



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

**Foxborough Zoning Board of Appeals Minutes  
March 20, 2014**

Members present: Chairman Neil Forster, Members Barney Ovrut and Kim Mellen, Alternate Member Kristofer Behn

Chairman Forster opened the meeting at 7:00 p.m. in the Media Center of the Foxboro High School, 120 South Street.

**7:00 p.m. Continued Public Hearing - Foxboro Realty Associates LLC requests a Special Use Permit to allow a Non-Digital Billboard with two (2) faces on Washington Street (Assessors Map 30, Parcel 695).** Allan Caggiano, representing the applicant, requests a continuance to June 2014 or to be allowed to withdraw without prejudice if a continuance is not granted. The Sign Bylaw is still being worked on by the town.

A motion to continue the Public Hearing to June 19, 2014 was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 4-0-0.

**7:10 p.m. Continued Public Hearing - 91 Washington Street Investors LLC c/o Foxstar Corp requests a Special Use Permit to install a free standing billboard at 91 Washington Street.** Atty. Frank Spillane has submitted a letter requesting a continuance until June, 2014.

A motion to continue the Public Hearing to the June 19, 2014 meeting was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 4-0-0.

**7:10 p.m. Continued Public Hearing - Ryan Burke requests a finding pursuant to Foxborough Zoning By-Laws Section 5.4.4 to allow the extension of an addition into the non-conforming front yard setback by proposing to construct a 20' X 24' attached garage. The request is a modification to the original application for a variance from the required side yard setback. The property at 11 Brookside Drive is located in an R-40 Residential Zoning District and Water Resource Overlay District.** Mr. Burke was present. He stated that he has moved the proposed garage to the other side of the house which will not encroach in the side yard setback. He submitted new plans showing the new location. The garage will now be in the front yard setback by twelve feet but still within the required setback. He will also be moving the driveway. The garage will have a second floor with a family room. There are no septic issues. Other homes in the area have garages also.

He will not have any water or plumbing in the garage but would like to have utilities on the second floor. The exterior will be similar to the existing house with the same windows and siding.

The Board needs to make a finding that this addition will not be substantially more detrimental than the existing house. He will submit architectural plans once he has them drawn up.

Mr. Burke withdrew his request for a variance as it is no longer needed.

There were no abutters present.

A motion to close the Public Hearing was made by Ms. Mellen and seconded by Mr. Ovrut. The motion carried 3-0-0.

The Board immediately moved into deliberations.

A motion to grant the requested finding with conditions that the garage be constructed as shown with the exterior the same as the existing structure and there be no running water in the garage was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

**7:20 p.m. Christos Papadopoulos, requests variances from Foxborough Zoning By-Laws Section 9.1.2 to allow the construction of a structure for Office/Service use on a lot where 300 feet of frontage is required and 282.42 feet is provided, a front yard setback from Washington Street where 75 feet is required and 31.42 feet is provided, a front yard setback from North Street where 75 feet is required and 50.2 feet is provided, a left side yard setback where 75 feet is required and 0 feet is provided, a right side yard setback where 75 feet is required and 58.67 feet is provided, impervious lot coverage where 70% is required and 78% will be provided, lot area where 80,000 sq. ft. is required and 16,261 is provided, landscaping where 25 feet is required and 0 feet is provided, and a variance from the lot width and depth requirements of Table 4-2, Dimensional Regulations. The parcel located at 24 Washington Street is located in the S-1, Special Use District and is not located in any restrictive overlay districts.** Mr. Papadopoulos was present as well as his father Bill Papadopoulos, Wes Franklin and Erik Robinson of RODE Architects. Mr. Bill Papadopoulos stated that he has owned the lot since 1988 and he would like to have the property cleaned up and something done with it.

Mr. Robinson then explained the anomaly of the shape of the lot and their proposed use. They would like to construct a 2400 square foot building over the existing building footprint. They are proposing parking for ten and buffer zones and would like to use the three existing curb cuts. The proposed use would be an auto detailing shop with an office.

