



BOXBOROUGH ZONING BOARD OF APPEALS

29 Middle Road, Boxborough, Massachusetts 01719

Phone: 978.264.1722

www.boxborough-ma.gov

APPLICATION

1. Location of property: Assessor's Map _____ Parcel 13-010-000
Street Number 1197 Street Name Massachusetts Ave
Zoning district: Business & Ag-Res (front & back, respectively)
Within 100' of wetlands and filing with Conservation Commission yes N/A

Printed Name

Address

Phone

2. Owner(s): Georgia Barry 1197 Massachusetts Ave Boxborough, MA 01719
Owner(s): _____ (978)621-9270

3. Applicant: Georgia Barry

4. Nature of relief sought: Variance _____ Special Permit _____ Comprehensive Permit _____
Amend Existing Decision _____ Appeal of an Official's Decision

5. Applicable Section(s) of the Zoning Bylaw: 4003 (1), 7400, 2186/88
(Specifically list each ZBL Section.)

6. Nature and justification of request: I do not agree that boat trailers & house trailers are the same and I believe that the request to remove the boat trailers temporarily stored in my field is invalid.
(Attach additional pages if necessary.)

7. State the name of any person(s) authorized to represent you before the Board.

8. The undersigned certify that he/she has read and examined this application and the "Application and ZBA Procedures" and that the proposed project is accurately represented in the statements made in this application.

I hereby request a hearing before the Board of Appeals with reference to the above application.


Property Owner's Signature (REQUIRED)

20 December 2020
Date

Property Owner's Signature (REQUIRED)

Date

Applicant's Signature (if different from owner)

Date

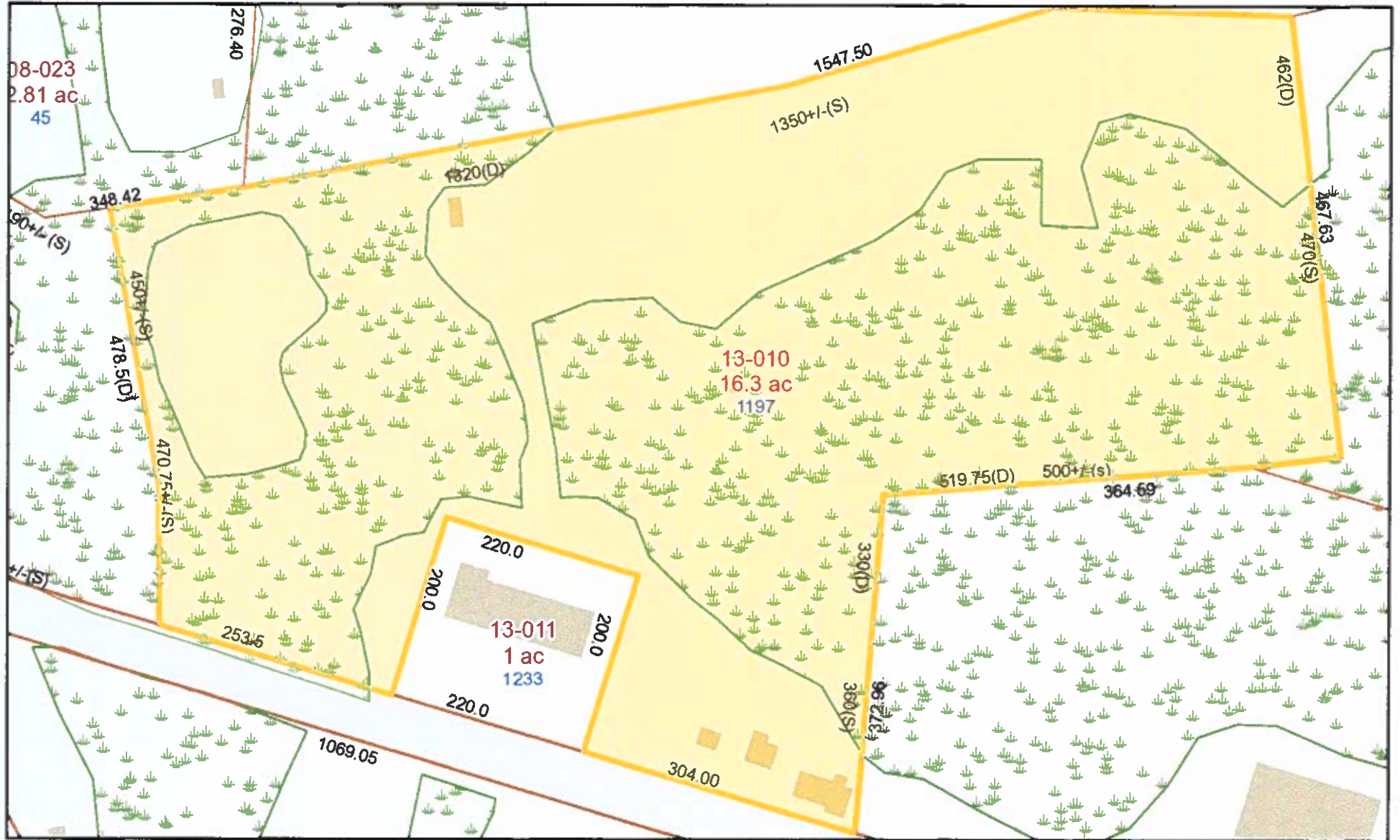


Boxborough, MA

1 inch = 150 Feet



December 21, 2020



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BOXBOROUGH BUILDING DEPARTMENT
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 264-1726 Fax: (978) 264-3127

12/1/2020

Georgia Barry
1197 Massachusetts Avenue
Boxborough, Ma. 01719

Ms. Barry,

This office has received a complaint about boat trailers being stored on your property.

The Town of Boxborough Zoning by law 4003(1) Trailer or mobile home is an excluded or prohibited use in an "AR" and "B" zone.

Please remove these violations from your property, within 30 days to prevent further actions and or fines from this office.

ZBP website - how to appeal

Respectfully,

Bentley Herget CBO
Town of Boxborough, Ma.
Building Commissioner
Zoning Enforcement Officer

December 16, 2020

Bentley Herget CBO
Boxborough Building Department, Code Enforcement
29 Middle Road
Boxborough, MA 01719

Dear Mr. Herget:

I am in receipt of your letter of Dec 1, 2020 notifying me of a complaint of boat trailers being stored on my property, referencing Section 4003(1) of the Zoning Bylaw stating that "Trailer or mobile home is an excluded or prohibited use in an "AR" and "B" zone."

I looked at Section 4003(1) of the Boxborough Zoning Bylaw and found the notation to "see Section 7400". I looked at Section 7400 – Trailers. This section indicates that the regulations for trailers applies to **house trailers or other movable dwellings**, such as construction trailers. Further, in section 2000 – Definition 2188 states that:

↳ 2186 (online version, Sept 2018)

"Trailer shall mean a structure of vehicular, portable design, built on a chassis, having a roof, floor and walls intended for shelter of persons, animals or property designed to be easily portable but used in a fixed location, and having a floor area greater than fifty (50) square feet."

This definition clearly does not apply to boat trailers. I therefore believe there is no violation.

I respectfully request that you re-examine the facts and withdraw your notice, and advise me of your determination. Hopefully this matter can be quickly concluded, so that I may avoid a needless formal hearing before the Zoning Board of Appeals.

Sincerely,



Georgia Barry
1197 Massachusetts Avenue
Boxborough, MA 01719

Cc:

Mr Ryan Ferrara
Town Administrator
29 Middle Road
Boxborough, MA 01719

ARTICLE IV USE REGULATIONS

4000 Use Regulations

4001 General

No structure shall be erected or used or land used except as set forth in Section 4003, "Use Regulation Schedule", or in Section 4100, "Accessory Buildings and Uses", unless exempted by Section 4100, or by statute. Where a use is not specifically mentioned in Section 4003, that use shall be prohibited.

Symbols employed below shall mean the following:

Y - a permitted use.

N - an excluded or prohibited use.

SP - a use authorized under special permit as provided under Section 9200.

4002 Applicability

When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

4003 Use Regulation Schedule

Principal Uses (For Accessory Uses see Section 4100).

4003(1) RESIDENTIAL USES	DISTRICTS						
	AR	R1	B	B1	OP	TC	IC
Single-family dwelling ¹⁶	Y	Y	N	N	N	SP	N
Two-family dwelling	N	N	N	SP ¹	N	SP	N
Conversion to two-family dwelling of dwelling in existence on 5/3/65	SP ¹⁴	SP	Y	SP ¹	N	Y	SP
Multi-family dwelling	N	Y ¹	N	SP ¹	N	N	N
Two-family dwelling, reserved exclusively for elderly occupancy	SP	N	N	SP ¹	N	SP	N
Bed and Breakfast	SP ¹	SP ¹	N	N	N	SP ¹	N
Trailer or mobile home (but see Section 7400)	N	N	N	N	N	N	N
Dwelling unit incidental to principal commercial use	N	N	N	SP ¹	N	SP ¹	N

