



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

**Foxborough Zoning Board of Appeals Minutes  
April 15, 2021**

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

This meeting was held entirely virtually via the Zoom video platform. Chairman Ovrut opened the meeting by reading a statement explaining how comments would be addressed during the meeting and to state that the meeting is also being broadcast on Foxboro Cable Access. It was also noted that all votes would be taken by roll call and if there are any technical difficulties that cannot be resolved, the item would be continued to the next ZBA meeting.

**7:00 Jason Lippolis seeks a Special Permit pursuant to Section 5.4.2. of the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning to allow a pre-existing nonconforming single-family residential structure to be extended or altered by the construction of an addition to such structure that will increase its habitable floor area by 25% or more, a Variance under Section 4.1.1., Table 4-1, to extend or alter such structure by the construction of a porch that will cause the structure to have a front yard setback of 27 feet where 35 feet is required and any other special permit(s), variance(s) or finding(s) as may be required with respect to the foregoing. The subject property is located at 3 Ashcroft Lane, Foxborough, Massachusetts, in the R-40 Residential and Agricultural District and is not in any restrictive overlay district.** Jason and Jennifer Lippolis were present via Zoom for this hearing; their attorney, Frank Spillane, had technical difficulties and ended up participating in the meeting via phone. Atty. Spillane explained that the property is located in the R40 zoning district and contains 46,251 sq. ft. and has 190 feet of frontage where 200 feet is required which makes it a pre-existing non-conforming structure. Currently there are two residences on the lot which is also a pre-existing non-conforming use. No work is proposed on the second residence. The proposed work is to add a two-story addition on the rear portion of the front house containing 1,377 sq. ft.; this house is their primary residence (the other residence is rented out); they would also like to add a farmer's porch on the front of the existing house. The total habitable floor area would then be 2,795 sq. ft. from the existing 1,418 sq. ft. The farmer's porch would add an additional 268 sq. ft. The side yard setback will be 10.6 feet where 15 feet is required and the front yard setback will be 32.9 feet where 35 feet is required. They are also increasing the floor area of the existing home by more than 25%. Atty. Spillane feels that the addition and the porch will not be substantially more detrimental to the neighborhood and will greatly improve the look of the house and the lot. Ashcroft Lane is a dead end street with three houses on it. The land surrounding Ashcroft Lane is owned by the Kraft organization.

The Board determined that a Variance is not warranted for the front porch addition as it will be an increase to an existing pre-existing non-conforming structure but still falls under Section 5.4.2 of the Zoning Bylaws. Atty. Spillane also noted that there is an existing garage on the lot that is used as a personal gym and workshop by the homeowner.

Abutter Bob Capece Jr. stated that he has looked at the plans and feels that allowing this to go forward would be an enhancement to the neighborhood.

A motion to close the Public Hearing was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Barney Ovrut – yes, motion passed.

The Board immediately moved into deliberations. The Board feels that this addition will not be substantially more detrimental than the existing structure and discussed conditions for the approval.

A motion to grant a special permit for construction of both the proposed addition and the proposed porch at 3 Ashcroft Lane with conditions that the addition and porch be located as shown on the submitted plan, the addition shall be a two-story structure containing 2,795 square feet of habitable floor area located no closer than 11 feet at its closest point to the easterly side yard property line; the proposed porch shall be located no closer than 27 feet from Ashcroft Lane; and the exterior materials of the addition shall be comparable to the existing home in type, materials and color was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Barney Ovrut – yes, motion passed.

**7:10 p.m. Continued Public Hearing - Lucas C. Schurman seeks a Variance pursuant to Section 4.1.1., Table 4-1 of the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, to allow a side yard setback of 20 feet where 25 feet is required and a Modification to Case #89-27 to eliminate or modify Condition #1 to allow the footprint of an existing four-family dwelling to be expanded with the addition of a fifth dwelling unit. The property, located at 41 Sherman Street, is in the R-15 Residential and Agricultural District and is not located in any restrictive overlay district.** Atty. Frank Spillane has submitted a letter asking for a continuance, Mr. Ovrut read the letter into the record. Atty. Spillane explained that the applicant has hired a new architect and they are working on new plans trying to keep the addition out of the setback so a variance would not be required.

A motion to continue the Public Hearing for 41 Sherman Street to May 20, 2021 was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Barney Ovrut – yes, motion passed.

## **GENERAL BUSINESS**

The Board reviewed the minutes of March 18, 2021.

A motion to approve the minutes of March 18, 2021 as amended was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Lorraine Brue – yes, Kurt Yeghian – yes, Barney Ovrut – yes, motion passed.

Mr. Ovrut informed the Board that he has been working on updated the Rules and Regulations, a public hearing is needed to allow these changes and will be scheduled for the May meeting. Ms. Gray will check the fees in the surrounding towns to see if the fee schedule needs to be updated also.

Mr. Ovrut will also be working on an update to the Sign Bylaw, either by the ZBA or the Sign Bylaw Committee could be revived. Mr. Ovrut will consult with the Town Manager to discuss this.

A motion to adjourn the meeting was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Lorraine Brue – yes, Kurt Yeghian – yes, Barney Ovrut – yes, motion passed.

The meeting was adjourned at 8:10 p.m.

Respectfully Submitted,

Diana Gray

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Signed on behalf of the Board

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Kim Mellen, Clerk