

Jeffrey M. Lovely, Esq.
Counselor At Law
6 Railroad Ave.
Foxboro MA 02035

508 698 3000

lovelylaw3000@gmail.com Fax 508 543 0798

HAND DELIVERED

February 24, 2021

Foxborough Zoning Board of Appeals
30 South Street
Foxboro MA 02035

Re: 44 Green Street Foxboro MA 02035

Deed Reference: Norfolk Deeds Book 32661 Page 460; Assessors Map 170
Parcel 31

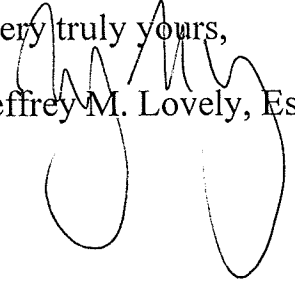
Application for Special Permit; Section 3.2, Accessory Uses; Table
3.1(L)(5)

Dear Board:

Please find, submitted herewith, filing fee (\$150) and 8 of each of the
following:

1. Completed application;
2. Assessors Map 170 with locus highlighted;
3. Plot plan--Zoning Board of Appeals Plan showing existing and proposed
improvements;
4. Floor plans and elevations for proposed garage;
5. Certified abutter's list with excerpts of Maps 170 and 176 and locus and
abutters highlighted;
6. Photos of similar garage;
7. Aerial photos of location;
8. Statement in support.

Thank you.

Very truly yours,

Jeffrey M. Lovely, Esq.

Attachment 1: Completed application



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

APPLICATION FOR BOARD OF APPEALS HEARING

Name of Applicant: Mark S. Longa, Trustee Tel # 508 922 5829
Mailing Address: 412 Mansfield St. North Attleboro MA 02760 Email: longa6661@outlook.com
Location of Property Subject of the Hearing: 44 Green Street
Assessors Map #: 170 Parcel #: 031 Zoning District: R-40
Is the property located in any zoning overlay district? No Yes If yes, please identify overlay district _____
Owner of Subject Property (if different than applicant): N/A
Address of Owner (if different than applicant's address): _____
Were previous decisions rendered on the subject property?: No Yes . If yes, please Provide copy of decision(s).

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

1. Request for a **SPECIAL PERMIT** under Section 3.1; Table 3.1L(5) of the Zoning By-Laws to allow Construction of a detached garage that exceeds 625 s.f. (and may exceed 1.5 stories in height).
Proposed structure is approximately 960 s.f., plus porches on each side (total footprint approx. 1440 s.f.,
Based on Section 11, definitions, this is a one story building; it is approximately 20-21 feet above grade in height

2. Request for a **VARIANCE** from Section _____ of the Zoning By-Laws to allow _____

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: _____


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

I, Mark S. Longa, Trustee as applicant, hereby request a hearing before the Foxborough Zoning Board of Appeals as referenced in the above application.

Applicant's Signature:  Mark S Longa Date: 2/22/21
Authentisign
2/22/2021 9:47:09 PM GMT

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

I, Mark S. Longa, Trustee as owner of subject property, hereby authorize the applicant, Attorney Jeffrey M. Lovely, to act on matters before the Foxborough Zoning Board of Appeals as referenced in the above application.

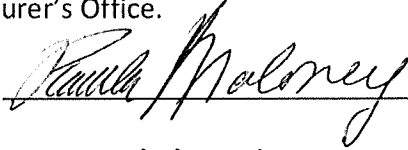
Subject Property Owner's Signature:  Mark S Longa Date: 2/22/21
Authentisign
2/22/2021 9:47:11 PM GMT

Official Use Only

 Jeffrey M. Lovely ESQ

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:  Paula Maloney Date: 2/24/21

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)

FILING AND ADVERTISING FEES

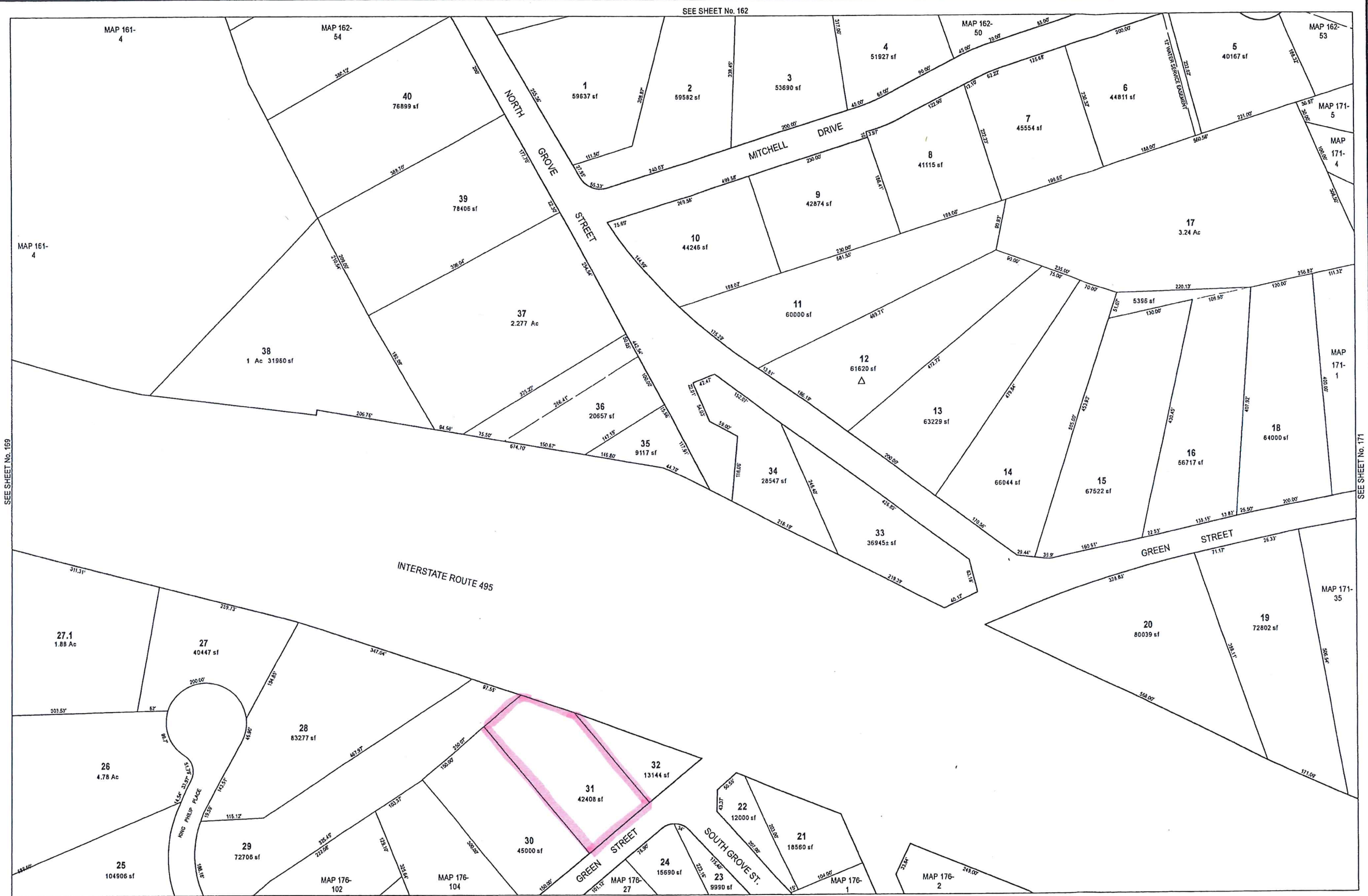
(a) A filing fee shall be made payable to the "Town of Foxborough" as follows:

