

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

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5                   **August 24, 2023**

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7   **Present:**

8   Paula Fitzsimmons, Chair  
9   Steve Merriam, Vice- Chair  
10   Ralph Nay- Clerk  
11   Thomas Jonak- Alternate

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14   **Others Present:** Boxford Cable TV, Matt Bisceglia, Richard Kallman, Joseph DiPietro, Gordon  
15   Glass, John Cowhig

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17   **7:00 PM Call to Order**

18   With a quorum present, Chair Fitzsimmons called the meeting to order at 7:00 PM.  
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23   **Continued Business:**

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27       •   **Case #1045, 28 Dana Road**  
28         **Applicants: Barbara & Matt Bisceglia**

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30   Chair Fitzsimmons brings Case 1045 into the record. Mr. Bisceglia informs the board that he  
31   would like to withdraw this case.  
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34   Motion made by Merriam to withdraw Case #1045 without prejudice.  
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36   **Seconded by:** Nay

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38   **Roll Call:** (Called by Paula Fitzsimmons, Chair)

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40   **Steve Merriam- YES**

41   **Ralph Nay- YES**

42   **Paula Fitzsimmons- YES**  
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44   **MOTION CARRIED:** Unanimously  
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- **Case #1044, Lot 20B Wildmeadow Road**  
**Applicant, Matthew & Genna Hill**

Chair Fitzsimmons brings case into the record. Continuance was requested for this case.

Motion made by Merriam to continue Case #1044 to September 28, 2023.

**Seconded by: Nay**

**Roll Call:** (Called by Paula Fitzsimmons, Chair)

**Steve Merriam- YES**

**Ralph Nay- YES**

**Paula Fitzsimmons- YES**

- **Case #1038, 39 Lily Pond Rd**  
**Applicant: Joseph DiPietro & Anna DiPietro**

Chair Fitzsimmons brings case 1038 into the record. Joseph DiPietro begins speaking and tells the Board that stairs will be an issue for his mother, so his architect found a way to enter the in-law from the ground level, and explains his updated plans. Merriam asked for the calculations that come up with the 1,000 square foot number on the in-law plan. Nay states that he believes that the square footage is right, but that they need the calculations explained. Mr. DiPietro will work on getting these dimensions explained. Merriam asks if the applicant has been to the Planning Board regarding the third bay of the garage, Mr. DiPietro said he did go before them, but asks if he should go back. Fitzsimmons recommends going to the Planning Board for their recommendation for the two special permits.

Motion made by Merriam to continue Case #1038 to September 28<sup>th</sup>, 2023.

**Seconded by: Nay**

**Roll Call:** (Called by Paula Fitzsimmons, Chair)

**Steve Merriam- YES**

**Ralph Nay- YES**

**Paula Fitzsimmons- YES**

**MOTION CARRIED: Unanimously**

- **Case #1042, 8 Cedar Street**  
**Applicants: John Cowhig & Sherry Fuller**

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Chair Fitzsimmons recuses herself. Chair Nay (Pro-Tem) brings the Case into the record. Mr. Kallman begins by explaining that he has watched the June 29, 2023 meeting and summarizes the past few meetings that this case has been discussed. Nay responds that Mr. Kallman should watch the first meeting that this case was brought to the Board, and that this Board is asking for a photograph of what was existing. Merriam asks Chair Nay if he is satisfied with the Counsel's analysis that there is a 10-year statute of limitations that applies to non-conformities in which no action by the Town have been taken. Mr. Kallman believes that what was there should not determine what will be built there. Chair Nay asks for Fitzsimmons' input on this, and she says that as she sees it, the building can be rebuilt without any issue. She adds that they need to be conscious of the frontline setback, as it is putting a much more substantial second floor on the building than before, and a clear increase of the mass. John Cowhig joins and says he does not think he has anything that can show what it used to be, but that the plans now will not change the footprint, and the square foot is not getting any larger. Mr. Kallman says it is not Mr. Cowhig's fault that the permit was issued, and now he is being asked for photographs for a project he never thought he would need. Chair Nay says that somebody drew these drawings, and finds it hard to believe that they did not take pictures of the building before, so he suggests reaching out for these pictures. Mr. Cowhig explains the timeline of the permits that he has requested, and says he was not trying to pull the wool over anyone body's eyes in the timeline of these permits. Jonak adds that he believes it may be relevant to see the image regarding the size and square footage previously of the building, as well as the detriment to the neighborhood. Fitzsimmons thinks that it is worth it for the applicants to go to Town Counsel and weigh in.

Motion made by Merriam to continue Case #1042 to September 28, 2023

**Seconded by:** Jonak

**Roll Call:** (Called by Paula Fitzsimmons)

**Thomas Jonak- YES**

**Steve Merriam- YES**

**Ralph Nay- YES**

**Review of In-Law Apartment Draft:**

Chair Fitzsimmons informs the Board that she and the Building Inspector have been talking, that they believe it may be in the best interest to look at the bylaws for in-law apartments. Merriam believes that it should be relooked that the special permit only holds for the current holder, and asks why it does not carry with the deed. Fitzsimmons agrees that she and Peter have been looking at that as well. Jonak suggests having the Building Inspector review the in-law after a sale to make sure it is up to current residential codes. Fitzsimmons adds maybe doing some education with local realtors on in-law apartments, and if they do not have a

special permit for one, then not to advertise the property as having such. Fitzsimmons tells the Board that Peter Delaney, the Building Inspector, believes the in-law should not exceed 1500 square feet. Fitzsimmons also asks if they should they limit the garage space to two vehicle garages when attached to an in-law, and if there should be a limit on the size of the patio or deck off of an in-law apartment. Fitzsimmons will reach out to Town Clerk to request meeting minutes from the May 1986 Town Meeting, as well as find out more about the apartment size requirements that were amended in 1999 and 2005. Merriam will review the bylaws.

**Late Arising Matters:**

Chair Fitzsimmons mentions the invitation from the Board of Selectman on September 11, 2023 and Merriam says that he will attend. Fitzsimmons asks to let the Board of Selectman know that the Board will be looking to look into the in-law apartment by-laws. Nay adds to look into updating kennels when reviewing bylaws.

With no further business, on a **MOTION** made by Steve Merriam, seconded by Ralph Nay, the Zoning Board of Appeals meeting of August 24, 2023 adjourned at 8:36 PM.

**Roll Call** (Called by Chair, Paula Fitzsimmons):

**Steve Merriam: YES**

**Ralph Nay: YES**

**Paula Fitzsimmons: YES**

**MOTION CARRIED:** Unanimously

Respectfully submitted,



*Teresa Mason*  
*Minutes Secretary*