4003(2) EXTENSIVE USES	DISTRICTS						
	AR	R1	B	B1	OP	TC	IC
Exempted farm, pursuant to MGL c. 40A, § 3	Y	Y	Y	Y	Y	Y	Y
Farm	Y	Y	Y ¹⁵	Y ¹⁵	Y ¹⁵	Y	Y ¹⁵

- (3) The applicant has agreed to allow other service providers to co-locate on the tower, now, or at anytime in the future.
- (4) The tower has been designed, using the best available technology, to blend into the surrounding environment through the use of color, camouflaging techniques, or other architectural treatments.
- (5) The facility has been designed to minimize adverse visual impacts on the abutters and the community as demonstrated by illustrations and by a balloon test performed in accordance with any requirements adopted by the Board of Appeals.
- (6) The facility is sited in such a manner that it is screened, to the maximum extent possible, from public view.
- (7) A qualified engineer has certified that the facility is designed to meet all health and safety standards of applicable state and federal law.

7205 Conditions

Before approving any special permit under this Section, the Special Permit Granting Authority may impose conditions, safeguards, and limitations to assure that the proposal is in harmony with the general purpose and intent of this Bylaw.

7206 Bonding

Prior to the issuance of a building permit the Special Permit Granting Authority may require a performance guarantee to ensure compliance with the plan and conditions set forth in their decision.

7300 Earth Removal

For the purposes of this Bylaw, the removal of gravel shall be considered as an industrial use, except for the exemptions as stated in Section III.A and Section III.B of the Earth Removal Bylaw, voted March 1961, and as subsequently amended.

② ***7400 Trailers**

Use of trailers in a fixed location shall not be permitted except as specified below:

7401 House Trailers or Other Movable Dwellings

Except as provided in G.L. c. 40A s. 3, house trailers or other movable dwellings are not permitted in any district, except by special permit from the Board of Appeals for a period of not more than two (2) years, it being the intention of this Bylaw that house trailers or other movable dwellings will be permitted to remain only temporarily on any lot in Town, and in no event for more than two (2) years. This Bylaw shall not apply to house trailers or other movable dwellings lawfully and continuously in existence on the same site since May 3, 1965.

7402 Construction Trailers

In all districts, the Inspector of Buildings may authorize the temporary use of a trailer or trailers as a construction site office or for storage of construction materials during ongoing construction. Such authorization shall require the removal of the trailer(s) within 30 days after completion of the work for which the trailer(s) was permitted. In

2179 Sign, Tradesmen shall mean a sign associated with a contractor, excavator, painter, plumber, roofer, electrician, landscaper, home improvement or a provider of similar services.

2180 Sign, Wall shall mean a sign which is painted on, incorporated into, or affixed parallel to the wall of a building, and which extends not more than six (6) inches from the surface of that building.

2181 Solid Waste shall mean any discarded solid material consisting of all combustible and noncombustible solid material including, but not limited to, garbage and rubbish, scrap material, junk, or inert fill material.

2182 Specialty Food Shop shall mean a retail establishment such as a café or bakery that prepares and/or sells food items, the majority of which are freshly prepared or baked on-site, and that a portion of those items prepared and/or sold shall be sourced locally from Massachusetts based farms or food provisioners. Food items so prepared and/or sold may be packaged for takeout or such establishment may include seating for on-site consumption. Food items may not be sold directly to persons remaining in their vehicles, and drive-through windows are prohibited.

2183 Sports or Athletic Facility shall mean a facility offering participant physical activities such as bowling, basketball, gymnastics, dancing, martial arts, or exercise instruction.

2184 Street, Way, or Road shall mean either (a) a public way or a way which the town clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the town, having in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction in relation to the proposed use of land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

2185 Structure shall mean anything constructed or erected, the use of which requires fixed location on or under the ground. Structure shall not include landscape features such as fences no greater than seven (7) feet in height, stone walls or retaining walls no greater than four (4) feet in height, bird baths, driveways, detached stiles, open terraces, ornamental pools, outdoor fireplaces, planting boxes, shelters for household pets, tool houses having not more than 125 square feet of floor area, sculpture, residential lamp posts, mailboxes, fire suppression equipment and their appurtenances, and dry hydrants.

2186 Subdivision Control Law shall mean MGL c. 41, § 81K through 81GG, inclusive, the Subdivision Rules and Regulations adopted pursuant thereto by the Planning Board, as well as the administration and enforcement thereof.

2187 Toxic or Hazardous Material shall mean any substance or mixture having such chemical, physical, or infectious characteristics that it could pose a significant actual or potential hazard to water supplies, or other hazard to human health if it were discharged onto the land, or into the air or waters of the town. Toxic or hazardous materials include but are not limited to: organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and include such products as pesticides, herbicides, solvents and thinners, and any other material deemed hazardous by MGL c. 21C.

2188 Trailer shall mean a structure of vehicular, portable design, built on a chassis, having a roof, floor and walls intended for shelter of persons, animals, or property designed to be easily portable but used in a fixed location, and having a floor area greater than fifty (50) square feet.

is article 2186 in online version dated Sept 2018



TOWN OF BOXBOROUGH
 Town Assessor
 29 Middle Road
 Boxborough, Massachusetts 01719
 978-264-1720 • FAX 978-264-3127
 sgenna@boxborough-ma.gov

REQUESTER
 OFFICE
 TOWN BOARD

REQUEST FOR ABUTTERS

DATE OF REQUEST: 21 December 2020 DATE LIST NEEDED: As soon as possible

PROPERTY LOCATION: 1197 Massachusetts Ave

MAP 13 LOT 010 BLOCK 000

PROPERTY OWNER: Georgia Barry

REASON FOR LIST

- CONSERVATION COMMISSION
- ZONING BOARD OF APPEALS
- PLANNING BOARD
- PRELIMINARY PLAN
- SITE PLAN
- DEFINITIVE PLAN
- SPECIAL PERMIT
- BOARD OF SELECTMEN
- OTHER _____

RADIUS FOR ABUTTERS

300 FEET IMMEDIATE OTHER _____

REQUESTER INFORMATION

NAME Georgia Barry
 ADDRESS 1197 Massachusetts Ave
Boxborough MA 01719
 PHONE (978) 621-9270 EMAIL Georgia.Bathome@Clouderhouse.net

OFFICE USE ONLY

DATE LIST PREPARED: 1/28/2021

FEE CHARGED: 10 -

DATE PAID: 2/3/21

AMOUNT PAID \$ 10
 CHECK # 1300
 CASH

FEE SCHEDULE: \$1.00 PER NAME
 \$10.00 MINIMUM
 \$30.00 MAXIMUM

LIST IS VALID FOR SIX (6) MONTHS. TOWN ASSESSOR IS ALLOWED TEN (10) BUSINESS DAYS FROM DATE OF REQUEST TO PROVIDE CERTIFIED LIST OF ABUTTERS.



