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Attest Adam Philam
Town Clerk
Boxford, Massachusetts



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

Applicant: Chris Olbrot, Superintendent of DPW

Date: June 16, 2022

Owners: Town of Boxford

Case No. 1028

Premises Affected 7B Spofford Road

Assessors Map 8, Block 3, Lot 28

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

Alternates Present: David Valzanla

Referring to the above application so as to permit a Special Permit to erect a 72'x64' curved roof storage structure for DPW equipment sited adjacent to an existing DPW garage, salt shed and Town Hall pursuant to Article V, Section 10B-30 - of the zoning bylaws at the Affected Premises. After a virtual public hearing was opened on April 28, 2022 and continued to May 28, 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 Fitzsimmons</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: 9-29-22

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
Updated June 14, 2022

Case Number: 1028

Applicant: Chris Olbrot, Superintendent of Boxford Department of Public Works

Owners of Property: Town of Boxford

Property: 7B Spofford Road

Parcel Number: Map 9, Block 3, Lot 28

Title Reference: Book 3492 Page 77 April 22, 1946, South Essex Registry of Deeds

Zoning District: Official

Board members who sat on the hearing:

Paula Lia Fitzsimmons, Chair

Steve Merrlam, Vice Chair

Ralph Nay, Clerk

David Valzanla, Alternate

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Others who attended some or all meetings:

Chris Olbrot, Superintendent of Boxford Department of Public Works

Stacey Wright, Administrative Assistant, Building Department

Peter Delaney, Building Inspector

Susan Glallombardo, resident, 12 Spofford Road

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 28, 2022 and continued to May 26, 2022. The public hearing was closed by the Zoning Board of Appeals on May 26, 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 March 9, 2022.
3. Planning Board Recommendation dated May 18, 2021.

4. DPW Building Site Plan of Land in Boxford, MA prepared by Hancock Associates dated March 10, 2022.
5. Town of Boxford Property Parcel Maps 15 by Merrimack Valley Planning Commission, dated January 1, 2021.
6. 62' CC SuperStructure Brochure 5 pages by Calhoun Superstructure, undated.
7. Hot-Dipped Galvanizing Process, Fabrene Fabric Colors brochure 3 pages by Calhoun Superstructure, undated.

C. THE PROPOSAL

The 47-acre property, owned by the Town of Boxford, includes the Town Hall/Public Library, Police Station, several soccer fields, a baseball field and Department of Public Works facilities.

The proposed project intends to erect a 72'x64' curved roof storage structure for DPW equipment sited adjacent to an existing DPW garage, salt shed and Town Hall.

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C. HEARINGS (all times are approximate)

April 28, 2022

7:51:50pm

Chair Paula Fitzsimmons opened the public hearing for case 1028. ZBA Member and Clerk Ralph Nay read the notice for case 1028.

Mr. Olbrot spoke on behalf of the Town and explained that the facility is to provide storage of seasonal DPW equipment. The existing garage would continue in its current use. Mr. Olbrot showed the site and building elevation plans and proposed location of the storage building adjacent to the existing DPW garage on a site where equipment is currently stored outdoors. The proposal is similar to the existing curved roof salt shed, but would have four automated garage doors. The building is set on blocks rather than a subsurface foundation. Calhoun of Canada produces the buildings. Mr. Olbrot explained that the 35-foot height restriction in the zoning code is based on a flat or pitched roof, but neither criteria directly applies to a curved roof. He did point out that 35 feet height occurs at about the same location as is required on a pitched roof. Lighting would be minor outdoor LED lighting for staff to see if needed for nighttime entry. There will be no plumbing or washing of vehicles. The site will be gravel, not paved. Mr. Olbrot also pointed out that arborvitae screening would be planted on the Spofford Road side of the structure. As a mobile structure, it is intended to move in to the rear of the Spofford municipal site behind the solar array when the area is developed for DPW uses.

8:05:00pm

Mr. Nay asked if the structure would be insulated and Mr. Olbrot said no. Mr. Nay also asked about colors and Mr. Olbrot showed a brochure with a list of available colors and will provide the brochure to the Board.

Chair Fitzsimmons stated that the Board needs to know what the lighting specifications are and Mr. Olbrot showed that the specifications were provided in the application.

Mr. Valzania discussed the issue of moving the building to the rear of the property and verified it would be currently placed on gravel at the proposed location. Mr. Olbrot stated that more gravel would be needed to level the site and the apron in front of the building would be paved. Mr. Valzania asked if the height was based on the desire to get the four garage doors in place and Mr. Olbrot agreed. Mr. Olbrot also mentioned that the building will be verified it meets code requirements as needed by a structural engineer.

Mr. Merriam asked if other members had the elevation drawings Mr. Olbrot was showing the Board. Mr. Olbrot agreed to send them to the Board. Mr. Merriam asked what the dimensions of the salt shed are. Mr. Olbrot estimated 55 feet wide by 65 feet deep by 35 feet to the peak.

8:22:00pm

Chair Fitzsimmons asked for public comments. Sue Giallombardo 12 Spofford Road asked Mr. Olbrot if there were other locations rather than the proposed site and possibly the loam pile near the recycle center. Ms. Giallombardo asked about the possibility that the DPW facility will not be moved. Mr. Olbrot indicated that he felt based on his interactions with Town officials that the moving of the DPW will take high priority. Ms. Giallombardo stated that the building will be viewable from the street.

Chair Fitzsimmons stated that Mr. Olbrot needs to present the application to the Planning Board for their recommendation.

Mr. Merriam moved to continue case 1028 to May 26, 2022, Mr. Nay second. Roll call vote, all in favor.

May 26, 2022

7:07:30pm

Mr. Nay read the Planning Board recommendation.

7:09:30pm

Mr. Olbrot discussed the Planning Board meeting where most of the discussion was similar to that of the April 28th Zoning Board meeting. Mr. Nay asked if the Planning Board had discussed color and noted that white might be the best option for neighbors.

7:13:00pm

Chair Fitzsimmons asked for evidence of the height specification. Mr. Olbrot showed the elevation plan and showed where the 35-foot midpoint height would be. Inspector of Buildings Peter Delaney was asked to offer his opinion on compliance with the bylaw and he agreed the building height would be compliant.

Mr. Merriam mentioned Leyland Cypress of a possible screening tree. Chair Fitzsimmons stated that Green Giant Arborvitae has been recommended in the past as a deer-resistant shrub.

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Mr. Valzanla asked if there was a timeline for moving the building. Mr. Olbrot estimated that it might be a six or seven-year timeline for moving the building.

Mr. Olbrot indicated that the building should be constructed at the current site this fall.

7:24:20pm

Moved to close evidence. All in favor by roll-call vote.

The Board found that a variance from 196-23(B) is not needed as the curved nature of the roof and its dimensions were similar to that of a sloped roof that would be compliant under the bylaw.

7:26:30pm

Mr. Merriam made the following motion:

That the ZBA grant a special permit for a site plan under Article V, Section 196-30 of the bylaw for case 1028, applicant Town of Boxford for the property at 7B Spofford 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.

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Mr. Nay seconded the motion

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Roll Call Vote

Mr. Nay Yes

Mr. Merriam Yes

Chair Fitzsimmons Yes

Mr. Merriam made the following motion:

That the Board find that a variance under 196-23(B) is not required.

Mr. Nay seconded the motion

Roll Call Vote

Mr. Nay Yes

Mr. Merriam Yes

Chair Fitzsimmons Yes

DECISION:

On May 26 at 7:26:30pm, on a motion made by Mr. Merriam and seconded by Mr. Nay, the Zoning Board of Appeals voted to GRANT a Special Permit for a site plan pursuant to Article V, Section 196-30 of the bylaw for the property located at 7B Spofford Road. The Zoning Board of Appeals voted on the motion by a vote of 3-0.

On May 26 at 7:28:00pm, on a motion made by Mr. Merriam and seconded by Mr. Nay, the Zoning Board of Appeals found that a variance under 196-23(B) is not required. The Zoning Board of Appeals voted on the motion by a vote of 3-0.

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.

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