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ROBIN PHILAN
BOXFORD TOWN CLERK

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

Applicants Robert S. Miller

Date: June 30, 2022

Owners: Robert S. Miller and Marci L. Miller
Gregory W. Mills and Kathryn L. Mills

Case No. 1032

Premises Affected 57 Surrey Lane
Assessors Map 38, Block 02, Lot 9.6

A True Copy

Members of Board who sat on hearing

Attest Robin Philan

Steve Merriam Chair pro tem
Ralph Nay Vice-Chair pro tem
Thomas Jonak Clerk pro tem

Town Clerk
Boxford, Massachusetts

Alternates Present David Valzania

Referring to the above application so as to permit Special Permits to construct a 20' x 15' addition to an existing family dwelling with garage space for more than three automobiles and an accessory apartment pursuant to 196-13B(1)(h) and 196-13C of the zoning bylaws at the Affected Premises. After a public hearing July 28, 2022 continued to August 25, 2022 the Zoning Board of Appeals voted to Grant Special Permits subject to the following conditions, safeguards and limitations on time use, if any (see attached).

Vote of Individual Members:

NAME	VOTE
<u>Ralph Nay</u>	<u>YES</u>
<u>Steve Merriam</u>	<u>YES</u>
<u>Thomas Jonak</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 Philan

Date 10-4-22

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.

(4) TD ✓

**DECISION OF THE ZONING BOARD OF APPEALS UNDER ZONING BYLAW
TOWN OF BOXFORD, MASSACHUSETTS
UPON THE PETITION OF ROBERT MILLER**

Re: Case No. 1032
Applicant: Robert Miller
Property: 57 Surrey Lane
Property Owners: Robert and Marci Miller (50% owners)
Gregory and Kathryn Mills (50% owners)
Title Reference: Essex South District Registry of Deeds
Book 40132, Page 383 dated 7/30/2021
Map/Block/Lot: 38/2/9.6
Relief Sought: Special Permit pursuant to ZBL 196-13(B)(11)(h), garage
space exceeding three automobiles
Special Permit pursuant to ZBL 196-13(C), accessory
apartment

Board Members who sat on hearing:

Steve Merriam, Chair pro tem
Ralph Nay, Vice Chair pro tem
Thomas Jonak, Clerk pro tem

Also Present during one or more meetings

John Morin, P.E., The Morin-Cameron Group
Chris Crump, Architect, CWC Design, LLC.
Robert and Marci Miller, 57 Surrey Lane
Peter Delaney, Building Inspector
Stacy Wright, Administrative Assistant Building Department



SO. ESSEX #70 Bk: 41228 Pg: 26
10/04/2022 09:57 PERMIT Pg 1/4

Pursuant to notice duly published, posted and sent to all interested parties under the provisions of Massachusetts General Laws, a public hearing was held on July 28, 2022 and continued to August 25, 2022 on the petition of Robert Miller for a Special Permit for garage space for more than three automobiles pursuant to ZBL 196-13(B)(11)(h) and a Special Permit for an accessory apartment pursuant to ZBL 196-13(C).

A True Copy

Attest *Adam Phelan*

Town Clerk
Boxford, Massachusetts

A True Copy

Attest Brian Phelan

Town Clerk

Boxford, Massachusetts

I. APPLICATION MATERIALS

The following materials were submitted:

1. Application – including postage worksheet, authorization and legal notice.
2. Certified abutters list
3. Quitclaim Deed: Book 40132 Page 383
4. Plans: Site Development Plan in Boxford, Massachusetts, 57 Surrey Lane with lot and accessory apartment area calculations prepared by the Morin-Cameron Group, Inc., 5/20/22.
5. Plans: First and Second floor as-is plans 57 Surrey Lane, prepared by Robert Miller, 5/11/22.
6. Plans: The Miller Residence, 57 Surrey Lane, sheets EX-1.0, EX-1.1, EX-2.0, EX-2.1, A-1.0, A-1.1a, A-2.0a, A-2.1a, A-1.1b, A-2.0b, A-2.1b, A-2.2b prepared by CWC Design LLC, 6/28/22.
7. Plans: The Miller Residence, 57 Surrey Lane, sheets A-1.1a, A-1.1b revised 8/5/22.
8. Plans: The Miller Residence, 57 Surrey Lane, sheet A-1.1b square footage area plan revised 8/5/22.
9. Plans: The Miller Residence, 57 Surrey Lane, sheets A-1.1a, A-1.1b showing egress windows revised 8/9/22.
10. Planning Board recommendation dated 8/17/2022
11. USPS green cards and receipts
12. Photos of existing site conditions

During the public hearings before the Board of Appeals, John Morin and Chris Crump presented oral testimony and described the proposed addition utilizing the supplied plans and photographic evidence.

The Board received from the Boxford Planning Board a recommendation dated 8/17/2022 with a unanimous vote to approve the application as submitted.

II. THE PROPOSAL

The Applicant requests a Special Permit to construct a 20' x 15' addition to an existing residence at 57 Surrey Lane and configure the new addition and existing space in the residence on the second floor into an accessory apartment pursuant to ZBL 196-13(C). The new addition will include an additional garage bay bringing the total to four bays requiring a Special Permit pursuant to ZBL 196-13(B)(11)(h).

III. BOARD OF APPEALS FINDINGS REGARDING SPECIAL PERMIT

The Zoning Board found the following statements of fact:

1. That the structure will be constructed per the plans submitted.
2. That the accessory apartment, within the boundary shown on the plans, is less than 1000 square feet and less than 25% of the 4811 square foot total gross floor area.

3. That closets eliminated as shown on the plans to restrict the accessory apartment floor area below 1000 square feet will be permanently walled-off.
4. That the garage space will not be heated or supplied with running water.
5. That the structure is in harmony with the intent and purpose of the by-law as stated in ZBL 196-13(B)(11)(h) and is not a detriment to the community.
6. That the structure is in harmony with the intent and purpose of the by-law as stated in ZBL 196-13(C) and is not a detriment to the community.
7. There were no abutter objections presented to the board.
8. The occupants of the accessory apartment will be Robert and Marci Miller.
9. The Boxford Planning Board submitted documentation that the Planning Board voted, on 8/17/22 to recommend that the ZBA grant the Special Permits to the Applicant.

IV. DECISION

At a public hearing held on August 25, 2022 the Board took the following actions:

The Board approved the Special Permits requested by the Applicant.

Upon motions duly made and seconded, for the foregoing reasons, the Board unanimously voted to GRANT Special Permits to build an accessory apartment, pursuant to ZBL 196-13(C), and garage space for more than three automobiles, pursuant to ZBL 196-13(B)(11)(h), subject to the following conditions:

1. The Special Permits are issued to Robert and Marci Miller and Gregory and Kathryn Mills, owners of the principal dwelling.
2. No commercial vehicles will be housed at the location.
3. The structure shall be constructed in accordance with the most recent plans filed with the Zoning Board of Appeals.
4. The applicant shall provide as-built survey to the Building Inspector prior to the foundation inspection.
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 from the grant thereof.
6. 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.
7. This Special Permit is subject to all other pertinent laws, regulations and permits from all necessary departments in the Town of Boxford.
8. Robert and Marci Miller shall be the occupants of the accessory apartment.

A True Copy

Attest

Ramon Phelan

Town Clerk
Boxford, Massachusetts