



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

**Foxborough Zoning Board of Appeals Minutes  
July 20, 2017**

Members present: Chairman Barney Ovrut, Member David Brown, Alternates Kurt Yeghian and Kim Mellen

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

**7:00 p.m. FM Partners, LLC seek to modify ZBA Case #15-13 SPECIAL SIGN PERMIT pursuant to Section 213-3.C.(1).(b) of Chapter 213 Signs of the Code of the Town of Foxborough to allow the relocation of an approved off-premise freestanding sign of 308 square feet of area to be located at Commercial Street (Route 140). The property is located in Sign District 2.** The applicant has requested a continuance to the August meeting.

A motion to continue Case #17-08 FM Partners LLC to August 17, 2017 was made by Mr. Brown and seconded by Mr. Yeghian. The motion carried 4-0-0.

**7:10 p.m. David Michelson seeks a Variance pursuant to the Code of Foxborough, Chapter 275, Section 4, Table 4-1 to allow/legitimize a side yard setback violation of approximately 14 feet where a side yard setback of 15 feet is required. The property at 12 Carroll Drive is located in the R-40 Zoning District and the Zone 3 Water Resource Protection Overlay District.** Mr. Michelson was present and represented himself. He would like to renovate a shed and a portion of his carport into a rec room for his family. When he had a plot plan prepared for this project it was discovered that the lot line that was used to construct the shed in 1996 was incorrect. What was noted as being 16 feet from the lot line was actually 1.2 feet from the lot line, which makes the shed in violation of the side yard setback. Mr. Michelson bought the property in 2015. Mr. Michelson would like to take the left side of the carport to expand the shed and turn it into habitable living space; he will not be expanding the current layout of the shed or the carport. He is also in negotiations with the neighbor to buy more land on that side of the house. Mr. Michelson also noted that there are large boulders and ledge on the property which makes it difficult to locate an addition anywhere else on the property.

There were no abutters present.

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

The Board immediately moved into deliberations. A Variance requires difficulties with soil, shape or topography of the land. There is ledge on the property which satisfies the criteria for topography. Mr. Michelson did not cause the violation and to have him remove the shed would cause substantial hardship to him and his family. The Variance will also not be detrimental to the neighborhood as the violation has existed for over twenty years without notice.

A motion to grant the Variance as requested and shown on Certified Plot Plan was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

**GENERAL BUSINESS**

**Minutes – June 15, 2017**

The Board reviewed the minutes of June 15, 2017.

A motion to approve the minutes of June 15, 2017 as submitted was made by Ms. Mellen and seconded by Mr. Brown. The motion carried 4-0-0.

The meeting was adjourned at 7:30 p.m.

Respectfully Submitted,

Diana Gray

\*\*\*\*\*  
Signed on behalf of the Board

\_\_\_\_\_  
Kristofor Behn, Clerk