



# TOWN OF FOXBOROUGH

## Inspection Department

40 South Street

Foxborough, Massachusetts 02035

Tel. (508) 543-1206 / Fax. (508) 543-6278

November 9, 2015

Mr. Paul T. Zekos  
The Zekos Group  
382 Boston Turnpike, Suite 222  
Shrewsbury, MA 01545

RE: Zoning Opinion – Use of land, Assessors Map 79, Parcels 2222, 2224, and 2225.

Dear Mr. Zekos:

In regards to your request for a zoning opinion for the above-referenced parcels of land with buildings situation thereon, please be advised of the following:

### General Property Description

- The property located at 40 School Street and known on Assessor Map 79 as Parcels 2224 and 2225, has a combined land area of 13,373 square feet. The former municipal Fire Station located on the property was constructed in 1924 and is a two-story masonry building consisting of approximately 12,486 square feet. The building is currently served by municipal water and sewer.
- The property located at 21 Market Street and known on Assessors Map 79 as Parcel 2222 has a land area of 9,115 square feet. The vacant building located on the property is a 5,886 square feet two-story wood framed structure, formerly used as a funeral home with two apartment units located on the second floor. The building was constructed in the 1800's and is served by municipal water and an on-site septic system with future plans to install a sewer line on Market Street.

### Zoning Designations of Properties

- 40 School Street is located in split zoning districts with Parcel 2225 located in a General Business Zoning District, Foxborough Center Overlay District, and Design Review Overlay District. Parcel 2224 is located in an R-15 Residential Zoning District, Foxborough Center Overlay District, and Design Review Overlay District.
- 21 Market Street is located in an R-15 Residential Zoning District, Foxborough Center Overlay District and Design Review Overlay District.

### Allowable Uses Under Zoning

- With both properties being located in the Foxborough Center Overlay District, mixed uses are encouraged and allowed, either by-right or Special Permit, depending on the type and intensity of use. Types of non-residential uses allowed by-right include, but are not limited to: mercantile/retail such as restaurants, business/office/service, and assembly. Residential mixed uses of up to three (3) units are allowed by-right and over three (3) dwelling units by Special Permit from the Planning Board. Single

and Two Family Dwellings are allowed by-right. Brew Pubs and Night Clubs are allowed by Special Permit. Further allowable and non-permitted uses are specified in the Codes of the Town of Foxborough Chapter 275-Zoning, Section 9.7. Both properties are also located in the Design Review Overlay District. Proposed projects will have to be designed to preserve and enhance the cultural, economic, and historical resources of the Town. Architectural requirements of the Design Review District are specified in Chapter 275, Section 9.2.

### **Dimensional Regulations for Foxborough Center Overlay District (FCOD)**

- There is no minimum lot area requirement, however all lots must have a minimum street frontage of 20 feet with a front, side and rear setback of 10 feet and a building height of 3.5 stories and 40 feet. Accordingly, both properties are considered buildable lots pursuant to FCOD dimensional regulations. Building height can be increased to not more than 60 feet and 4 stories by Special Permit. Minimum parking space requirements are specified in Section 9.7.8 and vary according to use, or in the case of mixed uses, the sum of the individual uses.

### **Other Governing Regulations**

- Municipal Conversions – Prior to the conclusion of a sale of municipal owned property the prospective buyer must first obtain a Municipal Conversion Permit from the Board of Selectmen. The intent is to administer the conversion in a manner that will be in harmony with the By-Law and ensure the integrity of abutting neighborhoods. Specific requirements are provided for in Section 7.1 of the Zoning By-Law. The Town is committed to scheduling a hearing for this Permit immediately after the bidding process and before the closing date of the property.
- Upon application of a building permit to demolish, any building 50 years or older is required to be investigated by the Foxborough Historical Commission for a historical significance finding. Specifics are provided for in the Code of the Town of Foxborough, Chapter 88 – Building Demolition. Preliminary investigation of these properties has indicated that this will not pose any significant delay in the overall permitting process.

Please feel free to call if further clarification is needed in regards to these properties.

Sincerely,

William J. Casbarra, CBO  
Building Commissioner/Zoning Enforcement Officer

Cc: William Keegan, Town Manager  
Randy Scollins, Finance Director