



November 1, 2011

Zoning Board of Appeals
8 West Common Street
Topsfield, MA 01983

Re: 249 Boston Street
Petition for Finding & Site Plan Review

Dear Board Members:

Please find attached an application for a Variance, Finding and Site Plan Review for the above-referenced property. Our client, Evans Industries, wishes to construct an addition onto the existing facility as well as close off an existing area, which is currently concrete slab, and use it as building space.

The lot is located in the Business District Highway and the Central Residential District. The existing building and proposed additions are located completely within the Business District Highway. The existing building is currently non-conforming with regards to the front and rear setbacks. The proposed additions are no closer to the lot lines than the existing structure. Therefore, we are not proposing to increase the non-conformity.

In 2007 the Zoning Board of Appeals issued an approval of an addition through the Site Plan Review process. At that time a variance was also issued for reduction in required parking spaces from 57 (required) to 35 (provided). The current proposal results in the need for 68 parking spaces. Please note that Evans Industries is not proposing to add any additional employees if the addition is approved and constructed; the additional space is for machinery which can be run with the current number of employees, which is the same number of employees listed in the application in 2007, which is 30. Taking advantage of the ability to "stack" parking spaces, the site can provide 43 parking spaces. Please note that the proposed additions do not occupy any space that was designated as parking areas shown on the 2006 site plan. The facility functions fine with the parking areas currently available, and since there is no proposed increase in employees with the construction of the additions there should be no issue in parking. Since a variance was already issued for a reduction in the required parking spaces it is unclear if the relief requested now for parking is a finding or a variance. At this time we are requesting a variance; if it is determined during the hearing process that it should be a finding we will modify the application at that time.

ENGINEERS • SURVEYORS • ENVIRONMENTAL CONSULTANTS • LAND USE PLANNERS
447 Old Boston Road (U.S. Route 1), Topsfield, MA 01983 978-887-8586 FAX 978-887-3480

Providing Professional Services Since 1978

www.nevemorin.com

We look forward to meeting with the Board at your regularly scheduled meeting on November 22, 2011 to discuss this application.

If you have any questions prior to this meeting please do not hesitate to contact me.

Sincerely,

THE NEVE-MORIN GROUP, INC.



John M. Morin, PE
President, CEO

JMM/kmm

Attachment

cc: Evans Industries
Steve Wilson

Application for Zoning Relief

Form A

Before you file this application, it is necessary that you be familiar with the requirements for filing plans and other materials in support of this application as specified in the Topsfield Zoning Bylaws and the Topsfield Zoning Board of Appeals Rules and Procedures that are available from the Town Clerk.

Incomplete applications will not be considered unless waivers are previously obtained from the Zoning Board of Appeals



BOARD USE ONLY

Date Filed:
Date Action Due
Public Hearing:
Decision:

Revised Form Date: 04/26/2011

NATURE OF APPLICATION:

- Petition for Special Permit pursuant to Article ____, Section ____ of the Zoning Bylaw.
- Petition for Finding pursuant to Article IV, Section 4.02 of the Bylaw.
- Petition for a Variance from Article IV, Section 4.12, of the Zoning Bylaw.
- Petition for Site Plan Review pursuant to Article IX of the Zoning Bylaw (and the Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaw; and Supplement Form C for submitted requirements and formats).
- Petition for a Comprehensive Permit pursuant to G.L.c. 40B, Section 20-23.
- Appeal from the decision dated ____ of the Building Inspector or others pursuant to L.L. c. 40A, Section 15.

DESCRIPTION OF APPLICANT:

- a. Name Kendall Evans
- b. Address 249 Boston Street, Topsfield
- c. Phone Number 978-887-8561
- d. Interest in Premises (e.g., owner, tenant, prospective purchaser, etc.) Owner
(Attach copy of lease and/or letter of authorization from owner, if applicable)

DESCRIPTION OF PREMISES:

