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BOXFORD TOWN CLERK

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

Applicant: Kathleen James

Date: February 15, 2023

Owner: Brent Austin Woodward James
Kathleen Jeanne O'Connell James

Case No. 1036

Premises Affected 7 Endicott Road

Assessors Map 40, Block 05, Lot 11

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 modify Special Permit #1006 to construct an addition to and renovate a barn currently used as a kennel or office pursuant to Section V, 196-13(B)(11) (a) of the zoning bylaws at the Affected Premises After a public hearing on December 15, 2022 and January 26, 2023 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
<i>[Signature]</i>	<i>YES</i>
<i>[Signature]</i>	<i>YES</i>
<i>[Signature]</i>	<i>YES</i>

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**

Case Number: 1036

Applicant: Kathleen James

Owners of Property: Brent Austin Woodward James and Kathleen Jeanne O'Connell James

Property: 7 Endicott Road

Parcel Number: 40/05/11

Title Reference: Certificate No. 61751, Document No. 616358

Zoning District: R/A

Board members who sat on hearing:

Paula Fitzsimmons, Chairwoman

Steve Merriam, Vice Chairman

Ralph Nay, Clerk

Alternates in attendance:

David Valzania

Thomas Jonak

Information submitted in support of the application:

- Application, includes abutters list, postage worksheet
- Introduction letter from MTC Attorneys at Law
- Copy of Site Plan (not stamped), modified to show proposed additions to the existing barn.
- Photos of existing conditions, labeled A – K with mapped legend.
- Building plans and elevations, by Essex Bay Designs, dated 10/25/2022
- Signed abutter letters supporting Applicant's request.
- Quitclaim Deed
- Boxford ZBA Notice of Decision 1006, August 27, 2020
- Planning Board recommendation

Introduction:

The Applicant is requesting a modification of Special Permit 1006 to construct an addition to and and renovate a barn currently used as a kennel and office. The relief requested is under Section V, 196-13(B)(11)(a) of the bylaw.

Hearing:

At a public hearing opened on December 15, 2022, duly posted and advertised, with abutters notified, and continued, without objection, until January 26, 2023, via remote video conference. The Applicants and their Attorney Lisa Mead described the existing use, and proposed addition and deck to provide a new bathroom and additional indoor office and training area for use during inclement weather. The second floor is also used to prevent client access to the lower kennels. The addition also provides shelter to part of the outside play area. There are no setback encroachments, all Special Permit 1006 conditions remain and are not affected by this proposal. There were no abutter concerns.

Findings of Fact:

- The Zoning Board of Appeals finds that this proposal to construct additions and renovate the existing "barn kennel"/ office, as presented is in harmony with the intent and purpose of the Bylaw.
- The Applicant is proposing a 26 x 20' one-story addition and 870 square feet of new deck to an existing "barn/kennel".
- The new addition provides more training and office space and create a new ½ bathroom
- All conditions of Special Permit 1006 are not affected by this modification.

Decision of the Board:

At the January 26, 2023 meeting, based on plans and testimony presented, the Zoning Board of Appeals unanimously voted by roll call vote to **GRANT** this modification to the Special Permit, pursuant to Article V, section 196-13(B)(11)(a) of the bylaw. The Special Permit is subject to the following conditions:

1. All conditions of Special Permit 1006 remain in full force and effect.
2. ADA compliance to be determined by the Building Inspector.
3. The structure shall be built according to above-referenced plans (with modifications) submitted to the Zoning Board of Appeals.
4. This 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.
5. An as-built survey by a Registered Land Surveyor shall be provided to the Building Inspector Prior to Final Inspection.
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.

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.