

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

5 **February 22, 2024**  
6

7 **Present:**

8 Paula Fitzsimmons, Chair  
9 Steve Merriam, Vice-Chair  
10 Ralph Nay, Clerk  
11 Thomas Jonak, Alternate  
12 Dan Paglia, Alternate  
13  
14

15 **Others Present:** Boxford Cable TV, Peter Delaney, Nik Andreas, Jeff Stearns, Atty Gordon  
16 Glass, John Morin, David Scranton, Glenn Mores, Valentin Maldonado, Genna & Matthew Hill,  
17 Kevin O'Hara, Atty Nancy McCann, Jonathon Webber, Jay Polanowicz (Hancock Assoc)  
18

19 **7:00 PM Call to Order**

20 With a quorum present, Chair Fitzsimmons calls the meeting to order at 7:00 PM.  
21

22 Chair Fitzsimmons read the preamble, and listed off the cases to be discussed this evening.  
23  
24

25 **Continued Business:**  
26

- 27 • **Case 1024, 20B Wildmeadow Road**
- 28 • **Applicant Matthew and Jenna Hill**  
29

30 Atty Glass began the discussion asking if the Board had the opportunity to review his letter of  
31 February 14, 2024. The letter requests that the Board take a position regarding two issues; the  
32 purchase of the land constitutes a self-imposed hardship and the soil conditions/topography  
33 and wetlands naturally occurring create a hardship out of the control of the land owner. Atty  
34 Glass requests that the board vote a finding that these two above findings are true.  
35 S. Merriam states that they have a hardship as stated in the letter and R. Nay agrees. S.  
36 Merriam continues asking if we find that a hardship exists, how long will it take to develop  
37 plans. John Morin (Morin-Cameron Eng) responded saying about 3 months to receive data  
38 from Geo-technical engineer and develop the septic design, looking for report back to the  
39 Board in May. Chair Fitzsimmons responded stating that she was not comfortable extending a  
40 hearing almost a year. She was also concerned that definitive plans had been requested and  
41 the land owners were reluctant to spend funds because without plans the Board has difficulty  
42 examining the evidence. So, the ask is to vote on these two variance points in Atty Glass's  
43 letter. R. Nay expressed concern with rendering half of a decision and how would we write it.  
44 Chair Fitzsimmons stated that it would reside in the minutes of the meetings. S. Merriam  
45 circled back asking if increasing the slope of the drive would reduce the cut and fills. John  
46 Morin explained that he would evaluate those ideas as he developed the plans. Abutter Jeff

47 Sterns jumped in expressing concern with what was the hardship? Chair Fitzsimmons asked  
48 Atty Glass to explain how hardship was being used in this context. Discussion continued  
49 regarding when the hearing would be continued to. John Morin said that he could update at our  
50 next meeting on March 28, 2024.

51  
52 S. Merriam **moved** that the Board find especially that the natural soil conditions, shape, and  
53 topography of the property create a substantial hardship.

54  
55 R. Nay **seconded**;

56  
57 **ROLL CALL** (Chair Fitzsimmons)

58  
59 **S. Merriam**; YES

60 **R. Nay**; YES

61 **Chair Fitzsimmons**; YES

62 **Motion Carried**; UNANIMOUSLY

63  
64 Chair Fitzsimmons cautioned that if other boards and committees require approvals they must  
65 be in hand before the ZBA will make a final decision.

66 Chair Fitzsimmons requested that Atty Glass to sign the continuance form and return to  
67 Samatha the Board's Administrative Assistant.

68  
69  
70 • **Case 1046, 370 Middleton Road**  
71 **Applicant: Valentin Maldonado**

72  
73 Chair Fitzsimmons opened the continued hearing asking for the applicant to present. Atty Vitali  
74 representing, Mr. Maldonado gave an overview of the hearing and the progress to date. Chair  
75 Fitzsimmons asked the Clerk R. Nay to read into the record the Planning board  
76 recommendation, which was a positive recommendation. A request for comment was asked by  
77 the Chair, seeing none she asked for a motion.

