

**Minutes of the BOXFORD ZONING BOARD OF APPEALS
TOWN HALL – MEETING ROOM #1
June 27, 2013 6:30PM**

Present:

Willam Cargill, Chair
Paula Lia Fitzsimmons, Chair Pro Temp
Barbara Jessel, Alternate
Robyn Kotarski, Alternate
Patrick Canonica, Planning Board Liaison

Absent: None

Others Present: Minutes Secretary Stickney, John Morin, Judy Andersen, Mary Anne Nay, Pam Blaquiere, Chief Kerry Stickney, Doug Locke, DPW Superintendent/Town Engineer John Dold, Richard Shaw, Martha & Paul Forte, Robert & Mary Donnell, Richard Shaw, Judy McCarey

6:50PM Meeting Opened

With a quorum present, Chairman William Cargill called the meeting to order at 6:47PM.

Chairman Cargill read a prepared statement and tendered his resignation from the Zoning Board of Appeals, effective immediately.

After Cargill departed the meeting, Paula Lia Fitzsimmons asked for a 3 minute recess. Upon her return, she took over as chairman pro temp.

New Business:

- **6:50PM Case #921: Martha B & Paul E. Forte, 99 Great Pond Drive
Special Permit §196-13 (B) (11) (h)**

Members Sitting:

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

Plans Submitted:

- Subdivision Plan of Land in Boxford, Thomas E. Neve Associates, Inc., Surveyors, June 15, 1994
- Site Development Plan Designed for Martha & Paul Forte, Lot 61 – 99 Great Pond Drive, Drawing No. S-3129, The Neve-Morin Group, Inc., John M. Morin, Civil Engineer, May 24, 2013

- Addition 99 Great Pond Drive, Proposed Floor Plans & Elevations, AGA Designs, LLC, 5/28/13

Special Permit to construct an addition which will provide four (4) additional garage spaces. The additional spaces will result in garage space for more than three (3) automobiles on the property from Article V, §196-13(B)(11)(h) of the zoning bylaw.

Jessel read the legal notice aloud.

John Morin of the Neve-Morin Group appeared before the Board to make a presentation on the work to be performed. He noted that the house was built around 1997 and that there are wetlands in the area and they will be filing with the Conservation Commission as well. There were questions/comments as follows:

- **Jessel: What do the green lines signify?** Morin explained the green lines are the 25-foot no disturb zone, 50-foot no disturb and buffer zones.
- **Fitzsimmons: The floor plan notes a business office. What type of business is it?** Morin will research it.
- **Jessel: Is that a kitchen across from the business office?** Morin advised it is a ½ bath with a sink, which will be used as a bar for the great room.
- **Jessel: That wouldn't have a stove or other kitchen equipment?** Right, it's not intended to become an in-law apartment.
- **Fitzsimmons: It's not meant provide for any cooking there?** Morin confirmed that is correct.
- **Jessel: I need clarification on where the old garage was.** Morin pointed it out to her on the plans.

Morin advised the ZBA that he is on the Planning Board agenda for their July 17 meeting. With no further comments or questions, the ZBA took the following action:

7:04PM On a **MOTION** made by **Jessel**, second by **Kotarski**, the Zoning Board of Appeals **VOTED** unanimously to continue case #921 to July 25, 2013.

- **7:05PM Case #912: Town of Boxford, 4 and 6 Middleton Road
Special Permit §196-6; §196-18; §196-26(2) and (7) and §196-30**

Members Sitting:

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

Plans Submitted:

- Site Plan East Fire Station & Community Center, Donohoe Survey, Paul J. Donohoe, May 6, 2013
- Town of Boxford Expand Community Center Parking, Drawn by JC Dold, 6/10/12

92 Special Permit to add seventeen (17) new parking spaces and construct
12'x20' shed on their property from Article V, §196-6 and §196-18; Article VI
94 §§196-26 (2) and (7) and §196-30 of the zoning bylaw.

