

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

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

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7 **Present:**

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

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13 **Absent:** *None*

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15 **Others Present:** *Board Secretary Kirsten Stickney, Inspector of Buildings Bob*
16 *Aldenberg, Scott Richardson, Mary Bulso, Liz Murphy, and others*

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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**

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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

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

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

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

MOTION made my **Merriam** to close evidence for case #1015

Second by **Nay**

Roll Call: (Called by Board Secretary Kirsten Stickney)

Nay: Yes

Merriam: Yes

Fitzsimmons: Yes

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

Merriam reviews the conditions with the Board and the applicants.

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

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

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

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

Second by **Nay**

Roll Call: (Called by Board Secretary Kirsten Stickney)

Nay: Yes

Merriam: Yes

Fitzsimmons: Yes

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

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

Second by **Nay**

Roll Call: (Called by Board Secretary Kirsten Stickney)

Nay: Yes

Merriam: Yes

Fitzsimmons: Yes

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

New Business:

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

Applicants: Town of Boxford

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Second by **Nay**

Roll Call: (Called by Board Secretary Kirsten Stickney)

Nay: Yes

Merriam: Yes

Fitzsimmons: Yes

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

- **Case #1022: Spofford Road - 31 Spofford Road**

Applicants: Town of Boxford

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

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

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

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

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

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

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

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

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

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

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

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

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

Second by **Nay**

Roll Call: (Called by Board Secretary Kirsten Stickney)

Nay: Yes

Merriam: Yes

Fitzsimmons: Yes

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

Continued Case:

- **Case #1014: Willow Road**

Applicants: Toll Bros. INC

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

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

Second by **Nay**

Roll Call: (Called by Board Secretary Kirsten Stickney)

Nay: Yes

Merriam: Yes

Fitzsimmons: Yes

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

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*