78  
79 S. Merriam **moved** to close the hearing

80  
81 R. Nay **seconded**

82  
83 **Roll Call** (Chair Fitzsimmons):

84  
85 **S. Merriam**: YES

86 **R. Nay**: YES

87 **Chair Fitzsimmons**: YES

88 **MOTION CARRIED**: UNANIMOUSLY

89

90 S. Merriam **moved** that the ZBA grant a special permit for garage space for more than three  
91 automobiles under Article V, Section 196-13(B)(11)(h) of the bylaw for case 1046, applicant  
92 Valentin Maldonado, for the property at 370 Middleton Road in accordance with the most

93 recent plans submitted having found that the use is in harmony with the intent and purpose of  
94 the bylaw subject to the following condition;

95 As-Built plans shall be submitted to the Inspector of Buildings prior to the foundation  
96 inspection.

97  
98 R. Nay **seconded**

99  
100 **Roll Call** (Chair Fitzsimmons):

101  
102 **S. Merriam:** YES

103 **R. Nay:** YES

104 **Chair Fitzsimmons:** YES

105 **MOTION CARRIED:** UNANIMOUSLY

106

107

108 • **Case #1047, 20 Rowley Road**  
109 **Applicants: Glenn & Heather Mores:**

110

111 Chair Fitzsimmons opened discussion by asking Clerk R. Nay to read into the record the  
112 Planning Board recommendation which was a positive recommendation however it required  
113 compliance with the Boxford wetland regulations. Mr. Mores reviewed his recent visit to the  
114 Conservation Commission and was continuing along that path. S. Merriam explained the  
115 reason that the wetland permit is necessary prior to the ZBA rendering its decision. R. Nay  
116 stated everything needs to be in order. Chair Fitzsimmons request a continuance from the  
117 applicant, Mr. Mores requested such.

118

119 S. Merriam moved to continue the hearing to a date certain of March 28, 2024 per the request  
120 of the applicant.

121

122 Ralph Nay seconded

123

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

125

126 **Steve Merriam:** YES

127 **Ralph Nay:** YES

128 **Paula Fitzsimmons:** YES

129

130 **MOTION CARRIED:** UNANIMOUSLY

131

132

133 • **Case #1048, 120 Killam Hill Road**  
134 • **Applicant: David Scranton**

135

136 Chair Fitzsimmons opened the hearing requesting that Clerk R. Nay read into the record the  
137 Planning Board recommendation which was a positive recommendation. Chair asked if there  
138 were any comments from the Board members or the public, R. Nay asked for a foundation as-  
139 built prior to the issuance of the Building Permit.

140  
141 Chair Fitzsimmons requested a motion;

142  
143 S. Merriam **moved** to close the hearing.

144  
145 R. Nay **seconded**

146  
147  
148 **Roll Call** (Chair Fitzsimmons):

149 **Ralph Nay:** YES

150 **Steve Merriam:** YES

151 **Paula Fitzsimmons:** YES

152  
153 **MOTION CARRIED:** UNANIMOUSLY

154  
155 S. Merriam **moved** that the ZBA grant a special permit for garage space for more than three  
156 automobiles under Article V, Section 196-13(B)(11)(h) of the bylaw for case 1048, applicant  
157 David J Scranton, for the property at 120 Killam Hill Road in accordance with the most recent  
158 plans submitted having found that the use is in harmony with the intent and purpose of the  
159 bylaw subject to the following condition;

160 As-Built plans shall be submitted to the Inspector of buildings prior to the issuance of the  
161 building permit.

162 R. Nay **seconded**

163  
164  
165 **Roll Call** (Chair Fitzsimmons):

166 **Ralph Nay:** YES

167 **Steve Merriam:** YES

168 **Paula Fitzsimmons:** YES

169  
170 **MOTION CARRIED:** UNANIMOUSLY

171  
172

- 173 • **Case 1049: 15 Winding Oaks Way**  
174 **Applicant: Jody Blumberg**

175  
176 Chair Fitzsimmons opened the hearing asking the Clerk R. Nay to read into the record the  
177 Planning Board recommendation which was a positive recommendation. The Chair recognized  
178 John Morin who is representing the applicant, John reported that he had been issued an Order  
179 of Conditions from the Conservation Commission. He showed the recorded copy for review.

