

1 **Minutes of the BOXFORD ZONING BOARD OF APPEALS**  
2 **Virtual Attendance Due to Coronavirus Pandemic**  
3  
4

5 **November 16, 2023**  
6

7 **Present:**

8 Paula Fitzsimmons, Chair  
9 Steve Merriam, Vice-Chair  
10 Ralph Nay, Clerk  
11 Dan Paglia, Alternate  
12  
13

14 **Others Present:** Boxford Cable TV, Peter Delaney, Teresa Mason, John Morin, Gordon  
15 Glass, Matthew Hill, Joe DiPietro, Genna Hill  
16

17 **7:00 PM Call to Order**

18 With a quorum present, Chair Fitzsimmons calls the meeting to order at 7:03 PM.  
19  
20

21 **Continued Business:**  
22

- 23 • **Case #1038, 39 Lily Pond Road**  
24 **Applicant: Joseph DiPietro & Anna DiPietro**  
25

26 Case begins by Attorney Glass sharing with the Board the newly submitted plans. Clerk Nay  
27 reads the Planning Board's recommendation into the record.  
28

29 Merriam moved to close evidence on Case 1038.  
30

31 **Seconded by:** Nay  
32

33 **Roll Call** (Called by Secretary, Teresa Mason):  
34

35 Ralph Nay: YES  
36 Steve Merriam: YES  
37 Paula Fitzsimmons: YES  
38

39 **MOTION CARRIED:** Unanimously  
40

41 Merriam asks Nay if he has any conditions, and he responds that as-built plans be submitted  
42 to Building Inspector prior to a foundation inspection.  
43  
44

45 Merriam moved that the ZBA grant a special permit for an accessory apartment under Article  
46 V, Section 196-13(C) of the Bylaw for case 1038, applicant Gordon Glass, for the property at

39 Lily Pond Road in accordance with the most recent plans submitted having found that the use is in harmony with the intent and purpose of the bylaw subject to the following condition:

As built plans shall be submitted to the Inspector of Buildings prior to the foundation inspection.

**Seconded by: Nay**

**Roll Call** (Called by Secretary, Teresa Mason):

Ralph Nay: YES

Steve Merriam: YES

Paula Fitzsimmons: YES

**MOTION CARRIED:** Unanimously

Merriam moves that the ZBA grant a special permit for **garage space for more than three vehicles** under Article V, Section 196-13(B)(11)(h) of the Bylaw for case 1038, applicant Gordon Glass, for the property at 39 Lily Pond Road in accordance with the most recent plans submitted having found that the use is in harmony with the intent and purpose of the bylaw subject to the following condition:

As built plans shall be submitted to the Inspector of Buildings prior to the foundation inspection.

**Roll Call** (Called by Secretary, Teresa Mason):

Ralph Nay: YES

Steve Merriam: YES

Paula Fitzsimmons: YES

**MOTION CARRIED:** Unanimously

- **Case 1044, Lot 20B Wildmeadow Road**  
**Applicant: Matthew & Genna Hill**

Chair Fitzsimmons asks the applicant if they were able to perform the site walk with the Planning Board. Attorney John Morin from the Morin Cameron Group informs the Board that the site walk in the beginning of November has been pushed, after being told at the last meeting to try to plan one site walk with everyone necessary there. Mr. Morin hopes to schedule one site walk, and will need time to set it up there. Merriam has read the hardship letter submitted, and believes they may need an independent opinion on that. He is worried that the cut and fill may derogate from the intent of the by-law. Attorney Glass responds that

93 buyer stepped into the role of the seller as having to seek a variance, and did not create the  
94 hardship themselves. Attorney Glass and Merriam discuss the contents of the hardship letter. Nay  
95 responds that the prior owner had approved plans, and a permit, but let it expire. Attorney  
96 Morin states that their work will not have an impact on the existing topography. Fitzsimmons  
97 informs that she has sent the hardship letter to Town Counsel. Mr. Morin states he will try to  
98 get everybody together for a site walk.  
99

100  
101 Merriam moved to Continue Case 1044 to December 21, 2023 meeting.  
102

