



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
May 20, 2021**

Members present: Members Barney Ovrut and David Brown 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 p.m. Mark S. Longa, Trustee, seeks a Modification of Special Permit #21-03 to construct a detached residential garage at 44 Green Street, Foxborough, Massachusetts, in the R-40 Residential and Agricultural District. Mr. Ovrut appointed Ms. Brue to this petition as Ms. Mellen was absent. Atty. Jeff Lovely was present as well as applicant Mark Longa. This is for a modification to a Special Permit granted in April for a detached residential garage. They have refined and improved the location of the garage and now have updated plans for the garage location and layout. Atty. Lovely also requests that the condition that limits the height of the garage to 20.4 feet above grade be updated to 21.6 feet above the top of the floor slab.

Atty. Lovely reviewed the updated plans, they have rotated the proposed garage and relocated the driveway to the right side of the property. The proposed garage will now be situated 61.8 feet to the rear of the existing home, instead of 56 feet; the side yard setback will increase from 74 feet to 80 feet on the right side and be reduced from 28 feet to 25.7 feet on the left side; the rear yard setback will be reduced from 98.5 feet to 70.5 feet. Atty. Lovely indicated that he has spoken with the two abutters and they are agreeable to the proposed changes. Another change is to one of the covered porches on the side of the garage, a portion of the porch has now been changed to an entryway by enclosing the sides. This will add 20' x 8' to the interior size of the garage but not change the overall approved footprint, the remaining part of the porch will become a covered way of 10' x 8'. This entrance will be on the furthest side of the garage and not visible from the house. Mr. Lovely also requested that a small rounding radius be permitted where the driveway meets the parking area in front of the proposed garage to be able to turn cars around.

Mr. Yeghian asked if the materials the garage are constructed of will be consistent with the existing home. Mr. Longa stated that the garage will be the same color as the house.

Mr. Ovrut read two letters of support into the record from Martin and Maria Briggs owners of 42 and 46 Green Street and Donna and Gary Richardson of 59 South Grove Street.

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

The Board immediately moved into deliberations. The Board feels that this is a minor change that improves the location of the proposed garage.

A motion to approve the requested Modification to Special Permit #21-03 to construct a detached residential garage at 44 Green Street by deleting the first three conditions of the original permit and replaced with the following conditions: The proposed garage shall be a detached structure with a footprint that shall not exceed 1,440 square feet; the interior of the proposed garage shall not exceed 32' x 30' with an exterior porch on one side that shall not exceed 8' in width and a revised entryway replacing the porch on the opposite side; the height of the proposed garage shall not exceed 21.6' above the top of floor slab; the construction and design of the proposed garage shall be as shown on the revised plans; the location of the proposed garage shall be as shown on the revised plot plan with access by the driveway also shown on the plan; all other conditions to remain the same was made by Mr. Brown and seconded by Ms. Brue. Roll call vote: David Brown - yes, Lorraine Brue – yes, Barney Ovrut – yes, motion passed.

7:10 p.m. Appeal by Normandy Farms Campground pursuant to Section 10.2.2.1. of the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, of a zoning enforcement decision dated April 22, 2021 issued by the Town of Foxborough Building Commissioner and Zoning Enforcement Officer concerning the requested construction of a 30' x 50' post and beam open air pavilion for a picnic area at 72 West Street and, if necessary, a Special Permit pursuant to Section 10.4.2 for the same structure. The property is located in the R40 Residential Zoning District and a Zone II Water Resource Protection Overlay District. Mr. Ovrut appointed Mr. Yeghian to this petition as Ms. Mellen was absent. Correspondence has been received from Kristine Daniels that the building permit has since been granted for this project so a hearing is no longer necessary. Ms. Daniels had also submitted a fee with this application; the Board would like to waive the fee since the hearing is not necessary.

A motion to allow the applicant to withdraw the application without prejudice for the proposed open air pavilion at 72 West Street was made by Mr. Brown and seconded by Mr. Yeghian. Roll call vote: David Brown - yes, Kurt Yeghian – yes, Barney Ovrut – yes, motion passed.

A motion to waive the fee and return the applicants check was made by Mr. Brown and seconded by Mr. Yeghian. Roll call vote: David Brown - yes, Kurt Yeghian – yes, Barney Ovrut – yes, motion passed.

7:20 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. Mr. Ovrut appointed Mr. Yeghian to this petition as Ms. Mellen was absent. Atty. Frank Spillane has submitted correspondence stating the applicant would like to withdraw without prejudice which Mr. Ovrut read into the record. Atty. Spillane indicated that the applicant has been working with a new architect and may come back again in the fall.

A motion to accept the request to withdraw the application without prejudice for 41 Sherman Street was made by Mr. Brown and seconded by Mr. Yeghian. Roll call vote: David Brown - yes, Kurt Yeghian – yes, Barney Ovrut – yes, motion passed.

Public Hearing - To consider and vote on amendments to the Rules and Regulations of the Foxborough Zoning Board of Appeals. Mr. Ovrut explained the changes that he has drafted for the Rules and Regulations, the changes will provide clarity with procedural matters; provisions for the sign bylaw have also been added. The Comprehensive Permit section was not addressed, nor was the section on fees. The fees for comparable towns were looked at and it was determined that no changes were needed to the fee structure.

Ms. Brue feels the changes are helpful.

A motion to approve the proposed changes to the Rules and Regulations of the Foxborough Zoning Board of Appeals as revised this evening was made by Mr. Brown and seconded by Ms. Brue. Roll call vote: David Brown - yes, Lorraine Brue – yes, Kurt Yeghian – yes, Barney Ovrut – yes, motion passed.

GENERAL BUSINESS

Discuss Application Procedures The new Building Commissioner, Barry Ringler, had wanted to require an applicant consult with the Building Commissioner before coming before the Zoning Board. Mr. Ovrut stated that although most applicants usually speak with the Building Commissioner it is usually an informal process the help the applicant understand and start creating their application to go before the Board. Making it a requirement is not necessary in the Board’s opinion.

Minutes April 15, 2021

The Board reviewed the minutes of April 15, 2021.

A motion to approve the minutes of April 15, 2021 as submitted was made by Mr. Brown and seconded by Ms. Brue. Roll call vote: David Brown - yes, Lorraine Brue – yes, Kurt Yeghian – yes, Barney Ovrut – yes, motion passed.

Mr. Ovrut informed the Board that Ms. Barry of the Inspections Department has been working on collecting the required bond fees for the billboards that have been constructed in town. This was brought to everyone’s attention that the fees had not been collected when Media Partners asked for a change to their approval.

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

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

David Brown, Vice Chairman