



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

Applicant: Steve Clifford, Tri-Town School Union

Date: March 1, 2023

Owner: Town of Boxford

Case No. 1034

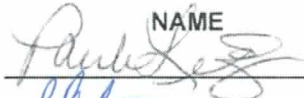

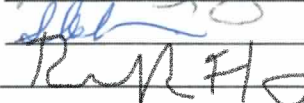
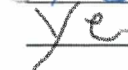
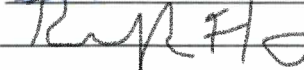
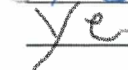
Premises Affected 26-28 Middleton Road
Assessors Map 32, Block 1, Lot 21

27 Main Street
Assessors Map 32, Block 1, Lot 22

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

Alternates Present: David Valzania

Referring to the above application requesting an amendment to Special Permit 1020, a Special Permit for an O District Project pursuant to 196-30 of the zoning bylaws, Site Plan Review, to include the parcel at 27 Main Street. Public hearings were held via Zoom on November 11, 2022, December 15, 2022 and January 26, 2023. The public hearing was closed by the Zoning Board of Appeals on January 26, 2023. The Zoning Board of Appeals voted to Grant a Special Permit subject to the following conditions, safeguards and limitations on time use, if any: (see attached).

	NAME	VOTE
Vote of Individual Members:		
		
		

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: _____

Date: _____

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
Updated February 27, 2023

Case Number: 1020 Shown on pages 1-11 of this document.

Applicant: Steve Clifford, Tri-Town School Union

Owner of Property: Town of Boxford

Property: 26-28 Middleton Road

Parcel Number: Map 32, Block 1, Lot 21

Title Reference: Book 4210, Page 376, October 3, 1955, South Essex Registry of Deeds

Zoning District: Official

Case Number: 1034 Shown on pages 12-15 of this document.

Applicant: Steve Clifford, Tri-Town School Union

Owner of Property: Town of Boxford

Property: 26-28 Middleton Road and 27 Main Street

Parcel Numbers: Map 32, Block 1, Lot 21 and Map 32, Block 1, Lot 22

Title References: Book 4210, Page 376, October 3, 1955, South Essex Registry of Deeds

Book 40910, Page 56, May 3, 2022, South Essex Registry of Deeds

Zoning Districts: Official and R/A

Case 1020

Board members who sat on hearing:

Paula Lia Fitzsimmons, Chair

Steve Merriam, Vice Chair

Ralph Nay, Clerk

David Valzania, Alternate

Others who attended some or all meetings:

Kirsten Stickney, Administrative Assistant, Building Department

Mary Ann Nay, Selectperson, ADA Coordinator

Steve Clifford, Director of Facilities, Tri-Town School Union

James Pearson, PE, Weston & Sampson, Reading, MA

Matthew Leidner, 25 Anderson Drive, Boxford

Edward Erkson, 47 Spofford Road, Boxford

Carol Hubbard, Boxford School Committee

Scott Morrison, Superintendent of Schools

Dylan Erickson, PE, Weston & Sampson, Reading, MA

Stacey Wright, Administrative Assistant, Building Department

A. INTRODUCTION

Pursuant to notice duly published, posted and sent to all interested parties under the provisions of Massachusetts General Laws, a public hearing via Zoom was held for an O District Project under Section 196-30, Site Plan Special Permit, on April 29, 2021 and continued to May 27, 2021, June 24, 2021, July 29, 2021, August 25, 2021, September 28, 2021, October 28, 2021, November 28, 2021, December 16, 2021, January 12, 2022 and January 27, 2022 on the February 16, 2021 Special Permit Application of the Tri-Town School Union. The public hearing was closed by the Zoning Board of Appeals on January 27, 2022.

B. APPLICATION MATERIALS

The following materials were submitted:

1. Application – including postage worksheet, authorization, and legal notice.
2. Certified abutters list certified by Kristin Hanlon dated February 9, 2021.
3. Deed Book 4210, Page 376, October 3, 1955.
4. Boxford Public Schools Site Renovation Project Harry Lee Cole School plan sheets Cover, C001-004, C100, C110, C120-122, C130-132, L100-102, C500-509 prepared by Weston and Sampson dated February 16, 2021. *
5. Boxford Public Schools Site Renovation Project Harry Lee Cole School plan sheets Cover, C001-004, C100, C110, C120-122, C130-134, L100, L101, C500-509, E001, ED100, E501, E601 prepared by Weston and Sampson dated May 13, 2021. *
6. Planning Board Recommendation dated August 18, 2021.
7. Boxford Public Schools Site Renovation Project Harry Lee Cole School plan sheets Cover, C001-004, C100, C110, C120-122, C130-135, L100, L101, C500-509, E001, ED100, E501, E601 prepared by Weston and Sampson dated December 6, 2021. *
8. Boxford Public Schools Site Renovation Project Harry Lee Cole School plan sheets Cover, C001-004, C100, C110, C120-122, C130-135, L100, L101, C500-509, E001, ED100, E501, E601 prepared by Weston and Sampson dated January 19, 2022.
9. Boxford Public-Harry Lee Cole School Proposed Site Lighting photometric plan prepared by Reflex Lighting dated January 17, 2022.
10. McGraw-Edison GLEON Galleon light fixture specifications document number PS50002OEN pages 1-9 by Cooper Lighting Solutions dated April 12, 2021.
11. Lithonia Lighting Round Tapered Aluminum pole specifications document number POLE-RTA, three sheets revised June 11, 2019.
12. Chargepoint CT4000 Level 2 Commercial Charging Station specifications, three sheets.
13. Harry Lee Cole School and Spofford Pond School parking space count tables, two sheets.

* Superseded by plans dated January 19, 2022.

C. THE PROPOSAL

The 3.2 acre property, owned by the Town of Boxford, includes the Harry Lee Cole School building, a K-2 elementary school, and the Aaron Wood School building which houses the Tri-Town Council school administration.

The proposed project intends to renovate and reorganize existing driveway access and parking areas, improve drainage, renovate landscaping, update lighting, provide improved handicapped access and add charging stations for electric vehicles.

C. HEARINGS (all times are approximate)

April 29, 2021

8:12:40pm

Chair Paula Fitzsimmons opened the public hearing for case 1020. ZBA Member and Clerk Ralph Nay read the notice for case 1020.

James Pearson Weston & Sampson spoke on behalf of applicant. Mr. Pearson presented plans dated February 16, 2021 that the project is to improve parking, primarily to address accessibility requirements under citation with MA architectural access board. Additionally, the project will replace pavement, improve circulation, replace a generator, light poles with LED, and improve stormwater management. Mr. Pearson provided a summary of existing conditions and traffic/parking process throughout the property. The proposed project will primarily retain the existing layout and flow on the west of the school building. The main parking and car access north of the school will be reconfigured to a single large parking lot and a new access in front of the school for pickup and dropoff. The four existing entrances off Middleton Road will be changed to two entrances. The access and playground southeast of the school will be repaved. The generator location will be moved from the northwest entrance on Middleton Road to a new location on the southwest.

The Conservation Commission is reviewing stormwater management with peer review. The DPW director is also reviewing the plans. Mr. Pearson stated that the existing parking is adequate under the bylaw, but an expansion of parking is desirable. There will be no alterations to the building and no changes to the use. Mr. Pearson noted that the proposal would increase the Northeast entrance slope beyond the requirement of 196-26.

8:25:30pm

Mr. Nay indicated Lot B is a noticeable improvement for accessibility. Mr. Nay was concerned about the elimination of handicapped spaces in the existing conditions, and new spaces being a long distance from ballfields and the school. He recommended adding handicap spaces directly in front of the school entrance. He asked for generator and lighting specifications. Mr. Pearson made suggestions how additional spaces could be added in front of the school which would increase the number to 5 spaces.

8:32:00pm

ZBA Vice-Chair Steve Merriam asked whether a traffic flow study has been done, and noted that there was now a single entrance and exit on Middleton Road. Mr. Pearson stated that multiple meetings with school officials was done and W&S looked at vehicle stacking to arrive at the design. The school officials felt the design was the best.

Mr. Merriam asked about the safety of the two lanes directly in front of the school during pickup and dropoff, as well as through traffic in Lot A. Mr. Pearson indicated the lanes in front of the school are monitored by staff. Steve Clifford indicated that Lot A was not designed for live dropoff and pickup and his experience is that does not occur in the current parking lot in front of Cole.

Mr. Merriam asked whether the drainage of the northeast entrance would increase. Mr. Pearson indicated it would not.

8:44:15pm

ZBA Alternate David Valzania asked about an increase in runoff given the increase of pavement. Mr. Pearson discussed the stormwater management system, and underground tanks for runoff treatment. Mr. Valzania asked about offsite drainage. Mr. Pearson demonstrated the existing offsite drainage system. Mr. Valzania asked about lighting. Mr. Pearson pointed out that the proposed lighting may not exceed the existing lighting.

8:50:00pm

Chair Fitzsimmons asked that plans be sent electronically. She reiterated earlier comments regarding increased handicap parking. Asked that the applicant send plans to the police chief for comment before next meeting. She asked about the narrow single lane behind Aaron Wood leading to the front of Cole be reviewed by the Fire Chief. Reiterated concerns about parents dropping off students from Lot A. She discussed markings on ground where double lanes in front of Cole, expressed concerns about cars switching lanes upon exiting. She requested more information regarding the scope of lighting. Steve Clifford indicated the lighting will be updated as the current lighting is at end-of-life and the layout has changed so new conduit is needed. As for photometrics of lighting, the lighting will be on site. Color index not harsh. Chair Fitzsimmons requested lighting pole and fixture specifications. Mr. Nay requested EV charging station specifications. Mr. Clifford offered that EV stations would be consistent with others at Town buildings.

Chair Fitzsimmons request members look at 196-26 new driveways, to see if it applies.

8:58:00pm

Chair Fitzsimmons asked for public input. Mathew Leidner 25 Anderson Drive provided questions and comments. Asked what the ZBA's jurisdiction was for Site Plan Review. Chair Fitzsimmons responded that 196-30 provides jurisdiction of ZBA over Site Plan Review. Mr. Leidner's comments are likely about accessibility. He supports the reduction of curb cuts. He believes the circulation will be similar to existing, and drop-offs in Lot A are not a big concern. He noted that impervious surfaces may not be increased compared to existing. He asked if stormwater design is just designed for extra impervious, or treated as new system. He indicated the design should mitigate additional flow. He

noted that the recommended three additional spaces would be good but noted that the proposed plan puts the handicapped spaces much farther from entrance than current. He asked if parking next to the ballfield is gone. He expressed concerns that this project is due to accessibility concerns, but additional features such as EV stations, generator, etc might delay funding for the needed improvements. He asked if peer review for handicap access is warranted and requested clean PDFs of scanned plans on Town Website.

9:02:00pm

Selectperson Mary Ann Nay, town ADA coordinator, recommended the placement of the additional three handicap spots in Lot A directly out from the Cole entrance. She highlighted the good placements of the spots in the lot near the Little Red Schoolhouse. Suggested handicap spaces be placed near the ballfield/dumpster. She noted that parking space slopes should not to exceed 2% from nearby surface. Mr. Pearson said locating the spaces to the south of the dumpster may be the only practical location due to slope.

9:16:00pm

Mr. Merriam expressed concerns about removal of trees along road and not being replaced. Chair Fitzsimmons commented that site lines not be disturbed.

9:22:30pm

Case continued to May 27. All in favor.

May 27, 2021

8:09:00pm

Mr. Pearson updated the ZBA with status having provided revised plans dated May 18th. The applicant has appeared before the Planning Board and scheduled a site walk. He reviewed the latest plan showing handicap spaces requested at the last meeting. The applicant showed the project to the Fire and Police departments and have received positive feedback. He showed specification sheets for the generator, base and enclosure as well as for new lighting poles and fixtures. He showed a photometric site plan. The pavement markings were simplified and had Weston and Sampson's parking engineer verify the flow.

Mr. Nay said everything looks good. He read a letter from the ADA coordinator. He asked if an affidavit would be provided to demonstrate the finished grade is correct before pavement.

Mr. Merriam asked if they are still seeking a variance on the driveway bylaw. Chair Fitzsimmons read portions of the bylaw and commented that it was not clear whether it applies. The Planning Board can weigh in.

Mr. Valzania asked if there is another access to the property and if there was a traffic analysis. Mr. Pearson said the police would perform additional review, but already have had positive feedback.

Mr. Clifford commented that he met with Chief Rider and went over both plans and also with Fire Chief Giger. No concerns were expressed. Mr. Valzania asked if there is an existing generator and Mr.

Clifford said yes. The existing generators have drop covers. The proposed replacements will have 72 db sound attenuated enclosures.

9:28:40pm

Case continued to June 24. All in favor.

June 24, 2021

Applicant requested continuance to July 29.

7:42:15pm

Case continued to July 29. All in favor.

July 29, 2021

Applicant requested continuance to August 26.

Members agreed to schedule the next meeting on August 25.

Members discussed ensuring they had possession of the latest plans. Chair agreed to check with applicant.

7:06:30pm

Case continued to August 25. All in favor.

August 25, 2021

7:01:50pm

Mr. Pearson mentioned that they had attended the recent Planning Board meeting.

7:04:00pm

Mr. Nay read the Planning Board Recommendation.

Mr. Pearson explained that the Planning Board requested expanding the plantings along Middleton Road. The revised plan shows a wider planting area along Middleton Road by narrowing the parking area and shortening the length of the parking spaces from 19 to 18 feet. Chair Fitzsimmons was concerned about the amount of plantings and whether they would be damaged by road salt. Mr. Pearson stated that the plants would be salt resistant. Mr. Nay asked about the prior width of the parking lot, which Mr. Pearson said was originally 62 feet and would now be 60 feet and wider than the existing 58 foot parking lot.

Mr. Nay asked when revised drawings would be provided to Chris Olbrot, DPW Superintendent. Mr. Pearson said they would be provided within a week or two.

7:19:00pm

Case continued to September 28. All in favor.

September 28, 2021

7:16:00pm

Applicant requested continuance to the next meeting.

7:17:15pm

Case continued to October 28. All in favor.

October 28, 2021

7:02:00pm

Applicant requested continuance to the next meeting.

The Chair asked the applicant provide an update, given the number of recent continuances. Mr. Clifford explained that they are still working with the Conservation Commission and wanted to complete that process before seeking further action from the Board of Appeals. They also conducted a peer review of the ADA aspects of the project.

7:05:15pm

Case continued to November 18. All in favor.

[Mr. Clifford noted that due to Thanksgiving both ZBA and Conservation Commission are scheduled at the same time. Chair Fitzsimmons recommended keeping the date on the 18th and the application can provide an update pending Conservation action.]

November 18, 2021

7:07:15pm

Mr. Clifford stated that he was currently monitoring the Conservation Commission meeting and that they might not receive a Conservation Commission approval before the end of the ZBA meeting, thereby requiring a continuance. He would return before the end of the ZBA meeting.

8:54:30pm

Mr. Clifford returned from the Conservation Commission meeting and both Cases 1020 and 1022 are to be continued at the Conservation Commission. The applicant therefore requested a continuance to the next ZBA meeting.

7:56:30pm

Case continued to December 16. All in favor.

December 16, 2021

8:40:50pm

[Mr. Clifford's comments applied to Case 1020 and Case 1022] Mr. Clifford was joined by Dylan Erickson of W&S who indicated that they just finished with Conservation Commission. Mr. Clifford stated that the Conservation Commission voted on Orders of Condition for the stormwater review at Cole School [Case 1020] and wetland and stormwater review at Spofford School [Case 1022.] Mr. Clifford stated that they provided the latest plans to the Board. The Board members had just received the electronic link for the latest plans. Mr. Merriam and Mr. Nay indicated they needed time to review the new plans. Mr. Clifford agreed to a continuance but preferred earlier in January.

8:47:10pm

Case continued to January 12. All in favor.

