



TOWN OF BOXFORD, MASSACHUSETTS

NOTICE #984

ZONING BOARD OF APPEALS

October 10, 2017

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing at the Town Hall, Meeting Room #1, 7A Spofford Road, Boxford, MA 01921 on Thursday, **November 16, 2017** at 7:30 p.m. or such other time when reached on the agenda as posted to all parties interested in the application of **Jeffrey & Traci Masterson** requesting a **Special Permit** for proposed construction of a 40' x 50' three bay garage. Pursuant to ZBL 196-13 (B)(11)(h) of the zoning bylaw for the premises located at **48 Boren Lane, Assessors Map 25, Block 3, Lot 30**. Plans are available for review at the Zoning Board of Appeals office at Town Hall Mon-Thurs from 8 am until 4 pm.

By Order of the Zoning Board of Appeals,

Paula Lia Fitzsimmons, Chair

Please note: The Boxford Planning Board will be reviewing this filing at the November 15, 2017 meeting. This meeting will take place at 7:30pm, in Meeting Room #1 at the Boxford Town Hall. Please refer to the Planning Board agenda for exact time. The agenda can be viewed online at www.town.boxford.ma.us



TOWN OF BOXFORD

ZONING BOARD OF APPEALS

7 A Spofford Road

Boxford, MA 01921

Tel 978-887-6401 - Fax 978-887-1236

INSTRUCTIONS FOR FILING SPECIAL PERMIT-VARIANCE-APPEAL

Fill out forms completely and submit to Town Clerk by **12:00 noon** on the deadline date.

10/16/2017 (deadline date). The meeting date for this deadline is 11/16/2017 (meeting date)

The following must be submitted:

FOUR (4) SETS PLUS THE ORIGINAL. PLANS SHALL BE 11x17 AND ONE FULL SIZE SET OF PLANS, 24x36. DO NOT STAPLE ORIGINAL. APPLICANT MUST ALSO SUBMIT AN ELECTRONIC PDF VERSION OF THE APPLICATION (PLEASE DO NOT INCLUDE COPIES OF THE PAYMENT WITH ELECTRONIC VERSION). COPIES OF ALL NECESSARY FORMS LISTED BELOW MUST BE SUBMITTED IN COMPLETE SETS.

- Public Hearing Application forms. The applicable zoning by-law must be provided by the applicant
- Certified list of abutters (300') (from Assessor's Office) 978-887-6000 (504)
- Postage Fee Form (showing the # of abutters and surrounding towns)
- Authorization form for public notice for hearing in Tri-Town Transcript
- Copy of title or deed
- Plan of land (please see above for size of plans required for filing)
- Full plan of proposed project (see ZBA regulations for more details)
(please see above for size of plans required for filing)
- Check for application fee in the amount of \$ 200.00
- Check for the mailing of abutter notification
- Denial form from Inspector of Buildings (if required)
- Maintenance agreement and safety sign-off clearance form
(if filing for special permit for shared driveway)

RECEIVED

OCT 10 2017

TOWN OF BOXFORD
INSPECTION DEPARTMENT
ZONING BOARD OF APPEALS

After filing application, your legal ad will be done and a copy mailed to you. Your public hearing will be located at the Boxford Town Hall- Meeting Rm #1.

Office staff will advise the applicant regarding filing with the Boxford Planning Board, for their recommendation to the Zoning Board of Appeals.

After all evidence is received and the hearing is closed the decision will be issued and filed with the Town Clerk. You will be notified by mail with a stamped copy. There will be an appeal period for twenty (20) days and then you may get the decision from Town Clerk's Office and bring to the Essex South Registry of Deeds to be recorded. **Copies of the recording from the Registry must be submitted to the Zoning Board of Appeals/Inspector of Buildings offices.**

APPLICATION REVIEWED BY ZBA SECRETARY: Robert Robert
(signature with date)

PLEASE NOTE: TOWN CLERK WILL NOT STAMP UNLESS FIRST REVIEWED BY ZBA OFFICE FOR FULL COMPLETION.



