



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
March 18, 2021**

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

This meeting was held entirely virtually via the Zoom video platform. Chairman Ovrut opened the meeting by reading a statement explaining how comments would be addressed during the meeting and to state that the meeting is also being broadcast on Foxboro Cable Access. It was also noted that all votes would be taken by roll call and if there are any technical difficulties that cannot be resolved, the item would be continued to the next ZBA meeting.

7:00 p.m. Mark S. Longa, Trustee, seeks a Special Permit pursuant to Section 3.1.6., Table 3-1 Table of Uses, Use L.5, of the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, to construct a detached garage that has a footprint larger than 625 square feet and that may exceed 1-1/2 stories in height. The subject property is located at 44 Green Street, Foxborough, Massachusetts, in the R-40 Residential and Agricultural District, and is not in any restrictive overlay district. Atty. Jeff Lovely was present representing the Longa family who are looking for a special permit for an accessory garage at 44 Green Street which is also Route 106; a part of this lot abuts Route 495. Mr. Longa's mother currently resides at the property. There are three sons, Mark, Steven and Arthur who all own classic cars and would like to work on them in this garage. The property consists of approximately one acre with 150 feet of frontage; the family has owned the property since 1972. They are proposing to construct a pole barn type garage in the rear of the property; the structure will be 30' x 32' with a farmer's porch on each side which brings the total square footage to 1,440 square feet. A special permit is required for a detached garage over 625 square feet. The height will be over 1½ stories (20'4" from the ground to the peak) but the interior of the structure will be open with no interior stairs being proposed. They are asking for electrical service to the garage and will have parking for 3 vehicles in front.

Two letters of support have been submitted from the abutters, one owns the land on either side of this property and the other is diagonally across the street.

Atty. Lovely reviewed the plans, they will be able to store one or two vehicles in the structure plus storage areas. There is an existing attached two-car garage on the property that will continue to be used. The electrical service will be typical, no three phase system is proposed.

Mark Longa explained the garage will be used for maintenance and improvement work on his 1995 Jeep Wrangler, his brother Steve's 1955 Chevy Bel Air and his brother Arthur's 1979 Trans Am. They will use typical automotive tools and a small welder. They have no intentions to store any vehicles outside of the garage. They may use a portable propane heater in the colder months. The garage will not be used for any commercial purposes.

Ms. Mellen inquired about the driveway, a new driveway to the garage will connect to the existing driveway. She also asked if they would use any chemicals to clean parts for reuse; Mr. Longa stated that they usually just replace worn parts.

Atty. Lovely noted that the spec plan shows the structure being red but they can have it match the existing house if that is necessary. The lot has many trees and is not very visible to the neighbors.

Mr. Ovrut read the abutter letters into the record, one from Martin and Marie Briggs of 42 Green Street and the Richardson's at 42 Green Street. No other abutters were present on Zoom.

A motion to close the Public Hearing was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Barney Ovrut – yes, motion passed.

The Board immediately moved into deliberations. The Board members discussed the usual conditions of no water, no 3 phase power, no central heat and no commercial use.

Mr. Ovrut proposes conditions that the proposed detached garage shall not exceed 1,440 square feet, the interior shall not exceed 32-feet in width and 30-feet in length, the exterior porches shall not exceed 8 feet in width and run the length of the side of the structure, the height shall not exceed 20.4 feet above grade, the construction and design shall be in accordance with the submitted garage plans and shall be situated as shown on the proposed property plan, the exterior materials shall be of a comparable type and color as the existing residential structure, the garage shall be used solely to store motor vehicles and personal property and be used only for normal maintenance work on motor vehicles owned by members of the Longa family and shall not be used for any business or commercial uses or residential dwelling purposes, running water is prohibited, electrical service is restricted to single-phase service, spot lights and pole lights on the property that lead to or are outside the garage are prohibited; storage of combustible/hazardous materials including gasoline and used motor oil in excess of five gallons, is prohibited, the interior shall be open and shall not include a second floor.

Mr. Ringler stated that the electrical needs to power a garage door and interior lighting may require more service and he also commented that a propane heater may not be very effective in such a large space. Mr. Brown would prefer no heat at all. Mr. Ringler also noted that the outside height of no greater than 21 feet would equal a 1 ½ story inside which is allowed.

A motion to grant the requested Special Permit to construct a residential garage with a footprint in excess of 625 square feet and a height that may exceed 1-½ stories at 44 Green Street with the conditions as noted this evening was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Barney Ovrut – yes, motion passed.

