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**TOWN OF BOXFORD
ZONING BOARD OF APPEALS
NOTICE OF DECISION
ON VARIANCE, SPECIAL PERMIT, OR APPEAL**

Applicant: Carol Hubbard

Date: June 13, 2022

Owners: Brian K. Hubbard and Carol J. Hubbard

Case No. 1027

Premises Affected 4 Dana Road

Assessors Map 33, Block 2, Lot 10

Members of Board who sat on hearing: Paula Lia Fitzsimmons, Steve Merriam, Ralph Nay

Alternates Present: David Valzania

Referring to the above application so as to permit a Special Permit to construct one additional garage bay to bring the total up to four, pursuant to 196-13 B.11.h of the zoning bylaws at the Affected Premises. After a virtual public hearing on May 26, 2022 the Zoning Board of Appeals voted to Grant Special Permit subject to the following conditions, safeguards and limitations on time use, if any: (see attached).

Vote of Individual Members:

NAME	VOTE
<u>Paula Lia</u>	<u>YES</u>
<u>Steve Merriam</u>	<u>YES</u>
<u>Ralph Nay</u>	<u>YES</u>

This decision of the Zoning Board of Appeals shall not be recorded at the Registry of Deeds until Certified by the Town Clerk.

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws,

I, Clerk of the Town of Boxford, Massachusetts, hereby certify that twenty days have elapsed since this decision was filed in the Town Clerk's office, and that no appeal of the decision has been filed, that it has been dismissed or denied.

Attest: Adam Philam

Date: 7-25-22

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 Massachusetts 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.

RECORDING: Any applicant who receives a special permit or variance is required by Massachusetts General Law 40A to have the decision recorded or registered at the Essex South District Registry of Deeds. A copy of the recorded document shall be forwarded to the Boxford Zoning Board of Appeals Office.

**Notice of Decision
Boxford Zoning Board of Appeals**

Case Number: 1027
Applicant: Carol Hubbard
Owners of Property: Brian K. Hubbard and Carol J. Hubbard
Property: 4 Dana Road
Parcel Number: Map 33 Block 2 Lot 10
Title Reference: Book, 325 Page, 24 **Date,** 03/6/2012
Zoning District: R-A

Board members who sat on hearing:

Paula Lia Fitzsimmons, Chair
Steve Merriam, Vice Chair
Ralph Nay, Clerk
David Valzania, Alternate

Information submitted in support of the application:

- Application
- Abutters List
- Quitclaim Deed
- Photographs of site
- Proposed Plan of Land by Hancock Associates dated, 03/07/2022
- Architectural plans of existing and proposed conditions, dated 03/07/2022 by Benjamin Nutter Architects, LLC
- Boxford Planning Board recommendation, dated May 18, 2022

Introduction:

The Applicant is requesting a Special Permit under Article V, Section 196-13(B)(h) of the bylaw.

Hearing:

At a virtual public hearing on April 28, 2022 duly posted and advertised with abutters notified, and continued to May 26, 2022, the Applicant requested a Special Permit to construct a 24'x26' detached single car garage. Resulting in garage space for more than 3 vehicles. The Applicant testified that electricity would be supplied to the building, that the building would not have a water supply nor be heated space. There were no abutter concerns.

Findings of Fact:

- Applicant intends to construct a detached 24'x26' single car garage, with loft storage above. The building will have electricity. The building will not have a water supply or conditioned space.

- Proposed garage will allow for garage space for more than three vehicles, and therefore requires a Special Permit under Article V, Section 196-13(B)(h).
- That at the issuance of the Special Permit to construct the proposed garage at 4 Dana Road is in harmony with the intent and purpose of the bylaw.
- On May 18, 2022 the Boxford Planning Board unanimously voted to support the applicants' request.

Decision of the Board:

Upon a motion duly made and seconded, the Board unanimously voted by **roll call vote** to **GRANT** a Special Permit for the construction single car garage at 4 Dana Road, pursuant to Sections 196-13(B)(h), subject to the following conditions:

1. The structure shall be built according to the above-referenced plans (with any modifications) submitted to the Zoning Board of Appeals.
2. The Special Permit shall lapse if substantial construction has not begun, except for good cause, within 12 months of this approval, plus such time as is required to pursue or await the determination of an appeal or grant from thereof.
3. This Decision shall be recorded or registered in the Essex South District Registry of Deeds and proof provided to the Inspector of Buildings before any work shall commence.
4. This Special Permit is subject to all other pertinent laws, regulations and permits from all necessary departments in the Town of Boxford.

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 Massachusetts 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.

Recording: Any applicant who receives a Special Permit, or Variance is required by Massachusetts General Law 40A to have the decision recorded or registered at the Essex South Registry of Deeds. A copy of the recorded document shall be forwarded to the Boxford Zoning Board of Appeals office.