**Boxford Zoning Board of Appeals
Public Hearing Application**

(ZONING BOARD USE ONLY)

ZBA CASE # 984
PUBLIC HEARING DATE 11.16.2017

(TOWN CLERK STAMP ONLY)

R. Phelan

RECEIVED
2017 OCT 10 AM 11:07
ROBERT PHELAN
BOXFORD TOWN CLERK

1. Information of Project Applicant and Property Owner

Applicant Name Jeffrey + Traci Masterson
Street Address 48 Boren Lane
Town/City Boxford MA State MA
Telephone Number 978-815-8448
Property Owner Name Jeffrey + Traci Masterson
Address 48 Boren Lane
Town/City Boxford State MA
Telephone Number 978-815-8448

FILING FEE

- \$200.00 special permit/appeal
- \$250.00 variance

40b COMPREHENSIVE

- \$500.00 plus \$50.00 per individual unit
- \$250.00 plus \$25.00 per individual unit
for Local Initiative Program

2. Property Location of this Application

Street Address 48 Boren Lane Map 25 Block 3 Lot 30
Deed to the Property Book 35430 Page 521 Date 11/9/16 (or registered in Land Registry District)
Certificate No. Book _____ Page _____ Date _____
Land Court Plan No. Book _____ Page _____ Date _____

3. Purpose of Applicant and Description of Project

Purpose of Application: Special Permit Variance Appeal of Building Inspector Comprehensive

Applicable Section(s) of Boxford Zoning Bylaw ZBL 196-13(B)(1)(h)

Reason for Request and Description of Project
Proposed construction of a 40' x 50' three bay garage. The existing house already has an attached

SEE OTHER SIDE

**Boxford Zoning Board of Appeals
Public Hearing Application**

4. Zoning District

Zoning Districts in which the property lies: R-A B-1 B-2 M C O Historic Elderly Housing
 Pond Watershed Overlay Wireless Communication

5. Conformity of Site and Use

Date lot was created Dec. 17, 1986

Date structure was built 1987

Does the property, structure and/or use conform to the current Boxford Zoning Bylaw? Yes

If not, describe the non-conformity (ie; lot size, setbacks, use, etc.)

Additional Submittal Requirements

All applications shall include the applications requirements identified in §382-3 (B)(2) Plans and Specifications, of the Boxford Zoning Board of Appeals Rules and Regulations.

Applications for a Comprehensive Permit shall also include the application requirements identified in §382-4 of the Boxford Zoning Board of Appeals Rules and Regulations.

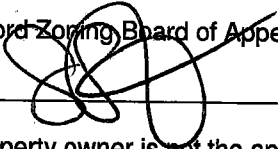
In addition, specific submittal requirements are identified in the Zoning Bylaw for the following applications:

Section 196-22 - Wireless Communications Services District

Section 196-30 - Site Plans

Section 196-33 - Soil Stripping

I hereby request a hearing before the Boxford Zoning Board of Appeals:

Applicant's Signature  Date 10-4-17

The following signature is needed if the property owner is not the applicant.

I am aware of the submittal of the application (not required if an appeal of a Building Inspector's decision):

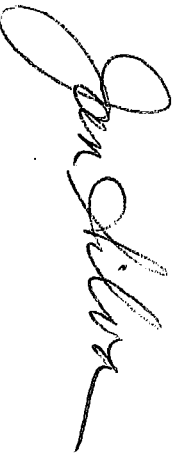
Property Owner's Signature _____ Date _____

TOWN OF BOXFORD
ABUTTER LIST

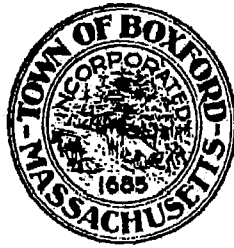
PARCEL # 25-3-30 ~ 48 BOREN LANE ~ ZONING BOARD OF APPEALS 300'