96 **Applicant Present:** John Dold, DPW Superintendent/Town Engineer

98 Dold appeared before the Board with a brief presentation on the work to be performed
at the Community Center. He advised that the need for a new shed was as a result of
an inspection by the Building Inspector and Fire Chief. One of the major issues was the
100 amount of clutter that needed to be stored elsewhere. He added that a number of trees
will need to be removed to make space for the additional parking. He advised that they
102 will still meet the state standard for handicapped parking spaces, which will remain at
two. There were questions/comments as follows:

- 104 • **Jessel: What is the proposed surface?** Dold advised that it is crushed asphalt
material that they will roll and spray paint the parking spaces. It's the same type of
106 material they've used in other parking areas.
- 108 • **Fitzsimmons: Where does it (the material) come from?** Dold advised that it
comes from surrounding communities, when they grind up the roads. We get it for
free.
- 110 • **Fitzsimmons: For clarification, you are painting it?** Dold advised that they would
be painting it; it is paintable.
- 112 • **Fitzsimmons: Describe the shed.** Dold advised that it has siding and cedar roof
shingles. The cedar roof shingles are black and the color of the siding is the same as
114 the existing building – yellow and black.

116 The three members of the ZBA reviewed the criteria of 196-30 (B) (1-6) and agreed it
meets the criteria. There were additional comments/questions:

- 118 • **Jessel: What is the approximate distance between the ends of the existing
spaces and ends of proposed spaces?** Dold pointed out on the plans and noted
that it's around 30 feet.
- 120 • **Fitzsimmons: Is there a need for a sign to deter commuter parking?** Dold
advised that he has spoken with the police chief and they decided that if it becomes
122 an issue, a sign will go up.
- 124 • **Dold: With regards to landscaping, we will be adding a screen of hemlock
trees to mitigate the number of trees to be removed for the parking spaces.**
- 126 • **Fitzsimmons: Will there be any additional lights?** Dold advised there would be
no additional lights, adding that there is no intention to add any more lighting.
- 128 • **Fitzsimmons: What about the drainage?** Dold advised there would be no change
to drainage, adding that the parking area is sloped, so the water will flow to the
existing basin.

130 Fitzsimmons advised Dold to go to the Planning Board and get on their agenda. With no
further questions or comments, the ZBA took the following action:

132 **7:24PM** On a **MOTION** made by **Jessel**, second by **Kotarski**, the Zoning
Board of Appeals **VOTED** unanimously to continue case #922 to July 25, 2013.
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136 **Continued Business:**

138 **7:25PM Continued**
Case #920: John N & Margaret W. Adams, 13 Main Street
Special Permit §196-13 (B) (11) (h)

140 **Members Sitting:**

142 Paula Lia Fitzsimmons, Chairman pro temp
143 Barbara Jessel, Clerk pro temp
144 Robyn Kotarski, Vice Chair pro temp

146 **Plans Submitted:**

- 148 • Plan of Land: Estate of Ella M. Walsh, Essex Survey Service, Inc., June 20, 1974
- 149 • Site Plan, Adams Garage, 13 Main Street, Carpenter & MacNeille, 4/22/13
- 150 • Site Plan Option 2, Adams Garage, 13 Main Street, Carpenter & MacNeille,
4/18/13

152 John Morin of the Neve-Morin Group, representing the applicant, advised that at
153 the conclusion of the last meeting, they were waiting for the recommendation
154 from the Planning Board and they have that.

156 Jessel read the Planning Board Decision, dated May 22, 2013. The ZBA took the
157 following action:

158 **7:29PM** On a **MOTION** made by **Jessel**, second by **Kotarski**, the Zoning
159 Board of Appeals **VOTED** unanimously to grant the application of **John N.**
160 **and Margaret W. Adams** requesting a **Special Permit** to construct a
161 detached garage that will provide two (2) additional parking spaces which
162 will result in space for more than three (3) automobiles on the property
163 from **Article V, §196-6** of the zoning bylaw for the premises located at **13**
164 **Main Street**, as amended.

166 Robyn Kotarski will write the decision.

168 **7:30PM New Business:**

170 The owners of a house lot at the former Camp Columbus site on Topsfield Road
171 appeared before the Zoning Board of Appeals for help in what procedure to follow to
172 make his irregular lot a buildable lot. Fitzsimmons advised the couple to file a formal
173 application, where abutters will need to be notified and the Zoning Board of Appeals will
174 hear the case on July 25.

