



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
March 17, 2022**

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

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. Sherry Alberty requests a Special Permit pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, Section 3.1.6., Table 3-1 Table of Uses, Use L.10. and Section 3.2.2 to allow locksmith/automotive security services as a home occupation at 201 North Street. The property is located in the R-40 Residential Zoning District and is not located in any restrictive overlay districts. Ms. Alberty was present and represented herself. She stated that she has been a resident of Foxboro since 1987 and has lived on North Street since 1988. Her husband is a Master Security Technician servicing residential, commercial industrial and automotive security. Her husband has been training service technicians for thirty five years and was considered an essential worker through Homeland Security.

They would like to run their business as a home occupation. They would have the employees' park their personal vehicles in the driveway, check in through the back door and then leave for the day in the company vehicles. The hours would be 8 a.m. – 4 p.m. for employees only, they would not have any walk in business on the site. They would like to keep this business in the family passing it on to their children and grandchildren.

There are three other employees besides the applicant and her husband, one of which is Ms. Alberty's brother. Ms. Alberty is the only employee working at the home, she is the office manager.

They currently have two homes on their lot at 201 North Street, the 1950's house they currently live in and a new construction home that was started in 2011. There is no Certificate of Occupancy for the 2011 home, there is still work that needs to be completed to get their CO.

Building Commissioner Scott Shippey stated that he has in the file the last inspection was done last year, the work on the electrical, plumbing and gas still need inspections done. The home cannot be used without a CO, it is against state law.

The homeowner would need to get a certificate of occupancy permit before the Zoning Board could issue a Home Occupation Special Permit.

Ms. Alberty stated that vehicles and equipment for the business is being stored in the "new" home. Mr. Shippey stated that insurance companies will not cover any losses incurred on the property without a CO in place.

The Board members asked the timetable for getting the work finished on the new home. Ms. Alberty hopes to have everything completed by April 2022. There is currently no water service to the new house.

She also stated that they have been unable to find another commercial space for their business since they lost their lease in Norwood. They have had tough times these past two years due to Covid.

Mr. Shippey stated that he would perform an inspection at the home next week with the homeowners to see what work needs to be completed. He also noted that a demolition permit for the existing home will need to be applied for before the issuance of the CO, they would then have 180 days to demo the existing home.

Board members asked about an issue with a retaining wall on the property from 2014. Ms. Alberty explained that it was solved through an easement.

Ms. Alberty asked if she could use a room in the existing house as a home office, it would be less than 40% of the square footage of the home. They currently live in the smaller house, her brother also lives with her off and on. They have items for the business stored in both basements. The space they had in Norwood had 2,400 sq. ft.; they have an offsite storage space that is full also.

Ms. Alberty listed the commercial vehicles listed on the site. There are three commercial vehicles, two personal sports cars and one other personal vehicle. The sports cars are stored in the new garage. During the day, employee vehicles replace the commercial vehicles. Contractors are also at the house during the day working on the house.

The Board would like to continue the hearing to next month in order to get an update on where the building permits stand and the progress of the new home construction. Mr. Shippey stated that he will work with the applicant and have a report for the Board by the next meeting and work with the applicant towards compliance.

A motion to continue the meeting to April 21, 2022 was made by Ms. Mellen and seconded by Mr. Brown. The motion carried 3-0-0.

GENERAL BUSINESS

The Board reviewed the minutes of February 17, 2022.

A motion to approve the minutes of February 17, 2022 as presented was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 5-0-0.

Mr. Ovrut stated that the Morse Street Conservation Decision was appealed by an abutter today. Not sure what this will do to the 40B timeline. Mr. Ovrut requested that all members summer vacation plans from May to September be sent to the office to be sure that there are quorums for the summer meetings in anticipation of the 40B being applied for.

The meeting was adjourned at 8:05 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk