

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

October 28, 2021 7:00PM

Present:

*Paula Lia Fitzsimmons, Chair
Ralph Nay, Clerk
Steve Merriam, Vice-Chair
Dave Valzania, Alternate*

Absent: None

Others Present: *Brian O'Connor, Steve Clifford, Talia Cannistra, Ted Merchant, Shawn Nuckols, Chris Olbrot, Scott Cameron, Greg Korkorda and others*

7:00PM Call to Order

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

Chair Fitzsimmons decides to take the cases out of order and start with cases 1020 and 1022 before moving on to the new case 1024 and the continued case 1014.

Continued Business

**• Case #1020: Cole School, 26 Middleton Road – Special Permit
Applicant: Town of Boxford**

Chair Fitzsimmons asks Steve Clifford where he thinks the project is at and he says they need more time to get things in order from the Conservation Commission. They request a continuance.

MOTION made by **Merriam**, to continue case 1020 to a date certain, November 18, 2021.

Second by **Nay**.

Roll Call: (Called by Chair Paula Fitzsimmons)

Steve Merriam: Yes
Ralph Nay: Yes
Paula Fitzsimmons: Yes

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

**• Case #1022: Spofford Pond School, 31 Spofford Road – Special Permit
Applicant: Town of Boxford**

The same applies here as it does for case 1020, they need more time to get things in order from the Conservation Commission and request a continuance.

MOTION made by **Merriam**, to continue case 1022 to a date certain, November 18, 2021.

Second by **Nay**.

Roll Call: (Called by Chair Paula Fitzsimmons)

Steve Merriam: Yes

Ralph Nay: Yes

Paula Fitzsimmons: Yes

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

New Business

- **Case #1024: 39A Adams Road – Special Permit**
Applicant: Brian O'Connor

Documents Submitted

Ralph Nay starts the discussion by reading the notice. They begin talking to the architect Talia Cannistra for the plans for the proposed garage. They propose a two-car car garage with extra added storage to replace an old shed. It is two eight-foot doors and one possible sliding door for equipment. The only utility that would be brought over would be electricity. There would also need to be about three trees that are taken down to build this garage. There is also no commercial intent with this garage, it is only used for residential needs. There is also no need for any conservation involvement because they are nowhere near any wetlands. This case needs to also go in front of the Planning Board and get a recommendation from them before the Board can allow this special permit.

MOTION made by **Merriam**, to continue case 1024 to a date certain, November 18, 2021.

Second by **Nay**.

Roll Call: (Called by Chair Paula Fitzsimmons)

Steve Merriam: Yes

Ralph Nay: Yes

Paula Fitzsimmons: Yes

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

Continued Business

- **Case #1014: Willow Road – Special Permit**
Applicant: Toll Brothers Inc.

Documents Submitted

Notice of Decision submitted by Chair Paula Fitzsimmons

Chair Fitzsimmons calls a working session to talk about the conditions of the draft. They begin discussing the special decisions starting with clarifying that it is a private development. The only services the town would be offering is emergency services such as police and fire. They then go over the age restrictions and clarify that only people over the age of fifty-five can occupy the dwellings on the property. There will be restrictions on occupancy of individuals who are eighteen years old and under. There are visitation rights of three months per year. No permanent residency will be allowed for children eighteen and younger. The Board then begins discussing what waivers the applicant needs to be granted from the Boxford Subdivision Rules and Regulations. They also begin discussing that the final plans have been reviewed by the Town's Department of Public Works, the Town's Peer Review consultant, Conservation Commission, Planning Board, and the Zoning Board of Appeals. Any large deviation of plans as determined by the town engineer and/or peer review should be reported to the Zoning Board of Appeal and the Board should determine if the modification to the permit is required for the site.

The Board and applicant then begin discussing the roadway names that have been approved. Any changes to these names must be submitted for review and are to be approved by the Street Name Approval and the road names must be added to the plans. They then begin discussing the Buffer Screen and if it is necessary. They do not deem it as a necessary thing to be added to the site. The Board also removes the section about sight triangles on the road and the areas of clearing for the roads and there are no plantings within the right of way. They add the number of dwellings to the conditions. The applicant must also submit the final construction and phasing plan and storm water pollution plan to be reviewed and approved by the DPW superintendent prior to construction. Construction must also be within the town's time as in the bylaws and should not be outside of those time ranges. They then begin discussing when the building permits would be pulled. The Board decides to talk to the Building Inspector before pulling any permits and when these permits would be pulled throughout the process.

The Board and applicant begin clearing up language written through the rest of the decision. All pavements must be completed before the first occupancy permit must be pulled. It is clarified as a certificate of occupancy. The applicant also needs to come up with a rough plan of action so the Board understands the phasing of the project. Then once the project is complete the final topography of the location along with all on-site utilities, structures, parking spaces, curb cuts, and drainage structures are to be submitted to the DPW Superintendent, Inspector of Buildings, and Conservation Commission for review and to be approved. They then begin discussing what would need to be done if the removal of earth materials would need to be removed from the site. The applicant would need to notify the Inspector of Buildings, the Zoning Board of Appeals, the Director of Conservation, and the Board of Health. That would only be if the applicant would be removing land from the site. There will also be no stockpiles and no burning of vegetation. They then begin adding dates in for the OOC issued

by the Conservation Commission. They also discuss what happens when a Cease-and-Desist work order is put into place and the Board feels as though they need to check with the Building Inspector before deciding on anything with that. They then begin discussing other potential conditions that should be added to the decision. These include, handicapped spaces, siding, signs, landscape, phasing of the clubhouse, the building period, the selling period, and the wells being put into place for water supply. The applicant needs to have an approved DEP Well Permit and an Irrigation Well Permit issued by the Board of Health.

Chair Fitzsimmons proposes having another meeting to go more in-depth with the decision and have comments be made on the conditions they just proposed. She proposes to have another meeting on November 10, 2021.

MOTION made by **Merriam**, to continue case 1014 to a date certain, November 10, 2021.

Second by **Nay**.

Roll Call: (Called by Chair Paula Fitzsimmons)

Steve Merriam: **Yes**

Ralph Nay: **Yes**

Paula Fitzsimmons: **Yes**

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

MOTION made by **Merriam**, to adjourn this meeting on October 28, 2021.

Second by **Nay**.

Roll Call: (Called by Chair Paula Fitzsimmons)

Steve Merriam: **Yes**

Ralph Nay: **Yes**

Paula Fitzsimmons: **Yes**

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