Map/Lot	Location	Owner	Owner2	Owner Address	Owner City/Town	Owner State	Zip Code
(25-03-31)	56 BOREN LN	ALDEBORGH JOHN	ALDEBORGH VICKI	56 BOREN LN	BOXFORD	MA	01921
(25-03-29)	44 BOREN LN	ANDRIOTAKIS JAMES L	ANDRIOTAKIS LISA L	44 BOREN LN	BOXFORD	MA	01921
(25-03)	41 BOREN LN	CULLINANE JR TIMOTHY F	CULLINANE MELANIE P	41 BOREN LN	BOXFORD	MA	01921
(29-01-24)	57 BOREN LN	MARTIN HARRY TE	LINDE MARTIN	P O BOX 215	BOXFORD	MA	01921
(25-03-30)	48 BOREN LN	MASTERSON JEFFREY J	MASTERSON TRACI L	48 BOREN LN	BOXFORD	MA	01921
(25-06-19)	24 SUNRISE RD	PAPILLO RYAN S	PAPILLO ELIZABETH J	24 SUNRISE RD	BOXFORD	MA	01921
(29-01-23)	49 BOREN LN	PELLETIER DEREK	PELLETIER ANDREA	49 BOREN LN	BOXFORD	MA	01921
(25-06-17-1)	28 SUNRISE RD	SAVITSKY DAVID A	SAVITSKY I-CHIN SAYULI	28 SUNRISE RD	BOXFORD	MA	01921
(29-01-22)	45 BOREN LN	STEVENS THOMAS G	STEVENS SAMANTHA R L	45 BOREN LN	BOXFORD	MA	01921
(25-03-32)	60 BOREN LN	SULKOWSKA JUSTINE	ADAMCZYK DARIUSZ	60 BOREN LN	BOXFORD	MA	01921
(25-06-16)	30 SUNRISE RD	TALLAKSEN GARY		30 SUNRISE RD	BOXFORD	MA	01921
(25-03-28)	38 BOREN LN	TARBOX DAVID A	DIBURRO THOMAS V	38 BOREN LN	BOXFORD	MA	01921
(25-03-44)	SUNRISE RD	TOWN OF BOXFORD		7A SPOFFORD RD	BOXFORD	MA	01921
(25-01-01)	SUNRISE RD	TOWN OF BOXFORD		7A SPOFFORD RD	BOXFORD	MA	01921

CERTIFIED COPY



October 3, 2017



ZONING BOARD OF APPEALS

APPLICANT'S INFORMATION

Name: Jeffrey + Traci Masterson

Address: 48 Boren Lane
Boxford MA 01921

POSTAGE FEE

In accordance with Article X, Section 196-49 of the Zoning by-law of the Town of Boxford, you are required to pay the postage costs for the abutter notification of your application and decision.

The following is the formula used for determining the postage costs for each application:

Number of Certified Abutters

(including applicant & representative)

Notice of Hearing

$$\underline{2213} \times 6.56 = \underline{\del{144.32} 85.28}$$

Number of Surrounding Towns & MVPC

$$9 \times \$6.56 = \$59.04$$

Number of Certified Abutters

(including applicant & representative)

Notice of Decision

$$\underline{13} \times .46 = \underline{5.98}$$

TOTAL AMOUNT OWED FOR POSTAGE FEE

$$\underline{\$ 150.30}$$

Please remit a check payable to the Town of Boxford, for the total amount owed for postage. Also, please be advised that your postage fee must be paid for, prior to a meeting date being scheduled. Thank you.

Sincerely,

Paula Lia Fitzsimmons,
Chair



Zoning Board of Appeals

Effective July 1, 1997, applicants of the Zoning Board of Appeals will be billed directly by the Community Newspaper Company for the publication of their legal notice. In order for the newspaper to bill you, please provide the following information:

PLEASE PRINT

Name Jeffrey + Traci Masterson

Mailing Address 48 Bowen Lane

City/Town Boylston State MA Zip Code 01921

Daytime phone number 978-915-9448

Evening phone number 978-887-3495

AUTHORIZATION FOR PUBLICATION

I hereby authorize the Community Newspaper Company to bill me directly for the publication of my legal notice in the Tri Town Transcript.