176 **7:40PM Review Draft Minutes: 5/23/13, 10/25/12**

178 Fitzsimmons advised that the minutes of May 23, 2013 were already approved at the
last meeting.

180 On a **MOTION** made by **Jessel**, second by **Kotarski**, the Zoning Board of
182 Appeals **VOTED** unanimously to approve the minutes of October 25, 2012 as
written.

184 Town Administrator Alan Benson advised the ZBA that some of the key components of
186 the minutes are the documents. He added that the plans submitted will be added to the
minutes.

188 **7:55PM Other Business:**

Alternate Position Discussion:

190 Town Administrator Alan Benson advised that there were two applicants they
192 interviewed and reminded them that they normally appoint one of the existing
alternates to fill a permanent vacancy. Fitzsimmons advised that Mr. Engle has
194 attended a number of meetings and they would have no objection to him being
appointed.

196 Kotarski noted that the other person they interviewed, David Peterson, has only
198 lived in town a month and that was her concern. Fitzsimmons agreed. Benson
advised that Cargill had requested that he be held in abeyance and the Board of
200 Selectmen took no action. Jessel added that she thought he had a lot of
interesting and appropriate background. Benson advised that the Board of
202 Selectmen will be taking up appointments at their meeting on Monday.

Permanent Member Position Discussion:

204 Jessel advised that she would like to be considered for the permanent
appointment. Kotarski didn't feel she was ready for a permanent position and
206 noted that, in light of the night's actions, she had concerns.

208 **8:02PM Requests for Time Extensions:**

Case #908: Town of Boxford Haynes Fields

210 On a **MOTION** made by **Jessel**, second by **Kotarski**, the Zoning Board of
Appeals **VOTED** unanimously to extend case #908, Town of Boxford
212 Haynes Fields, to September 6, 2013.

Cases #910 & #911: InSite Towers, LLC 58 Endicott Road:

214 On a **MOTION** made by **Jessel**, second by **Kotarski**, the Zoning Board of
Appeals **VOTED** unanimously to extend case #910 and case #911, InSite
216 Towers, LLC, 58 Endicott Road, to July 25, 2013.

218 **8:05PM Discussion: Letter from Board of Selectmen, 5/30/13**

220 Benson advised the letter was not in their packet, because the issue had been
resolved.

222 **8:05Pm Discussion: Posting of Secretary III Position for Inspections/ZBA**

224 Benson advised the Board needs to request that the Board of Selectmen lift the
226 hiring freeze to hire a Secretary III for Inspections and ZBA. Benson advised they
228 will relook at the position and asked the Board for their comments. Bob Comacho
230 likes the combined Inspections and ZBA position. Fitzsimmons noted that the
232 connection is appropriate, as long as the ZBA gets a fair share of the secretary's
time. Benson said that issue just came up a month ago and that he can help with
that, but there needs to be better communications. He advised that when they
approach the Inspector of Buildings and the issue remains unresolved, they
should contact him. Fitzsimmons made note of that.

234 Jessel suggested that a great deal of what needs to be done, after a decision is
236 rendered, is transferring documentation that was provided for the decision. She
238 added that some of the more clerical work of a decision could be done as part of
240 the job of the secretary. She noted that 95% of what goes into the decision
242 comes from the application and a secretary could easily do that. Fitzsimmons
added that they have templates for the more routine decisions. They all start the
same and suggested that maybe they should include that in the job description
for the secretary's job duties. Benson will put it in and show it to the union rep
see if there are any concerns on it.

244 Benson advised that his office does initial screening and department heads make
246 their selection after that.

248 **8:14PM Meeting Adjourned**

250 On a **MOTION** made by **Jessel**, second by **Kotarski**, the Zoning Board of
Appeals **VOTED** unanimously to adjourn at 8:14PM.

252 Respectfully Submitted,

254 *Judith A. Stickney*
Minutes Secretary

256 Approved as Amended 7/25/13

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