January 12, 2022

7:02:00pm

Mr. Clifford updated the Board that the applicant returned to discuss the updated plans provided in December. Mr. Merriam asked for a photometric plan for the site. Mr. Clifford indicated that the lighting will be mostly as before, but the placement of the poles at Cole will change given the reconfiguration of the parking. Mr. Erickson said he will obtain an updated site photometric plan. Mr. Nay asked about cut sheets for lighting, etc. Mr. Clifford thought it was submitted to the Board, but not part of the plan set. Mr. Clifford stated that Mr. Erickson would provide the information. Mr. Clifford verified that November 24th was the latest plan set. Mr. Merriam asked about the lighting

schedule and Mr. Clifford indicated it would stay as before, which is indexed to sunrise/sunset and they adjust monthly based on time-of-day. Mr. Nay asked for updated hardcopy plans.

7:19:00pm

The Chair recommended the Board review the requirements in the Site Plan Bylaw to ensure the Board has the necessary material to establish Findings of Fact.

The Board discussed the amount of parking spaces expected in the proposed plan. Mr. Clifford indicated that deletion of prior spaces and new spaces added resulted in a net increase of 10 spaces. The board felt that a net increase of spaces was a benefit regardless of whether the parking met current zoning, and that adding additional spaces was entirely determined by the existing site conditions.

The Board felt that the proposed plan was an improvement to off-site traffic flow. Most requirements are largely unchanged from the prior conditions, or are under the jurisdiction of other boards (drainage Conservation Commission, waste disposal Board of Health.)

7:35:00pm

Case continued to January 27. All in favor.

January 27, 2022

7:03:30pm

Mr. Pearson discussed new plans submitted to the Board January 19th. He highlighted the addition of photometric plans which show that the light is largely contained on the lot. He also reviewed light fixture, pole and EV charging station.

Mr. Merriam discussed adding additional capacity for future EV charging stations. Mr. Pearson recommended that additional conduit be installed adjacent to the proposed stations so that more spaces could be converted to EV parking spaces along the same area if the parking lot. The Board agreed to condition the approval to include the excess capacity.

Mr. Nay asked about generator and lighting fixture height and configuration specifications. Mr. Pearson reviewed the lighting and generator specifications.

The Chair asked Mr. Pearson to review the parking space counts requested at the prior meeting. The applicant submitted a table showing before and after parking space counts. Mr. Pearson noted that the proposed configuration no longer includes unmarked spaces, and now includes more handicapped and two EV charging spaces. The net increase of spaces is one.

7:22:00pm

Moved to close evidence. All in favor.

The board reviewed the findings of fact, and discussed a condition for future expansion of up to 12 EV charge stations parking spaces including one handicapped space.

7:31:00pm

Mr. Merriam made the following motion

I move that the ZBA grant a special permit for a site plan under Article V, Section 196-30 of the Bylaw for case 1020, applicant Tri-Town Union for the owner Town of Boxford for the property at 26 Middletown Road, in an O district, 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:

Include empty underground conduit to support up to 12 EV charge vehicles in lot A extending from Electric Car Charging Spaces marked 6/C503 to Accessible Parking Space 5/C503 inclusive of the spaces between these two as shown on plan sheet C121.

Mr. Nay seconded the motion

Roll Call Vote

Mr. Nay	Yes
Mr. Merriam	Yes
Chair Fitzsimmons	Yes

The motion to approve was subject to the **FINDING OF FACTS** and **SPECIAL CONDITION** set forth as follows:

C. FINDINGS OF FACT

In accordance with 196-30 of the Town Code the Zoning Board of Appeals makes the following findings:

Site Plan Review

B. The site plan shall provide for:

(1) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this bylaw.

The Board finds the proposed plans comply with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this bylaw.

(2) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic.

The Board finds the plans submitted provide for convenience and safety of vehicular and pedestrian movement on the site and for the location of private way openings in relation to street traffic.

(3) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off site can reasonably be expected to be substantially affected by on-site changes.

The Board finds the plans submitted provide for convenience and safety of vehicular and pedestrian movement off the site.

