



BOARD OF APPEALS
TOWN OF FOXBOROUGH

40 SOUTH STREET
MASSACHUSETTS
02035

RECEIVED
TOWN CLERK

2022 JAN 31 A 11: 55

FOXBOROUGH, MA 02035

APPLICATION FOR BOARD OF APPEALS HEARING

John Thearon Helton

Name of Applicant: Beverly Kristenson Helton

Mailing Address: See Attached Email: _____

Location of Property Subject of the Hearing: 310 Cocasset Street

Assessors Map #: 097 Parcel #: 002 Zoning District: R40

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): _____

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 _____ of the Zoning By-Laws to allow _____

2. Request for a **VARIANCE** from Section 4.3.1. of the Zoning By-Laws to allow See Attached

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: See Attached

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

Board of Appeals
TOWN OF FOXBOROUGH

Attachment To
APPLICATION FOR BOARD OF APPEALS HEARING

Name of Applicant: John Thearon Helton & Beverly Kristenson Helton
Mailing Address: 310 Cocasset Street
Foxborough, MA 02035

Location of Property Subject of the Hearing: 310 Cocasset Street
Assessors: Map 097 Parcel 002 Zoning District: R-40

Owners and Address of Subject Property: Same as Applicant

NATURE OF APPLICATION:

2. Request for a VARIANCE from Section 4.3.1. to allow access to the lot not through or across the lot's legal frontage.

4. OTHER Explain: Any other required special permit(s), finding(s), and/or variance(s) to allow a pre-existing non-conforming lot with a single-family dwelling to access the lot through an easement and not through or across the lot's legal frontage.

I, JOHN THOMAS HEARD as applicant, hereby request a hearing before the Foxborough Zoning Board of Appeals as referenced in the above application.

Applicant's Signature: [Signature] Date: 1/25/22

***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: [Signature] Date: 1/25/22

Town Clerk Receipt

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

Town Clerk or Agent's Signature: [Signature] Date: 1-31-2022

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)

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BOARD OF ASSESSORS
JAN 25 2022
TOWN OF FOXBOROUGH



FOXBOROUGH, MA 02035
BOARD OF ASSESSORS
TOWN OF FOXBOROUGH
40 SOUTH STREET
FOXBOROUGH MASSACHUSETTS 02035

(508) 543-1215

Fax: (508) 543-6278

CERTIFICATION OF ABUTTERS

PROPERTY OWNER: John Thearon Helton & Beverly Kristensen Helton

MAILING ADDRESS: 310 Cocasset Street, Foxborough, MA 02035

PROPERTY LOCATION: 310 Cocasset Street

ASSESSORS MAP/PARCEL: Map 097 Parcel 002

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

AUTHORITY REQUESTING LIST: Attorney

DATE SUBMITTED: 01/25/2022

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

I, Sarah Scudibbi, 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 310 Cocasset Street Map: 097 Parcel: 002

Date: January 31 2022

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:
310 COCASSET STREET
FOXBOROUGH, MA 02035
097/002 (300 Feet)
January 31, 2022

Location: 097/001
308 COCASSET STREET
Owner: BLAIS RICHARD &
CAROL 308 COCASSET
STREET FOXBOROUGH, MA
02035

Location: 097/005
4 STOCKBRIDGE ROAD
Owner: GYGI STEVEN P &
MELANIE P
4 STOCKBRIDGE RD
FOXBORO, MA 02035

Location: 097/006
320 COCASSET STREET
Owner: JACOBSON ROBERT T
TR 320 COCASSET ST
FOXBORO, MA 02035

Location: 097/004
3 STOCKBRIDGE ROAD
Owner: COURTNEY
NICHOLAS P & HARMONY M
3 STOCKBRIDGE ROAD
FOXBOROUGH, MA 02035

Location: 096/009
305 COCASSET STREET
Owner: SAVAGE HELENE D &
MICHAEL D TE 305 COCASSET
STREET FOXBOROUGH, MA
02035

Location: 097/003
1 STOCKBRIDGE ROAD
Owner: LINNEHAN DANIEL L
& STEPHANIE L
1 STOCKBRIDGE ROAD
FOXBOROUGH, MA 02035

Location: 097/065
311 COCASSET STREET
Owner: GARCIA VALERIE S
311 COCASSET STREET
FOXBOROUGH, MA 02035

Location: 097/063
317 COCASSET STREET
Owner: ECHOLS KATHLEEN K
& WILLIAM H III
317 COCASSET STREET
FOXBOROUGH, MA 02035

Location: 097/064
16 MORSE STREET
Owner: TOWN OF
FOXBOROUGH SCHOOL DEPT
40 SOUTH STREET
FOXBOROUGH, MA 02035

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TOWN CLERK

Bk 40079 P520 #146242
11-18-2021 @ 12:02p

2022 JAN 31 A 11:55

FOXBOROUGH, MA 02035

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

DRIVEWAY EASEMENT AGREEMENT

DANIEL L. LINNEHAN and STEPHANIE L. LINNEHAN of Foxboro, Massachusetts

For consideration of \$1.00

Grants to John Thearon Helton and Beverly Kristenson Helton, husband and wife, tenants by the entirety of 310 Cocasset Street, Foxboro, Massachusetts

The right and easement to use for the purposes described below that portion of Map 97 Parcel 3, situated on the westerly side of Stockbridge Road, Foxboro, Massachusetts shown as "13' Wide Access Easement" on a certain sketch by Bay Colony Group, Inc. entitled "Driveway Easement Plan of Land for 310 Cocasset Street Foxborough, MA" dated September 25, 2020, Scale: 1"=30'," which sketch is attached hereto as Exhibit A, and which easement area is bounded according to said sketch as follows:

EASTERLY: by Stockbridge Road, as shown on said sketch, 13.01 feet;
NORTHERLY: by Map 97 Parcel 3, as shown on said sketch, 94.93 feet;
WESTERLY: by Map 97 Parcel 3, as shown on said sketch, 4.15 feet; and
SOUTHERLY: by Map 97 Parcel 2 in 2 courses, 14.05 feet and 23.98 feet; and
SOUTHERLY by Map 97 Parcel 3, in 2 courses, 13.93 feet and 52.50 feet.

Grantee and its successors and assigns as the owner of Map 97 Parcel 2 shown on said sketch shall have the right and easement: to use the area described above for a driveway, for the purpose of ingress and egress on foot or with vehicles to and from Stockbridge Road; and to enter upon the easement area for the purposes of construction, repair, maintenance and replacement of said driveway, at the sole cost and expense of Grantee or their successors and assigns.

PROPERTY ADDRESS/LOCATION OF EASEMENT: 1 STOCKBRIDGE ROAD, FOXBORO, MA 02035

PROPERTY ADDRESS/BENEFITTED LAND: 310 COCASSET STREET, FOXBORO, MA 02035

Grantee and its successors and assigns, as the owner of Map 97 Parcel 2 shown on said sketch agree to hold Grantor and their heirs, successors and assigns as the owner of 1 Stockbridge Road, Foxboro, MA harmless from and against any and all liability for injury or damage to persons or property resulting from the construction, repair, maintenance and use of the driveway easement created by this conveyance, except that grantor and their heirs, successors and assigns, is responsible for the consequences of their own negligence.

For Grantor's title to Map 97 Parcel 3 (1 Stockbridge Road, Foxboro, MA), see deed of Sorin R. Marinescu, Trustee to Daniel L. Linnehan and Stephanie L. Linnehan dated January 25, 1999 recorded with Norfolk County Registry of Deeds in Book 13177, Page 141.

This easement shall run with and be appurtenant to Map 97 Parcel 2 shown on said sketch (310 Cocasset Street, Foxboro, MA). For Grantee's title to Map 97 Parcel 2, see deed of Beverly Kristenson Helton to Beverly Kristenson Helton and John Thearon Helton dated July 12, 2019 recorded with Norfolk County Registry of Deeds in Book 36981, Page 238 and deed of Sorin R. Marinescu, Trustee to Bryan Jaeger and Beverly Kristenson Jaeger (now known as Beverly Kristenson Helton) dated January 25, 1999 recorded with Norfolk County Registry of Deeds in Book 13177, Page 135.

Beverly Kristenson Helton and John Thearon Helton release to the Grantors all right, title and interest in all land encompassed in the prior Access Easement granted in Book 13177, Page 135, that is not contained in this current Driveway Easement Agreement.

Executed as a sealed instrument this 7th day of ~~September~~^{November}, 2021

Daniel L. Linnehan
Daniel L. Linnehan

Stephanie L. Linnehan
Stephanie L. Linnehan

Beverly Kristenson Helton
Beverly Kristenson Helton

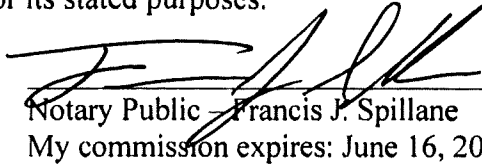
John Thearon Helton
John Thearon Helton

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this 7th day of September, 2021 before me, the undersigned notary public, personally appeared Daniel L. Linnehan and Stephanie L. Linnehan, proved to me through satisfactory evidence of identification, which was Massachusetts drivers' licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purposes.



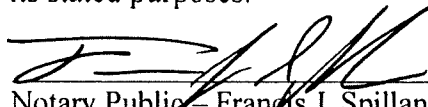

Notary Public – Francis J. Spillane
My commission expires: June 16, 2028

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this 15th day of ~~September~~ ^{November}, 2021 before me, the undersigned notary public, personally appeared Beverly Kristenson Helton and John Thearon Helton, proved to me through satisfactory evidence of identification, which was Massachusetts drivers' licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purposes.




Notary Public – Francis J. Spillane
My commission expires: June 16, 2028