



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

**Foxborough Zoning Board of Appeals Minutes  
April 21, 2022**

Members present: Members Barney Ovrut, Kim Mellen and Associate Member 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. Lamar Advertising Co requests a Modification pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 213-Signs of Special Sign Permit Case #2019-11, Condition 1 by deleting the words “the edge of the proposed billboard shall not be less than 16 feet” and substituting the words “the edge of the billboard shall not be less than 11.5 feet” from Washington Street’s road layout. The billboard is located at 124 Washington Street in Sign District 1.** Mr. Ovrut stated the Ms. Brue will be voting on this petition in the absence of Mr. Brown. Bill Casbarra was present representing the landowner Greg Spier; Matt Renniger the Real Estate Manager with Lamar Advertising was also present. Ms. Brue wished to disclose that she worked with Mr. Casbarra in the past. A letter from landowner Greg Spier was also read into the record allowing Mr. Casbarra to speak on his behalf as he was not available this evening.

Mr. Casbarra explained that they were before the Board this evening for a modification to a previously approved special sign permit, Case #2019-11, for a static billboard at 124 Washington Street. They would like to modify condition #1 which states that the billboard can be no closer than 16 feet from the property line based on a site plan prepared by Bay Colony.

Mr. Renniger explained that the structure for the billboard was to be built soon after the approval was received from the state Office of Outdoor Advertising in 2019/2020 but the pandemic delayed that start for approximately two years. The location on the billboard structure was staked out but in 2021 the stakes were removed and due to a miscommunication a subcontractor did not put the stakes back in the correct location resulting in the billboard being 11.5 feet from Washington Street (Route 1). Mr. Renniger stated that this is the first time this error has ever occurred with one of their billboards and once he was notified by the Foxboro Building Commissioner they wanted to rectify the situation. The error was noted by Interim Building Commissioner Paul DeBaggis and discussions ensued on the most effective, least costly way to rectify the situation; it was decided that asking the Board of a modification to the decision would be the best avenue to pursue. The concrete pad and the pole for the billboard will not be moved, they will shift the face of the billboard as it is constructed in such a way that it can be moved on a rail system.

Mr. Ovrut noted that two conditions would need to be modified, condition #1 as stated this evening and also condition #2 to replace the original plan with the modified plan that was submitted with this application.

There were no abutters present.

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

The Board immediately moved into deliberations.

A motion to approve the requested Modification to Case #2019-11 Special Sign Permit by deleting the second sentence in Condition #1 and replacing it with "The edge of the Proposed Billboard shall not be less than 11.5 feet from Washington Street's road layout." and deleting the plan references in Condition #2 and replacing it with references to the new plans submitted and rewording the sentence to read "The construction and design of the Proposed Billboard shall be as set forth in the RMG Plan. The Proposed Billboard shall be situated on the Subject Property as set forth in the Revised Bay Colony Plan." was made by Ms. Mellen and seconded by Ms. Brue. The motion carried 3-0-0.

**7:10 p.m. Continued Public Hearing - 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.** Building Commissioner Scott Shippey informed the Board that he conducted a site visit to Ms. Alberty's property and stated that work is still being done but it will not be done in time. He has spoken with the applicant and she would like to withdraw this petition. There is no water service in the new home so a Certificate of Occupancy cannot be issued at this time. Some progress has been made but utility connections are still needed.

Ms. Alberty sent in an email requesting to withdraw without prejudice that was read into the record.

A motion to allow the applicant to withdraw her petition for a home occupation at 201 North Street without prejudice was made by Ms. Brue and seconded by Ms. Mellen. The motion carried 3-0-0.

## **GENERAL BUSINESS**

Discuss Frequently Asked Questions Handout – Mr. Ovrut prepared a list of Frequently Asked Questions for Comprehensive Permits after speaking to the Town Manager and the Planning Director that he would like to put on the Board's section of the town website. The other members of the Board felt it was a very informative well written document and agreed it should be put on the website.

Engineering is still being done on the 119 Morse Street project and we have been informed that the Walnut Street Elderly and non-Elderly-disabled project will be coming before the Board sometime this summer.

## **Minutes March 17, 2022**

The Board reviewed the minutes of March 17, 2022.

A motion to approve the minutes of March 17, 2022 as submitted was made by Ms. Brue and seconded by Ms. Mellen. The motion carried 3-0-0.

The meeting was adjourned at 7:28 p.m.

Respectfully Submitted,

Diana Gray

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Signed on behalf of the Board

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Kim Mellen, Clerk