



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
December 16, 2021**

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

This meeting was held in person with the Zoom video platform also available; it was also being broadcast on Foxboro Cable Access.

Chairman Barney Ovrut opened the meeting at 7:00 p.m.

7:00 p.m. Continued Public Hearing - Media Partners MRV LLC requests a Special Permit pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 213: Signs, Section 213-3.C.(1)(a) and Section 213-5.A.(1), Table 1: Permitted Signs and 213-6.A.(1) Table 2: Dimensional Requirements Billboards, to allow the conversion of the two sides of an existing static billboard to an electronic billboard. The billboard is located on Washington Street (Assessors Map 004-009) and is located in Sign District 1. Atty. Frank Spillane was present and requested a continuance to the January 20, 2022 meeting. He explained that the applicant is still trying to get examples of waivers granted by the Office of Outdoor Advertising for electronic billboards less than 1,000 feet apart. They are having a difficult time coordinating a meeting with them as they are currently only meeting remotely. Atty. Spillane stated that this would be the last continuance request, they will either proceed or withdraw in January.

A motion to continue the Public Hearing for the conversion of the static billboard on Washington Street (Assessors Map 004-009) to an electronic billboard to January 20, 2022 as requested was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

GENERAL BUSINESS

Modification Request of Wyman Village Trust and Covenants Atty Jeff Lovely appeared before the Board representing the Trustee and Homeowners Association of Wyman Village. Wyman Village was a Comprehensive Permit project completed in 2017. There is a Homeowners Association in place at this time. Changes to the exterior appearances of the structures are restricted by covenants. The homeowners would like to make changes such as the ability to add solar to their roofs and enclose their decks; these changes are not expressly allowed. Atty. Lovely has drafted an amendment to the covenants to create a protocol for allowing such changes by requiring plans to be submitted to the Trustees and/or Homeowners Association for approval. Only the declarant of the Trust has authority to modify the Trust. Town Counsel has reviewed and approved the documents.

The change to the trust agreement and the covenant is to establish an internal mechanism for the homeowners to submit their proposals to the Trustees and/or Homeowners Association and if approved the Comprehensive Permit would need to be amended and the Board of Appeals would need to determine whether that amendment is substantial or in substantial.

The residents, trustees and Town Counsel have all reviewed and approved the documents. There will be no increase to the square footage or footprints of the homes allowed under this document.

A motion to endorse the amendments to the Wyman Village covenants as presented this evening as an insubstantial change was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

New Building Commissioner

Mr. Ovrut explained that he was part of the search committee that reviewed the applicants for the Building Commissioner position. The committee met with four applicants.

The preferred candidate will be starting in Foxboro on January 24, 2022, he was most recently the Building Commissioner for the town of Marion; his name is Scott Shippey.

Sign Bylaw Discussion – To allow Billboard along the 95 and 495 corridors

The Board met with Atty. Frank Spillane who is representing Arthur Rounds who owns property on East Belcher Road. Also present was Atty. Rob Burr representing American Outdoor Advertising. Mr. Rounds would like to be able to put up an electronic billboard on his property that would be facing Route 95.

Currently billboards are only allowed in Sign District 1 which is along Route 1. Atty. Spillane noted that billboards along Route 95 are starting to come up in neighboring towns. The options to make any changes to the Sign Bylaw are either by Citizens Petition or they could work with the Zoning Board on proposed changes to the bylaw.

If a Citizens Petition is presented at Town Meeting, no wording changes would be allowed and any further amendments would require a vote at a future Town Meeting. A Citizens Petition needs ten signatures to be placed on the warrant.

If they work with the Zoning Board, they could work to get the correct language as the Zoning Board is the board designated for any Sign Bylaw changes.

Mr. Rounds land borders Route 95 but he does not have frontage along Route 95.

Mr. Ovrut stated that he spoke with the Town Manager and he was told that the town has been looking into putting a billboard on the DPW Garage land on Elm Street which also would be faced to Route 95. Any funds generated from the billboard could be used towards town Capital Projects.

Any changes to the bylaw would be restricted to industrial zones along Route 95, other Boards will be asked for their comments, not just the Zoning Board. They would like to get this on the ATM which is in May.

The Board discussed options on how to get this into the Sign Bylaw such as a New Sign District or an overlay district. Currently Route 95 is in Sign District 2; there are three sign districts in town.

Atty. Spillane stated that they are not looking for an endorsement this evening, just a willingness by the Board to work with them on proposed changes to the Sign Bylaw.

Mr. Ovrut and Ms. Brue will work as a ZBA subcommittee on this request.

Minutes November 18, 2021

The Board reviewed the minutes of November 18, 2021.

A motion to approve the minutes of November 18, 2021 as presented was made by Mr. Brown and seconded by Ms. Brue. The motion carried 5-0-0.

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

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk