



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
October 18, 2012**

Members present: Vice Chairman Neil Forster, Member Barney Ovrut, Alternates Kevin Penders and Kim Mellen.

The Vice Chairman opened the meeting at 7:00 p.m.

David F. Park requests a Special Permit pursuant to Foxborough Zoning By-Law Section 10.2.2 (2) and Table of Use 3-1.L.10 to have a holistic healing practice as a home occupation at 4 Bradshaw Lane. The property is located in an R-40 Residential Zoning District and is not located in any restrictive overlay districts. A request has been received via email from Mr. Parks asking to withdraw his petition. The homeowners association does not allow home occupations.

A motion to accept the applicant's request to withdrawal without prejudice and to refund the applicant's filing fee was made by Mr. Ovrut and seconded by Mr. Penders. The motion carried 4-0-0.

Briarwood Construction requests a variance pursuant to Foxborough Zoning By-Laws Section 10.2.2 (3) and Section 4.3.1 to allow access thru or across lots other than their approved frontage. The lots, known on Assessors Map 82 as Parcels 2472, 2472-001 and 2472-002 are located at 207 & 209 Oak Street in an R-40 Residential Zoning District and are not located in any restrictive overlay districts. Michael Ferrone of South Easton, representing Briarwood Construction and William Self a Professional Land Surveyor from Curley and Hansen came before the Board as a result of a meeting with the Planning Board. This petition is for two lots on Cocasset and Oak Streets; they are part of a proposed five lot subdivision named Lincoln Hill Estates which will be on a new road named Lincoln Hill Way. They were granted an ANR (Approval not Required) for these two lots by the Planning Board over the summer. It was later determined that the wetlands along the lot frontages were part of an intermittent brook associated with Howard Brook and is subject to the Rivers Act. The lots have been reconfigured to have their frontage and driveways on Lincoln Hill Way, so they will not be in the sensitive wetlands areas but since this is not their legal frontage a variance from the Zoning Board is now required.

The first lot's legal frontage is on Cocasset Street but will now have 53 feet of frontage on Lincoln Hill Way. The second lot's legal frontage is close to the intersection of Cocasset Street.

Sharon Brodeur of 217 Cocasset Street is concerned with access to the lot being on Cocasset Street.

Joe Frisoni of 210 Cocasset Street is concerned where the backyards will be located.

A letter from the Town Planner, Sharon Wason, was read into the record recommending approval of the variance due to the soil conditions of the wetlands and the concerns that the Planning Board had for public safety with the driveways being on Cocasset and Oak Streets which will be alleviated with the move of the driveways to the private road.

Other neighbors on Cocasset Street expressed concerns with traffic safety on Oak Street. These were questions about the subdivision which will be better addressed by the Planning Board during their public hearing process.

Mr. Self explained the need for the variance is due to the hardship access due to the wetlands on Cocasset and Oak Street and safety issues due to the proximity to the intersection, he also reviewed the letter he wrote as part of the application.

A motion to close the Public Hearing was made by Mr. Penders and seconded by Mr. Ovrut. The motion carried 3-0-0.

A motion to approve the variance request based on the application and recommendation of the Planning Board was made by Mr. Penders and seconded by Mr. Ovrut. The motion carried 3-0-0.

Mr. Casbarra will let the Planning Board know of the decision.

GENERAL BUSINESS

A motion to approve the minutes of October 18, 2012 was made by Mr. Ovrut and seconded by Mr. Forster. The motion carried 3-0-1 with Mr. Penders abstaining.

The Board discussed the need of having Certified Plot Plans and narratives submitted with applications.

The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Diana Gray