

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

3  
4 **April 29, 2021 7:00PM**  
5

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, Scott Richardson, Mary Bulso, Liz Murphy, and others*  
17

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

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

22 **Continued Business**  
23

24 **• Case #1015 - 10 Elm Street**

25 **Applicants - Town of Boxford**  
26

27 The applicant George O'Neil has submitted all the documents, including all necessary  
28 code compliances, to the Board. Scott Richardson confirms with the Board that they are  
29 exempt from the sprinkler regulation due to the size of the building.  
30

31 Merriam asks if they have fixed the landscape plan since the last meeting. Richardson  
32 states that they have not been able to meet with the landscape architect yet but are  
33 willing to take ideas and suggestions to the Board and bring them to the landscape  
34 architect when they meet with him. O'Neil confirms that all the light fixtures will have  
35 LED lights.  
36

37 The Board discusses whether or not they will be able to make a final decision without  
38 having the building inspector's final approval, which he will not have for at least a few  
39 weeks.  
40

41 Mary Bulso added that the color of the siding has to be Barn Red but it is not finalized  
42 yet because a supplier has not been chosen.  
43

44 There are slight changes to the plans the Board has in front of them such as  
45 dimensional changes and equipment location.  
46

47 Fitzsimmons confirms with the applicants that there will be no further changes to  
48 parking, loading, buildings, building coverage, look and design of the building other than  
49 subtitles in color based on manufacturer. No changes to the entrances for both vehicles  
50 and people as well as no changes in signs, water supply, drainage, and lighting.

51  
52 Merriam is concerned that the building inspector's review will result in a change to the  
53 plans and what will happen then if the Board has already come to a decision.

54  
55 Fitzsimmons states that they would have to review the change and if it is major the case  
56 will have to be reopened but if it is only a minor change the Board can review it and take  
57 a vote. She is also concerned about how the Board will be notified in a timely manner if  
58 there are changes made to the plans if they have already finalized them. She would like  
59 to make a decision tonight with certain conditions.

60  
61 **MOTION** made by **Merriam** to close evidence for case #1015

62  
63 Second by **Nay**

64  
65 **Roll Call:** (Called by Board Secretary Kirsten Stickney)

66 **Nay:** Yes  
67 **Merriam:** Yes  
68 **Fitzsimmons:** Yes

69  
70 The motion **CARRIED** by a unanimous roll call vote.

71  
72 Merriam reviews the conditions with the Board and the applicants.

73  
74 **Merriam** moves the ZBA grant a special permit for a site plan under Article 5 Section  
75 196-30 under the bylaw for case #1015 applicant Town of Boxford for the property 10  
76 Elm Street in accordance with the most recent plans submitted having found that the  
77 use is in harmony with the intent and purpose of the bylaws subject to the following  
78 conditions:

- 79
- 80 1. Eight additional Emerald Red Cedar trees are to be planted along the easterly  
81 boundary between the septic system and Sayward Road under the  
82 recommendation of the landscape designer and Boxford Permanent Building  
83 Committee.
  - 84 2. All waste and recyclables are to be contained within the four bins located inside  
85 the proposed fenced-in area. No trash is allowed outside the building in other  
86 containers or bags.
  - 87 3. All exterior lighting must be LED type and have the same color temperature
  - 88 4. Hours of operation are limited to 8:00 am to 10:00 pm all days of the week
  - 89 5. Exterior lighting may only be turned on from dusk to 10:00pm with a 30 minute  
90 manual override.
  - 91 6. The second floor of the house is to be unoccupied and only used for storage

92 7. Any changes to the plans set dates April 30th, 2021 shall be submitted to the  
93 Boxford Permanent Building Committee who shall timely submit them to the  
94 Zoning Board of Appeals

95 Furthermore the Board determined that there will not be an increase in the non-  
96 conforming use of the structure under Article 5 Section 196-5.

97  
98 Second by **Nay**

99  
100 **Roll Call:** (Called by Board Secretary Kirsten Stickney)

101 **Nay:** Yes

102 **Merriam:** Yes

103 **Fitzsimmons:** Yes

104

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

106

107 **Merriam** moves that the ZBA grant a special permit to demolish and replace an addition  
108 to an existing non-conforming structure under Article 5 Section 196-6B of the bylaw for  
109 case #1015 applicant Town of Boxford for the property 10 Elm Street in accordance with  
110 the most recent site plans submitted having found that the proposed addition will not be  
111 substantially more detrimental to the neighborhood than the existing non-conforming  
112 use.

