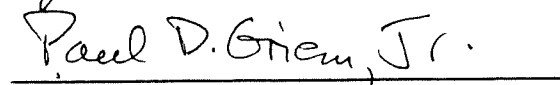

Paul D. Griem, Jr.

EXHIBIT A

PLAN OF LAND IN
FOXBOROUGH, MA
 AUGUST 16, 1989 SCALE: 1" = 40'
 BAY COLONY SURVEYING, INC.
 FOUR SCHOOL STREET
 FOXBOROUGH, MA

PREPARED FOR: HUSLEW B. SCHERMAN, JR.
 1947 TOWN LAYOUT
 MARSHFIELD, MA. 02048

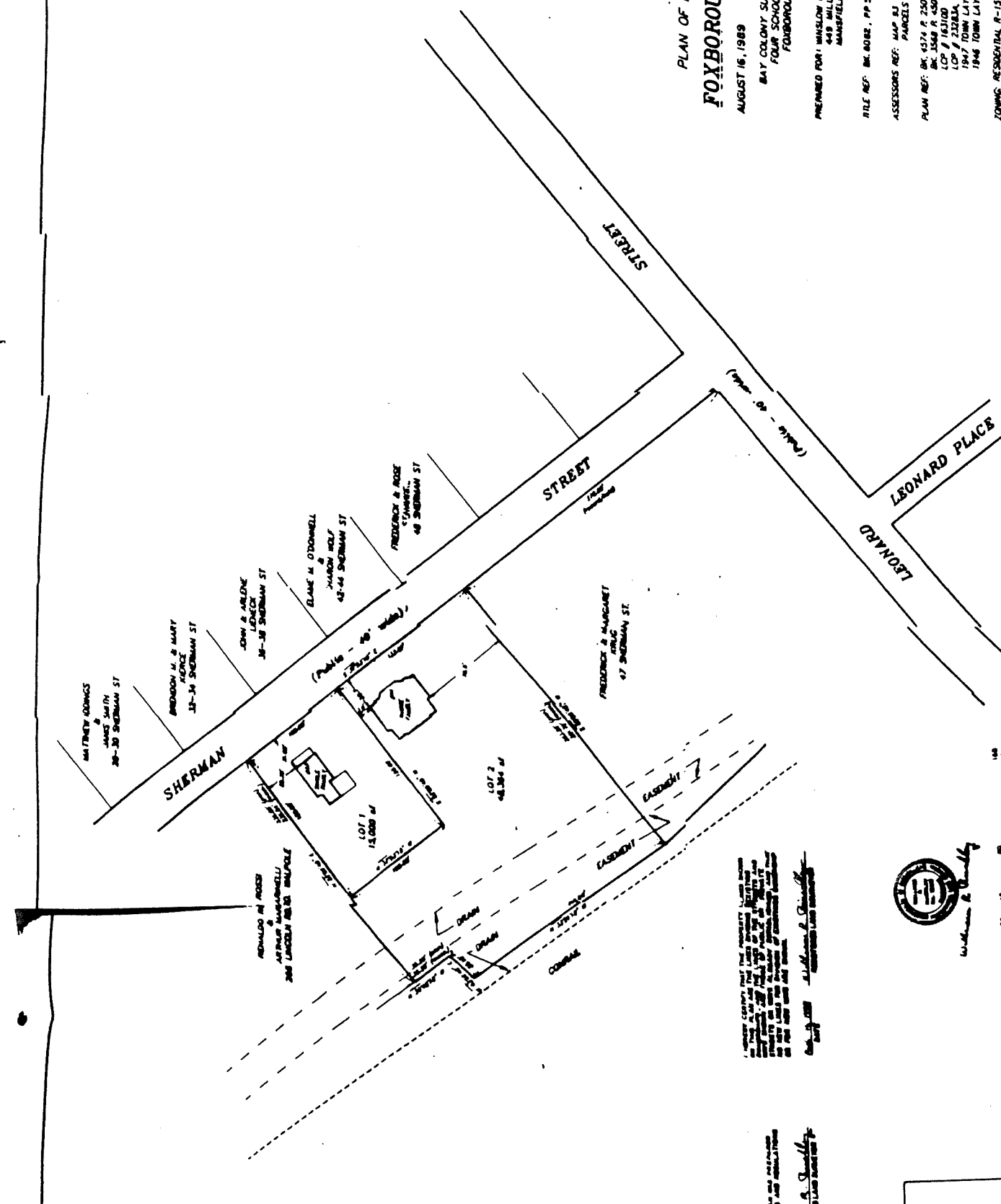
FILE REF: BK. 808, PP. 350-351

ASSESSORS REF: MAP R3
 PARCELS 2728, 2730, 2731

PLAN REF: BK. 4274 P. 250 P. 193-198
 LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

