

**FOXBOROUGH PLANNING BOARD**  
**SPECIAL PERMIT APPLICATION**  
**[30-32 WALL STREET, FOXBOROUGH, MA]**  
**Case No. \_\_\_\_\_**

The undersigned hereby applies for Special Permits, waivers or other relief under

- (a) Sections 9.7.6 and 9.7.7 (setbacks in FCOD);
- (b) Section 9.7.5.1(G) (5) (number of residential units in FCOD); and
- (c) Sections 9.7.8 through 9.7.8.10 (parking in FCOD)

Under the Foxborough Zoning Bylaw (the "**Bylaw**").

1. **Applicants:** **TNC DEVELOPMENT LLC** Phone # 774-836-0387  
James Tranghese, Sole Manager  
Address: 58 Willow Street, Norwood, Massachusetts 02062  
Email: [james@tncne.com](mailto:james@tncne.com)  
And

**TRUE NORTH CONSTRUCTION INC.,** Phone # 774-836-0387  
James Tranghese, President  
Address: 58 Willow Street, Norwood, Massachusetts 02062  
Email: [james@tncne.com](mailto:james@tncne.com)

Signature of Applicant: \_\_\_\_\_

Counsel to Applicant: Michael Khoury, Esq  
Madoff & Khoury LLP  
Pine Brook Office Park  
124 Washington Street, Suite 202  
Foxborough, Massachusetts 02035  
Phone: 508-543-0040  
Fax: 508-543-0020  
Email: [khoury@mandkllp.com](mailto:khoury@mandkllp.com)

2. **Owner of Property:** **TNC DEVELOPMENT LLC** Phone # 774-836-0387  
James Tranghese, Sole Manager  
Address: 58 Willow Street, Norwood, Massachusetts 02062  
Signature of Owner: \_\_\_\_\_

3. **Location by street address of parcel(s) or structure: 30-32 Wall Street, Foxborough, MA 02035**  
Assessors Map & Parcel # 079-031-000  
Zoning District: General Business (GB) and Foxborough Center Overlay District (FCOD)

Is the parcel in the WRPOD? **NO**  
(Water Resource Protection Overlay District)

4. **Dimensional Information of the Parcel:**

**Frontage:** 162 feet                      **Lot area :** 7,304 square feet  
**Existing Lot Coverage:** 0.75                      **Proposed Lot Coverage:** 0.81  
**Existing Building Size:** 1,920 sq feet                      **Proposed Building Size:** 3,600 sq feet  
**Proposed Building Height:** Less than 35 feet (2 stories)

5. **Present Use of Structure or Parcel:** Mixed Use – One residential unit (2 bedrooms) and one retail unit

**Proposed Use of Structure or Parcel:** Mixed Use – Four residential units (2 bedrooms each) and one retail/commercial unit on first floor

6. Explain how the request fulfills the Special Permit criteria (See attached Narrative).

**SEE ATTACHED NARRATIVE**

7. Explain the special conditions or characteristics (if any) which apply to this request

**SEE ATTACHED NARRATIVE**


**FOXBOROUGH PLANNING BOARD  
SITE PLAN REVIEW APPLICATION FORM**

**[30-32 WALL STREET, FOXBOROUGH, MA]**

Case No. : \_\_\_\_\_

**Applicants:**                    **TNC DEVELOPMENT LLC**                    Phone # 774-836-0387  
James Tranghese, Sole Manager  
Address:                    58 Willow Street, Norwood, Massachusetts 02062  
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James Tranghese, President  
Address:                    58 Willow Street, Norwood, Massachusetts 02062  
Email:                    [james@tncne.com](mailto:james@tncne.com)

**Signature of Applicant:** 

**Counsel to Applicant:** Michael Khoury, Esq  
**MADOFF & KHOURY LLP**  
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124 Washington Street, Suite 202  
Foxborough, Massachusetts 02035  
Phone: 508-543-0040  
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Email: [khoury@mandkllp.com](mailto:khoury@mandkllp.com)

**Owner(s) of Property:** **TNC DEVELOPMENT LLC**                    Phone # 774-836-0387  
James Tranghese, Sole Manager  
Address:                    58 Willow Street, Norwood, Massachusetts 02062  
Email:                    [james@tncne.com](mailto:james@tncne.com)

