

1 **Minutes of the BOXFORD ZONING BOARD OF APPEALS**
2 **Virtual Attendance Due to Coronavirus Pandemic**
3
4

5 **October 26, 2023**
6

7 **Present:**

8 Paula Fitzsimmons, Chair
9 Steve Merriam, Vice-Chair
10 Ralph Nay, Clerk
11 Daniel Paglia, Alternate
12

13
14 **Others Present:** BCATV, Peter Delaney, Teresa Mason, Dan Paglia, John Morin, Kevin
15 O'Hara, Gordon Glass
16

17 **7:00 PM Call to Order**

18 With a quorum present, Chair Fitzsimmons calls the meeting to order at 7:00 PM.
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20

21 **Continued Business:**
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- 23 • **Case #1038, 39 Lily Pond Road**
24 **Applicant: Joseph DiPietro & Anna DiPietro**
25

26 Case begins by Attorney Glass states he went to the Planning Board last week, and PB
27 suggested adding on calculations to the plot plan, and that the Board agrees with the
28 requirements made. The Board discusses the measurements with Attorney Glass, and Chair
29 Fitzsimmons states that the Applicant is supposed to give the measurement, and without using
30 the correct table with the correct measurements, these plans are not usable. Nay states the
31 measurements are impossible for anybody besides the engineer to measure. Attorney Glass
32 states he will redo calculations and come back next month.
33

34 Merriam moved to continue Case 1038 to November 16th, 2023 meeting.
35

36 **Seconded by: Nay**
37

38 **Roll Call** (Called by Secretary, Teresa Mason):
39

40 Ralph Nay: YES
41 Steve Merriam: YES
42 Paula Fitzsimmons: YES
43

44 **MOTION CARRIED:** Unanimously
45
46

47 • **Case 1044, Lot 20B Wildmeadow Road**
48 **Applicant: Matthew & Genna Hill**
49

50 John Morin from the Morin Cameron Group begins by going over what his applicants are
51 applying for, and that he met with the Planning Board but they suggested a site walk on
52 November 6th, and that they do not have a recommendation from them at this time. He asks if
53 anyone from the Board would like to join in the site walk. Kevin Martin, who is a registered
54 engineer, supplied Mr. Morin a memo that this project could be built with the cut and fills in the
55 plan while still maintaining the existing natural topography of the slopes. Mr. Morin continues
56 that he does not want to hire an engineer and risk spending tens of thousands of dollars
57 without knowing if a variance could be granted. Nay states that he does not know how he
58 would expect to get the answers he is looking for without having someone from the Board on
59 the site walk, and someone there able to explain what they are looking at. Mr. Morin says that
60 he knows it will be a lot of work, he will have to file a driveway permit, conservation notice of
61 intent, earth removal permit, storm water management, and work with Board of Health for a
62 septic approval. Merriam mentions concerns of run-off problems, damage to slopes, and also if
63 they get too far along and it does not work, who would be responsible for the mess. Merriam
64 says every time he looks at this plan, he gets concerned about the massive amount of material
65 they will be pulling from one area and piling on top of the hill to create a building site. Merriam
66 would like to have a real plan of how this excavation work would be done and held in place,
67 and know more about the plan for the upper slope. Mr. Morin said the type of slope he is
68 requesting may change, but the initial application request for the variance will stay the same.
69 Mr. Morin will be sending Teresa the Lidar topo information, used to calculate average slopes
70 that he showed during this presentation, to be forwarded to the Board.
71

72 Merriam moved to Continue Case 1044 to November 16th, 2023 meeting.
73

74 **Seconded by: Nay**
75

76 **Roll Call (Called by Secretary, Teresa Mason):**
77

78 **Ralph Nay: YES**

79 **Steve Merriam: YES**

80 **Paula Fitzsimmons: YES**
81

82 **MOTION CARRIED: Unanimously**
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84

85 • **Interview with Alternate Applicant: Dan Paglia**
86

87 Dan Paglia states he is a resident of Boxford from 2017, he lives on Stone Road and is an
88 Attorney working in Securities Law. Mr. Paglia gives his background of being an Assistant
89 District Attorney in Essex County. Prior to this, he worked in finance and banking for a number
90 of years. He was looking at volunteer opportunities in Boxford and how to give back, and came
91 across the Zoning Board needing an alternate. Fitzsimmons asks how comfortable he would
92 feel having to give a "No" decision to a friend or neighbor. Mr. Paglia responds that he is a

93 newer resident of Boxford, and that having that background of making a difficult decision with
94 the DA's office, he is used to having to make hard decisions. Merriam asked if he has any work
95 conflicts, and Mr. Paglia responds that the cases he works on now are based on security fraud.
96 Mr. Paglia asks if he gets approved for the Board, which vacancy he would fill, and
97 Fitzsimmons she would ask the Selectboard to elect him for as long as possible, unless he has
98 a preference.

99
100 Motion made by Merriam to recommend Dan Paglia as an alternate position to the Select
101 Board for the Zoning Board of Appeals.

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103 **Seconded by: Nay**

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105 **Roll Call:** (Called by Teresa Mason, Secretary)

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108 **Ralph Nay- YES**

109 **Steve Merriam- YES**

110 **Paula Fitzsimmons- YES**

111
112 **MOTION CARRIED:** Unanimously

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117 **Meeting Minutes:**

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119 The July 27th, 2023 and August 24th, 2023 Meeting Minutes were reviewed and amended.
120 Minutes from September 28th, 2023 cannot be reviewed due to not reaching a quorum.

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122 Merriam moved to approve the July 27, 2023 and August 24, 2023 minutes as amended.

123
124 **Seconded by: Nay**

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126 **Roll Call:** (Called by Teresa Mason, Secretary)

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129 **Ralph Nay- YES**

130 **Steve Merriam- YES**

131 **Paula Fitzsimmons- YES**

132
133 **MOTION CARRIED:** Unanimously

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137 **Discussion of Accessory Apartment By-Law:**
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The Board reviews and discusses the letter brought forward from Chair Fitzsimmons regarding Accessory Apartment By-Law potential changes, that will be reviewed again by the Board, then will be sent to Town Counsel for review.

With no further business, on a **MOTION** made by Steve Merriam, seconded by Ralph Nay, the Zoning Board of Appeals meeting of October 26, 2023 adjourned at 9:04 PM.

Roll Call (Called by Teresa Mason, Secretary):

Ralph Nay: YES

Steve Merriam: YES

Paula Fitzsimmons: YES

MOTION CARRIED: Unanimously

Respectfully submitted,



Teresa Mason
Minutes Secretary