Mr. Franklin explained that he would be the manager of the auto detailing business and expects to have six employees and be open six days per week from 8:00 a.m. to 6:00 p.m., no Sunday hours. He would like to work on up to four cars at a time. He currently works in Norwood for a car dealer but wants to start his own business.

The impervious coverage will be 78% due to the traffic circulation, 70% is allowed.

A Special Permit for Site Plan Approval will be needed from the Planning Board also; Mr. Robinson would work with the Planning Board on any traffic issues.

The building itself was last used as a service station in the 1980's. The setbacks are not grandfathered in as it has been more than two years since it was last used. Building Commissioner Bill Casbarra stated that he would rather see the present building razed and reconstructed than to try to use the structure.

The proposed building would be 2,480 square feet and the present structure is approximately 2,500 square feet.

Any contaminated soils were removed by Getty years ago, the site is clean.

The Board asked if there was any way to reduce the impervious to 70%.

Mr. Papadopolous also noted that he uses the lot on game days for parking of up to sixty cars and would like to continue that use. The business would not be open on game days.

Mr. Franklin stated that there would be no harsh chemicals used on the cars, it's mostly soap and water. The Board asked if he had looked into drainage for the car wash, there may be requirements for gas separation. Mr. Franklin stated that there are special mats that are used for car washing to absorb the water. He also noted that all work would be done inside.

Mr. Robinson noted that the canopies shown on the plan could be reduced or eliminated to reduce the impervious.

Abutter Ellen Davis of 200 North Street, a resident there for thirty years, stated that she would like to see something there to improve the corner. Her husband also spoke in support of the application.

A motion to close the Public Hearing was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

The Board immediately moved into deliberations. It was noted that this is a unique lot in the S1 district. The property has also been unused and an eyesore since 1988. It would be good to have it put to use and would not be a detriment to the area.

The Board discussed the layout of the building and parking. A 2,000 square foot building requires 10 parking spaces.

The applicant could work with the Planning Board during the Site Plan Approval process on reducing the impervious to 70%. They could also ask for a waiver for the parking.

A motion to deny the Variance for Impervious Lot Coverage of 78% where 70% is required was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

A motion to grant the requested Variances to permit lot area of 16,261 square feet where 80,000 square feet is required; to permit a front yard setback from Washington Street (Route One) of 31.42 feet where 75 feet is required; to permit a front yard setback from North Street of 50.2 feet where 75 feet is required; to permit a left side yard setback (i.e., the southerly side yard setback) of 0 feet where 75 feet is required (i.e., no left side yard setback); to permit a right side yard setback (i.e., the northerly side yard setback) of 58.67 feet where 75 feet is required; to permit a side yard landscaped buffer strip of 0 feet where a landscaped buffer strip of 25 feet is required (i.e., no side yard landscaped buffer strip); to permit the front yard of the Subject Property to be 31.42 feet where 75 feet is required; and to permit not more than 89% of the Subject Property to be covered by the proposed business use was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

A motion to include conditions that a Special Permit be sought from the Foxborough Planning Board; a detailed building plans consistent with this Decision be submitted to the Foxborough Building Commissioner, subject to his review and approval; the plans that the Foxborough Building Commissioner approves shall be attached to and incorporated in this Decision; all work that is performed in connection with the automobile detailing business shall be performed inside the new building that is to be constructed; only low hazardous materials may be used for the automobile detailing business; and any substantial change to the nature of the automobile detailing business as described in this Decision shall be prohibited unless first authorized by the Board in writing was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

## **GENERAL BUSINESS**

The Board reviewed the minutes of February 20, 2014.

A motion to approve the minutes of February 20, 2014 as amended was made by Ms. Mellen and seconded by Mr. Ovrut. The motion carried 4-0-0.

The meeting was adjourned at 8:36 p.m.

Respectfully Submitted,

Diana Gray