Application Type	Filing Fee*
(i) Single and Two-Family Special Permits (including home occupations), Variances and Findings	\$150
(ii) Multi-Family Special Permits, Variances and Findings	\$200 plus \$75 for each unit in excess of 2
(iii) Non-Residential Special Permits, Variances and Findings	\$300
(iv) Signs	\$200
(v) Appeals of Building Commissioner/ Zoning Enforcement Officer	\$150
(vi) Comprehensive Permits	As determined in accordance with Section 5.03 of the Foxborough Zoning Board of Appeals Rules and Regulations

** Each request within an application is subject to and requires payment of the filing fee that is applicable thereto. For example, an application requesting both a special permit and a variance for a non-residential use would require payment of a \$600 filing fee.*

(b) An advertising fee shall be made payable directly to The Sun Chronicle (or such other locally-distributed newspaper in which the Board designates the required hearing notice to be advertised) in such amount as is required thereby.

Attachment 2: Assessor's Map 170



THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM, NAD 83.

ORIGINAL MAPS PREPARED BY SOUTH SHORE DRAFTING SERVICE.

REVISED & REPRINTED BY

CAI Technologies
Precision Mapping. Operational Solutions.

11 Pleasant Street, Littleton, CO 80120
800.322.4540 - www.caitech.com

PARCEL AREA Ac / sf
RECORD DIMENSION 100'
SCALED DIMENSION 100%
MATCH LINE SEE SHEET No. 61
WATER W

LEGEND

PARCEL NUMBER 5
RIGHT OF WAY/ACCESS ---
COMMON OWNERSHIP --- OR ---
WETLANDS W

SCALE: 1" = 80'

REVISIONS TO: JANUARY 1, 2019

PROPERTY MAPS

FOXBOROUGH

MASSACHUSETTS

INDEX DIAGRAM

161	162	163
166	170	171
175	176	177

MAP NO.

170

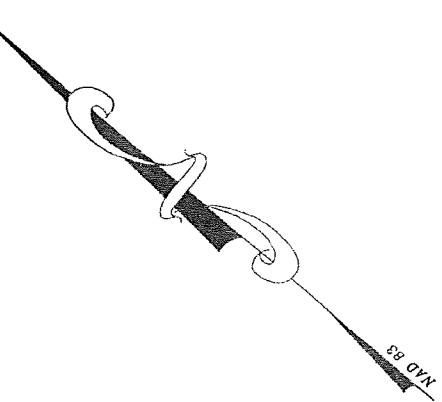
PREPARED FOR:

ARTHUR LONGA
44 GREEN STREET
FOXBOROUGH, MA 02035



Bay Colony Group, Inc.
Professional Civil Engineers &
Professional Land Surveyors

ZONING BY-LAW REQUIREMENTS		
ZONING DISTRICT - R40		
REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	40,000 S.F.	42,031 S.F.
MIN. LOT FRONTAGE	200'	150.03'
MIN. FRONT YARD	35'	66.1'
MIN. SIDE YARD	15'	13.8'
MIN. REAR YARD	30'	180.5'



