

1 **Minutes of the BOXFORD ZONING BOARD OF APPEALS**
2 **Virtual Attendance Due to Coronavirus Pandemic**

3
4 **April 22, 2021 7:00PM**

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6
7 **Present:**

8 *Paula Lia Fitzsimmons, Chair*
9 *Ralph Nay, Clerk*
10 *Steve Merriam, Vice-Chair*
11 *David Valzania, Alternate*

12
13 **Absent:** *None*

14
15 **Others Present:** *Board Secretary Kirsten Stickney, Inspector of Buildings Bob*
16 *Aldenberg, Anthony Messina, Robert Cornetta, Jill Mann, David Conway, George*
17 *O'Neil, Chris Olbrot, BCATv, and others*

18
19 **7:00PM Call to Order**

20 With a quorum present, Chair Paula Fitzsimmons called the meeting to order at
21 7:00PM.

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23 • **Case #1021 - 17 Georgetown Road**
24 **Applicants: Anthony Messina**

25
26 **Members Sitting:**

27 *Paula Lia Fitzsimmons, Chair*
28 *Ralph Nay, Clerk*
29 *Steve Merriam, Vice-Chair*
30 *David Valzania, Alternate*

31
32 Attorney Jill Mann, representing the applicant, Anthony Messina, reviews the details of
33 the case. They are here tonight to seek another special permit that will allow the
34 applicant to construct a garage. It will meet all dimensional requirements but it continues
35 to be non-conforming because the structure is going to be built on a non-conforming
36 property. The applicant believes that the structure will be a benefit to the community
37 because it will allow him to keep all of his outdoor materials that may be seen in the
38 backyard, inside the building. Mann reviews the dimensions of the garage and that they
39 meet all requirements. Mann suggests to the board that this garage will add value,
40 provide and enhance the aesthetics, and it will result in no increased non-conformities.

41
42 Ralph Nay asks Mann about the utilities that will be in the garage such as water, sewer,
43 heat, electric, etc. Mann states there will only be electric utilities in the building and it will
44 possibly be insulated and heated. Messina confirms that there will be no business or
45 commercial purposes for the garage.
46

Paula Fitzsimmons advised that the Planning Board will review the case and give the ZBA a written recommendation and the Board will render a decision at the next meeting on May 27, 2021

MOTION made by **Fitzsimmons**, second by **Valzania** to continue case #1021 to a date certain of May 27, 2021

Roll Call:(Called by Board Secretary Kirsten Stickney)

Nay: **Yes**

Valzania: **Yes**

Fitzsimmons: **Yes**

The motion **CARRIED** by a unanimous roll call vote.

• **Case #1015 - 10 Elm Street**
Applicants: The Town Of Boxford

Members Sitting:

Paula Lia Fitzsimmons, Chair

Ralph Nay, Clerk

Steve Merriam, Vice-Chair

David Valzania, Alternate

David Conway is speaking for the Town of Boxford. Conway reviews the plans discussed in the last meeting with the Board. The major change to the plans is on the north side of the site where the fire pump system and building were and they are no longer being proposed. The transformer was also moved closer to the road. They also relocated the dumpster, which was located near the parking lot, from the plans. George O'Neil, also speaking for the Town of Boxford, confirms that there are also no major changes to the interior of the site. There will be no use of the second floor, other than storage, to keep the occupancy down. O'Neil states that the building does not have sprinklers because the building is below the threshold of requirement. The basement in the house is going to become a crawl space with access from the exterior only.

Fitzsimmons brings up that the Board members do not have the same updated plans in front of them that Conway and O'Neil are presenting.

Merriam is concerned about the change in landscaping plans and how the change of the dumpster has affected the landscaping. He also has questions about the finalization of the lighting plans as well.

Bob Aldenberg is also concerned about the members not having the finalized plans to make sure that they meet all the requirements. Aldenberg will not make any final decisions until he has all of the final plans in front of him.

