



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
June 30, 2021**

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

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

7:00 p.m. Kristine Farmer seeks a special permit pursuant to Section 3.1.6., Table 3-1 Table of Uses, Use Groups L.10 and L.14, and Section 3.2.2. of the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning to allow a large family day care as an intensive home occupation at 29 Connie Drive in the R-40 Residential and Agricultural District and a Zone III Water Resource Protection Overlay District. Applicant Kristine Farmer was present and represented herself; also present was James Green her partner who owns the property. Ms. Farmer explained that she previously had a family child care in Foxboro from 1997-2006 for up to ten children and is now interested in going back to working with children as she has a passion for it. She is in the process of receiving her licensing through the state department of Early Education and Care (EEC).

Ms. Farmer explained she lives in a quiet neighborhood and doesn't expect her business to impact the neighborhood much as the clients usually have a staggered arrival time and may slightly overlap in the afternoon. She would like to initially care for up to six children from infants to five years old.

There are three types of licenses given by the state for child care, small for up to six pre-school age children; small + 2 which is up to eight children as long as two children are school age and large up to ten children and would require the hiring of an assistant. She envisions expanding the business for up to school age children but would not exceed ten children at any one time. She will be the only employee at this time but will need an assistant when she get to ten children.

She would like to have the hours of Monday through Friday from 7:45 a.m. to 5:30 p.m. with no weekend or night hours. Occasionally she may need to take a child as early as 7:00 a.m. and picked up as late as 6:30 p.m. due to extenuating circumstances. Drop off of the children would be in the property driveway with entry through the front door of the home. She is not proposing to have signage at this time. The EEC will perform a comprehensive inspection of the home as part of the licensing process. A fenced in yard is not a requirement as the property is not on a main road. The state licenses need to be renewed every three years.

Arthur Coombs of 35 Connie Drive asked if this use would overload the septic system and also noted that there are wetlands on the rear of the property. Mr. Green explained that the septic system was installed in 2010 and has a 1,500 gallon tank, they have it maintained yearly. They are not proposing any use near the wetland areas of the property.

The daycare will be located in the finished downstairs of the property, although the children may come upstairs for snacks and meals. The downstairs area is 419 square feet and is also used as a living area at this time. Ms. Farmer does have a concern about a needed emergency exit, which would be the bulkhead if the children are downstairs. The bulkhead may require modification (installation of railings, etc.) to be allowed to be used as an emergency exit but if the stairway is deemed too steep for the children by the state, the upstairs may have to be used as the childcare area instead of the downstairs, which is 182 square feet. Outdoor activity would be on play equipment in the back yard.

The total square footage of the home is 1,471 square feet including the finished basement.

Ms. Farmer is proposing to have the parents drive on the neighborhood streets one way in and one way out to minimize traffic and noted that the driveway can hold up to eight cars for parking if needed.

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

The Board immediately moved into deliberations. The Board is looking at this application as an intensive home occupation which allow up to 40% of the habitable area of the home to be used for the home occupation. Ms. Farmer is proposing to use 419 sq. ft. of area which is less than 40% of the habitable area (578 sq. ft.). The Board reviewed the standards of a home occupation and noted that they all have been met. The application also meets the home occupation special permit factors. The Board then discussed conditions for the approval.

A motion to approve the special permit to allow a large family day care as an intensive home occupation at 29 Connie Drive with conditions that: The permit is specific to the applicant only, all licenses and approvals from the EEC shall be obtained, the portion of the home shall be either the downstairs plan or the upstairs plan subject to the EEC approval, the hours be limited to 7:45 a.m. to 5:30 p.m. Monday through Friday with the occasional drop off as early as 7:00 a.m. and pick up as late as 6:30 p.m., not more than ten children at any single time, the business shall comply with the home occupation standards at all times, the septic system be maintained as required by the Board of Health and one sign no larger than three square feet in area, not to exceed six feet in height and set back ten feet from the property line is allowed if desired was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 3-0-0.

GENERAL BUSINESS

The Board reviewed the minutes of May 20, 2021.

A motion to approve the minutes of May 20, 2021 as amended was made by Mr. Brown and seconded by Ms. Mellen. The motion carried 4-0-0.

There are no applications for July, Mr. Ovrut will not be available for the August meeting and the September meeting has been moved to September 30, 2021.

Mr. Ovrut has been working on changes to the sign bylaw as well as changes to the Comprehensive Permit section of the ZBA Rules and Regulations.

A motion to adjourn the meeting was made by Mr. Brown and seconded by Ms. Brue. The motion carried 4-0-0.

The meeting was adjourned at 8:12 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kim Mellen, Clerk