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A True Copy

Attest Rodun Phelan
Town Clerk
Boxford, Massachusetts



SO. ESSEX #278 Bk:41175 Pg:367
09/07/2022 03:03 PERMIT Pg 1/3

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

Applicants: Richard and Kathy Penna

Date: July 28, 2022

Owner: Richard and Kathy Penna

Case No. 1030

Premises Affected 32 Partridge Lane

Assessors Map 28, Block 01, Lot 16.2

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

Alternates Present David Valzania and Thomas Jonak

Referring to the above application so as to permit a Special Permit to construct garage space for more than three vehicles pursuant to 196-13 (B) h of the zoning bylaws at the Affected Premises. After a public hearing June 23, 2022 continued to July 28, 2022, the Zoning Board of Appeals voted to Grant Special Permit subject to the following conditions, safeguards and limitations, if any: (see attached).

	NAME	VOTE
Vote of Individual Members:	<u>[Signature]</u>	<u>YES</u>
	<u>[Signature]</u>	<u>YES</u>
	<u>[Signature]</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 deemed or denied.

Attest Rodun Phelan

Date: 9-6-22

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2022 AUG 15 PM 1:49
BOXFORD TOWN CLERK

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: 1030
Applicant: Richard and Kathy Penna
Owners of Property: Kathy C. Penna and Richard C. Penna
Property: 32 Partridge Lane
Parcel Number: 31-2-9
Title Reference: Book, 11184 Page, 412 Date, March 15, 1992
Zoning District: R/A

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Board members who sat on hearing:

Paula Fitzsimmons, Chair
Steve Merriam, Vice Chair
Ralph Nay, Clerk

Also present:

David Valzania, Alternate
Thomas Jonak, Alternate

Information submitted in support of the application:

- o Application
- o Abutters list, postage worksheet, authorization for publication
- o Quitclaim Deed
- o Photographs of site
- o Plan of Land, dated May 18, 2022, entitled "ZBA Permit Plan at 32 Partridge Lane in Boxford, Massachusetts" by Atlantic Engineer and Survey Consultants, Inc.
- o Building plans, dated August 8, 2022 by Kerry Design LLC
- o Planning Board recommendation dated, July 20, 2022
- o Lighting Specifications and Building Plans dated April 6, 2022 showing location of lights

Introduction:

The Applicant is requesting a Special Permit under Article V, Section 196-13(B)(h) of the Bylaw, resulting in garage space for more than three vehicles.

Hearing:

At Virtual public hearings on June 23, 2022, and July 28, 2022, duly posted and advertised with abutters notified, the Applicant requested a Special Permit to construct a detached 60' x 120' garage, resulting in garage space for more than three vehicles on the Premises. The Applicant testified that electricity would be supplied to the building, the building would not have a water supply, and the space will be heated. The owners testified they collect cars and are seeking to have space for the vehicles on the property rather than at off-site locations. The owners testified there will be no business operations from this location.

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Findings of Fact:

- o Applicant intends to construct a detached 60-foot X 120-foot garage/barn, the building shall have electricity and heat.
- o The building shall not have water.
- o There is existing on the property garage space for more than three vehicles. The proposed garage will allow for additional garage space resulting in garage space in excess of 3 vehicles and therefore requires a Special Permit under Article V, Section 196-13(B)(h).
- o The issuance of the Special Permit to construct the proposed 60-foot X 120-foot garage, is in harmony with the intent and purpose of the bylaw.
- o On July 20, 2022 the Planning Board unanimously voted to support the Applicant's 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 of a 60-foot X 120-foot garage for the keeping of a car collection 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 Applicant will submit an as-built survey to the Inspector of Buildings prior to the Foundation Inspection.
3. This Decision shall be recorded or registered in the Essex South District Registry of Deeds and a copy of the recorded document shall be provided to the Inspector of Buildings
4. No work shall begin and no building permit shall be issued until the Inspector of Buildings receives a copy of the recorded or registered Decision.
5. 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.
6. 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.