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

Applicant: Dr. Alain Chaoul

Date: January 9, 2023

Owner: Dr. Alain Chaoul

Case No. 1033

Premises Affected 10 Bennett Road

Assessors Map 23, Block 01, Lot 16-1

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(11) (h) of the zoning bylaws at the Affected Premises. After a public hearing on November 17, 2022 continued to December 15, 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).

	NAME	VOTE
Vote of Individual Members:		yes
		YES
		YES

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 if an appeal or a motion for reconsideration has been filed, that it has been dismissed or denied.

Attest:

Date: January 1, 2023

A True Copy
Town Clerk
Boxford, Massachusetts

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: 1033

Applicant: Dr. Alain Chaoui

Owners of Property: Dr. Alain Chaoui and Nahed Chaoui

Property: 10 Bennett Rd.

Parcel Number: 23-01-16-1

Title Reference: Book, 13515 Page, 218 Date, 04/18/1996

Zoning District: R/A

Board members who sat on hearing:

Paula Fitzsimmons, Chairwoman

Steve Merriam, Vice Chairman

Ralph Nay, Clerk

Alternate members in attendance:

David Valzania

Thomas Jonak

Information submitted in support of the application:

- ZBA application, Abutters list, postage worksheet, Quitclaim Deed
- Cons Com Order of Conditions, File #114-1351
- Stamped Plot Plan by Nativetek, dated August 3, 2022
- Architectural plans by Bosworth Architects L.L.C. Dated, May 2, 2022
- Photos of site
- Planning Board recommendation

Introduction:

The Applicant is requesting a Special Permit for garage space for more than 3 vehicles, under Article V, Section 196-13(B)(11)(h) of the bylaw.

Hearing:

At public hearing on November 17, 2022, duly posted and advertised, with abutters notified and continued without objection, to December 15, 2022. The Applicant and his General contractor described the proposed 24' x 32' Barn and its use. Dr. Alain explained his need to store office equipment and his vintage car. The Applicant testified the barn will be heated, and there is not any commercial use intended. The building height (19'- 0") and exterior lighting locations at the exits were requested to be added to the elevations by the Board. There were no abutter concerns.

Findings of Fact:

- The applicant Proposes a new 24'x 32' barn, creating garage space for more than 3 vehicles.
- The barn is to be conditioned space (heated).
- There will be no commercial use of the proposed barn.

- The Planning Board unanimously voted to grant the Special Permit.
- That the issuance of the Special Permit to allow the construction of a 24'x 32' barn at 10 Bennett Road is in harmony with the intent and purpose of the bylaw.

Decision of the Board:

At public hearing on December 15, 2022, the Board took the following actions:

On motion duly made and seconded, the Board **voted unanimously by roll call vote to GRANT a Special Permit** for the construction of the proposed barn at 10 Bennett Road, pursuant to Sections 196-13B(11)(h), subject to the following conditions:

1. The structure shall be built according to the above-referenced plans (with modifications submitted) to the Zoning Board of Appeals.
2. The Special Permit 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;
3. **An as built foundation plan shall be submitted to the Building Inspector prior to receiving a foundation inspection.**
4. This decision shall be recorded or registered in the Essex South District Registry of Deeds and proof provided to the Building Inspector before any work shall commence.
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.