INTERSTATE ROUTE 495
NO ACCESS

$$R=7860.00'$$

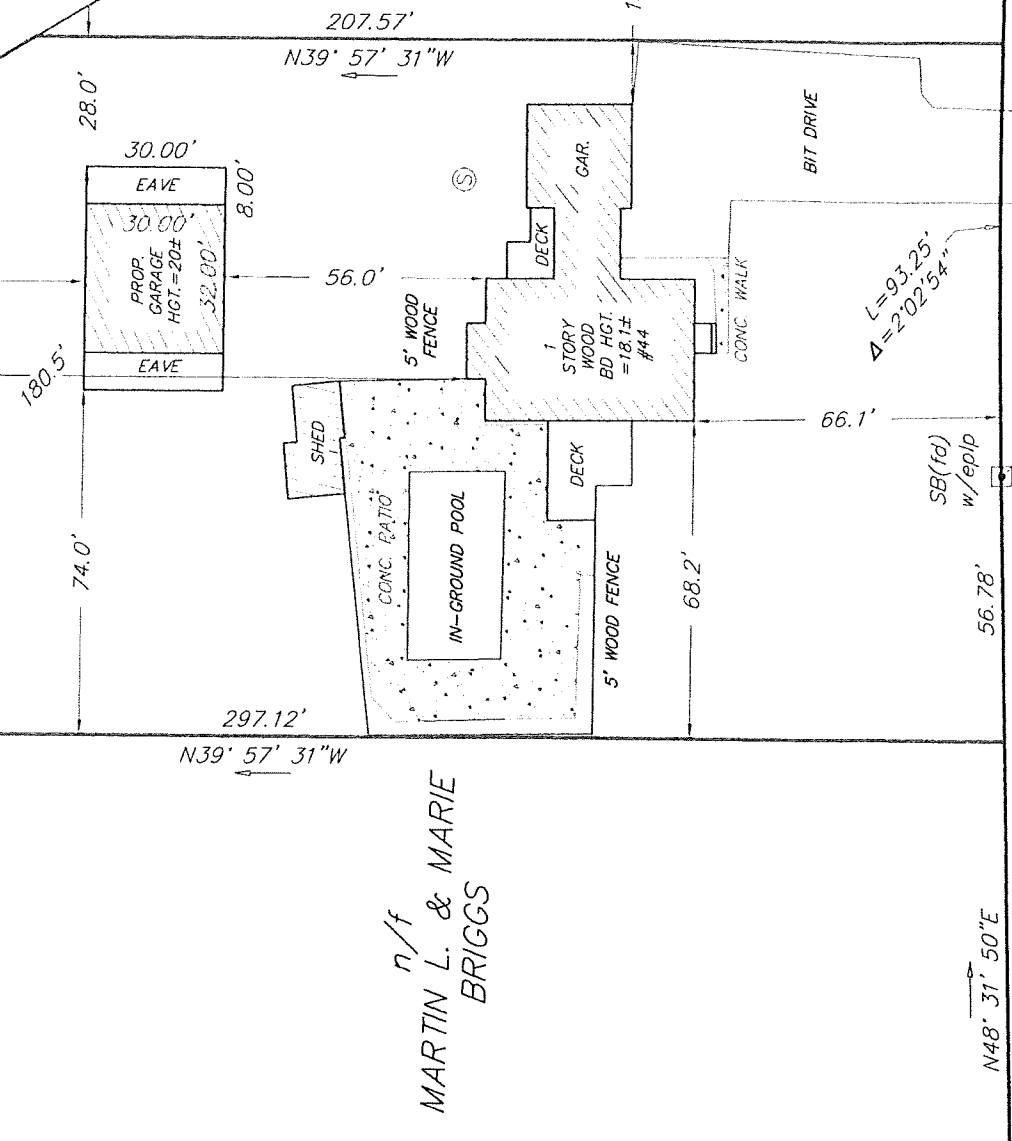
$$L=101.95'$$

$$\Delta=0^\circ 44' 35''$$

MAP 170
PARCEL 31
AREA=
42,031 ± sq.ft.

S50° 03' 21" W
149.95'
TO IRON PIPE

N50° 03' 21" E
97.25'
I. PIPE (fd)



n/f
MARTIN L. & MARIE
BRIGGS

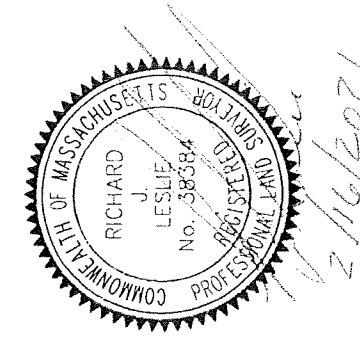
n/f
MARTIN L. & MARIE
BRIGGS

GREEN STREET

SOUTH GROVE
STREET

ZONING BOARD OF APPEALS
PLAN OF LAND FOR
44 GREEN STREET
FOXBOROUGH, MA

RICH



FEBRUARY 4, 2021 SCALE: 1"=40'

BAY COLONY GROUP, INC.
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
FOUR SCHOOL STREET, P.O. BOX 9136
FOXBOROUGH, MA 02035
(508) 543-3939

I hereby certify to the above named Client that to the best of my professional knowledge, information, and belief that the dwelling is located on the ground as shown hereon.

Attachment 4: Floor plans and elevations



DIY Pole Barns & Supplies
 9232 Hogpath Road Arcanum, OH 45304
 Business: 937-547-9100 Fax: 937-547-9122

Customer Name Joe Barbosa
 Customer Address 1301 West St. Mansfield, MA 02048
 Customer Phone Call 774-266-3027