(4) Adequacy as to the arrangement and, where not herein specified, the number of parking and loading spaces in relation to the proposed uses of the premises.

The Board finds the arrangement and number of parking and loading spaces in relation to the proposed uses of the premises adequate.

(5) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping.

The Board finds the design and appearance of proposed buildings, structures, screening and landscaping adequate.

(6) Adequacy of water supply, method(s) of waste disposal, surface and subsurface drainage and lighting.

The Board finds, subject to the approval of the appropriate permitting entity, the water supply, method(s) of waste disposal, surface and subsurface drainage and lighting plan adequate for the proposed use.

SPECIAL CONDITION:

Include empty underground conduit to support up to 12 EV charge vehicles in lot A extending from Electric Car Charging Spaces marked 6/C503 to Accessible Parking Space 5/C503 inclusive of the spaces between these two as shown on plan sheet C121.

DECISION:

On January 27 at 7:31pm, on a motion made by Mr. Merriam and seconded by Mr. Nay, the Zoning Board of Appeals voted to GRANT the Special Permit for the property located at 26-28 Middleton Road with one condition. The Zoning Board of Appeals voted on the motion by a vote of 3-0 and imposed the following permit condition:

Include empty underground conduit to support up to 12 EV charge vehicles in lot A extending from Electric Car Charging Spaces marked 6/C503 to Accessible Parking Space 5/C503 inclusive of the spaces between these two as shown on plan sheet C121.

The documents listed in section B, Application Materials, shall be incorporated herein by reference. Should there be a conflict between the documents listed in section B, then this decision shall control.

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.

Case 1034

Board members who sat on hearing:

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

Others who attended some or all meetings:

Steve Clifford, Director of Facilities, Tri-Town School Union
James Pearson, PE, Weston & Sampson, Reading, MA
Carol Hubbard, Boxford School Committee
Stacey Fournier, Administrative Assistant, Building Department (formerly Stacey Wright)

D. INTRODUCTION

Pursuant to notice duly published, posted and sent to all interested parties under the provisions of Massachusetts General Laws, a public hearing via Zoom was held for an O District Project under Section 196-30, Site Plan Special Permit, on November 11, 2022, December 15, 2022 and January 26, 2023 on the October 25, 2022 Special Permit Application of the Tri-Town School Union. The public hearing was closed by the Zoning Board of Appeals on January 26, 2023.

E. APPLICATION MATERIALS

The following materials were submitted.

1. Application – including postage worksheet, authorization, and legal notice.
2. Certified abutters list certified by Kristin Hanlon dated October 17, 2022.
3. Boxford Public Schools Site Renovation Project Harry Lee Cole School plan sheets Cover, C001-004, C100, C101, C110,C111, C120-122, C130-137, L100-L102, C500-509, E001, ED100, E100, E501, E601 prepared by Weston and Sampson revised October 6, 2022 . **
4. Boxford Public Schools Site Renovation Project Harry Lee Cole School plan sheets Cover, C001-004, C100, C101, C110-C112, C120-122, C130-137, L100-L102, C500-509, E001, ED100, E100, E501, E601 prepared by Weston and Sampson revised November 9, 2022 . **
5. Boxford Public Schools Site Renovation Project Harry Lee Cole School plan sheets Cover, C001-004, C100, C101, C110-C112, C120-122, C130-137, L100-L102, C500-509, E001, ED100, E100, E501, E601 prepared by Weston and Sampson revised November 22, 2022 .
6. Email from John and Peggy Adams of 13 Main Street dated November 11, 2022.
7. Planning Board Recommendation dated January 18, 2023.
8. Materials listed in section A of this document are related to case 1034.

** Superseded by plans dated November 22, 2022.

F. THE PROPOSAL

The 3.5 acre property at 27 Main Street, owned by the Town of Boxford, abuts 28 Middleton Road and includes the Harry Lee Cole School building, a K-2 elementary school, and the Aaron Wood School building which houses the Tri-Town Council school administration.

The proposed project under case 1034 intends to amend the project under case 1020 by providing temporary construction staging and parking areas and extending the paved play area behind Cole School onto a portion of 27 Main Street. The applicant sought a new Special Permit in addition to the Special Permit granted under case 1020 January 27, 2022 above.

