

**Zoning Board of Appeals
May 23, 2013 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
Barbara Jessel, Alternate Member
Robyn Kotarski, Alternate Member
Paula Meagher, Secretary
Pat Canonica, Planning Board Liaison

6:35 p.m. William Cargill called the meeting to order

Robert Conroy gave his official resignation effective today's date after 39 years of public service, serving for over 20 years on ZBA. The Chair accepted regretfully.

6:40 p.m. **Case #920 John N. & Margaret W. Adams**
13 Main Street

Special permit to construct a detached garage that will provide two (2) additional parking spaces which will result in space for more than three (3) automobiles on the property from Article V, §196-13 (B) (11) (h) of the zoning bylaw.

The Chair recused himself from this case as the applicants are clients.

Members Sitting Paula Lia Fitzsimmons, Chair pro temp
Robyn Kotarski, Vice Chair pro temp
Barbara Jessel, Clerk pro temp

Applicant Present John Morin, PE of Neve-Morin Associates, Inc.

Plans Submitted Plan of Land prepared by Essex Survey Services, Inc. dated June 20, 1974
Plans prepared by Carpenter & MacNeille Architecture Interiors Construction consisting of three (3) pages dated April 22, 2013.

Barbara Jessel read aloud the legal notice.

John Morin requested to amend the application to include Section 196-6 of the zoning bylaw because the existing single family dwelling is located approximately five (5') feet from the lot line. The original application did not reflect this particular section. The lot was created in 1937; is 4½ acres and has 569' of frontage. The house was constructed in the early 1700's. There is a horse barn in the rear of the property which has a gravel drive and the proposed garage will use the same access. The existing house has a three stall garage and this proposal is for 44'lx22'w garage but will house two (2) additional vehicles of 22x22 in the center. The

height of the garage is 20'3" at the mean height but the side setback will be at twenty-five (25') feet. Rear setback is seventy-six (76') feet and sixty-seven (67') feet from the front.

First floor of the garage is a heated area in the front and space for two vehicles. Second floor is a print room and storage area under the eaves. The applicant has antique printing presses and this will be used as a hobby area. There is electric heat proposed but no water. There is no commercial intent. There is no living space in this structure. Building coverage on the lot will be at three (3%) percent; the bylaw allows for twenty-five (25%) percent maximum for lot coverage of buildings.

Mr. Morin said that he appeared before the Planning Board last night and they did approve the project. Mr. Adams is meeting with HDC on June 26, 2013 and has already discussed with them but has designed the proposed in character with the other barn and structures on the property and does not think there will be any issues.

Paula Fitzsimmons asked why he went to the Planning Board without the hearing being opened by the ZBA. He wasn't quite sure why because originally they were scheduled for June 16 but his client notified him that they were on the agenda for May 22 so he went to represent them at that time. There is no formal written Planning Board or HDC recommendation therefore the Board took no action pending the Planning Board recommendation.

There was no one in the public to speak in favor or opposition of this proposal and the Board had no more questions for the application.

Mr. Morin asked the Board if they would need his representation at the next hearing since they most likely have all the evidence necessary other than the written recommendation from the Planning Board. Paula Fitzsimmons said she cannot tell what will happen next month but that she anticipates they will read the recommendation into the record and take a vote- it will most likely be pretty perfunctory.

Motion Barbara Jessel – continue Case 920 to June 27th
Second Robyn Kotarski
Unanimous vote

6:52 p.m. Informal - David Peterson of 5 Bare Hill Road was present seeking a position as an alternate member of the Board. He stated that he just moved to town mid-April of this year and was excited to set up roots and get involved in the community. He gave a brief background of his schooling at U Mass Amherst majoring in environment design which is in the landscape architecture and regional department and said he has always been interested in land use planning and development. He went on to law school at Boston College and stayed in that area because of his interest. After graduating there was no development in 2008 as a result of the economy so he took a job as an associate at a law firm in Worcester and now has a solo practice in Danvers on Rosewood Drive and focuses on trusts and estates. He wants to get involved in the community so thought getting out and meeting the more people he can would be helpful and his training and education would be of use to this Board. He said that he could devote time to the ZBA and would be able to attend meetings once per month.

The Chair said that he would like to recommend the applicant to the BOS as they are the appointing authority for the town.

Motion Paula Fitzsimmons- send a memo to the BOS recommending David be considered for an appointment.

Second Barbara Jessel

Unanimous vote

7:18 p.m. Review draft minutes 8/23/12

Motion Paula Fitzsimmons- approve as amended

Second Robyn Kotarski

Abstain Barbara Jessel

7:25 p.m. Vote on extension and withdrawals

Motion Paula Fitzsimmons – withdraw application without prejudice Case #919 Thomas L. Chaffee of 283 Ipswich Road for a Special Permit under Section 196-13 (C) allowing him to come back to this Board at a date certain by him when he is ready to reapply

Second Barbara Jessel

Unanimous vote

Motion Paula Fitzsimmons - withdraw application Case #912 Town of Boxford Community Center Middleton Road requesting a Special Permit under Section 196-6, 196-18, 196-25 (2)(7) and 196-30 and that they be allowed to withdraw without prejudice so they can reapply to this board when they are ready to present

Second Barbara Jessel

Unanimous vote

Motion Paula Fitzsimmons - extend time for a decision under Case #910 and #911 Insite Towers, LLC and Metro PCS MA, LLC c/o Parisi Law Associates, P.C. for property owner Ronald & Catherine Tetreault at 58 Endicott Road requesting a special permit under 196-22 and also a variance request under Section 196-22(1) (6) to a date certain of June 27, 2013

Second Barbara Jessel

Unanimous vote

Barbara Jessel asked for an update on the minutes. Paula Meagher said that the one that was just approved is the most recent draft. Bill Cargill said after our last meeting he sent an email to Alan Benson requesting help in the office for a couple of hours each day or to close the window so that minutes could get caught up to date. He was told the chair of the BOS would write a response but that the request was denied and has not yet received anything as of yet. We are behind from September of 2012 to now and the Board members agreed that somehow they have to get done and up to date and to aim to stay current for FY14.

Motion Paula Fitzsimmons – adjourn at 7:38 p.m.

Second Barbara Jessel

Unanimous vote

*Respectfully submitted,
Paula Meagher*

APPROVED AS AMENDED 6/13/13