- a. Assessor's Map 49, Lot(s) 65, Zoning District Business District Highway & Central Residential District
- b. Location of Premises (number and street) 249 Boston Street
- c. Name and address of legal owner (if different from Applicant) _____
- d. Deed to the Premises recorded at (if known):
 - Essex South District Registry of Deeds, Book 28105 Page 34
 - Essex South Registry District of the Land Court, Certificate Number _____
- e. Prior zoning decisions affecting the Premises (if any):
 - Date of Decision 3/29/07 Name of Applicant Evans Industries
 - Nature of Decision Variance for parking/site plan review addition
- f. Present use of the Premises Manufacturing
- g. Present structures conform to current Zoning Bylaw. Yes No. If no, in what respect does it not conform. Front and rear setbacks

PROPOSAL (attach additional sheets if necessary):

- a. General Description:
The proposal is to construct a 138'-0" x 23'-6" addition on the northerly side of the building. The project also involves the conversion of approximately 440sf of concrete pad area into building space by enclosing the area.

b. If proposal is for construction or alteration of an existing structure, please state:

	FRONT	REAR	SIDE(S)	
1. Setbacks required per bylaw	<u>75'</u>	<u>*40'</u>	<u>*40'</u> <u>40'</u>	*100' if adjacent to residential use or district.
2. Existing setbacks	<u>34.5'</u>	<u>27.8'</u>	<u>63.9'</u> <u>42.7'</u>	
3. Setbacks proposed	<u>34.6'</u>	<u>28.0'</u>	<u>40.0'</u> <u>158'</u>	
	FRONTAGE		AREA	
4. Frontage and area required by bylaw	<u>200'</u>		<u>40,000</u>	
5. Existing frontage (s) and area	<u>241.53'</u>		<u>100,553</u>	
6. Frontage (s) and area proposed	<u>241.53'</u>		<u>100,553</u>	
	FEET		STORIES	
7. Existing Height	<u>16'-8"</u>		<u>1</u>	
8. Height proposed	<u>16'-8"</u>		<u>1</u>	

c. Other town, state or federal permits or licenses required, if any:
N/A

NECESSARY ACCOMPANYING DATA:

It is required that every application be accompanied by appropriate supporting data. Failure to submit appropriate and complete data could result in delay and/or denial of application for zoning relief. Place a check next to the applicable accompanying supporting data:

Variance of Special Permit Applications:

(See Zoning Board of Appeals Rules and Procedures Section III)

All required supporting data attached

Yes

No

Site Plan Review Applications:

(See Town of Topsfield Zoning Bylaw, Article IX, Section 9.05. See also Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaw)

All required supporting data attached

Yes

No

Comprehensive Permit Applications:

(See G.L.c. 40B, Sections 20-23)

All required supporting data attached

Yes

No

Appeals from decisions of Building Inspector or Others:

(See Zoning Board of Appeals Rules and Procedures, Section III (1) (c))

All required supporting data attached

Yes

No

If all required supporting data is not attached, why not:

11/1/11
Date

See authorization form attached
Signature of Applicant

Authorization Form

Re: 249 Boston Street, Topsfield

I, Kenneth Evans, authorize The Neve-Morin Group to sign any and all applications to the Town of Topsfield on my behalf regarding the above-referenced property.

Kenneth Evans
~~Kenneth~~ Evans for Evan Industries
KENDALL

6/30/11
Date



447 OLD BOSTON ROAD
TOPSFIELD, MA 01983
(978) 887-8586

TD BANKNORTH
53-7054-2113

CHECK DATE

11/1/11

PAY Two hundred & -----00/100 dollars

TO Town of Topsfield AMOUNT \$200.00

EVA3004

Katalson M. Molina
AUTHORIZED SIGNATURE

⑈0 208 78⑈ ⑆ 2 1 3 7 0 5 4 5 ⑆ 8 2 4 4 1 4 8 8 8 4⑈

THE NEVE-MORIN GROUP, INC.

20878

Evans 3004 – ZBA application fee \$200.00

20878

TOWN OF TOPSFIELD
ZONING BOARD OF APPEALS

APPLICATION SUPPLEMENT FORM B

Attach to this form a copy of the Assessor's map (scale 1" = 200') showing the property and all other properties and roadways within 300 feet of any portion of the property. Also, show the lot number and the lot owner's name on each lot within the 300'.

List below those lot owners' names with the mailing address as shown in assessor's records, beginning with the property of Applicant.

<u>LOT NUMBER</u>	<u>OWNER'S NAME</u>	<u>MAILING ADDRESS</u>
49-65	Kendall H. & Alice Evans, Trs. K. Evans Realty Trust	249 Boston Street, Topsfield, MA 01983

(Attach additional sheets if above space is insufficient.)

ASSESSOR'S CERTIFICATION

To the Topsfield Zoning Board of Appeals:

This is to certify that, at the time of the last assessment for taxation made by the Town of Topsfield, the names and mailing addresses of the parties assessed as owners of land within 300' of the parcel of land shown in the attached sketch were as listed:

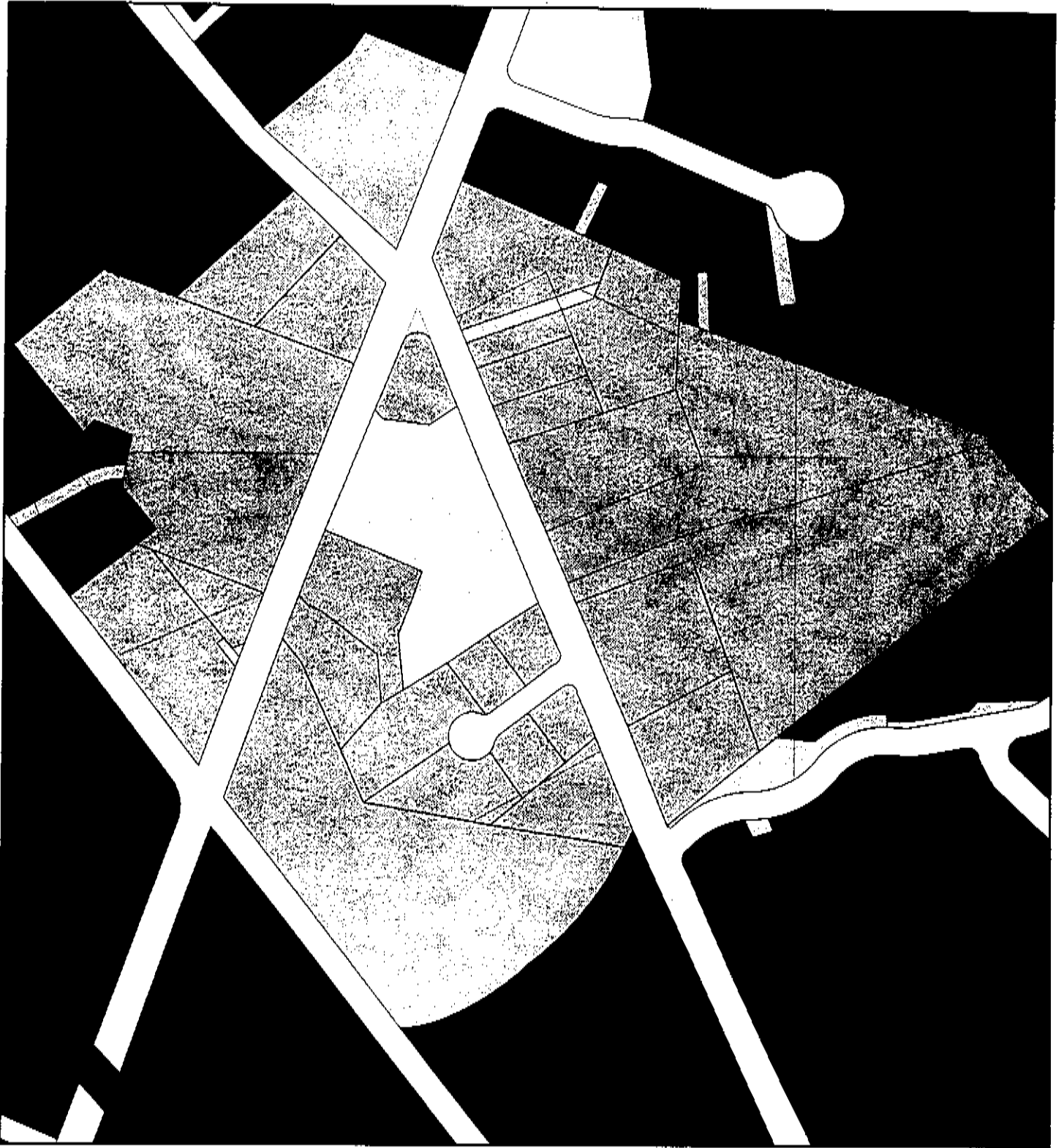
Authorized Signature
Assessor's Office

Pauline W. Evans

Date of Verification

August 22, 2011

49-65 249 BOSTON STREET



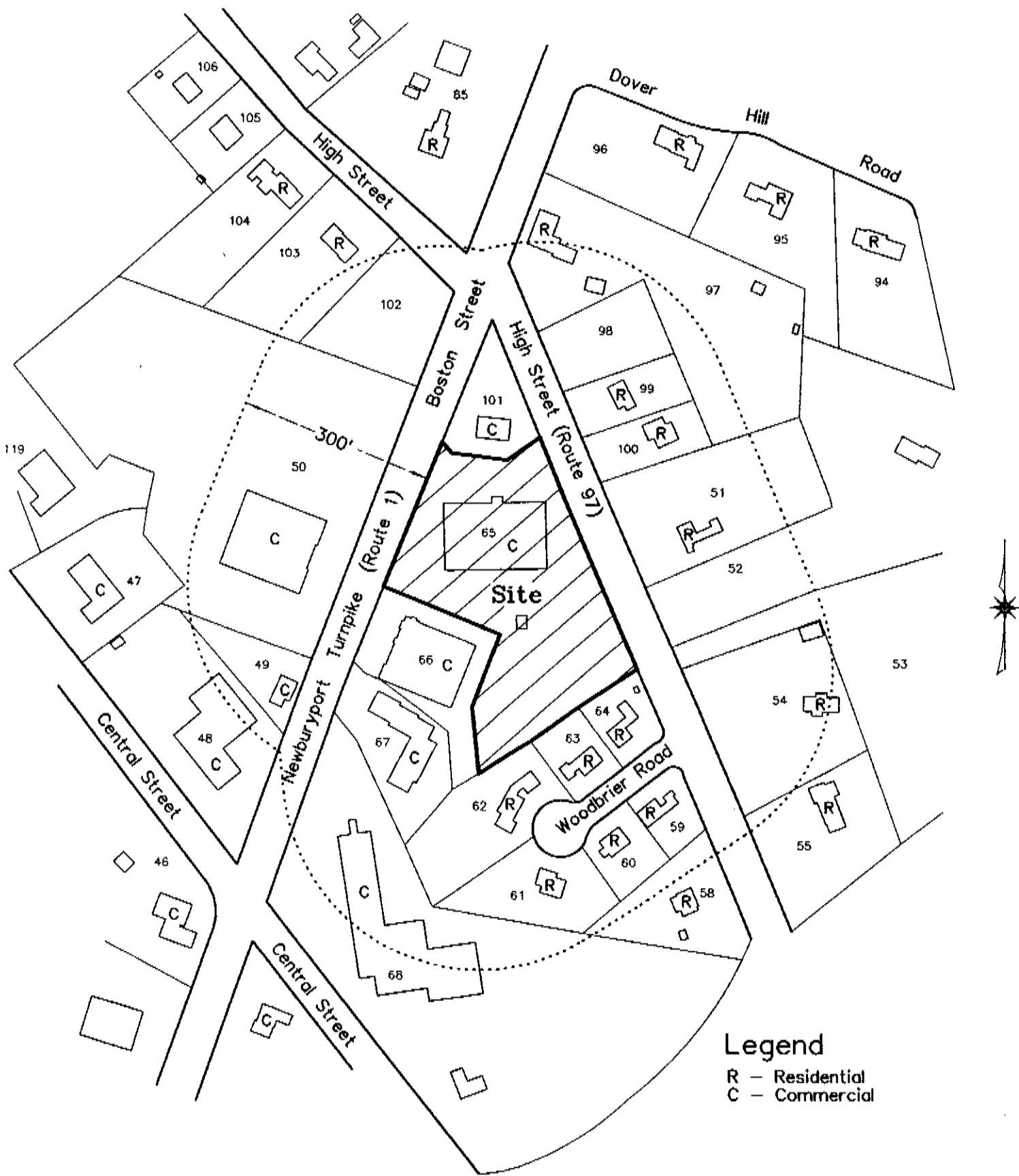
Information on this Map is
Compiled and Maintained for
Assessing Purposes Only

GEOGRAPHIC INFORMATION SYSTEM
VISION APPRAISAL TECHNOLOGY



ABUTTER'S LIST WITHIN 300' FOR 49-65 249 BOSTON ST. FOR ZONING BOARD OF APPEALS
 TOPSFIELD, MA

Map	Block	Lot	Location	OWNER-S NAME	CO-OWNER-S NAME	Mailing Address	City	St Zip
49	48	240	BOSTON ST	LAWTON RANDOLF F TRUSTEE	FIND REALTY TRUST	240 BOSTON ST	TOPSFIELD	MA 01963
49	47	243	BOSTON ST	CROSSON RICHARD W TR	KMC WORKING TRUST	243 BOSTON ST	TOPSFIELD	MA 01963
49	49	244	BOSTON ST	LAWTON RANDOLF F TRUSTEE	RE REALTY TRUST	240 BOSTON ST	TOPSFIELD	MA 01963
43	66	245	BOSTON ST	181PAPAS R S & TASHIADIS B N	TRINER REALTY TRUST	245 & 247 BOSTON ST	TOPSFIELD	MA 01963
19	53	248	BOSTON ST	HEARSHACK EDUCATION CENTER INC		101 MILL RD	CHILMARK	MA 01824
41	101	253	BOSTON ST	LANNITTO JOHN J & SEMOUR ANTHONY L TRS	TOPSFIELD ISB TRUST	180 BRIDGWAY ST	DANVERS	MA 01923
41	102	256	BOSTON ST	LAYE EMMETT M & LAYE ROGER R	LAYE PHILIP B	33 CHRISTIAN AVE, #77	CONCORD	MA 03301
49	68	130	CENTRAL ST	219 TURNPIKE LLC		130 CENTRAL ST	TOPSFIELD	MA 01963
41	103	77	HIGH ST	KROWLES MARILYN C	SMITH DONNA C	75 HIGH ST	TOPSFIELD	MA 01963
11	85	78	HIGH ST	SEAVYICK CHARLENE A		78 HIGH STREET	TOPSFIELD	MA 01963
11	97	86	HIGH ST	STOVER ALCOOT K	STOVER LAURA E	86 HIGH ST	TOPSFIELD	MA 01963
11	98	88	HIGH ST	WHELAN MICHAEL T	WEICH PAMELA C	88 HIGH ST	TOPSFIELD	MA 01963
41	99	90	HIGH ST	ASPI STEVEN N	REPOCCI LINDA M	90 HIGH ST	TOPSFIELD	MA 01963
11	100	92	HIGH ST	REPOCCI SCOTT A		92 HIGH ST	TOPSFIELD	MA 01963
19	51	96	HIGH ST	RELL DAN R		96 HIGH ST	TOPSFIELD	MA 01963
19	52	96A	HIGH ST	RELL JOHN C & ANN M TRS	96A HIGH ST REALTY TRUST	96A HIGH ST	TOPSFIELD	MA 01963
19	53	100	HIGH ST	WALTE RICHARD W	WALTE ALIEN P	100 HIGH ST	TOPSFIELD	MA 01963
19	54	104	HIGH ST	HAYES SLOOM DONALDAN NICHOLAS		104 HIGH ST	TOPSFIELD	MA 01963
19	55	106	HIGH ST	LIBBY SARA W		106 HIGH ST	TOPSFIELD	MA 01963
19	58	109	HIGH ST	J S D HIGH ST LLC	P O BOX 266	P O BOX 266	TOPSFIELD	MA 01921
19	64	1	WOODBRIER RD	WALTE KENNETH J	WALTE DEBRA J	1 WOODBRIER RD	TOPSFIELD	MA 01963
19	59	2	WOODBRIER RD	GRUBERICK JOE M		2 WOODBRIER RD	TOPSFIELD	MA 01963
19	63	3	WOODBRIER RD	DELANEY J M & MANDARINI N TRS	TRUST B OF THE FRANCIS J DELANEY TR	38 WEBSTER STREET	MC FALMOUTH	MA 02556
19	60	4	WOODBRIER RD	GRAYES SAMUEL B JR	GRAYES JENNIFER	4 WOODBRIER RD	TOPSFIELD	MA 01963
19	62	5	WOODBRIER RD	FINCHER ALAN	FINCHER JANE A	5 WOODBRIER RD	TOPSFIELD	MA 01963
9	61	6	WOODBRIER RD	WOOD GEORGE B	WOOD CHRISTINE K	6 WOODBRIER RD	TOPSFIELD	MA 01963