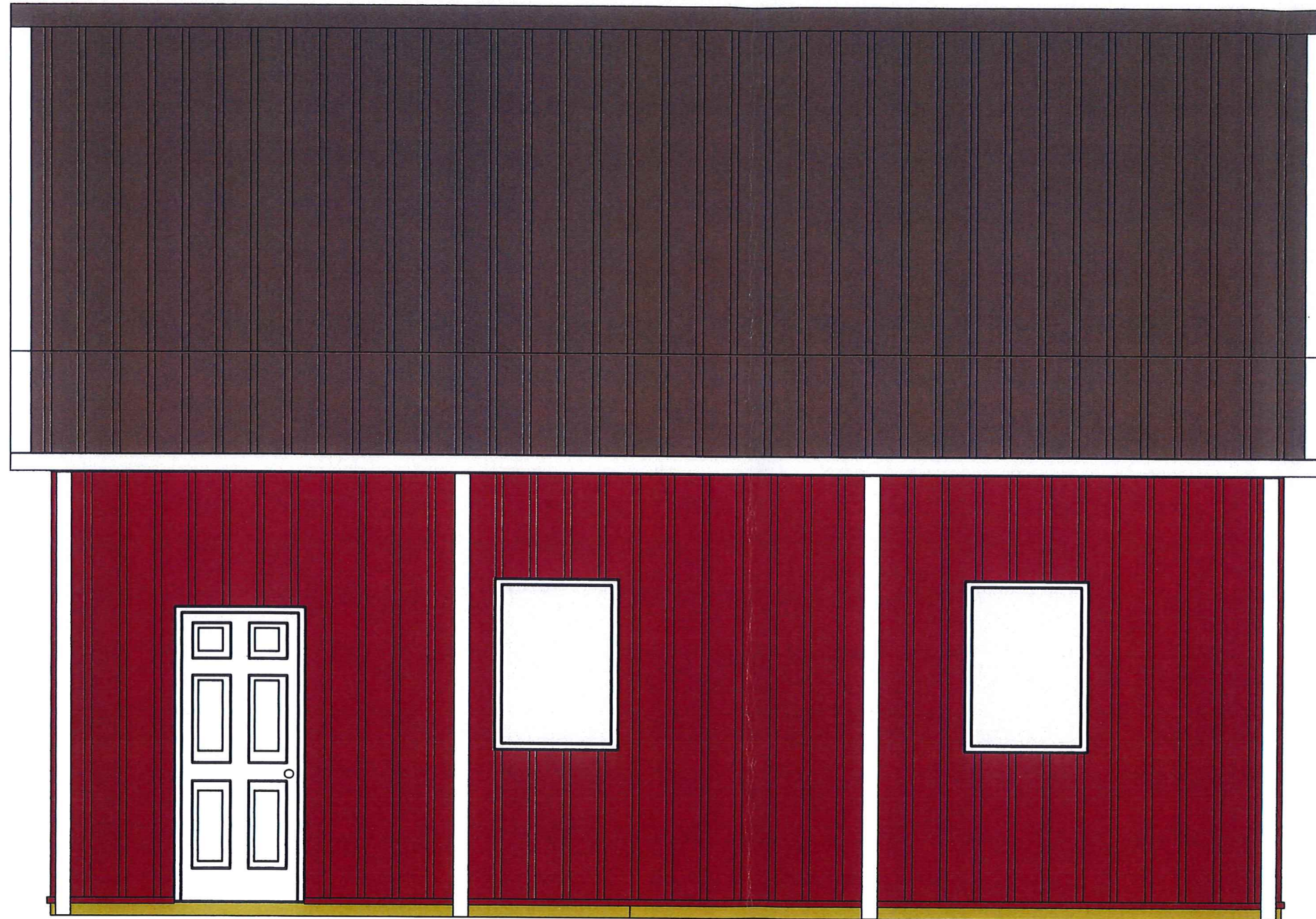
Building Specifications

Building Width	32'	Truss Loading: 35-5-0-5 psf
Building Length	30'	Design Snow Load: 35 psf
Building Height	12'	Design Wind Speed: 131 mph
Eave Overhang	12 in.	Design Soil Bearing = 1500 psf
Gable Overhang	12 in.	
Pitch of Roof	6 in./12	
Style of Building	Post Frame	

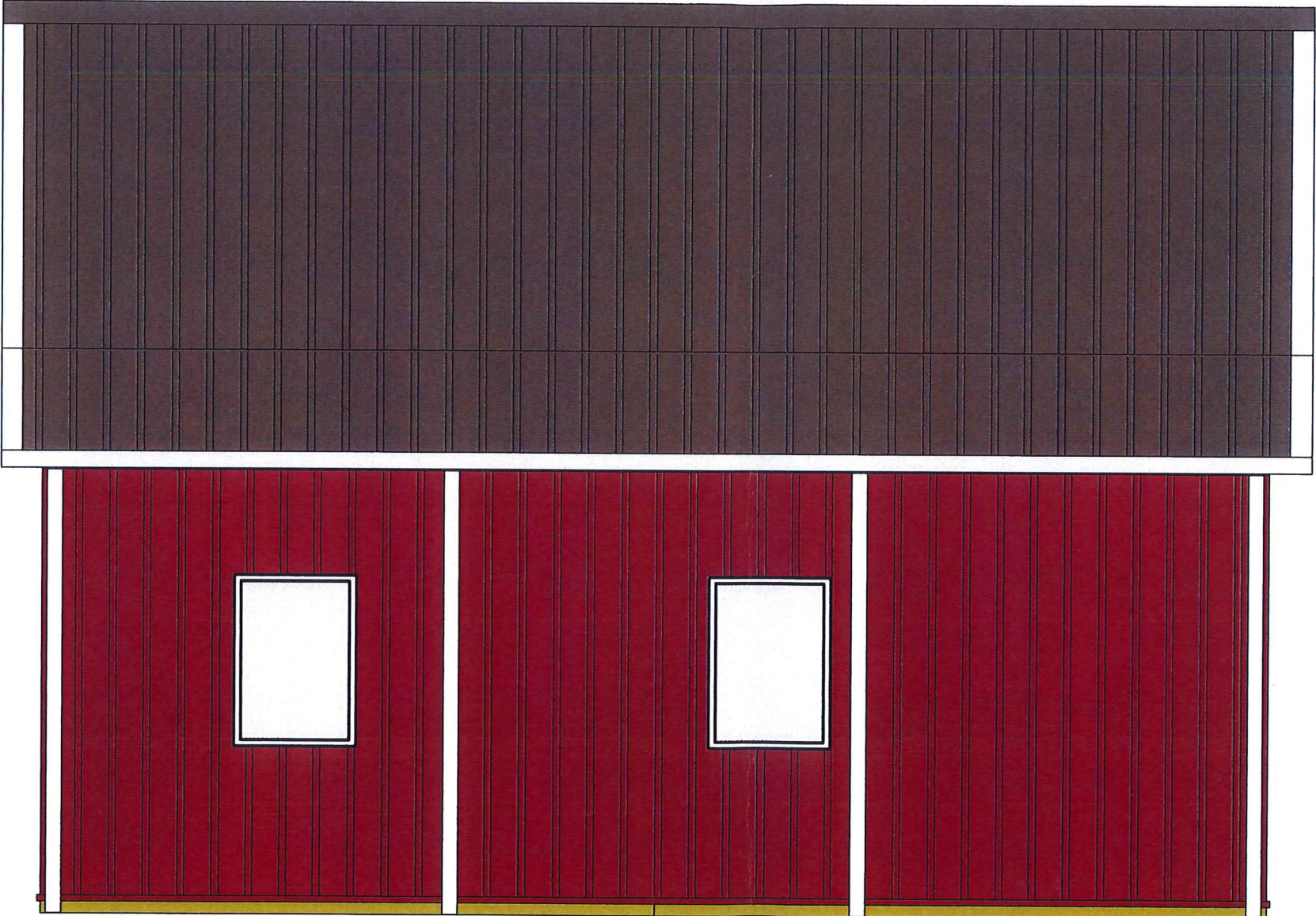




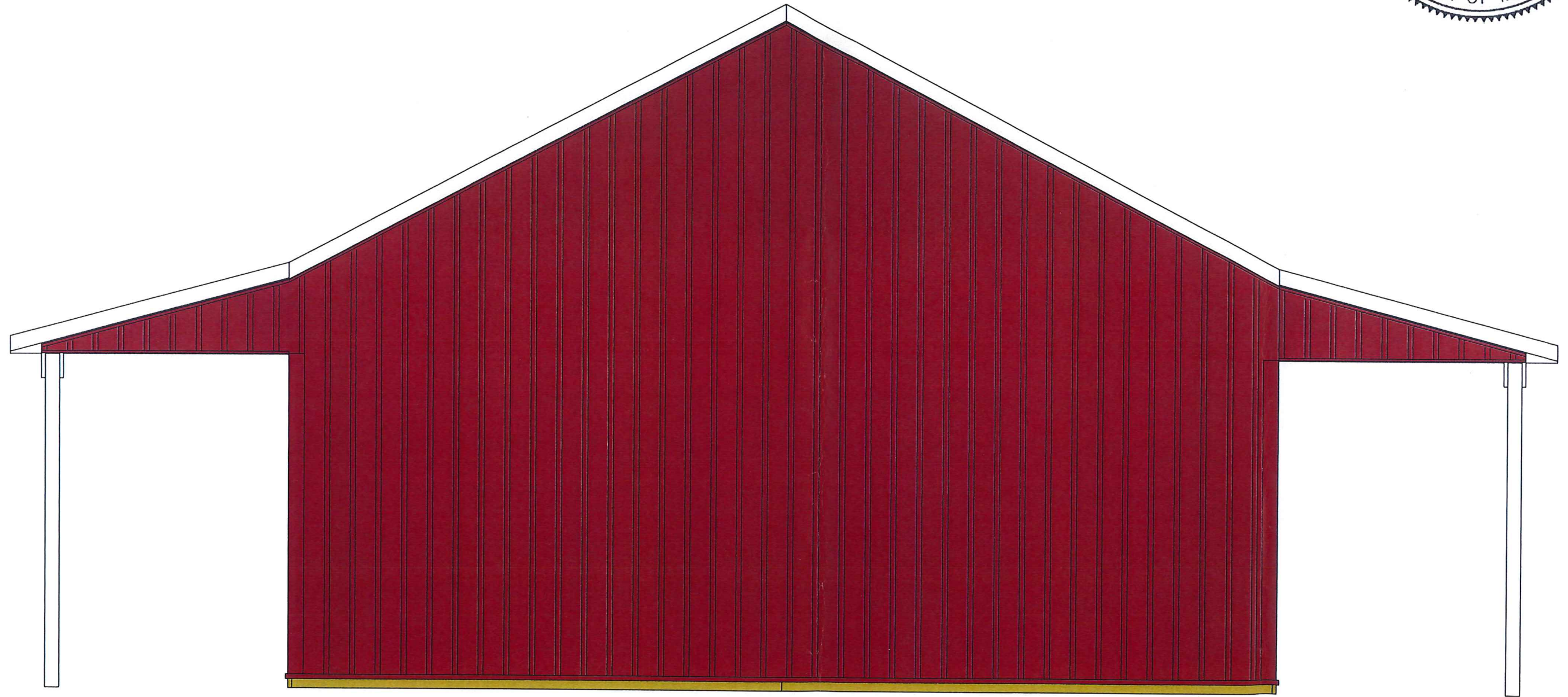
NORTH SIDE-EAVE SIDE 2 ELEVATION



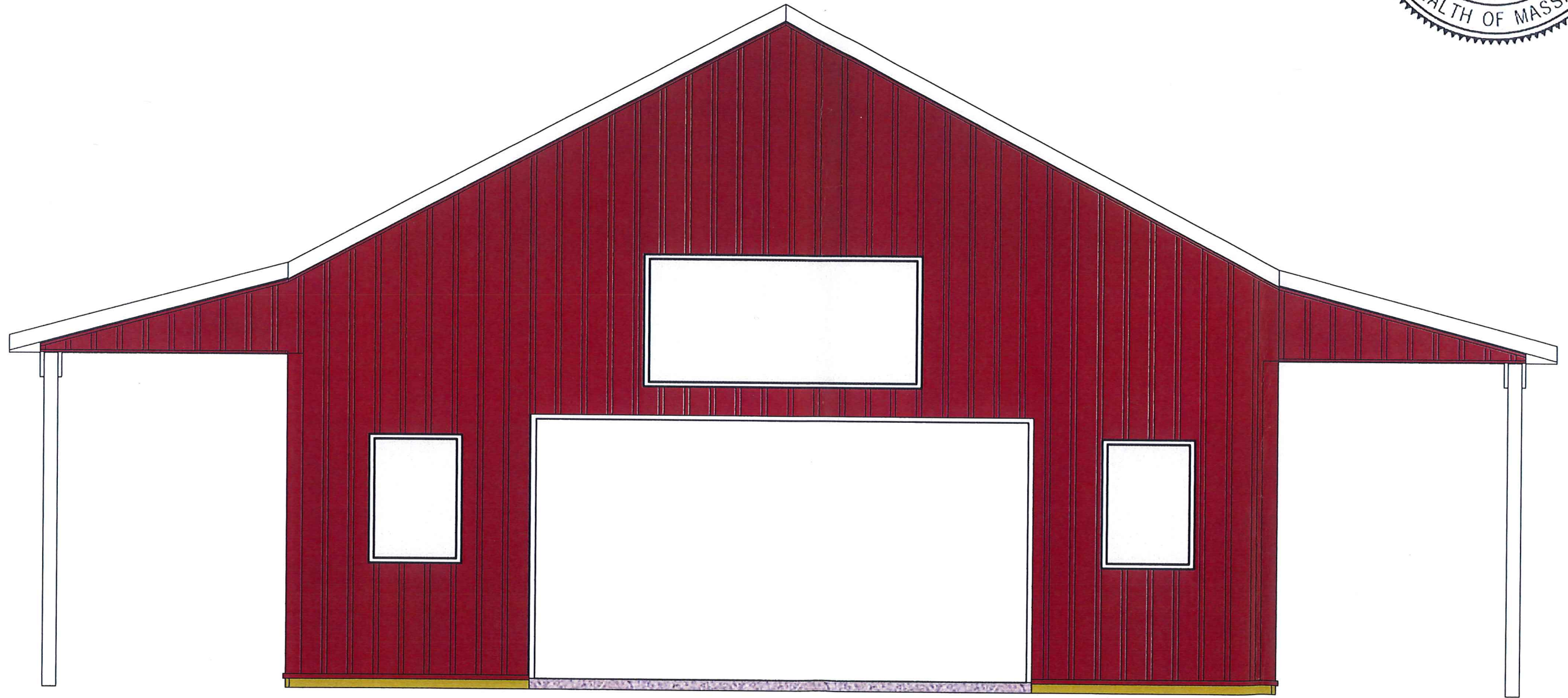
SOUTH SIDE-EAVE SIDE 1 ELEVATION



WEST SIDE-GABLE SIDE 2 ELEVATION



EAST SIDE-GABLE SIDE 1 ELEVATION



Attachment 5: Certified abutter's list

RECEIVED
BOARD OF ASSESSORS

FEB 18 2021

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: MARK S. LONGA, TRUSTEE
MAILING ADDRESS: % JEFFREY M. LOVELY, ESQ. PO BOX 510 FOXBOROUGH MA
PROPERTY LOCATION: 44 GREEN ST. 02035
ASSESSORS MAP/PARCEL: 170/031
APPLICANT: MARK S LONGA, Trustee PHONE: 508 922 5829
AUTHORITY REQUESTING LIST: Foxboro ZBA
DATE SUBMITTED: _____

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

I, HARVEY SIMONDS 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 MAP 170 PARCEL 31

Date: Feb. 19, 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."

PLS. CALL JEFF LOVELY 508 698 3000 / lovely.law.3000@gmail.com
WHEN AVAILABLE

**Abutting Properties for
44 GREEN STREET FOXBOROUGH, MA
170/ / 031/000 000/000
(300 feet)**

Date: 02/19/2021 Location:

.....
176/ / 103/000 000/000
1 KING PHILIP PLACE
Owner:
FOXBORO GABLES LLC
C/O JOHN MCCARTHY
38 GREEN STREET
FOXBOROUGH, MA 02035

Location:
170/ / 030/000 000/000
42 GREEN STREET
Owner:
BRIGGS MARTIN L & MARIE TE
42 GREEN STREET
FOXBOROUGH, MA 02035

Location:
170/ / 032/000 000/000
46 GREEN STREET
Owner:
BRIGGS MARTIN L & MARIE TE
42 GREEN STREET