1197 Mass Ave

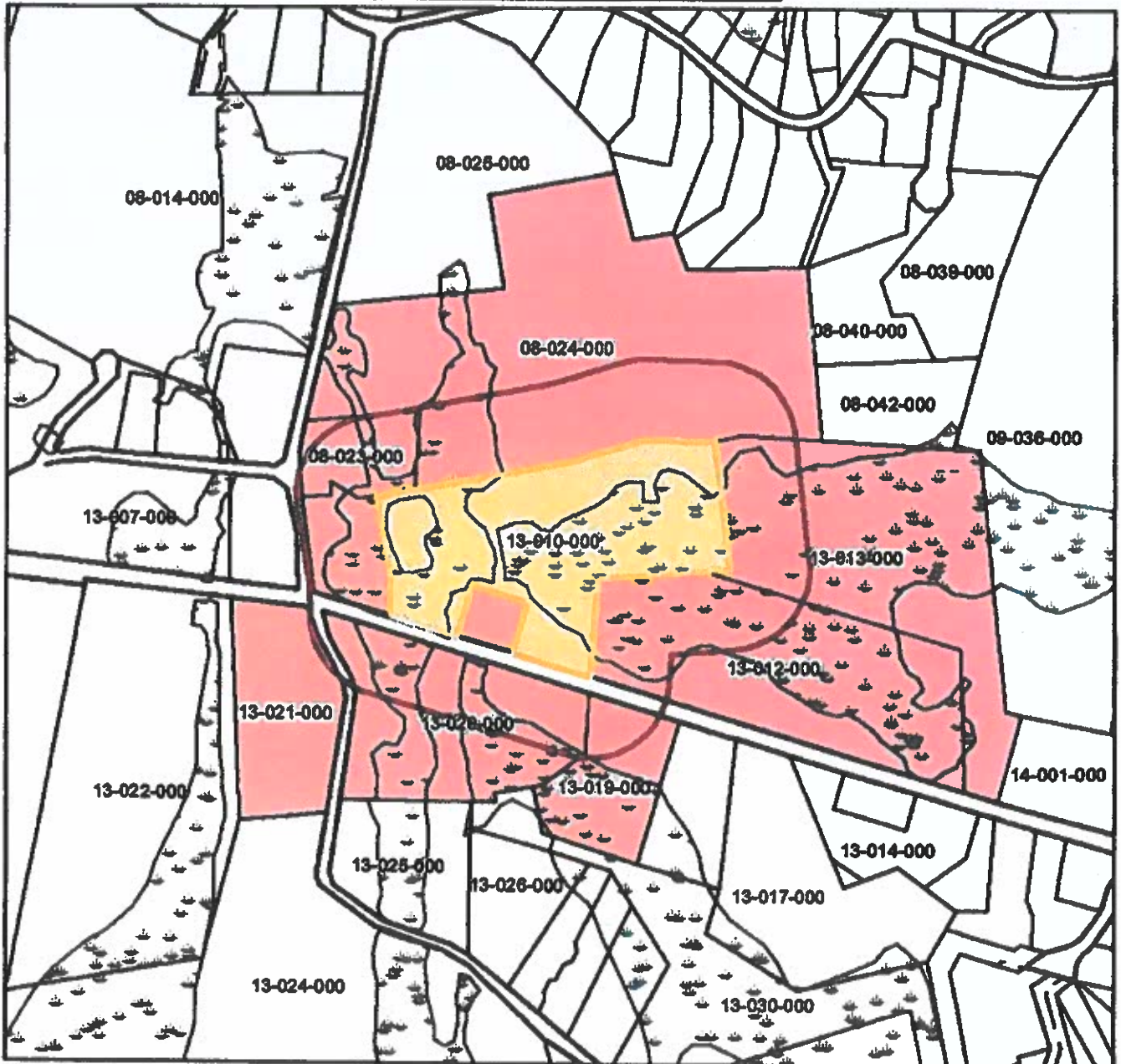
Boxborough, MA



1 inch = 555 Feet

0 555 1111 1666

January 28, 2021



- Property Line
- Road
- Easements
- Wet Areas

COPY

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1/28/2021
Zoning Board
300 Feet

1197 Massachusetts Ave
13-010-000

Erin Twomey
Certified by Erin Twomey (Dept Asst)
Jonathan Greeno, Assessor

PARCEL ID	LOCATION	OWNER1	ADDRESS	CITY	STATE	ZIP
08-023-000	45 HILL ROAD	MATCHETT MICHAEL E	45 HILL ROAD	BOXBOROUGH	MA	01719
08-024-000	125 HILL ROAD	BOXBOROUGH TOWN OF	29 MIDDLE ROAD	BOXBOROUGH	MA	01719
13-009-000	25 HILL ROAD	MATCHETT MICHAEL E	45 HILL ROAD	BOXBOROUGH	MA	01719
13-011-000	1239 MASSACHUSETTS AVENUE	TASCIONE MICHAEL/MARTHA-TRUSTE	19 INDIAN MEADOW DRIVE	NORTHBOROUGH	MA	01582
13-012-000	1145 MASSACHUSETTS AVENUE	1145 MASS AVE REALTY, LLC	1145 MASSACHUSETTS AVENUE	BOXBOROUGH	MA	01719
13-013-000	1095 MASSACHUSETTS AVENUE	STROM GREGORY	1095 MASSACHUSETTS AVENUE	BOXBOROUGH	MA	01719
13-019-000	1170 MASSACHUSETTS AVENUE	WHITE WILLARD L, TRUSTEE	1170 MASSACHUSETTS AVENUE	BOXBOROUGH	MA	01719
13-020-000	1223 MASSACHUSETTS AVENUE	BEHRAKIS DRAKE G	160 FEDERAL STREET	BOSTON	MA	02110
13-021-000	1300 MASSACHUSETTS AVENUE	BEHRAKIS DRAKE G.	160 FEDERAL STREET	BOSTON	MA	02110

COPY

**MATCHETT MICHAEL E
45 HILL ROAD
BOXBOROUGH, MA 01719**

**TASCIONE MICHAEL/MARTHA-TRUSTE
1233 MASSACHUSETTS AVENUE
NORTHBOROUGH, MA 01532**

**WHITE WILLARD L, TRUSTEE
1170 MASSACHUSETTS AVENUE
BOXBOROUGH, MA 01719**

**1145 MASS AVE REALTY, LLC
1145 MASSACHUSETTS AVENUE
BOXBOROUGH, MA 01719**

**BEHRAKIS DRAKE G
1223 MASSACHUSETTS AVENUE
BOSTON, MA 02110**

**MATCHETT MICHAEL E
25 HILL ROAD
BOXBOROUGH, MA 01719**

**STROM GREGORY
1035 MASSACHUSETTS AVENUE
BOXBOROUGH, MA 01719**

**BEHRAKIS DRAKE G.
1300 MASSACHUSETTS AVENUE
BOSTON, MA 02110**

COPY