Abutting Structures Sketch 249 Boston Street

Scale: 1" = 200' +/-



Town of Topsfield

8 West Common Street
Topsfield, MA 01983

INSPECTIONAL SERVICES
DEPARTMENT

PERMIT DENIAL

NAME: **Evan Industries**

ADDRESS: **249 Boston Road**

LOCATION: **249 Boston Road**

ZONING DISTRICT: **BH & CR (Addition in BH)**

PERMIT REQUESTED FOR: **23'-6"x 138' Single Story Addition**

THIS DENIAL IS BASED ON THE NEED FOR AN APPROVAL FROM THE:

ZONING BOARD OF APPEALS

PLANNING BOARD

BOARD OF SELECTMEN

FOR A:

VARIANCE (Parking)

FINDING (Setbacks – Front & Rear)

SITE PLAN REVIEW

Lot Area Lot Frontage Building Height Lot Coverage

Front Yard Side Yard **Rear Yard** **Parking** Open Space

Sign (size, height, location) Expansion of Non-Conforming Use

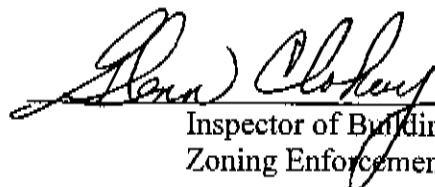
Change in Non-Conforming Use Additional Principal Building

Other

ZONING REQUIREMENT:

PROPOSED:

Date Permit Denied 6/14/2011


Inspector of Buildings
Zoning Enforcement Officer

55-6

a
2
125


2008102000443 Bk:28105 Pg:34
10/20/2008 02:50 DEED Pg 1/2

QUITCLAIM DEED

I, KENDALL H. EVANS, of 10 Walnut Street, Marblehead, Massachusetts 01945 for consideration paid and in full consideration of One Dollar (\$1.00)

grants to

KENDALL H. EVANS and ALICE H. EVANS, Trustees of K. EVANS REALTY TRUST,
u/d/t dated 12 | 29, 2007
See Trustee's Certificate pursuant to M.G.L. ch. 184 sec. 35 to be recorded herewith
having an address of
10 Walnut Street, Marblehead, Massachusetts 01945

WITH QUITCLAIM COVENANTS

The land in Topsfield, Essex County, Massachusetts, together with any improvements thereon, on the Newburyport Turnpike, being shown as lot containing 2.31 acres of land on a plan entitled "Plan of Land in Topsfield, Mass., prepared for 243 Realty Trust", dated May 12 1987, drawn by Thomas E. Neve Associates, Inc., and recorded with the Essex South District Registry of Deeds, in Plan Book 227, as Plan 53, more particularly described as follows:

NORTHWESTERLY by the Newburyport Turnpike, as shown on said Plan, 241.53 feet;

NORTHEASTERLY
NORTHWESTERLY on several courses, as shown on said plan, measuring 25.86 feet, 81.85 feet, and 57.57 feet, respectively;

EASTERLY by High Street, as shown on said plan, on several courses measuring 40.41 feet, 57.72 feet, 196.87 feet, and 88.87 feet, respectively;

LOCUS: 249 Boston Street, Topsfield, Massachusetts

SOUTHERLY by land now or formerly of Hardy, Congregational Church of
Topsfield, and Fontaine, as shown on said plan, on several courses
measuring 165.41 feet, 32.49 feet, and 94.45 feet, respectively;

WESTERLY by Parcel B, as shown on said plan, 97.85 feet;

NORTHWESTERLY by an unmarked lot containing .73 acres, as shown on said plan,
120.90 feet; and

SOUTHWESTERLY by an unmarked lot containing .73 acres, as shown on said plan,
192.22 feet.