**Name of Engineer:**    **HD DESIGN**                    Phone: 508-840-1045  
Hazem Dani, PE  
Address:                    161 West High Street, Avon, MA 02322  
Email:                    [hazem.dani87@gmail.com](mailto:hazem.dani87@gmail.com)

**Engineer's Massachusetts Registration #**                    Civil Engineer #55343

1.    **Location by street address, (if any), and/or parcel and map number** (which can be obtained from the Assessor's Office) for the property/building under consideration:

Map 079    Parcel 031  
Acreage of Parcel: 7,304 square feet

2.    **Zoning District: General Business District and Foxborough Center Overlay District**

3.    **Is the parcel in the WRPOD?                    NO**  
(Water Resource Protection Overlay District):

4. **Present use of Property:** Mixed Use – On residential and one commercial unit
5. **Proposed use of Property:** Mixed Use – 4 residential units and one commercial unit
6. **Proposed square footage of building(s):** 3,600 square foot (footprint).
7. **If a Special Permit, Special Use Permit, Variance or Site Plan relative to the subject property has been previously acted upon, please state the type & date and attach a copy:**

NONE

It is recommended that the applicant review Section 10.5 & 9.5 of the Foxborough Zoning Bylaws and meet with the Planning staff before completing this application.

**The Applicant, its engineer and counsel have met with the Town Planner, Building Commissioner and other staff of the Building and Planning Departments to review prior iterations of the proposed development design. The development proposed under this Application has been revised to address such Town officials' input, concerns and requests**

**Town Collector's Release**

The owner of the property for which the Special Permit is being requested is in good standing with respect to any taxes, fees, assessments, betterments or other municipal charges.

Barbara J. Donahue  
Treasurer's Office Representative

9/19/23  
Date

**Town Clerk Receipt**

This application has been received and recorded with the Town Clerk.

\_\_\_\_\_  
Town Clerk's Office

\_\_\_\_\_  
Date

## NARRATIVE DESCRIPTION

30-32 Wall Street, Foxborough, Massachusetts

### 1. General Description

The property subject to this application (the "**Property**") is an approximate 7,304 square foot lot on the corner of Wall and Cocasset Streets, improved by an existing building constructed on or about 1930 comprising a single-story first floor commercial unit which is been used historically for retail and office space as well as a second-floor residential unit, with an attached garage (the "**Existing Building**"). The Existing Building is old and in need of repair and presents an unattractive appearance. The Property is in the General Business ("**GB**") district as designed under the current zoning bylaw (the "**Bylaw**") of the Town of Foxborough (the "**Town**") and is within the Foxborough Center Overlay District ("**FCOD**") as designated in the Bylaw.

By these Applications for Site Plan Approval and for Special Permit, TNC Development LLC and its affiliate True North Construction, Inc. (the "**Applicants**") are seeking to remodel and expand the Existing Building into a five-unit development consisting of:

- (a) Three new two-floor residential units of two bedrooms each, two of which are to be built to the South where a portion of the existing building will be demolished, with the third to be built to the North of the Existing Building. The two new units to the South will each measure 850 square feet and the new unit to the North will measure 900 square feet for the new unit on the North side of the Property.
- (b) A remodeled and improved single story residential unit to remain on the second floor of the Existing Building comprised of the same approximate 1,000 square feet of interior space;
- (c) A remodeled commercial unit on the first floor of the Existing Building comprised of the same approximate 1,000 square feet square feet of interior space, to be remodeled and improved; and
- (d) An approximate 1,380 square feet of new landscaping on each side of the Property and the location of eight parking spaces serving the Property on the Wall Street (4 spaces), on Cocasset Street (2 spaces) and on the radius turn between those streets (2 units)

The dilapidated garage, together with a portion of the landscaping and hard cover are proposed to be removed to make room for the three new residential units, new landscaping and parking spaces, as shown in the Site Demolition Plan (Sheet C-001) of the Site Plan Set included in the accompanying civil engineering plan set dated as of September 18, 2023 (the "**Plan Set**") prepared by HD Design of Avon, Massachusetts (the "**Engineer**").