Signature

Date

10-4-17

3
209



SO. ESSEX #348 Bk:35430 Pg:521
11/09/2016 12:24 DEED Pg 1/3

MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 11/09/2016 12:24 PM
ID: 1154270 Doc# 20161109003480
Fee: \$3,374.40
Cons: \$740,000.00

QUITCLAIM DEED

We, Willis P. Burbank, Jr., and Wendy E. Burbank, husband and wife, of Boxford, Essex County, Massachusetts, for consideration paid and in full consideration of Seven Hundred Forty Thousand and 00/100 Dollars (\$740,000.00) grant to Jeffrey J. Masterson and Traci L. Masterson, husband and wife, tenants by the entirety, now of 48 Boren Lane, Boxford, Essex County, Massachusetts

With quitclaim covenants

The land with the buildings thereon, located on Boren Lane in Boxford, Essex County, Massachusetts, being shown as Lot 5 on a Plan entitled "Confirmation Plan of Land in Boxford, Mass.; Prepared for Amberwood Development Corp., Scale 1"=100", May 7, 1987; T&M Engineering Associates, Inc.; 83 Pine Street, Peabody, Ma. 01960", recorded with the Essex South District Registry of Deeds in Plan Book 226 as Plan 29. See also Plan Book 219, Plan 97. Said land is further bounded and described as follows:

Property Address 48 Boren Lane f/k/a 54 Boren Lane, Boxford, Essex County

- SOUTHWESTERLY by Boren Lane, three hundred eighty-two and 61/100 (382.61) feet;
- NORTHWESTERLY by Chapman Lane, as shown on said Plan, three hundred thirty nine and 38/100 (339.38) feet;
- NORTHERLY by land marked off as 'Public Area' and 'Island' on a Plan entitled "Definitive Subdivision Plan, Amberwood, Boxford, Mass.; Scale 1"=40"; Dated Sept. 20, 1983, which plan is recorded with Essex South District Registry of Deeds at Plan Book 185, Plan 2, fifty-seven and 00/100 (57.00) feet;
- NORTHWESTERLY by said 'public area' and 'Island' land on two courses, totaling one hundred fifty-three and 25/100 (153.25) feet;
- EASTERLY by the shore line of Lowe Pond, three hundred sixty-five and 00/100 (365.00) feet; and
- SOUTHEASTERLY by Lot 4A, as shown on said Plan, two hundred ten and 00/100 (210.00) feet.

Containing 2.48 acres of land, more or less, according to said plan.

See affidavit recorded with said Deeds in Book 9178, Page 93 which concerns the Northwesterly Bound of said Lot 5 as shown on the plan recorded in Plan Book 226 as Plan 29.

Said land is conveyed together with the fee in that area located on Lot 5, shown as "60' Way (unconstructed)" on said Plan. Subject to the rights of others, if any, to pass and repass in said unconstructed way.

This conveyance is made together with the right of way in common with others lawfully entitled thereto over Boren Lane and all other lanes and ways as shown on Plan entitled; "Definitive Subdivision Plan, Amberwood, Boxford, Mass., Scale 1"=100', dated September 20, 1983, Owner/Developer; Waldingfield Realty Trust, Engineer; T & M Engineering Associates', recorded with the Essex South District Registry of Deeds as Plan 2 of Plan Book 185, including a right of way from the present terminus of Boren Lane to the new layout of Boren Lane, as shown on the within described subdivision plan. Reserving, however, to the grantor, his heirs, successors and assigns, the fee in all subdivision roads as shown on the aforesaid subdivision plan, excepting the 60' way (unconstructed) mentioned above to which the fee is granted.

Together with the right to use a 20' wide recreational path easement granted to the Town of Boxford, dated February 15, 1985 and recorded with said Registry of Deeds, Book 7663, Page 211.