Being the same premises conveyed to the Grantor by deed of Harold A. Evans dated
November 1, 2005 recorded with Essex South County Registry of Deeds in Book 25092 Page
377 and deed of Kendall H. Evans, et al, Trustees, dated June 4, 1974 and recorded with the
Essex South District Registry of Deeds in Book 6071, Page 416.

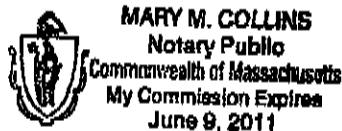
WITNESS the hand and seal of KENDALL H. EVANS this 29 day of December 2007
2007.


KENDALL H. EVANS,

County of Essex COMMONWEALTH OF MASSACHUSETTS, ss:
On this 29 day of December, 2007, before me, the undersigned notary
public, personally appeared KENDALL H. EVANS
 personally known to me, or
 proved to me through satisfactory evidence of identification, which was
 a driver's license
 (other:)

to be the person whose name is signed on the preceding or attached document in my presence
and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public
My commission expires 06-09-2011



TAX MAP 49 OF TOPSFIELD MASSACHUSETTS



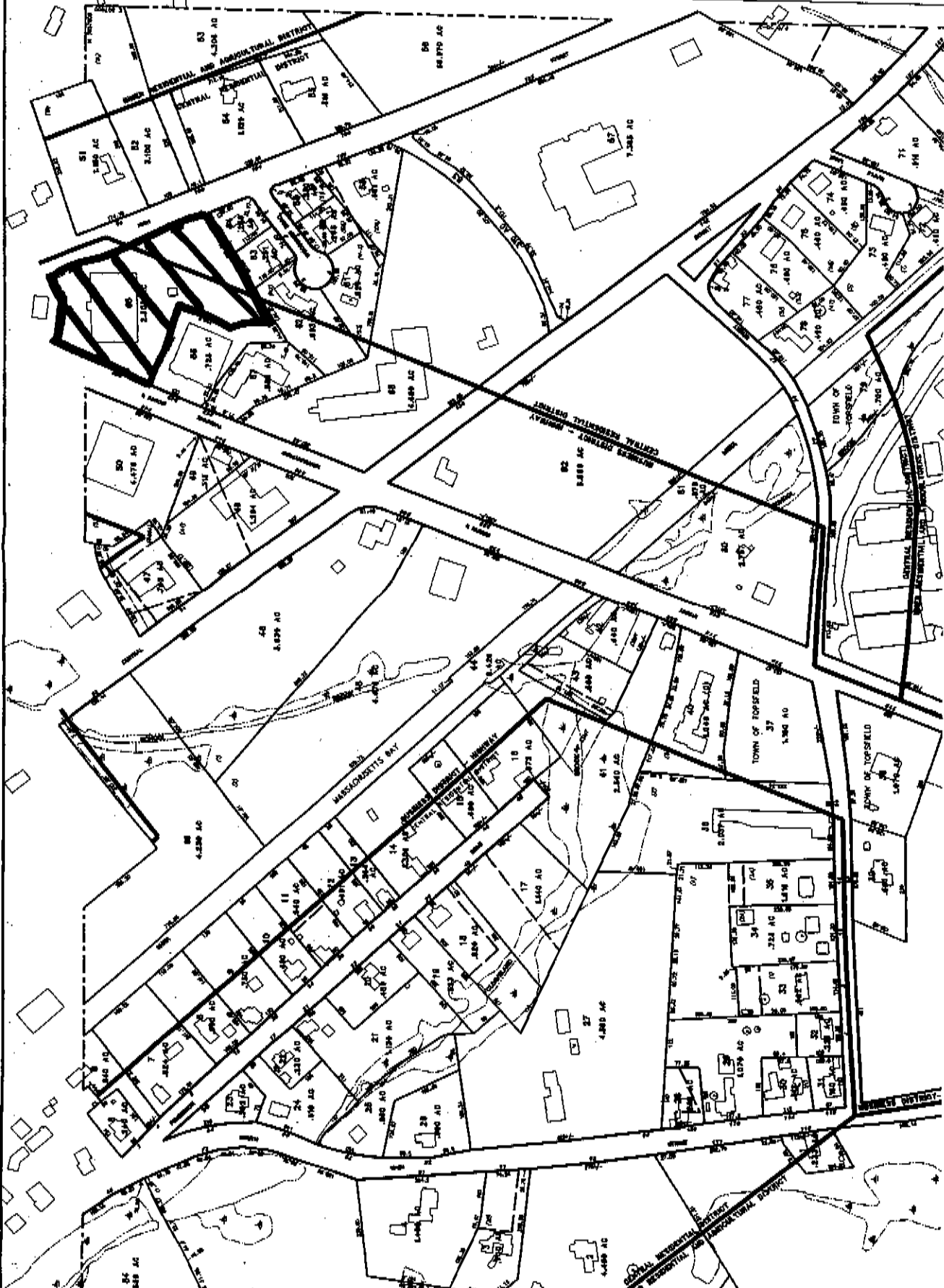
- LEGEND**
- PROPERTY LINE
 - OLD PROPERTY LINE
 - ENCROACHMENT
 - RIGHT OF WAY
 - WATER LINE
 - SEWER LINE
 - PHONE LINE
 - RAILROAD
 - UNIMPROVED ADDRESS
 - IMPROVED ADDRESS
 - DEED CORRECTION
 - WALL CORRECTION
 - STREET NO.
 - ALUMINUM LOT NO.
 - CITY/TOWN/LIST
 - WATER
 - SEWER
 - PHONE
 - RAILROAD