113

114 Second by **Nay**

115

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

117 **Nay:** Yes

118 **Merriam:** Yes

119 **Fitzsimmons:** Yes

120

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

122

123 **New Business:**

124

125 ● **Case #1020: Cole School - 26 Middleton Road**

126 **Applicants: Town of Boxford**

127

128 The Clerk reviews the notice which states the details of the case in which the Town of  
129 Boxford requests a special permit pursuant to Boxford zoning bylaw 196-30 site plans  
130 and relief from 196-29.B (2) the application proposes to rebuild off-street parking areas  
131 and sidewalks within the school's site, increase and reorient parking spaces, adjust  
132 parking lot lighting, add a generator for the building, and replace schoolyard paving.  
133 Improvements will also be made to the on-site storm drain system.

134

135 James Pearson, speaking on behalf of the applicant, begins with the most important  
136 part of the project. The site is currently under citation with the Massachusetts  
137 Architectural Access Board due to various violations regarding accessibility and  
138 standards for parking. Pearson reviews the current building and traffic flow with the  
139 Board. The rear parking lot of the building only has subtle changes and upgrades.  
140 Pearson displays the new plan to the Board explaining all the changes that have been  
141 made and the benefits they have. Pearson highlights that the project is currently being  
142 reviewed by the Conservation Commission and a full peer review is being done by a  
143 third-party engineer. The town DPW director also provided a technical review of the  
144 project. Pearson also states that there will be no changes made to the building. They  
145 are looking to the Board for a waiver from bylaw 196-29 regarding one of the entrances  
146 that has to be steeper in order to make the parking lot flat for accessibility.

147  
148 Nay is concerned that the distance from the accessibility parking spots to the front door  
149 is too far and he is also worried about the parking spots that have been removed next to  
150 the ball field. He states that the Board also does not have any plans for the generator or  
151 its enclosure along with lighting specs in front of them today.

152  
153 Pearson agrees that there should be added accessibility spots closer to the main  
154 entrance of the school and is willing to modify the plans.

155  
156 Merriam is curious if a flow study has been done for the project and is wondering if the  
157 traffic flow will improve with this new layout.

158  
159 Pearson states that they have worked closely with school officials and have found that  
160 this layout will give them the most room for vehicles during drop off and pick up  
161 There is a concern from the Board members that Lot A will be used by parents as a  
162 drop off lane which will put kids at risk of being struck by a vehicle in the designated  
163 drop off lanes closest to the school, but the parking lot cannot be blocked off entirely  
164 during these times due to the fact that the parking for the administration building is  
165 located in the same lot.

166 The applicants reviewed that it is not the intention of that lot to be used as a drop-off  
167 lane unless parents decide to park their cars and escort their child to the front door.

168  
169 Steve Clifford believes parents will follow the correct drop-off procedures considering  
170 the children's age. He also explains that there are staff members during both drop-off  
171 and pick up assisting children to the buses and cars.

172  
173 Merriam is concerned that having a steeper driveway at one of the entrances will cause  
174 water to run off into the street.

175  
176 Pearson believes that the small change will not increase the flow of water into the street  
177 any more than it is now.

178  
179 Valzania is concerned that having a bigger parking lot in front of the school will require  
180 more lighting that could affect the neighbors if there are events held at the school during  
181 the evening.

182  
183 Pearson points out that there are already two existing parking lots in front of the school  
184 so he does not imagine that the lighting will change drastically from what it currently is.

185  
186 Fitzsimmons would like the police department to weigh in on the project specifically  
187 about the queuing and flow of vehicles. She also wants confirmation from the fire chief  
188 that his trucks will fit everywhere throughout the parking lot and around the school.  
189 There are also no plans for signage on the grounds, street, and throughout the parking  
190 lot. She would also like more information on the lights and how much brighter they will  
191 be than the existing ones.

192  
193 Steve Clifford explains that there will be new lighting and the layout will change from the  
194 current one. The new lights will be “task-oriented” to their location and not have any  
195 migrations to surrounding properties. He also explains that the lights will be dark sky  
196 compliant and the color index will not be of a harsh nature.

197  
198 Merriam questions the landscape plan between the parking lot and the road and would  
199 like to know why there are only trees at each end and not in between.