## 2. Site Design

In developing their conceptual design, the Applicants and their design team considered such factors as the topography of the land, the odd shape of the parcel, the location of the Property at the corner of Wall and Cocasset Streets, the proximity of the rail track and other potential constraints affecting a proposed development. The Applicants, their engineer and counsel met with Town Planner, Building Commissioner and other town officials to review two different concept plans for the development and redesigned the concept to take into account their concerns and suggestions. The Applicants want to retain the commercial unit on the first floor of the Existing Building, to be located in the middle of the surrounding residential units and expand the use of the Property in a reasonable, modest manner that will fit within the layout, design and configuration of the surrounding commercial and residential properties located in proximity to the Town center. The Applicants submit that the design, use and configuration of the proposed development as reflected on the Plan Set will fit nicely in the neighborhood, provide stylish, appealing yet modest additional residential housing that will patronize and exploit the neighboring businesses, cultural and other offerings within the Town center and to maximize the value and the real estate tax base, all within the goals and mandate of the FCOD philosophy.

The proposed design removes a non-conforming/failed septic system and connects to the Town sewer. The removal of the existing septic system improves the site conditions and protects the environment by eliminating the effluent discharge to groundwater.

The site redevelopment enhances the site conditions by installing a stormwater management system that exceed the requirements set by the 2008 Mass Stormwater Regulations for redevelopment where there is no stormwater management system currently exist onsite. The site redevelopment results in a net decrease of impervious surfaces of 450 square feet, creating additional landscape areas. In addition to the reduction in impervious surfaces, the site design provides subsurface infiltration chambers system that collect the clean roof runoff. The stormwater management system exceeds the requirement of groundwater recharge requirements for a redevelopment project.

## 3. Architectural Design.

In finalization the architectural style of the proposed development, the Applicants and its engineer and architect examined the styles of homes and commercial building in the neighborhood and the Town center more generally. The design presented in the Plan Set and the architectural renderings offer an attractive, two-story development, having a pitched roofs and angles that make the design appealing and distinctive, while fitting well within the character of the neighborhood.

Access to the commercial unit, with the existing residential unit above, will extend out beyond the access to the neighboring residential units, presenting an attractive and

subtle staggering of the facades of the units as indicated on the attached Architectural rendering. The development will have numerous double-hung windows on each side as well as large display windows for the commercial unit providing light and air for units and adding to the appeal of the development's facades for the benefit of the neighbors.

#### 4. Development Serves the Goals and Purposes of the FCOD

As noted in Section 9.7.1 of the Bylaw addressing the FCOD, the Town center is the "heart of the town," intended to serve as a "walkable, mixed-use area that fulfills many of the community's governmental, spiritual, service, residential and social needs."

Section 9.7.1 states further that the "***purpose of the overlay is to: (1) promote development of a mix of nonresidential and residential uses; (2) encourage a mix of uses appropriate to the needs of the community and scale of surrounding neighborhoods; (3) promote an active and pedestrian environment and innovative approaches to parking; (4) provide housing, employment, and/or shopping in close proximity to residents, municipal facilities and other services***" all while maintaining a "***consistently high level of design quality throughout the District***" and preserving the "***historic character of the Center and promoting compatible development.***"

The Applicants submit that the development proposal described in the Applications and as depicted in the Plan Set serve those purposes and preserve such goals - they will expand and improve the residential inventory of the property, which due to its original construction in 1930, is well overdue for renovation, maintain a commercial space for retail and commercial purposes to serve such residents and their residential neighbor and the Center community more generally and present more than enough residential parking to serve the development, with off-street parking to serve as parking for the commercial unit alone. Only the commercial unit at the redeveloped Property would rely upon on-street parking, only during working hours, at which time residential parking demand is not high and ample street parking is available. The Applicants reviewed available parking and other aspects of the design in their meetings with representatives of the Town's engineering and building departments in early 2023

Further, the exterior facings of the proposed development, looking out on Wall Street and Cocasset Street are attractive and modern, presenting appealing and varied angles and staggered entrances and facades, but these designs also fit well within the design, style and character of the neighborhood and meet the standards proposed in the Town's Master plan. Further, the angled roof design presents a varied and Victorian style softened look that fits well within the surroundings on Wall Street and Cocasset Street.

#### 5. Relief Requested

The Applicants seek those waivers, special permits and other relief under the Bylaw noted below. The Applicants submits that, under the authority granted it under



the Bylaw, the Planning Board has the authority to grant the relief requested below to approve the development within the GB District and the FCOD. As noted at Section 9.7.3 of the FCOD, the Bylaw makes clear that the requirements of the FCOD should be read in conjunction with rules and requirements of the underlying zoning district, and in cases of conflict between the requirements of the FCOD and the underlying zoning district (in this case, the GB District), the requirements of the FCOD shall govern.

(a) Special Permit Needed as to Expansion of Prior Nonconforming Setbacks.

As explained below, the proposed development fits within most all of the dimensional requirements established for the Property under the Bylaw for the GB District and the FCOD. However, the Property does not fully comply currently with the setback requirements established under the GB District or the FCOD and the proposed development

As shown in the Zoning Table provided in the Site Layout and Utilities Plan (Sheet C-200) of the Plan Set, the Property meets the requirements for minimum lot frontage, maximum building height, maximum lot overage established for the both the GB District and the FCOD. However, the below table shows the deviation with regard to front, side and rear yard setbacks both with the current Existing Building and with the proposed development:

<u>Dimensional Requirement</u>	<u>GB District Requirement</u>	<u>FCOD Requirement</u>	<u>Existing Measure</u>	<u>Proposed Measure</u>
Min Front Yard Setback	15 feet	10 feet	2.5 feet	0 feet
Min Side Yard Setback	0 feet	10 feet	25.7 feet	7.4 feet
Min Rear Yard Setback	20 feet	10 feet	9.3 feet	5.3 feet

By these Applications, the Applicants request authority under Section 9.7.6 of the Bylaw (establishing the FCOD minimum setback measures which supersede those of the underlying GB District) to extend the measure of non-conformity as shown above to allow the development to proceed.

Under Section Footnote 1 of Section 9.7.6 of the Bylaw, the Planning Board has the authority and discretion to grant special permits allowing deviation from the dimensional requirements set forth in the chart at Section 9.7.6. The Footnote states:

***“The Planning Board by grant of Special Permit may vary any of the above dimensional requirements”*** [as stated in the preceding chart for properties within the FCOD]<sup>1</sup>

In this case, the shape and dimensions of the Property preclude compliance with the setback requirements under Section 9.7.6 of the Bylaw, establishing minimum 10-foot front, side and rear setbacks for properties within the FCOD. The proposed development would reduce those measures as follows:

- (a) the front setback from the existing 2.5 feet to 0 feet
- (b) the reduction of the side set back from the required 10 feet to 7.4 feet (on the South side of the Property); and
- (c) the reduction of the rear setback from 10 feet to between 8.8 feet (for the new structures on the North side of the Property) and 5.3 to 6.3 feet (for the new structure on the South side of the Property) proposed

will not materially and adversely impact the Property or the neighboring lots, and will not present any traffic, sightline, open space or other issues. The proposed reduction of the front setback from the existing 2.5 feet is *de minimus*; the land to the rear of the Property is buffered by a large commercial parking lot which will not be harmed by the rear yard setback reduction.

Considering the need for the renovation of the Existing Building, connection to the public sewer system, lack of stormwater management system and the far more attractive exterior design, facades and roof lines, the renovation and improvements proposed will make the Property far more appealing and safer, and such design under the proposed footprint will fit well within the design and aesthetics of the neighborhood, adding the overall value and appeal of the neighborhood. No substantive harm will be done by granting the relief requested.

The setback reductions requested are essential. The economics of the Property, again built in 1930, do not justify the renovation that the property badly needs without the slight expansion of the footprint of the Property proposed.

For these reasons, the Applicants request that this Board grant special permits, waivers or other relief required, under Section 9.7.6 and footnote 1 thereunder of the

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<sup>1</sup> Note: Discussions with the Planning Department revealed that the footnote 1 to Section 9.7.6 had been inadvertently and erroneously deleted from the latest version of the Bylaw as made available on the Town’s municipal website. We understand that efforts are underway to return Footnote 1 to the published version of Section 9.7.6 of the Bylaw.

Bylaw and that such relief is appropriate and warranted with respect to the Property for the benefit of the Applicants, neighbors of the Property and serves the overall goals and intent of the FCOD as adopted by the Town..