7:10 p.m. Stephanie Silvi seeks a Special Permit pursuant to Section 5.3.1. of the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, to allow the reconstruction, extension, alteration or structural change of or to a non-residential structure (barn) that does not increase the existing nonconformity or create a new nonconformity, in order to connect such non-residential structure (barn) to the existing single-family dwelling for the purpose of converting such dwelling into a two-family dwelling on the property located at 15 Baker Street in the R-15 Residential and Agricultural District. The property is also located within the Historic District. Mr. Ovrut disclosed that he filed a Disclosure Conflict of Interest Notice with the Town Clerk that he had spoken with Atty. Spillane previously about which section of the Zoning Bylaws under which the application should be filed but did not discuss the substance of the matter and feels that he can perform his official duties objectively and fairly. Atty. Frank Spillane represented the applicant, who was also present. Atty. Spillane explained that this property is located in the R15 in the Historic District on approximately ½ acre. This property was the subject of Case 20-6 in January 2021 where they asked to be able to convert the existing barn to residential use through a variance and were denied. This petition is to connect the barn and the house

together with a 14' x 18' connection. The house was built in the mid 1800's and meets all setback requirements. The barn dates to approximately the same time, the side yard setback of the barn is not met as it is approximately 11 feet off of the property line where 15 feet is required which makes it a pre-existing non-conforming structure. Atty. Spillane feels that this petition will not be substantially more detrimental to the neighborhood as the addition will be on the other side of the barn and will not create a new non-conformity. The new entrance of the combined structure will be a mudroom. The applicant will work with the Historical Commission on the exterior look of the connector. Doors and windows on the existing structures may need to be moved to accommodate the addition. Atty. Spillane noted that there are many other barns already connected in the neighborhood.

Tish Selby of 13 Baker Street noted that the applicants have not brought any proposals before the Historical Commission yet. Speaking as a neighbor she questioned the expansion of a non-conforming use. She feels that a barn to a home is a different use. Mr. Ovrut explained that the bylaws allows for two family homes in the district as long as they are connected.

A motion to close the Public Hearing was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Barney Ovrut – yes, motion passed.

Mr. Ovrut is agreeable to the request with appropriate conditions. A finding is required that the use is not substantially more detrimental to the neighborhood. As there are numerous multifamily homes in the area, the Board feels that condition has been met. The applicants will need to go to the Historic Commission for the architectural aspects of the addition.

The Board discussed having the addition be as shown on the plan, Atty. Spillane feels the dimensions may change slightly depending on how they connect the two structures; he asked that the dimensions be flexible to allow for change if they run into issues with how the two structures are connected. The Board is agreeable to allow an addition of up to 14' x 20' which is 280 sq. ft.

A motion to grant the requested Special Permit to allow the reconstruction, extension, alteration or structural change of or to a non-residential structure (barn) that does not increase the existing nonconformity or create a new nonconformity, in order to connect such non-residential structure (barn) to the existing single-family dwelling for the purpose of converting such dwelling into a two-family dwelling on the property located at 15 Baker Street with the conditions that the construction of the addition shall be subject to such approvals as may be required from the Historic District Commission and the proposed addition shall not exceed 280 square feet in area was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Barney Ovrut – yes, motion passed.

7:20 p.m. Continued Public Hearing - Lucas C. Schurman seeks a Variance pursuant to Section 4.1.1., Table 4-1 of the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, to allow a side yard setback of 20 feet where 25 feet is required and a Modification to Case #89-27 to eliminate or modify Condition #1 to allow the footprint of an existing four-family dwelling to be expanded with the addition of a fifth dwelling unit. The property, located at 41 Sherman Street, is in the R-15 Residential and Agricultural District and is not located in any restrictive overlay district. The applicant has requested a continuance to the April 15, 2021 meeting. Mr. Ovrut read the continuance request into the record, the applicant is working on the re-design of the proposed addition.

A motion to continue the Public Hearing for 41 Sherman Street to April 15, 2021 was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Barney Ovrut – yes, motion passed.

GENERAL BUSINESS

The Board reviewed the minutes of February 18, 2021.

A motion to approve the minutes of February 18, 2021 as amended was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Lorraine Brue – yes, Kurt Yeghian – yes, Barney Ovrut – yes, motion passed.

A motion to adjourn the meeting was made by Mr. Brown and seconded by Ms. Mellen. Roll call vote: David Brown - yes, Kim Mellen - yes, Lorraine Brue – yes, Kurt Yeghian – yes, Barney Ovrut – yes, motion passed.

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk