

TOWN OF BOXFORD
BOARD OF APPEALS

FILE
ANDREWS
FARM
PROJECT

NOTICE OF DECISION
ON VARIANCE, SPECIAL PERMIT, OR APPEAL

Applicant
Douglas R. Conn, Trustee of 94 Lock-
wood Lane Realty Trust & 15 Silver-
brook Road Realty Trust
Owner

Date October 15, 1992

Case No. 438

Address 491 Maple Street, Suite 304,
Danvers, MA 01923

Same as Applicant

Premises Affected
24.7 +/- acres between Silverbrook
Road & I-95

Members of Board who sat on hearing: Carlyle W. Thomas, Robert H. Clewell,
and William R. Cargill, Jr.

Alternates Present: Robert W. Conroy

Referring to the above application so as to permit
an amendment to Section 4(1) of the Comprehensive
Permit granted as Case No. 402.

After a public hearing on July 23, 1992 and continued
the Board of Appeals at its meeting on September 3, 1992

VOTED TO GRANT the Amendment of the Comprehensive Permit as
defined under MGL Chapter 40B, subject to the following condi-
tions, safeguards and limitations on time or use, if any: _____

See other side;

	NAME	VOTE
Vote of Individual Members:	<u>Carlyle W. Thomas</u>	<u>yes</u>
	<u>Robert H. Clewell</u>	<u>yes</u>
	<u>William R. Cargill, Jr.</u>	<u>YES</u>

Certified Received and Filed at
Town Clerk's Office,
Boxford, Massachusetts
on 10/15/92 at 12:40 AM/PM
by W.P. O'Brien
Asst. Town Clerk

(See Other Side)

NOTICE OF DECISION (Cont.)

Findings of fact in support of decision:

At their July 23, 1992 meeting, duly posted, advertised, and with abutters notified, the Board of Appeals with Chairman Thomas and Members Clewell and Cargill sitting and R. Conroy present, heard as Case No. 438 the application of Douglas R. Conn, Trustee, requesting an Amendment of the conditions of the Comprehensive Permit granted as Case No. 402 to allow substitution of separate dwellings for some or all of those earlier shown as attached on the plan of Andrews Farm on Upton Road, West of Silverbrook Road.

The applicant was represented by Attorney Mark Favaloro who stated that the reason for the request to have the option to build fewer than the 22 attached units was originally planned was that they had proved virtually impossible to sell in the present market.

He pointed out that the reconfiguration of some of the affected lots would lead to a reduction of at least three (3) units - none of them affordable - so that the latter would increase to 27% of the decreased total.

This would also lead to beneficial changes in a section previously criticized by the Board, and permit elimination of an unattractive parking area in the next section to be built.

After brief discussion, the Board voted to continue the hearing.

At their (postponed) September 3, 1992 meeting, with the same Board sitting, principal Douglas Conn appeared and restated the necessity for the option to substitute single units for the attached dwellings. Although such inducements as a \$5,000 price reduction or the delivery of a new car upon occupancy had been offered, one (1) twin unit remained unsold after eight (8) months.

He noted that he had discussed the proposed changes with the Housing Partnership, and that they appeared to be pleased with the reduction in the total number of dwellings while retaining all of the affordable units; they considered the changes in Lots 22 - 27 an improvement and took no exception to the other modifications.

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APPEAL: You are hereby notified that you have the right to appeal the above decision to the Court and any appeal must be made pursuant to General Laws Chapter 40A, Section 17, as amended, and must be filed within 20 days after the date of filing this decision with the Town Clerk.

The Board voted to terminate the hearing and after brief discussion made the following Findings of Facts:

1. The proposed changes do not require additional waivers.
2. They are not contrary to the purpose or intent of the Zoning By-law.
3. They are not detrimental to the Town and are consistent with the expressed preferences of the neighbors.

At their August 12, 1992 meeting, the Planning Board voted unanimously to recommend granting the requested change.

Therefore, at their meeting of September 3, 1992, the Board of Appeals VOTED

to GRANT the Amendment of the Comprehensive Permit #402 of February 1, 1990, by deleting Section 4(1) in its entirety and replacing it with "The project is to be carried to completion substantially as shown on the aforesaid plan. In addition, the Petitioner shall have discretion to construct said buildings as detached dwellings notwithstanding the depiction of same as attached dwellings on said plan.