THIS MAP IS PREPARED AND DRAWN IN ACCORDANCE WITH THE MASSACHUSETTS STATUTES AND REGULATIONS GOVERNING THE PREPARATION AND RECORDING OF TAX MAPS. THE TOWN ENGINEER HAS CONDUCTED A VISUAL SURVEY OF THE LANDS SHOWN ON THIS MAP AND HAS FOUND THEM TO ACCURATELY REPRESENT THE ACTUAL SITUATION ON THE GROUND. THE TOWN ENGINEER HAS ALSO CONDUCTED A VISUAL SURVEY OF THE RECORDS OF THE DEEDS AND RECORDS DEPARTMENTS OF THE COMMONWEALTH OF MASSACHUSETTS AND HAS FOUND THEM TO ACCURATELY REPRESENT THE ACTUAL SITUATION ON THE GROUND. THE TOWN ENGINEER HAS ALSO CONDUCTED A VISUAL SURVEY OF THE RECORDS OF THE DEEDS AND RECORDS DEPARTMENTS OF THE COMMONWEALTH OF MASSACHUSETTS AND HAS FOUND THEM TO ACCURATELY REPRESENT THE ACTUAL SITUATION ON THE GROUND.

40	41	42
46	47	48
54	55	56



COMPLETION DATE: 11/1/2007
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]





REQUEST FOR LEGAL NOTICE

I understand that by signing this form I am agreeing to the cost of the legal notice to be published in the newspaper.

Payment is required at the time of the legal notice being received by the city and before it is published in the newspaper.

Please make checks payable to the SALEM NEWS and mail immediately to
SALEM NEWS
Attention Gloria Pobiedzinski
32 DUNHAM ROAD
BEVERLY, MA 01915

**Average legal notice costs are estimated

**Customer will either be refunded or billed when the legal notice is published

Salem News = \$250.00 per day

Check #

Credit Card please call Gloria @ the Salem News 978-338-2512

*If payment is not received the Legal Notice will be cancelled

*ACCOUNT #001-8878586 (Please bill our account.)

Kathleen Molina
Signed Applicant/Authorized Agent.

11-1-11
Date

Print Name The Neve-Morin Group, Inc.

Address 447 Boston Street

Topsfield, MA 01983

Phone 978-887-8586