G. HEARINGS (all times are approximate)

November 11, 2022

7:36:00pm

James Pearson reviewed that the Town of Boxford had acquired a property to the rear of Cole School at 27 Main Street and would like to utilize the lot for temporary construction and parking as well as to extend the playground behind Cole School onto the rear lot. The rear lot will also provide temporary storm water management. The project is also before the Conservation Commission for an amended stormwater management plan.

Mr. Pearson showed temporary construction entrances off Main Street with gravel to reduce dust and keep dirt off Main Street. He indicated that the gravel will be removed at the end of the project as part of the landscaping plan.

Mr. Merriam sought to clarify whether the applicant intended to make changes to areas already permitted under case 1020. Mr. Pearson demonstrated that case 1034 sought to add to areas approved under 1020, but not to modify parking areas or structures approved under 1020.

Mr. Nay asked when the temporary parking area would be in use. Mr. Person indicated that the project would commence in late Spring 2023 and could extend into Fall 2023. It is also possible that it would be too late in Fall 2023 to seed grass, so the temporary parking area might remain in place until Spring 2024.

Mr. Valzania asked if lighting and signage was to be included. Mr. Pearson stated that the parking area was to be used during daylight hours and lighting was not necessarily needed.

Chair Fitzsimmons read an email provided by John and Peggy Adams of 13 Main Street. Mr. Pearson provided updated plans showing increased setback from the Adams property and retention of existing vegetation.

December 15, 2022

7:34:50 pm

Mr. Pearson stated that the plans were revised following discussions with the Conservation Commission and that they appeared before the Planning Board. The revised plan shows increased setback from Mr. Adams property and the Conservation Commission requested a survey of trees greater than 6" and a tree removal and protection plan. The revised plans show chain link construction fencing with a visual barrier around temporary staging and parking areas. Larger stone is shown in the thresholds of the temporary access roadways adjacent to Main Street to help remove dirt from tires. Following construction, the gravel will be removed and replaced by a wildflower seed mix. Topsoil will be stockpiled on site at the location of the to-be demolished house. Temporary parking spaces will be marked with paint. The access path between the temporary parking area and school will have stone dust for accessibility.

Mr. Pearson stated that trees in the temporary parking area would be replaced by wildflower seed. There would be planting around the paved schoolyard area.

Ms. Hubbard indicated that the Planning Board chose to continue the case to have more time to review the application before their next meeting.

7:49:00pm

Case continued to January 26, 2023. All in favor.

January 26, 2023

7:46:30 pm

Mr. Pearson indicated that the Planning Board provided a positive recommendation. Mr. Nay read the recommendation dated January 18, 2023.

7:50:00pm

Moved to close evidence. All in favor.

7:58:30pm

Mr. Merriam made the following motion

I move that the ZBA grant a special permit for a site plan under Article V, Section 196-30 of the Bylaw for case 1034, applicant Town of Boxford for the property at 26-28 Middletown Road and 27 Main Street, 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:

Include empty underground conduit to support up to 12 EV charge vehicles in lot A to the south of the proposed 2 spaces.

Mr. Nay seconded the motion

Roll Call Vote

Mr. Nay	Yes
Mr. Merriam	Yes
Chair Fitzsimmons	Yes

DECISION:

On January 26 at 7:58pm, on a motion made by Mr. Merriam and seconded by Mr. Nay, the Zoning Board of Appeals voted to GRANT the Special Permit for the property located at 26-28 Middleton Road and 27 Main Street with one condition. The Zoning Board of Appeals voted on the motion by a vote of 3-0 and imposed the following permit condition:

Include empty underground conduit to support up to 12 EV charge vehicles in lot A extending from Electric Car Charging Spaces marked 6/C503 to Accessible Parking Space 5/C503 inclusive of the spaces between these two as shown on plan sheet C121.

The documents listed in section E, Application Materials, shall be incorporated herein by reference. Should there be a conflict between the documents listed in section E, then this decision shall control.

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.