Zoning Board of Appeals September 25, 2012 Regular Meeting

- Location Meeting Room #1 Town Hall 7A Spofford Road Boxford, MA 01921
- Present William R. Cargill, Jr., Chair Paula Lia Fitzsimmons, Vice-Chair Robert W. Conroy, Clerk Robyn Kotarski, Alternate Member Paula Meagher, Secretary Pat Canonica, Planning Board Liaison Barbara Jessel, Alternate Member

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

The Chair officially welcomed the two new alternates Barbara Jessel and Robyn Kotarski. The Board now has two of the three alternate spots filled.

7:32 p.m.	Case #909	Paul D'Amore
		314 Middleton Road

Special Permit to construct 340sf addition with second floor to existing single family dwelling from Article III, §196-6 (B) of the zoning bylaw.

Members Sitting	William R. Cargill, Jr., Chair
	Paula Lia Fitzsimmons, Vice Chair
	Robert W. Conroy, Clerk
Applicant Present	Paul D'Amore
	Anthony Messina
	Attorney Jill Mann

This case was continued from the last hearing on 8/23/12. The proposal is to renovate the interior and exterior relocating the front entrance on a non-conforming lot. It was continued pending a Planning Board review and recommendation.

It is a non-conforming house on a non-conforming lot created by a taking and they are not increasing the non-conformity. It is a three (3) bedroom home existing and proposed.

There were no questions or comments from any of the Board members.

Bob Conroy read aloud the Planning Board recommendation from the minutes of their meeting on 9/19/12 with a unanimous vote to approve. The actual square footage is 340 although the recommendation was written and read incorrectly at 1340 square feet. The Chair asked the board secretary to send a memo so that their records reflect properly.

There were no further questions from the Board and there was no one in the public to speak in favor or opposition of the petition.

MotionRobert Conroy – close evidenceSecondPaula FitzsimmonsUnanimous vote

Motion Paula Fitzsimmons – motion to grant the application for Paul D'Amore to construct 340sf addition with second floor to existing single family dwelling from Article III, §196-6 (B) which is a change, extension or alteration of the zoning bylaw with a finding that it's not a detriment to the neighborhood and that it is built according to the plans submitted.

Second Robert Conroy Unanimous vote

Paula Fitzsimmons will write the decision.

Case #908 Christian C. Huntress, RLA of Huntress Associates, Inc. for property owner Town of Boxford Haynes Land off Middleton Road

Special Permit to develop a new town recreation area composed of three (3) athletic fields with parking known as Haynes Land from Article V, §196-18 O Official or Open Space District and Article VI, §196-30 Site Plans.

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

There was a request for extending this case and a continuance form signed by Chris Huntress and the Chair approved and signed to a date certain of 10/25/12.

Informal: Discussion with Bob Camacho – Building Commissioner for an update on 31 Lake Shore Road. The Mulcahy and Kovelski families were also present for the discussion. He gave past history since last February. On 9/4/12 there was a violation 21D ticket issued for repeated violations (operating a business in a residential zone) and they have 21 days to pay fine or appeal to courts. He also can appeal to ZBA which he has not yet done. On 9/10/12 he received the ticket but has not exercised any of the options. The appeal period is over 10/10/12. In 21 days if he has not appealed the ticket, the Building Inspector can file a criminal complaint in court.

There are several police reports and the Mulachy's have submitted logs of ins and outs since the violation. John Mulcahy did say that with each and every cease and desist he's gotten, the business still runs. They are very concerned about the operation with the noise, etc. not just where their commercial vehicles are garaged.

After a very lengthy discussion Board members agreed that Bob Camacho needs to take action if he does not either pay the appeal or file a zoning application for an appeal within their allowed thirty (30) day period.

8:15 p.m. Review draft minutes 3/22/12

MotionRobert Conroy – approve as submittedSecondPaula FitzsimmonsUnanimous vote

MotionRobert Conroy – adjourn at 8:33 p.m.SecondPaula FitzsimmonsUnanimous vote

Respectfully submitted, Paula Meagher

APPROVED AS AMENDED 6/13/13