(b) Special Permit to Allow Four Residential Units in FCOD.

Under Section 9.7.5.1(G) of the Bylaw, the provision prescribing uses allowed within the FCOD, up to three dwelling units may be proposed in a mixed-use building, with additional residential units subject to the approval under Special Permit by the Planning Board.

The Applicants submit that the granting of a Special Permit to allow for four residential units at the property (in addition to the one commercial unit) will maximize the use of and substantially increase the value of the property and the tax base, which the Town and all residents will benefit from, without any material adverse effect or impingement on traffic, parking, character or other element of the neighborhood. The design of the proposed development presents a far more appealing and attractive facade and design line than the Existing Building and the architecture and configuration of the project will fit well within the boundaries of the Property and the neighborhood generally.

Further, there is ample parking, one space more than the required under Section 9.7.8 of the Bylaw for these four residential units. And the on-street parking needs that have been amply provided without issue to the commercial unit in the Existing Building for decades will not be increased by the remodeling of the new commercial unit (whose interior space will not change)

By allowing these four residential units to be established at the Property, the neighboring businesses, social and cultural elements of Town center will enjoy more customers and patrons, all without detrimental impact to the neighbors or traffic. As a result, the Applicants requests that this Board grant a Special Permit under Bylaw Section 9.7.5.1(G)(5) to allow the proposed development to include four residential units in addition to the one existing commercial remaining at the Property.

(d) Special Permit for Reduction in Parking for Commercial Unit.

Finally, the Applicants requests relief under the applicable parking requirements generally imposed under Section 9.7.8 of the Bylaw.

Section 9.7.8 of the Bylaw requires generally within the FCOD minimum parking requirements of:

- (a) 1.5 parking spaces per residential unit and per Section 6.1.4 (incorporated by reference in Section 9.7.8) one visitor space for each 4 residential units plus

- (b) One parking space for each 300 square feet of gross floor space of a commercial unit located on the first floor of a development.

The development proposes four 2-bedroom residential units:

- (a) the existing 1,000 square foot residential unit;
- (b) the three new ones, measuring between 850 and 900 square feet;
- (c) the one existing commercial unit measuring approximately 1,000 square feet.

Section 9.7.8 would generally call for a minimum of 7 spaces for the residential units and four space for the commercial unit. Per Section 6.1.5 and the notes to Table 6-1, which are incorporated into the FCOD by reference in Section 9.7.8), parking requirements are the sum of all requirements of the mixed-uses proposed at the Property. As a result, the total parking spaces required for the proposed development under Section 9.7.8 would be 11 spaces.

However, Under Section 9.7.10 (1), the Planning Board is permitted to reduce by waiver the parking required at a mixed-use development in the FCOD by up to 50% upon a showing that the uses do not compete at peak demand. Under Section 9.7.10(2), the Planning Board is permitted to reduce by waiver the parking required at a mixed-use development in the FCOD by up to 30% if the uses compete at peak demand.

Thus, the Applicants are proposing to provide eight spaces for residential parking at the property and ask the Planning Board for a waiver of the total number of spaces by 30% under the powers granted the Board under Section 9.7.10 of the Bylaw.

The commercial unit at the Property has existed for decades at its current 1,150 square feet of floor space. The Applicants are not proposing to expand that space and submit that the parking needs of the residents of the four homes in the proposed development should not compete with the demands for parking of customers and staff at the relatively small commercial space- demand for commercial parking at the Property will arise mostly during the workday when residents are themselves at work. The propriety of granting the waiver requested is further justified by the fact that commercial parking needs in the past have been more than satisfied by the ample parking available on Wall Street.

To allow for the improvement, renovation and beautification of the Property as presented herein, the Applicants requests that this Board grant a waiver, special permit or other relief needed under Bylaw Section 9.7.10 to allow the proposed development within the FCOD with eight off-street parking spaces.

**Exhibits to the Applications.**

- Exhibit A** - Deed to the Property to TNC Development LLC.
- Exhibit B** - List of abutters issued by the Town assessor
- Exhibit C** - Site Plan Set and Architectural Renderings for the development.
- Exhibit D** - Photographs of available on-street parking on Wall Street and Cocasset Street