200  
201 Pearson states that because of the location of the storm drain there cannot be any new  
202 trees added.

203  
204 **MOTION** made by **Merriam** to continue case #1020 to a date certain of May 27th.

205  
206 Second by **Nay**

207  
208 **Roll Call:** (Called by Board Secretary Kirsten Stickney)

209 **Nay:** Yes  
210 **Merriam:** Yes  
211 **Fitzsimmons:** Yes

212  
213 The motion **CARRIED** a unanimous roll call vote.

214  
215 ● **Case #1022: Spofford Road - 31 Spofford Road**

216 **Applicants: Town of Boxford**

217

218 The Clerk reviews the notice for the case. The applicant is requesting a special permit  
219 pursuant to Boxford Zoning bylaw 196-30 site plans. The applicant proposes to rebuild  
220 off-street parking spaces, parking areas, sidewalks within the schools site, increase and  
221 reorient parking spaces, adjust parking lot lighting, add a generator to the building, and  
222 replace the schoolyard.

223

224 James Pearson, representing the applicant, reviews the plans for the school with the  
225 Board. The plan is also being reviewed by the Conservation Commission and the DPW  
226 director has provided technical review of this project as well. Pearson reviewed the  
227 current layout and traffic flow of the school. He proposes more parking with electric  
228 vehicle parking along with handicap accessible parking. They would like to consolidate  
229 the two parking lots in the back of the school to create more parking spots and better  
230 circulation. There is also an added exit to make exiting the parking lot after drop off or  
231 pick up quicker and easier. The plan also creates more queuing space for vehicles  
232 within the parking lot to keep traffic on the street to a minimum. There will be no  
233 changes to the building in this plan.

234

235 Nay is concerned about the location of the accessible spaces in Lot C for the field  
236 parking. He would also like more information on the generator and its enclosure along  
237 with specs for parking lot lighting and electric vehicle charging stations.

238

239 Pearson agrees that the accessible spaces should be moved to a better location in Lot  
240 C and will update the plans

241

242 Merriam would like to know more details about the arrows located on the ground which  
243 contradict each other during drop-off and pick-up times. He believes it would be easier  
244 to understand if some of the arrows in the parking lot are removed

245

246 Pearson agrees and will update the plans with Merriam's recommendations

247

248 Fitzsimmons requests that both the Police and Fire Chiefs review the plans and give  
249 their input and recommendations.

250

251 Valzania is concerned about the runoff of water onto the fields next to the school which  
252 already have a drainage issue.

253

254 Pearson points out that the drainage from the school will not affect those fields.

255

256 Nay would like the possibility of adding a sidewalk to connect Lot B and Lot C and  
257 would like another handicap spot added to the front entrance of the school.

258  
259 There is a concern from abutter Matthew Leidner about light migration to the  
260 neighboring properties, which is already a problem now. Steve Clifford states that the  
261 new lighting will be facing the opposite direction than the current lighting is facing now,  
262 so instead of the light fixtures being on the school pointing towards the parking lot they  
263 will be in the parking lot facing towards the school.

264  
265 Fitzsimmons requests a third-party review of the code compliance of the plan  
266

267 **MOTION** made by **Merriam** to continue case #1022 to a date certain of May 27th  
268

269 Second by **Nay**  
270

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

272 **Nay:** Yes  
273 **Merriam:** Yes  
274 **Fitzsimmons:** Yes

275  
276 The motion **CARRIED** a unanimous roll call vote.  
277

278 **Continued Case:**  
279

280 • **Case #1014: Willow Road**

281 **Applicants: Toll Bros. INC**  
282

283 Fitzsimmons reviews and email from the applicants requesting a continuous on the case  
284

285 **MOTION** made by **Merriam** to continue case #1014 to a date certain of May 27th  
286

287 Second by **Nay**  
288

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

290 **Nay:** Yes  
291 **Merriam:** Yes  
292 **Fitzsimmons:** Yes

293  
294 The motion **CARRIED** a unanimous roll call vote.  
295

296 **Adjourn**

297 With no further business, on a **MOTION** made by **Fitzsimmons**, second by **Nay**, the  
298 Zoning Board of Appeals meeting of April 27th, 2021 adjourned

299

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

301 **Nay:** **Yes**

302 **Merriam:** **Yes**

303 **Fitzsimmons:** **Yes**

304

305 Respectfully Submitted

306 *Sydney Thifault*