The within named grantors release any and all rights of homestead they may have in the property.

For Title, see Deed of John C. Sanidas, Trustee of Amberwood Development Trust dated September 22, 1987 and recorded with the Essex South District Registry of Deeds in Book 9196, Page 436.

Witness our hands and seals this 9 day of November, 2016

Willis P. Burbank, Jr.
Willis P. Burbank, Jr.

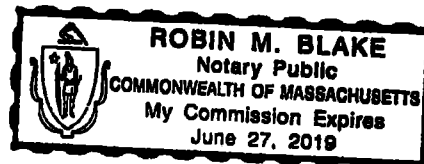
Wendy E. Burbank
Wendy E. Burbank

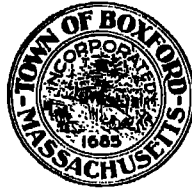
COMMONWEALTH OF MASSACHUSETTS

Essex, SS.

On this 9 day of November, 2016, before me, the undersigned Notary Public personally appeared Willis P. Burbank, Jr. and Wendy E. Burbank, proved to me through satisfactory evidence of identification, which were their MA Drivers License, to be the persons whose names are signed on the preceding or attached document, and acknowledge to me that they signed it voluntarily for its stated purpose and as their free act and deed.

Robin M. Blake
Notary Public
My Commission Expires





**TOWN OF BOXFORD
PLANNING BOARD**

7A Spofford Road
Boxford, Massachusetts 01921
Phone: (978) 887-6000 x 191 Fax: (978) 887-0758
Email: rpovenmire@town.boxford.ma.us

APPLICATION FOR DRIVEWAY PERMIT

The purpose of this permit is to provide safe and adequate access for emergency and other vehicles from the public way to residential dwellings. It has been developed in accordance with §196-29 of the Boxford Zoning Bylaw. The applicant shall read the bylaw on the back of this page.

Name Jeffrey & Traci Masterson Date 10/3/2017

Driveway location/address 48 Boren Lane

Required Design Criteria

Compliance – Yes No

- | | | |
|---|-------------------------------------|--------------------------|
| 1. Finished driveway width shall be no less than 9 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Grade for the first 25 feet of driveway from the public way – 3% or less | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. 12% maximum slope along the centerline | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Any slope over 8% shall be paved | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Driveway apron should be 90° to the road | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Driveway apron should have curved flare radii of 6' | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. No physical barriers on inside of driveway curves | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Rate of post-development runoff should not exceed pre-development runoff | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Water shall not flow from driveway onto road | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Sight distance shall exceed 50' in both directions | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Driveways longer than 500' shall have a turn-around | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 12. No cut or fill shall exceed 8' from the natural topography | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 13. Shared driveways shall be no closer than 100' apart | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 14. Shared portion of a driveway shall be no less than 12 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The Superintendent of Public Works and Fire Chief may impose other conditions at their discretion to ensure safe access and to prevent any damage or dangerous situation(s) because of drainage, icing, etc. onto public roads. These conditions are indicated below.

Applicant Signature [Signature] Date 10-4-17

Planning Board Approval _____ Date _____

Conditions:

§196-29. Driveways

It shall be unlawful to install, construct, reconstruct or relocate any driveway without first obtaining a driveway permit from the Planning Board. Normal maintenance such as repairs and repaving shall be exempt provided repairs and repaving do not increase water runoff onto the public way or abutting lots..