FOXBOROUGH, MA 02035

Location:
170/ / 024/000 000/000
45 GREEN STREET
Owner:
FED CAP INC
C/O JULIUS NOSA & DORIS OMUEMU
45 GREEN STREET
FOXBOROUGH, MA 02035

Location:
176/ / 027/000 000/000
43 GREEN STREET
Owner:
HEYDECKER CHRISTIAN R &
MARGARET A TE
43 GREEN STREET
FOXBORO, MA 02035

Location:
170/ / 029/000 000/000
5 KING PHILIP PLACE
Owner:
OSSENFORT SHANNON B & MONTI A
C/O ELIOT AND REGAN WOLF
5 KING PHILIP PLACE
FOXBORO, MA 02035

**Abutting Properties for
44 GREEN STREET FOXBOROUGH, MA
170 / / 031/000 000/000
(300 feet)
Date: 02/19/2021 Location:**

.....
176 / / 103/000 000/000
1 KING PHILIP PLACE
Owner:
FOXBORO GABLES LLC
C/O JOHN MCCARTHY
38 GREEN STREET
FOXBOROUGH, MA 02035

Location:
170 / / 030/000 000/000
42 GREEN STREET
Owner:
BRIGGS MARTIN L & MARIE TE
42 GREEN STREET
FOXBOROUGH, MA 02035

Location:
170 / / 032/000 000/000
46 GREEN STREET
Owner:
BRIGGS MARTIN L & MARIE TE
42 GREEN STREET
FOXBOROUGH, MA 02035

Location:
170 / / 024/000 000/000
45 GREEN STREET
Owner:
FED CAP INC
C/O JULIUS NOSA & DORIS OMUEMU
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FOXBOROUGH, MA 02035

Location:
176 / / 027/000 000/000
43 GREEN STREET
Owner:
HEYDECKER CHRISTIAN R &
MARGARET A TE
43 GREEN STREET
FOXBORO, MA 02035

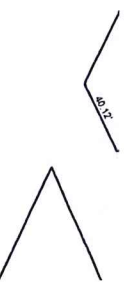
Location:
170 / / 029/000 000/000
5 KING PHILIP PLACE
Owner:
OSSENFORT SHANNON B & MONTI A
C/O ELIOT AND REGAN WOLF
5 KING PHILIP PLACE
FOXBORO, MA 02035