180 Chair Fitzsimmons asked if everything was in order and if there were any comments from the  
181 Board.

182  
183 S. Merriam **moved** to close the hearing.

184  
185 R. Nay **seconded**

186  
187 **Roll Call** (Chair Fitzsimmons):

188 **Ralph Nay:** YES

189 **Steve Merriam:** YES

190 **Paula Fitzsimmons:** YES

191  
192 **MOTION CARRIED:** UNANIMOUSLY

193  
194  
195 S. Merriam **moved** that the ZBA grant a special permit for garage space for more than three  
196 automobiles under Article V, Section 196-13(B)(11)(h) of the bylaw for case 1049, applicant  
197 Jody Blumberg, for the property at 15 Winding Oaks Way in accordance with the most recent  
198 plans submitted having found that the use is in harmony with the intent and purpose of the  
199 bylaw subject to the following condition;

200 As-Built plans shall be submitted to the Inspector of buildings prior to the issuance of the  
201 building permit.

202 R. Nay **seconded**

203  
204  
205 **Roll Call** (Chair Fitzsimmons):

206 **Ralph Nay:** YES

207 **Steve Merriam:** YES

208 **Paula Fitzsimmons:** YES

209  
210  
211 **New Business**

- 212  
213
  - **Case #1050, 68 Georgetown Road,**
  - **Applicant: Jonathan A. Webber and Lee F. Webber**

214  
215  
216 Chair Fitzsimmons opened the hearing requesting the Clerk, R. Nay to read the meeting  
217 notice. Chair then asked for the applicant to present the special permit request.

218  
219 Atty Nancy McCann representing the applicant along with Jay Polaniwicz of Hancock  
220 associates reviewed the submission. The garage/barn is for storage of the owner's 38 truck  
221 and a farm tractor along with supplies to support the adjacent pool. The engineer showed the  
222 location and the design details of the garage/barn. Chair Fitzsimmons asked if the second  
223 story was for any commercial intent. Atty McCann stated there will not be anything other than  
224 storage. S. Merriam and R. Nay questioned the garage/barn design that differed from the plan

225 in the original submittal. Atty McCann said that the owner was contemplating adding dormers  
226 to the side of the building and they are still deciding that design change. R. Nay thought the  
227 detail was more of a carport and the correct design will be necessary before the Board makes  
228 a decision. Atty McCann acknowledged that requirement.  
229

230 Chair Fitzsimmons requested the applicant's representative to request a continuance while  
231 they seek Planning Board's recommendation, atty McCann so requested.  
232

233 S. Merriam **moved** to continue the hearing to a date certain of March 28, 2024 per the request  
234 of the applicant.  
235

236 Ralph Nay **seconded**  
237

238 **Roll Call** (Chair Fitzsimmons):  
239

240 **Steve Merriam:** YES

241 **Ralph Nay:** YES

242 **Paula Fitzsimmons:** YES  
243

244 **MOTION CARRIED:** UNANIMOUSLY  
245  
246  
247  
248  
249

250 **Meeting Minutes:**  
251

252 The January 25, 2024 Meeting Minutes were brought up by the Chair however they were not  
253 distributed so will be reviewed at the meeting in March.  
254

255 The Chair asked S. Merriam if he had received verification from the Planning Board  
256 Administrator regarding timing relating to amending the In-law apartment regulations at the  
257 May Town Meeting.  
258

259 An additional meeting on March 19, 2024 will be held to review Town Counsel's opinion and  
260 finalize the amended in-law apartment regulations for a public hearing at the Planning Board.  
261

262 Respectfully submitted,  
263

264 *Peter Delaney*

265 *Minutes Secretary Pro-Tem*  
266