

**Zoning Board of Appeals
November 17, 2011 Regular Meeting**

Location Meeting Room #2
Town Hall
7A Spofford Road
Boxford, MA 01921

Present William R. Cargill, Jr., Chair
Paula Lia Fitzsimmons, Vice-Chair
Robert W. Conroy, Clerk
Paula Meagher, Secretary
Pat Canonica, Planning Board Liaison

7:30 p.m. William Cargill called the meeting to order

**Case #901 Thomas J. Cassidy, Sr. for property owner Ronald Cooper
335B Middleton Road**

Special Permit to construct a 32'x36' garage which will yield garage space for more than 3 automobiles on the property from Article III, §196-13 (B)(11)(h) of the zoning bylaw.

Members Sitting William R. Cargill, Jr., Chair
Paula Lia Fitzsimmons, Vice Chair
Robert W. Conroy, Clerk

Applicant Present Thomas Cassidy

Plans Supplied Six (6) pages plans for Proposed Garage prepared by TNT Bldg. Consultant/Designer dated 10/18/11; Plot Plan dated March 21, 1997 prepared by Hancock Survey Associates, Inc.

Robert Conroy read aloud the legal notice.

Mr. Cassidy identified himself and told the Board he was present for the applicant and requesting a special permit to construct a 32x36 barn looking building for storage to house automobiles, a good size boat and Kubota tractor. On the property there is currently a three bay attached garage and they are requesting to construct a detached three stall.

The lot was created in 1978 consisting of 6.02 acres. There is no commercial intent and no water in the barn. Proposed upstairs will be just storage. The side setback will be thirty seven (37') feet and well over the required fifty (50') foot setback at approximately 668'.

Board members noted that it is a pretty straightforward case and there were no further questions on the application. The Chair advised the Applicant that he would need to get before the Planning Board prior to our next hearing for a recommendation.

Motion Robert Conroy – continue pending Planning Board recommendation to a time certain of December 15, 2011

Second Paula Fitzsimmons

Unanimous vote

7:37 p.m. Case #901 Kevin E. Kontos
9A Rock Brook Way

Special Permit to construct a residential dwelling with garage space for more than 3 automobiles from Article III, §196-13 (B)(11)(h) of the zoning bylaw.

Members sitting William R. Cargill, Jr., Chair
Paula Lia Fitzsimmons, Vice Chair
Robert W. Conroy, Clerk

Applicant Present John Morin, PE from the Neve-Morin Group, Inc.

Materials Supplied 3 pages consisting of elevations and floor plan of proposed residence labeled Mascord Collection B2443; Site Plan designed for septic system prepared by ASB Design Group dated 4/27/11.

Robert Conroy read aloud the legal notice.

Mr. Morin stated that this property was created in 2007 and also known as Lot 2 which consists of 2.35 acres. Mr. Kontos also owns Lot 3 on the shared drive. It is a compliant lot of 2.35 acres with 264 feet of frontage and 1.2+/- acres of CBA (contiguous buildable area). They are proposing to construct a single family dwelling with an attached four bay garage. According to the current bylaw anything over three requires special permit process.

The setbacks far exceed the setback requirements and are as follows:

front 158'
side 69'
rear 50'

There is no commercial intent for the garage and nothing will be over the garage. It is intended for vehicle storage only.

There were no questions for the Board and no one in attendance to speak in favor or opposition of the case.

Motion Robert Conroy - continue pending Planning Board recommendation to a time certain of December 15, 2011

Second Paula Fitzsimmons

Unanimous vote

7:44 p.m. **Minutes** Review draft minutes 8/25/11

Motion Robert Conroy –approve as amended

Second Paula Lia Fitzsimmons

Unanimous vote

8:10 p.m. **Motion** Robert Conroy - move into Executive Session for purposes of discussing *Murphy v. Cargill, et al (Boxford)* and declare that an executive session is necessary since an open public discussion may have a detrimental affect on the negotiating, bargaining or litigating position of the Board of Appeals and on completion of the Executive Session to return to open session and

immediately adjourn without conducting any further business. It was then amended to include discussing pending litigation for Case #894 Town of Boxford Library.

Second Paula Lia Fitzsimmons

Unanimous vote

8:38 p.m. Reconvene to open session

Motion Robert Conroy – adjourn at 8:38 p.m.

Second Paula Fitzsimmons

Unanimous vote

*Respectfully submitted,
Paula Meagher*

APPROVED AS SUBMITTED 1/26/12