93
94 There is no Board of Health sign off on the septic and there is no well approval.
95

96 Nay mentions the plans that were not discussed such as traffic signs and the sign out
97 front of the building that should have been prepared for the Board for this meeting.
98

99 Merriam would like O'Neil and Conway to further discuss their plans for things such as
100 landscape, lighting, and would like more information on the relocation of the dumpster.
101

102 O'Neil describes that the dumpster is now moved to a better location where it is fenced
103 off and more discreet. He also explains that there is no spillage of light beyond the
104 boundaries of the property lines and there is also fencing at the end of the parking lot to
105 mitigate the concern of reflecting headlights. Conway points out the location of all the
106 street signs.
107

108 Fitzsimmons reviews the bylaws and all requirements the Board needs to review in
109 order to approve the plans and wants to find a later date to meet and go over all final
110 plans when the Board members have all the final plans in front of them at the time of the
111 meeting.
112

113 Fitzsimmons entertained a motion to continue case #1015 to a date certain of April 27th,
114 2021
115

116 **MOTION** moved by **Merriam**
117

118 Second by **Nay**
119

120 **Roll Call:** (Called by Board Secretary Kirsten Stickney)

121 **Merriam:** Yes

122 **Nay:** Yes

123 **Fitzsimmons:** Yes
124

125 The motion **CARRIED** by a unanimous roll call vote.
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127

128 • **Case #1019 - 34 Brookview Road**

129 **Applicants:** Douglas J. Balek

130 Linda R. Balek
131

132 **Members Sitting:**

133 *Paula Lia Fitzsimmons, Chair*

134 *Ralph Nay, Clerk*

135 *Steve Merriam, Vice-Chair*

136 *David Valzania, Alternate*
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Fitzsimmons continues the case where the Board was waiting for the Planning Board recommendation. Nay reads the recommendation into the record.

Attorney Cornetta believes that the action of the Planning Board moves the entire issue into a positive direction of potentially resolving these matters and if that is the case then there would be a stipulation entered at the Land Court and this petition would not be required. Cornetta would like the words, in terms of the use, storage and hobby workshop added to the special permit. Cornetta believes it could form a resolution to the matter that could then be reported to the land court and try and get a stipulation to then be able to report the matter back as settled.

Fitzsimmons reminds Cornetta that this meeting was for an appeal of the building inspector issuing a building permit.

Cornetta states that the language that the Planning Board suggested in this appeal can form the basis of seeking to reach a stipulation in the Land Court regarding the special permit in which they would then request that the Land Court judge sign off on the special permit incorporating this language from the Planning Board. The case would then come back to the ZBA and possibly be agreed to which ends that matter. Cornetta states then the matter of the meeting would then be withdrawn. He explains that if the petitioner were to disagree with the action of the ZBA then they would have two matters in the Land Court where the judge has already indicated that his intention would be to merge the two cases. Cornetta states that under the circumstances that the ZBA is willing to continue this to the next meeting they would seek to meet with the attorney on the other side, get in front of the Land Court, put a stipulation in writing, get it signed off by the judge, and bring it back to the ZBA.

The property owner states that they would like to have this matter settled tonight and have the two matters handled separately.

There is a request to continue the matter to the next meeting on May 27th and the Board members decided to put it to a vote.

MOTION made by **Merriam** to continue this case to May 27th

Second by **Nay**

Roll Call: (Called by Board Secretary Kirsten Stickney)

Merriam: Yes

Nay: Yes

Fitzsimmons: Yes

The motion **CARRIED** by a unanimous roll call vote.

Adjourn

183 With no further business, on a motion made by Merriam, second by Nay, the Zoning
184 Board of Appeals meeting of April 22, 2021 adjourned

185

186 **Roll Call:** (Called by Board Secretary Kirsten Stickney)

187 **Merriam:** **Yes**

188 **Nay:** **Yes**

189 **Fitzsimmons:** **Yes**

190

191 Respectfully submitted

192 *Sydney Thifault*

193

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