



TOWN OF BOXBOROUGH

Zoning Board of Appeals

29 Middle Road, Boxborough, Massachusetts 01719

Phone (978) 264-1723 • Fax (978) 264-3127

www.boxborough-ma.gov

Mark White, *Chair* • Kristin Hilberg, *Clerk* • Mark Barbadoro • Stefano Caprara • Michael Toups •
Shawn McCormack, *Alternate* • Than Stuntz, *Alternate*

APPROVED ON: September 13, 2022

Meeting Minutes

June 7, 2022

7:30 PM

Remote Meeting

Members Present: Mark White (Chair), Mark Barbadoro, Kristin Hilberg, Michael Toups, Stefano Caprara, Than Stuntz (Alternate), Shawn McCormack (Alternate)

Also Present: Tracy Murphy (Town Planner)

Mr. White outlined the meeting process and opened the meeting at 7:30pm.

Review Correspondence – None at this time.

Special Permit Hearing 179 Burroughs Road

Mr. White read the legal notice to open the special permit hearing.

Dan Wolfe, David Ross Associates, Inc., representing David and Kathleen Schroeder addressed the Board. This property has 278' of frontage, and less than half an acre of land. The structure was built in the late 1700's, prior to the adoption of the bylaw, making it a preexisting, nonconforming structure. The proposal is to remove the existing ell to the house and replace it with a connector mudroom in the same location, intersecting with a garage. The existing nonconformity is the front yard offset being 36.8', where the bylaw calls for a 40' offset. The garage will be located 38.4' from the road. Section 5007 states that an accessory structure can be as close as 10' to any side or rear property line. The accessory structure can include a garage if there's no living space above it, which is what is being proposed. The proposal fits within the authority of the Special Permit. It creates no new nonconformities, and the addition would have been permitted prior to the structure becoming nonconforming, when the zoning bylaws came into existence. This proposal is not substantially more detrimental to the neighborhood than the existing nonconformity. There is a proposal before the Board of Health to replace the septic tank on this property. This is proposed to be located under the driveway. The existing leach area is not proposed to be changed. There are no areas under the jurisdiction of the Wetlands Protection Act.

Mr. Toups questioned if the structure can be considered accessory if the garage is attached to the house. Mr. Wolfe stated that it can be considered an accessory structure, as long as there is not living space above it.

Mr. Barbadoro noted that if the proposal was rotated slightly more parallel with the house, it would be moved further from the setback. Mr. Wolfe explained that the location is proposed in order to make sure that the owners do not drive over the leach field, as it is located next to the driveway. An offset needs to be kept from the garage slab to the leaching area.

Mr. Barbadoro moved to close the public hearing. Seconded by Ms. Hilberg.

Roll call: Stefano Caprara - aye, Kristin Hilberg - aye, Michael Toups - aye, Mark Barbadoro - aye, and Mark White –aye. 5-0-0, motion carried.

Ms. Hilberg moved to approve the Special Permit for 179 Burroughs Road, as submitted.

Seconded by Mr. Barbadoro.

Roll call: Stefano Caprara - aye, Kristin Hilberg - aye, Michael Toups - aye, Mark Barbadoro - aye, and Mark White –aye. 5-0-0, motion carried.

Special Permit Hearing Continuation 60 Codman Hill Road

Mr. White read the legal notice and reopened the public hearing.

Mr. McCormack entered the meeting.

Mr. White stated that he spoke with Interim Town Administrator Terenzini who informed him that it was too expensive to send the Board's questions to Town Counsel at this time. These are still valid questions that need to be answered. The applicant wants a sense as to if this application will be successful. The Board needs specific information in order to approve a Special Permit which it does not yet have. There is not yet a plan suitable for recording. One of the conditions of approval is site plan approval by the Planning Board, if required.

Mr. Barbadoro stated that he saw conditions placed on prior approvals that spoke to issues other boards in Town have regarding the application, such as water resource issues. Decisions can be conditioned to reflect the needs of the Town that other boards inform the Zoning Board of. This proposal is within the Aquifer Protection District and the water that passes through the site goes through approximately 10% of the Town's wells. It is important to give this project due consideration. To approve this without hearing from the Water Resources Committee, Conservation Commission, etc., would be wrong.

Ms. Hilberg stated that she wants to support these landowners however possible.

Ms. Murphy stated that she would like to sit down with the applicants in order to discuss what the Board needs in order to make this decision.

Mr. McCormack stated that it could be incumbent on the applicant to provide the Board with legal briefing on some of these issues, and to walk the Board through Section 9204 regarding how items 1-7 are satisfied.

Mr. White noted that the applicant can help to pay for the resources needed to get the Board the information it needs to make a positive decision.

Mr. Barbadoro stated that it's helpful for the applicant to go through each of the seven criteria in Section 9204 as to how the project satisfies each one.

Mr. White moved to continue the 60 Codman Hill Road Special Permit hearing to July 19, 2022, 7:30pm. Seconded by Mr. Barbadoro.

Roll call: Stefano Caprara - aye, Kristin Hilberg - aye, Michael Toups - aye, Mark Barbadoro - aye, and Mark White –aye. 5-0-0, motion carried.

Minutes – None at this time

New Business – None at this time

Next Meeting: June 21, 2022; July 5, 2022 – 235 Summer Rd, cont.

Mr. Barbadoro moved to adjourn the meeting at 8:25pm. Seconded by Mr. Toups.

Roll call: Stefano Caprara - aye, Kristin Hilberg - aye, Michael Toups - aye, Mark Barbadoro - aye, and Mark White –aye. 5-0-0, motion carried.

Respectfully submitted,
Kristan Patenaude

Join Zoom Meeting

<https://us02web.zoom.us/j/81928328986?pwd=OTEzVkhpRHU0Nm15UVN4eTdOdnFrdz09>

Meeting ID: 819 2832 8986

Passcode: 000434

One tap mobile

+19292056099,,81928328986# US (New York) 13017158592,,81928328986# US +(Washington DC)