103 **Seconded by: Nay**  
104

105 **Roll Call** (Called by Secretary, Teresa Mason):  
106

107 **Ralph Nay: YES**

108 **Steve Merriam: YES**

109 **Paula Fitzsimmons: YES**  
110

111 **MOTION CARRIED:** Unanimously  
112  
113  
114

115 **Meeting Minutes:**  
116

117 The October 26, 2023 Meeting Minutes were reviewed and amended.

118 Due to not meeting a quorum, the September 28, 2023 minutes will be voted on during the  
119 next meeting.  
120

121 Merriam moved to approve the October 26, 2023 minutes as amended.  
122

123 **Seconded by: Nay**  
124

125 **Roll Call:** (Called by Teresa Mason, Secretary)  
126  
127

128 **Ralph Nay- YES**

129 **Steve Merriam- YES**

130 **Paula Fitzsimmons- YES**  
131

132 **MOTION CARRIED:** Unanimously  
133  
134

135 **Review ZBA Application Postage Fee Increase**  
136

137 Secretary Mason lists to the Board the increase of Postage Fee's. The current postage fee  
138 amount for certified mailings is \$8.10 but has increased to \$8.53. The standard size mailing on  
139 the application lists the price as \$.60, but has increased to \$.63.  
140

141 Merriam moves to increase the ZBA Application Postage Fee to the current rates of certified  
142 mailings increasing to \$8.53, and standard mailings increasing to \$.63.  
143

144 **Seconded by: Nay**  
145

146 **Roll Call:** (Called by Secretary, Teresa Mason)

147 **Ralph Nay: YES**

148 **Steve Merriam: YES**

149 **Paula Fitzsimmons: YES**  
150  
151  
152

### 153 **ZBA 2024 Calendar Review** 154

155 The Board discusses a different way to allow submitted applications to the Zoning Boards,  
156 instead of just on the deadlines. Fitzsimmons gives the Board the idea of having one ZBA  
157 member review applications to ensure everything needed is there, before submitting the  
158 application to Town Clerk. Fitzsimmons mentions adding a third column to the Meeting Dates  
159 and Filing with Town Clerk Deadline. This will enforce the applicant to submit their application  
160 five (5) business days prior to Town Clerk deadline date for review.  
161

162 Motion moved by Merriam to accept the 2024 meeting dates and filing deadlines as prepared  
163 by Teresa with the addition of the 5-day completeness review prior to the Town Clerk deadline.  
164  
165

166 **Seconded by: Nay**  
167

168 **Roll Call:** (Called by Secretary, Teresa Mason)

169 **Ralph Nay: YES**

170 **Steve Merriam: YES**

171 **Paula Fitzsimmons: YES**  
172  
173  
174

### 175 **Discussion of Accessory Apartment By-Law:** 176

177 The Board reviews and discusses the letter brought forward from Chair Fitzsimmons, with  
178 changes added by Vice-Chair Merriam, regarding Accessory Apartment By-Law potential  
179 changes. This will be reviewed again by the Board, then will be sent to Town Counsel for  
180 review.  
181  
182

183 **Discussion with Valentin Maldonado on 370 Middleton Road**

184  
185 Resident Valentin Maldonado, resident of Boxford at 370 Middleton Road, and informs the  
186 Board that the Planning Board gave him a recommendation to build more than a three-car  
187 garage, and that the Building Inspector informed him that he needed a special variance for a  
188 4<sup>th</sup> car garage. Fitzsimmons lets Mr. Maldonado know that when applications are submitted but  
189 are not complete, they have to ask the applicant to come back month after month.  
190 Fitzsimmons lets Mr. Maldonado know that Nay found his application to be incomplete, which  
191 is why it was not accepted. Nay lets Mr. Maldonado know that he did deny the incomplete  
192 application, but they will not tell him why his application was not accepted during this meeting.  
193 Nay suggested that he speak to the Building Inspector on Monday morning regarding what is  
194 missing.

195  
196  
197 With no further business, on a **MOTION** made by Steve Merriam, seconded by Ralph Nay, the  
198 Zoning Board of Appeals meeting of November 16, 2023 adjourned at 8:38 PM.

199  
200 **Roll Call** (Called by Teresa Mason, Secretary):

201  
202 **Ralph Nay: YES**

203 **Steve Merriam: YES**

204 **Paula Fitzsimmons: YES**

205  
206  
207 **MOTION CARRIED:** Unanimously

208  
209  
210  
211 Respectfully submitted,

212 

213  
214  
215 *Teresa Mason*

216 *Minutes Secretary*