

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

January 25, 2024

Present:

Paula Fitzsimmons, Chair
Steve Merriam, Vice-Chair
Ralph Nay, Clerk
Thomas Jonak, Alternate
Dan Paglia, Alternate

Others Present: Boxford Cable TV, Peter Delaney, Nik Andreas, Jeff Stearns, Attorney Gordon Glass, John Morin, David Scranton, Glenn Mores, Valentin Maldonado, Genna & Matthew Hill, Kevin O'Hara

7:00 PM Call to Order

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

Chair Fitzsimmons will take the agenda items out of order.

Continued Business:

- **Case #1049, 15 Winding Oaks Way,**
- **Applicant: Jody Blumberg**

Chair Fitzsimmons explained that the Board just received today a revised architectural plan for the barn, requested at the last meeting.

John Morin reported that he was representing Jody Blumberg for this special permit request. He acknowledged that his office submitted the plan today. The plan revisions requested were that the man door be moved to the left side and eliminate a barn door from the left side from the original plan submission.

Chair Fitzsimmons discussed the design plan being in front of the Conservation Commission for their consideration. John Morin indicated that they had a initial hearing and they were scheduled for next Thursday February 1st for a final hearing. Chair Fitzsimmons stated that the Board finalizes its decision when all other boards and commissions have finalized their votes. John Morin acknowledged and requested a continuation to the next meeting.

Chair Fitzsimmons requested a motion; Steve Merriam moved to continue the hearing to a date certain of February 22nd per the request of the applicant.

47 Ralph Nay seconded.

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50 **Roll Call** (Called by Chair Fitzsimmons):

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52 **Steve Merriam:** YES

53 **Ralph Nay:** YES

54 **Paula Fitzsimmons:** YES

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56 **MOTION CARRIED:** UNANIMOUSLY

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58

59 **Next Business:**

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61 • **Case 1046, 370 Middleton Road**

62 **Applicant: Valentin Maldonado**

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64 Chair Fitzsimmons stated that Mr. Maldonado was not in attendance at the Planning Board meeting therefore no action was taken on his application and would he like to continue this hearing to our next meeting. Mr. Maldonado requested a continuation to the next meeting.

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68 Chair Fitzsimmons requested a motion; Steve Merriam moved to continue the hearing to a date certain of February 22nd per the request of the applicant.

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70 Ralph Nay seconded

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72 **Roll Call** (Chair Fitzsimmons):

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74 **Steve Merriam:** YES

75 **Ralph Nay:** YES

76 **Paula Fitzsimmons:** YES

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78 **MOTION CARRIED:** UNANIMOUSLY

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81 • **Case #1047, 20 Rowley Road**

82 **Applicants: Glenn & Heather Mores:**

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84 Chair Fitzsimmons stated that Mr. Mores was not in attendance at the Planning Board meeting therefore no action was taken on his application and would he like to continue this hearing to our next meeting. Mr. Mores requested a continuation to the next meeting.

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88 Chair Fitzsimmons requested a motion; Steve Merriam moved to continue the hearing to a date certain of February 22nd per the request of the applicant.

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90 Ralph Nay seconded

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Roll Call (Chair Fitzsimmons):

Steve Merriam: YES

Ralph Nay: YES

Paula Fitzsimmons: YES

MOTION CARRIED: UNANIMOUSLY

- **Case #1048, 120 Killam Hill Road**

Applicant: David Scranton

Chair Fitzsimmons stated that Mr. Mores was not in attendance at the Planning Board meeting therefore no action was taken on his application and would he like to continue this hearing to our next meeting. Mr. Mores requested a continuation to the next meeting.

Chair Fitzsimmons requested a motion; Steve Merriam moved to continue the hearing to a date certain of February 22nd per the request of the applicant.

Ralph Nay seconded

Roll Call (Chair Fitzsimmons):

Ralph Nay: YES

Steve Merriam: YES

Paula Fitzsimmons: YES

MOTION CARRIED: UNANIMOUSLY

- **Case 1049: 15 Winding Oaks Way**

Applicant: Jody Blumberg

Chair Fitzsimmons opened the hearing by recognizing Atty Gordon Glass and John Morin as the representatives. She then asked Secretary Nay to read into the record the Planning board recommendation. Atty Glass explained that there was a pause on the project while awaiting the ZBA consideration and criteria needed to continue forward. Steve Merriam indicated that he had reviewed the Planning Board video and has a concern with the degradation of the bylaw with regards to the cuts and fills and the slope stability. Atty Glass differed to John Morin who responded that they had engaged a geo-technical review and the report stated that the cuts and fills and slopes would be able to be stabilized and will not degrade the bylaw. The Board in general needs completely engineered design plans with all of the storm water management reports before they can reach any kind of decision. Ralph Nay stated that on the site walk that there was many years of experience viewing the project. The site work is substantial and the logistics are amazing, months of work and the cart path entering the property does not provide for any staging area. John Morin stated that no one at the site visit

said it could not be done. The Board has concerns that the cutting and filling greater than 8' needs more engineering analysis.

Chair Fitzsimmons stated that the hardship presented was to the right of the line of hardship, the cited case law was positive to your project and that other case law should be reviewed. You're asking us to consider approving this project which we have not seen other than maybe the Willows project without a full set of plans and calculations-if you were asking today the answer would be no. Atty Glass understands that an opinion was requested from Town Counsel and he would like to have it shared so he could comment. Chair Fitzsimmons heard your request and will consider. John Morin stated that he will meet with the land owner and decide how to move forward. Atty Glass will also meet with the land owner on moving forward and then spoke about the financial burden and how it is difficult to move forward without some guidance from the Board.

John Morin requested a continuation to the next meeting.

Chair Fitzsimmons requested a motion; Steve Merriam moved to continue the hearing to a date certain of February 22nd per the request of the applicant.

Ralph Nay seconded

Roll Call (Chair Fitzsimmons):

Steve Merriam: YES

Ralph Nay: YES

Paula Fitzsimmons: YES

MOTION CARRIED:

Meeting Minutes:

The December 21, 2023 Meeting Minutes were reviewed and amended. .

Chair Fitzsimmons requested a motion; Steve Merriam moved to approve the minutes as amended.

Ralph Nay seconded

Roll Call: (Chair Fitzsimmons)

Steve Merriam- YES

Ralph Nay- YES

Paula Fitzsimmons- YES

MOTION CARRIED: UNANIMOUSLY

183 The September 28, 2023 meeting minutes were reviewed and amended as a quorum of
184 attending members was present
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186 Chair Fitzsimmons requested a motion; Steve Merriam moved to approve the minutes as
187 amended.
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189 Ralph Nay seconded
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191 **Roll Call** (Chair Fitzsimmons):
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193 **Steve Merriam: YES**
194 **Ralph Nay: YES**
195 **Paula Fitzsimmons: YES**
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197 Chair Fitzsimmons requested a motion to adjourn; Steve Merriam moved to adjourn at 7:50pm
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199 Ralph Nay seconded
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201 **Roll Call** (Chair Fitzsimmons):
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203 **Steve Merriam: YES**
204 **Ralph Nay: YES**
205 **Paula Fitzsimmons: YES**
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208 Respectfully submitted,
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210 *Peter Delaney*
211 *Minutes Secretary Pro-Tem*