- A. Driveways for detached single-family houses** shall comply with the following:
1. Layouts and configurations shall avoid excessive curves, switchbacks, and slopes to provide optimal safety for access to and from the dwelling site.
 2. To the extent possible, the driveway apron shall be aligned at ninety degrees (90°) to the road and have curved flare radii of six feet (6') between the road and drive.
 3. No person or persons shall cut or destroy any tree on Town property (right-of-way along side of the road), without first obtaining the approval of the Boxford Planning Board and the Boxford Tree Warden. No person or persons shall remove, alter, or destroy any stone wall on or bordering Town property (right-of-way along side of the road) without first obtaining the approval of the Boxford Planning Board in accordance with the Scenic Road bylaw.
- B. Single driveways** shall meet the following standards.
1. All single driveways shall have a finished width no less than nine feet (9').
 2. The first twenty five feet (25') in from the paved portion of the public way shall have a maximum slope of three percent (3%); the maximum driveway slope along the centerline shall be twelve percent (12%); any slopes over eight percent (8%) shall be paved. To preserve the stability of the existing natural topography, no cut or fill in excess of eight feet (8') of the natural topography shall be allowed within the limits of the driveway cross section.
 3. The slope grade shall allow rapid emergency access during normal weather conditions. No physical barrier shall be located on the inside of the curves that could impede fire truck or emergency vehicle access.
 4. The rate of runoff during construction and post-development shall not exceed the rate of pre-development runoff.
 5. After driveway completion, water runoff from the new driveway shall not be allowed to enter onto the public right-of-way and abutting property at any time.
 6. The Planning Board may impose conditions on the construction, re-construction or relocation of a driveway at their discretion to ensure safe access onto public roads and to prevent any damage or dangerous situation(s) due to drainage, icing, or other hazards. The conditions may incorporate recommendations made by the Fire Chief, Police Chief and Superintendent of Public Works.
 7. The Superintendent of Public Works and Fire Chief may impose other conditions at their discretion to ensure safe access and to prevent any damage or dangerous situation(s) because of drainage, icing, etc. onto public roads.
 8. Sight distance entering the public way, shall be fifty feet (50') in either direction to the best extent possible.
 9. During construction, no debris shall be left on the road or shoulder; nor shall drainage structures, culverts, or ditches be blocked or impeded at any time.
 10. All driveways longer than five hundred feet (500') shall have a turn-around location within twenty five feet (25') of the dwelling for large vehicle turnaround.
 11. Driveways shall conform to all other rules and regulations of the Town of Boxford.
- C. Shared Driveways** shall conform to all the regulations as set forth in Subsection B and §196-13B (11)(m) of the Zoning Bylaw, plus the following:
1. The shared driveway shall not enter the roadway at a point separated by less than one hundred feet (100') (centerline to centerline) from any other driveway or intersection.
 2. The shared portion of the driveway shall have a finished width no less than twelve feet (12') plus a one foot (1') level shoulder on either side.
- D. Application**
1. The driveway location, layout, slopes, drainage, and associated improvements, shall be shown on a plan prepared by a professional architect, engineer, or landscape architect. The Planning Board at its sole discretion may waive the requirements for a driveway site plan.
 2. Four copies of the plan shall be submitted to the Planning Board for review. The Planning Board may circulate the copies to the Fire Chief, Police Chief, and the Superintendent of Public Works.
 3. The Fire Chief, Police Chief, and the Superintendent of Public Works may return recommendations within 14 days to the Planning Board. If no recommendations are received within 14 days to the Planning Board, the official failing to submit a report shall be deemed to have approved the proposed work on the driveway.

Ross Povenmire

From: John Dold
Sent: Friday, October 27, 2017 2:05 PM
To: Ross Povenmire
Subject: 48 Boren Lane

Ross,
I have reviewed the Application for Driveway Permit for 48 Boren Lane and have the following comments on the Required Design Criteria:

1. OK
2. Close – I come up with 4%
3. OK
4. Plan does not indicate if new driveway is to be paved
5. Does not look perpendicular on the drawing
6. OK
7. OK
8. OK, although no calculated rates provided. Essentially, this new driveway slopes back towards the property from the street. Therefore, water will not flow onto Boren Lane.
9. OK
10. OK
11. NA
12. NA
13. NA
14. NA

John C. Dold, PE
Town of Boxford, Massachusetts
DPW Superintendent/Town Engineer
Office 978-352-6555
Fax 978-352-5558
Mobile 978-375-1711