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Attest Robin Phelan  
Town Clerk  
Boxford, Massachusetts



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ROBIN PHELAN  
BOXFORD TOWN CLERK

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

Applicant: Robert White

Date: July 20, 2022

Owner: Robert White

Case No. 1029

Premises Affected 14 Hollow Tree Road  
Assessors Map 31, Block 02, Lot 09

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 a detached three car garage on a non-conforming lot pursuant to 196-13(11) (h) of the zoning bylaws at the Affected Premises. After a public hearing on May 26, 2022 continued to June 23, 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: Robin Phelan

Date: 8-10-22

**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.

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**Town Clerk**  
**Boxford, Massachusetts**

Notice of Decision  
Boxford Zoning Board of Appeals

  
SO. ESSEX #140 Bk:41122 Pg:214  
08/10/2022 11:26 PERMIT Pg 1/3

Case Number: 1029  
Applicant: Robert White  
Owners of Property: Campbell White Family Revocable Trust u/d/t dated March 13, 2019  
Property: 14 Hollow Tree Road  
Parcel Number: 31-2-9  
Title Reference: Book, 37406 Page, 232 Date, 03/29/2019  
Zoning District: R/A

**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 June 9, 2022, by Hayes Engineering, Inc.
- o Building plans, dated 04/28/2022 by Mike Cerbone, South Berwick, ME
- o Planning Board recommendation dated, June 15, 2022

**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 May 26, 2022 and June 23, 2022, duly posted and advertised with abutters notified, the Applicant requested a Special Permit to construct a detached 28' x 40' 3 car garage., resulting in garage space for more than three vehicles. The Applicant testified that electricity would be supplied to the building, the building would not have a water supply, the space will not be heated. There will be an automotive lift installed as indicated on the plan. The owner testified he works on his own vehicles, there will be no business operations from this location.

**Findings of Fact:**

- o Applicant intends to construct a detached 28' x 40', 3 bay garage, the building will have electricity, no water, no heat, there will be 1 automotive lift installed for non-commercial use.
- o There is an existing 2 garage on the property. The proposed garage will allow for garage space for more than 3 vehicles and therefore requires a Special Permit under Article V, Section 196-13(B)(h).
- o The issuance the Special Permit to construct the proposed 3-bay garage at 14 Hollow Tree Road is in harmony with the intent and purpose of the bylaw.
- o On June 15, 2022 the Boxford 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 3-car garage 14 Hollow Tree 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 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 Registry of Deeds and proof provided to the Inspector of Buildings before any work shall commence.
4. 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.
5. 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.

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