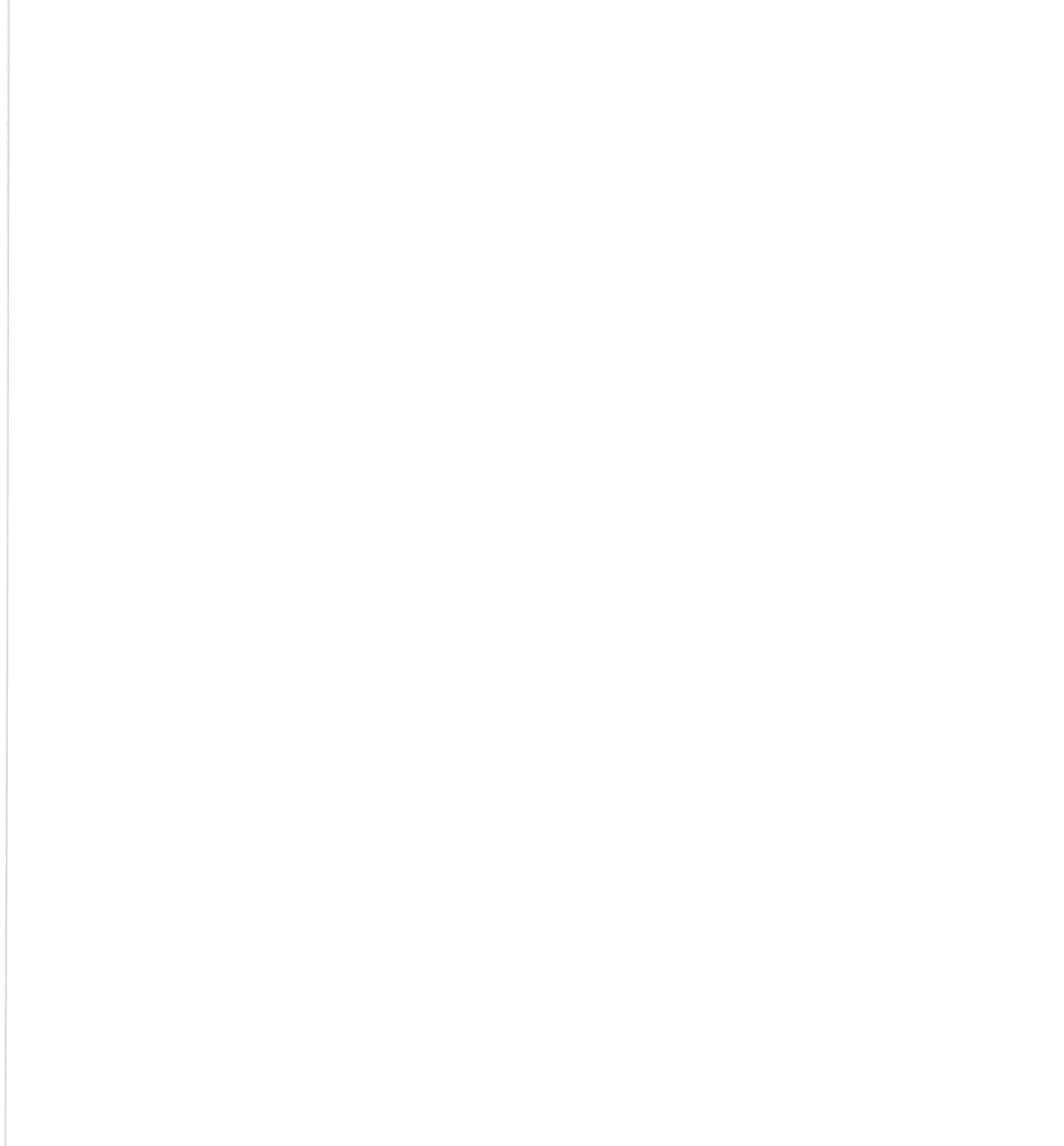
MAP 170

MAP 176

495



Attachment 6: Photos of similar garage



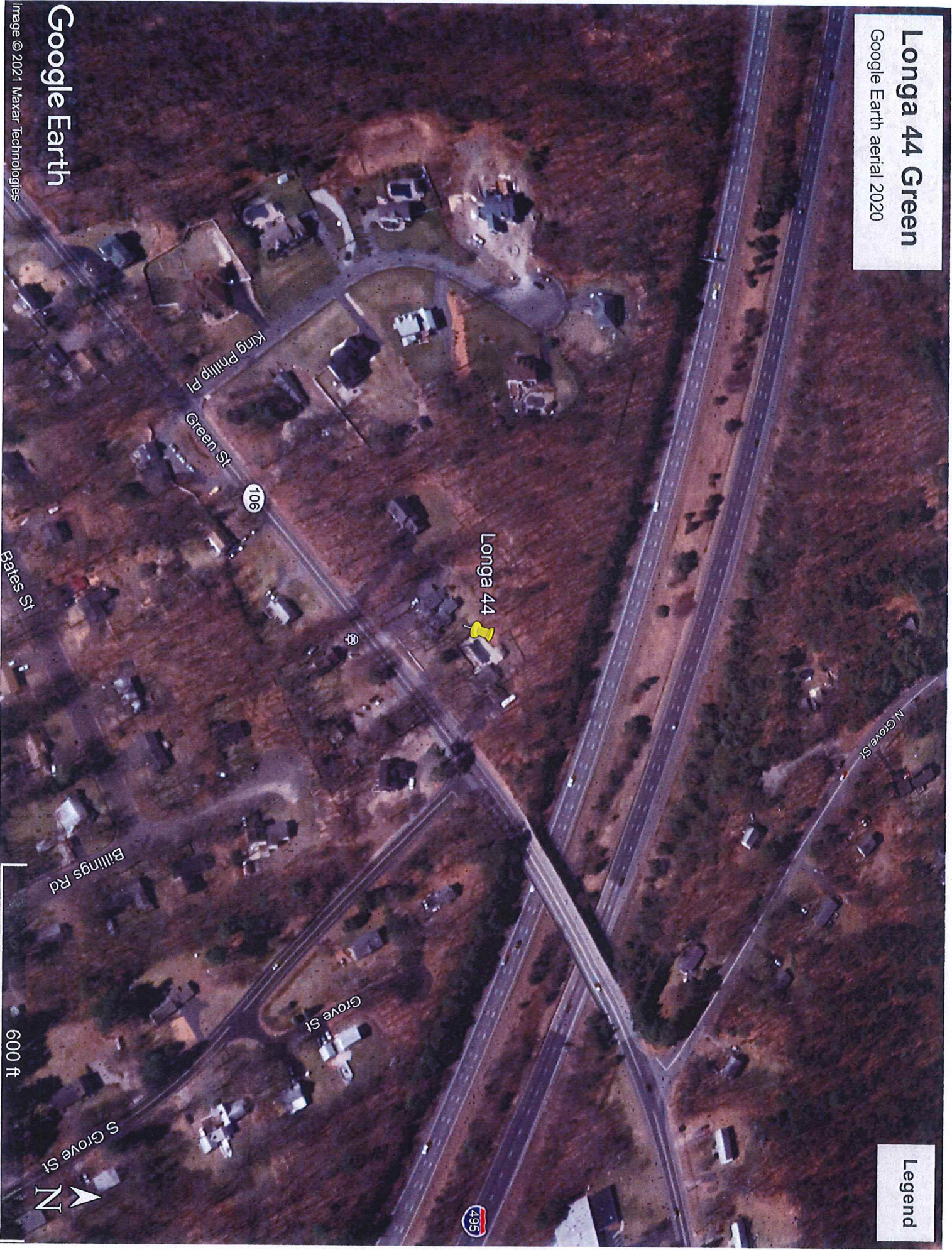


Attachment 7: Aerial photos of location

Longa 44 Green

Google Earth aerial 2020

Legend



Google Earth

Image © 2021 Maxar Technologies

Longa 44 Green
Google Earth aerial

Legend



Attachment 8: Statement in Support

Jeffrey M. Lovely, Esq.
Counselor At Law
6 Railroad Ave.
Foxboro MA 02035

508 698 3000

lovelylaw3000@gmail.com Fax 508 543 0798

HAND DELIVERY

February 24, 2021

Foxborough Zoning Board of Appeals
30 South Street
Foxboro MA 02035

Re: 44 Green Street, Foxboro MA 02035

Dear Board:

Please consider the following statement in support of the application, filed herewith, for a special permit to construct an accessory garage at 44 Green Street (the "Property.")

The Property consists of approximately 42,031 s.f. of land, with 150+/- feet of frontage, improved by a single family residence with an existing in-ground pool and patio. It is located in the R-40 zone and is not located in any overlay zoning district. There are no wetlands on or adjacent to the property.

Green Street is Route 106; a portion of the property abuts Route 495 as well.

The petitioners, the Longa family, have resided at the Property since 1972. Currently the Property is occupied by June Longa, the family matriarch. Her three sons, Arthur, Mark and Steven, and their families all live locally and are frequent visitors to the family home. The Property is held in trust with Mark Longa as Trustee.

The Longa family requests a special permit to build an accessory garage, approximately 960 s.f. in size with farmer's porches on each side, at the Property. The total footprint, including the farmer's porches, is 1440 s.f.

The proposed garage meets all setback requirements and is located about 160' from Green Street (Route 106).

A special permit is required for a residential garage, like this one, in excess of 625 square feet and/or for a garage that consists of more than one and one-half "stories."

A "story" is defined in Section 11.1 of the bylaw as "The portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above."

For aesthetic purposes, the garage is designed to look like a barn. Although the building has the external appearance of a two story building, there is no usable upper floor—and in fact no "floor" other than the garage floor itself—and no access to an upper level. The roof is framed with trusses and the upper space is cathedral style, open, and cannot be used for storage or any other purpose. A picture of a similar garage is filed herewith for reference purpose.

Based on the definition of "story" in the bylaw, this would appear to be a one-story garage as opposed to something in excess of 1 ½ stories. However, for the avoidance of confusion, this application requests a special permit both for the size of the proposed garage and for its height/number of stories, should the board determine that this proposed garage in fact exceeds 1 ½ stories.

The height of the first story is approximately 12 feet from top of floor to the bottom of the roof trusses; the entire building is approximately 20 feet 4 inches in height above grade.¹

The proposed garage complies with Section 4.2.1 of the zoning bylaw ("Special Dimensional Requirements"), which limits the area occupied by accessory structures to 25% of the rear yard area. The rear yard at the Property is approximately 24,766 s.f. in area². The garage, including the two porch areas (1440 s.f.) and the existing shed (217 s.f.) would occupy approximately 7% of the rear yard at the Property.

¹ Final height will be shown on a building permit application plan if this special permit is granted.

² This information was provided by Bay Colony but is not shown on the plan submitted.

The purpose of the garage is for the storage of antique cars, maintenance of family vehicles, and storage of yard equipment, pool equipment, household items, and related residential home garage purposes. The garage will not, per the zoning bylaw, be used for commercial or other non-residential purposes.

The proposed garage is attractive, with a barn-like appearance, well-separated and well-buffered from adjacent homes and properties. Photos of a similar barn are attached.

Access to the garage will be via a paved driveway to the east of the existing home; additional paved parking will be located in front of the garage.

We believe that granting the special permit will not be detrimental to any neighbor, the neighborhood, or to the Town of Foxboro. It would be located 28 feet from the vacant lot to the east (which is currently undeveloped and owned by the owners of 42 Green Street), 74' from the neighbor to the south (42 Green Street), and almost 100' from the lot line of the next closest neighbor, to the west.

Our Bylaws provide detailed guidance with regard to the grant of a special permit:

“Special permits shall be granted [by an issuing board] only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in these bylaws, the determination shall include consideration of each of the following:

1. Community needs served by the proposal;
2. Traffic flow and safety, including parking and loading.
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impact on the natural environment; and
6. Potential economic and fiscal impact to the Town, including impact on Town services, tax base and employment.

Foxborough Zoning Bylaw Sec. 10.4.2.

With regard to the special permit factors:

This is a private garage so it does not serve community needs, other than perhaps by providing interior storage of vehicles or equipment that might otherwise be parked within view of neighbors and/or Green Street. The garage will be beneficial to the Longa family, as it will provide storage and a space in which to maintain and improve family vehicles and for the family to spend time together.

There will be no measurable impact on traffic flow and safety as the garage will not generate any substantial additional visits to the Property, which is located on a state highway, Route 106, with no traffic capacity issues. It will provide additional parking and storage for the property.

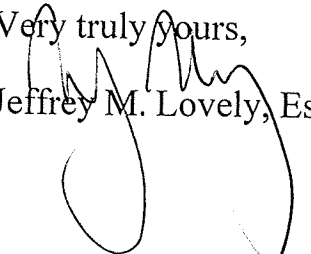
The garage will not affect the character or social structure of the neighborhood, as it will remain single family residential, like the adjacent and close neighbors, and will be amply screened from view from the street by the existing home and vegetation. The proposed garage is well-separated from its neighbors. No commercial activity will take place in the garage or on the Property.

Impact on the natural environment will be minimal, involving some grading and the removal of trees as necessary. The garage will not have a full foundation, plumbing or a bathroom. It will be served with electricity only.

The garage may generate a negligible amount of property taxes but would only have a very minor positive impact on the Town's finances. It will not affect municipal services or employment.

We believe that the proposal is on balance beneficial, not detrimental, to the neighborhood and therefore we respectfully request that the special permit be granted.

Thank you.

Very truly yours,

Jeffrey M. Lovely, Esq.

Cc: Longa Family