1947 TOWN LAYOUT SHERMAN ST
 1948 TOWN LAYOUT LEONARD ST

ZONING: RESIDENTIAL R-15



I HEREBY CERTIFY THAT THE FOREGOING PLAN IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN AS FILED IN THE OFFICE OF THE REGISTRAR OF DEEDS AND MAPS OF THE COMMONWEALTH OF MASSACHUSETTS, AND THAT THE PLAN AND INSTRUMENTS HEREON WERE FILED FOR RECORD AND RECORDED IN THE OFFICE OF THE REGISTRAR OF DEEDS AND MAPS OF THE COMMONWEALTH OF MASSACHUSETTS ON THE 16TH DAY OF AUGUST, 1989.

[Signature]
 Bay Colony Surveying, Inc.
 Surveyor

I HEREBY CERTIFY THAT THE FOREGOING PLAN IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN AS FILED IN THE OFFICE OF THE REGISTRAR OF DEEDS AND MAPS OF THE COMMONWEALTH OF MASSACHUSETTS, AND THAT THE PLAN AND INSTRUMENTS HEREON WERE FILED FOR RECORD AND RECORDED IN THE OFFICE OF THE REGISTRAR OF DEEDS AND MAPS OF THE COMMONWEALTH OF MASSACHUSETTS ON THE 16TH DAY OF AUGUST, 1989.

[Signature]
 Bay Colony Surveying, Inc.
 Surveyor



43 SHERMAN STREET

Location 43 SHERMAN STREET

MapParcel 093 / 104/000 000/000

Owner SCHURMAN LUCAS C &
KRISTEN M TE

Assessment \$543,200

PID 3714

Building Count 1

Current Value

Valuation Year	Assessment					Total
	Building	Extra Features	Outbuildings	Land		
2021	\$323,100	\$0	\$1,000	\$219,100		\$543,200

Owner of Record

Owner SCHURMAN LUCAS C & KRISTEN M TE
Co-Owner
Address 43 SHERMAN STREET
FOXBOROUGH, MA 02035

Sale Price \$446,500
Certificate
Book & Page 26950/ 453
Sale Date 08/03/2009
Instrument 1A

Ownership History

Ownership History						
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date	
SCHURMAN LUCAS C & KRISTEN M TE	\$446,500		26950/ 453	1A	08/03/2009	
SCHURMAN WINSLOW B JR	\$0		8082/ 551		08/26/1988	

Building Information

Building 1 : Section 1

Year Built: 1945
Living Area: 3,804
Replacement Cost: \$430,782
Building Percent Good: 75
Replacement Cost
Less Depreciation: \$323,100

Building Attributes

Field	Description
Style	Apt Hse Old Style

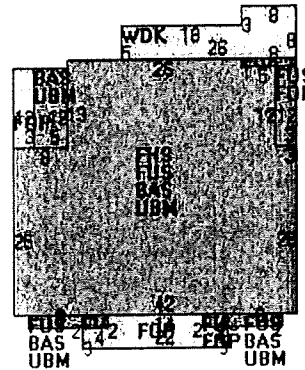
Model Residential
 Grade: C+
 Stories: 2.50
 Occupancy 4
 Exterior Wall 1 Clapboard
 Exterior Wall 2 Stucco Mas
 Roof Structure: Gable
 Roof Cover Arch Shingles
 Interior Wall 1 Plaster
 Interior Wall 2
 Interior Flr 1 Carpet
 Interior Flr 2 Hardwood
 Heat Fuel Gas/Oil
 Heat Type: Hot Water
 AC Type: None
 Total Bedrooms: 8 Bedrooms
 Full Baths 4
 Half Baths: 2
 Extra Fixtures 0
 Total Rooms: 16
 Bath Style: Average
 Kitchen Style: Average

Building Photo



(<http://images.vgsi.com/photos/FoxboroughMAPhotos/\00\01\26\22.jpg>)

Building Layout



(http://images.vgsi.com/photos/FoxboroughMAPhotos//Sketches/3714_371)

Extra Kitchens
 Fireplace
 Extra Openings
 Gas Fireplace
 SF Fin Bsmt
 FBM Quality
 Bsmt Garage

Building Sub-Areas (sq ft)

Legend

Code	Description	Gross Area	Living Area
BAS	First Floor	1,540	1,540
FUS	Fin Upper Stor	1,540	1,540
FHS	Fin Half Story	1,448	724
FOP	Open Porch	182	0
UBM	Basement	1,540	0
WDK	Wood Deck	154	0
		6,404	3,804

Extra Features

Extra Features

Legend

No Data for Extra Features

Land

Land Use

Use Code 1110
Description Apt 4 - 8 Res
Zone R 15
Neighborhood 0400
Alt Land Appr No
Category

Land Line Valuation

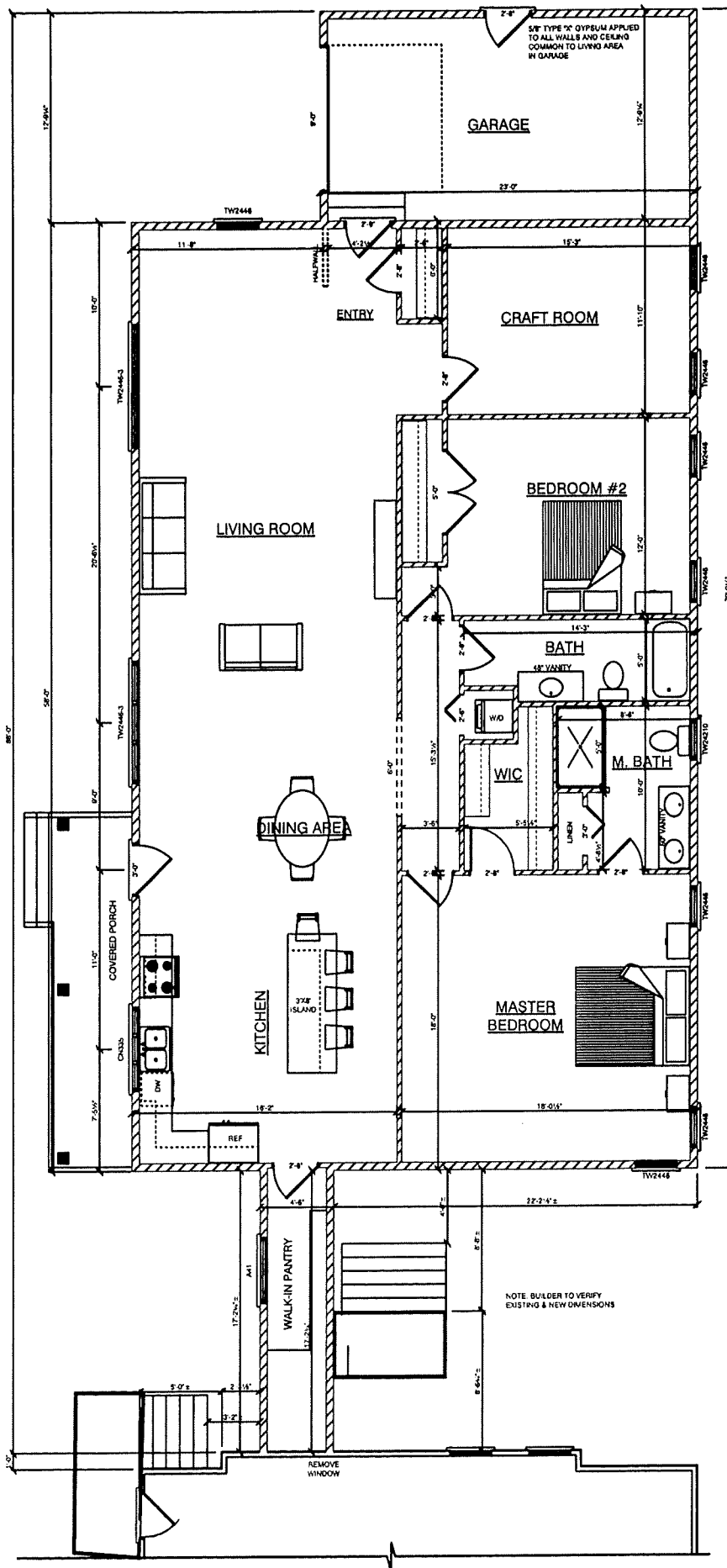
Size (Acres) 1.11
Frontage 134
Depth
Assessed Value \$219,100

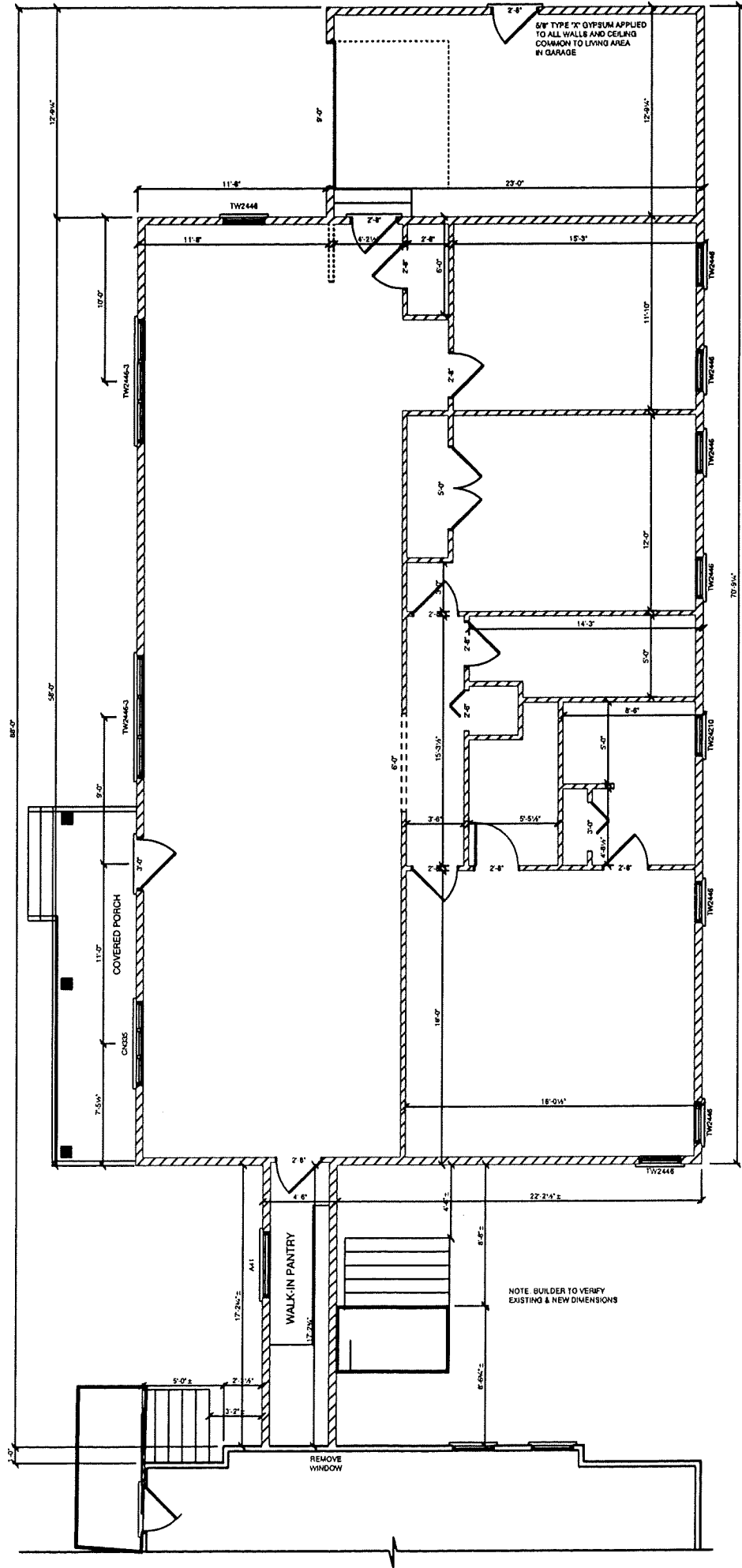
Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	Shed - Average			248 S.F.	\$1,000	1

Valuation History

Valuation Year	Assessment					Total
	Building	Extra Features	Outbuildings	Land		
2021	\$323,100	\$0	\$1,000	\$219,100	\$543,200	
2020	\$323,100	\$0	\$1,000	\$219,100	\$543,200	
2019	\$269,000	\$0	\$1,000	\$208,700	\$478,700	





5/8" TYPE 'X' GYPSUM APPLIED TO ALL WALLS AND CEILING COMMON TO LIVING AREA IN GARAGE

NOTE: BUILDER TO VERIFY EXISTING & NEW DIMENSIONS

WALK-IN PANTRY

COVERED PORCH

REMOVE WINDOW

