



BOARD OF APPEALS  
TOWN OF FOXBOROUGH  
40 SOUTH STREET  
MASSACHUSETTS  
02035

**Foxborough Zoning Board of Appeals Minutes  
November 17, 2022**

Members present: Members Barney Ovrut, and Kim Mellen and Associate Member Lorraine Brue were all present in person, Associate Member Kurt Yeghian was present via zoom video.

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 Carroll Advertising requests a Special Sign Permit pursuant to the Code of the Town of Foxborough, Massachusetts, Chapter 213: Signs, Section 213-3.C.(1)(a) and Note 2 of Section 213-6.A.(1), Table 2: Sign District 1 Dimensional Requirements, to erect a two-sided digital billboard. The proposed billboard will be located at 45 Washington Street (Assessors Map 010-004) in Sign District 1.** Engineer Dan Merrikin was present in person representing the applicant, John Carroll, who was also present in person. Mr. Ovrut appointed Mr. Yeghian as a voting member on this petition in Member David Brown's absence.

Mr. Merrikin explained that the applicant is seeking a special sign permit for a billboard on Route 1 at the Rodman Ford property, it will be located near the lower driveway on a grass strip ten feet off of the property line. They are requesting a two sided digital sign with an option for static if the State Office of Outdoor Advertising only approves one side being digital.

Mr. Ovrut noted that Route 1 is a differing heights in that area due to bridges and asked if that affects the siting of the billboard. Mr. Merrikin explained that they are asking for a fifty foot high billboard that will be seen from the upper roadway as well as the lower one.

Mr. Merrikin noted that the closest residential properties are in Walpole. Mr. Yeghian asked that conditions in regards to restrictions on adult entertainment signs, the brightness of the sign and the time between ads be regulated. Mr. Ovrut noted that he has draft conditions that encompass all of those restrictions.

There were no abutters present.

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

The Board immediately moved into deliberations. Mr. Ovrut stated that the approval will be for a two sided electronic billboard or a one sided electronic billboard or a two sided static billboard depending on what the state allows.

Mr. Ovrut then reviewed the proposed conditions.

A motion to approve the request for an two sided electronic billboard at 45 Washington Street with conditions that the proposed billboard not exceed 672 square feet in area, 50 feet in height and be at least 10 feet from each lot line; situated outside a 500-foot radius from any existing static billboard

and outside a 1,000-foot radius from any existing electronic billboard if the billboard is electronic; the edge of the billboard shall be not less than 10 feet from Washington Street's road layout. The construction and design shall be as shown on the Design Plan and situated as shown on the Aerial Plan and the Plot Plan. No modification of the billboard shall be permitted without prior written approval of the Board; Carroll Advertising shall establish a bond or other surety with the Town Treasurer in the amount of \$20,000 toward payment of the cost of future removal of the billboard if it's abandoned, such bond or other surety to be submitted at the time an application is submitted for a permit to construct the billboard. The permit granted is specific to Carroll Advertising and may not be assigned, transferred or conveyed to any other person or entity without the prior written authorization of the Board. In the event that Carroll Advertising transfers ownership of the billboard, the new owner shall be required to obtain a Special Sign Permit from the Board and to establish a bond or other financial surety with the treasurer in an amount to be determined by the Board in its discretion toward payment of the cost of its future removal in the event it is abandoned. In the event that the Chief of Police or Building Commissioner determines that glare or lighting from the billboard impairs the vision of motorists on Washington Street, Carroll Advertising shall within twenty-four hours reduce the intensity to a level acceptable to such Town official. Carroll Advertising in the event that the billboard is electronic, shall provide display time on the billboard for emergency announcements requested by the Town and shall provide up to six hours per month of display time on the Billboard for announcements requested by the Town. Advertising on the billboard of "adult entertainment" is prohibited. Carroll Advertising shall obtain permits as required from the Office of Outdoor Advertising and the Building Commissioner. Carroll Advertising shall execute a mitigation agreement with the Board of Selectmen for the construction and operation of the billboard, such agreement to be executed prior to the submission of an application for a building permit was made by Ms. Mellen and seconded by Mr. Yeghian. Roll call vote: Kurt Yeghian – yes, Kim Mellen - yes, Barney Ovrut – yes, motion passed.

Mr. Carroll stated that ownership of the billboard may pass to the property owner in the future. Mr. Ovrut stated that will be addressed with the Board if and when the transfer takes place.

**GENERAL BUSINESS**

The Board reviewed the minutes of October 20, 2022.

A motion to approve the minutes of October 20, 2022 as submitted was made by Ms. Mellen and seconded by Ms. Brue. Roll call vote: Lorriane Brue – yes, Kurt Yeghian – yes, Kim Mellen - yes, Barney Ovrut – yes, motion passed.

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

The meeting was adjourned at 7:20 p.m.

Respectfully Submitted,

Diana Gray

\*\*\*\*\*

Signed on behalf of the Board

\_\_\_\_\_  
Kim Mellen, Clerk