

## **Topsfield Zoning Board of Appeals**

February 25, 2014

Chairman Moriarty called the meeting to order at 8:00 PM at the Town Library. Board members present were Robert Moriarty, Jody Clineff, David Merrill, David Moniz and Gregor Smith. Roberta Knight, Community Development Coordinator was also present as well as the applicants, their representatives and interested residents. See attendance sheets for specific public hearings.

**Visitors:** Selectmen Dick Gandt and Martha Morrison; John Morin, Shane Steffens, Attorney Alan Grenier, Sean Ward, Melinda Gutman, Michael Gutman, Kerry Cheever, George Rogers, Eric DiGrazia, Candice Ward, Kyle Ward, Brayden Ward, Anna Burgess, Gordon Rogerson.

**46 South Main Street:** At 8:00PM, Chairman Moriarty called to order the public hearing to consider the application of Shane and Jessica Steffens for a finding pursuant to Article III, Section 3.05 of the Zoning By-Law for 46 South Main Street for the demolition of existing garage and apartment for the construction of a 1-1/2 story Carriage House Garage with porch on a non-conforming lot.

Project Engineer John Morin reviewed the zoning history of the property and also distributed a letter from the Architect Ben Nutter that described the design of the Carriage Barn. The Barn includes a two-car garage with additional ground level storage space; a small covered porch off the side of the Barn. The second floor space may be used in the future as both storage and a play room. Mr. Morin then reviewed in detail the site plan for the nonconforming lot noting the setback and height dimensions for the new accessory structure. The lot is in both the Central Residential District and the Business Highway District. Mr. Morin discussed with the Board the percentage of the rear yard that this structure would occupy in either zone.

The Board made the appropriate findings relative to the required zoning relief. Member David Moniz made the motion to approve a finding for 46 South Main Street to allow the demolition of the existing garage and apartment in order to construct a 1-1/2 story Carriage House Garage with porch with the condition that no bedroom or kitchen be allowed; seconded by Member Jody Clineff so voted 5-0.

**116 Boston Street:** At 8:15PM, Chairman Moriarty called to order the continued public hearing to consider the application of Syllogistic Management Solution, LLC for premises located at 116 Boston Street for (1) a special permit for the conversion of a residential dwelling with horse farm to a conference and event facility pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 2. Community Facilities, Sub-section 2.17 Conference and Event Facility for said facility located in the Outlying Residential and Agricultural District; and (2) site plan review pursuant to Article IX of the Zoning Bylaw.

Project Engineer Gordon Rogerson commenced the discussion by reporting on the revised site plan dated February 24, 2014 which had been submitted to the Board. Mr. Rogerson noted that based on recommendation and comments made by Beals and Thomas Inc. concerning the integrity of the berm at a 2:1 slope, the geotechnical engineer at Hayes Engineering reviewed the calculations at both a 2.5:1 slope and a 3:1 slope as recommended by Beals and Thomas Inc. and made the determination to revise the plans for the berm with a 3:1 slope with an extended rip rap relief area. There were no structural changes to the plan.

Attorney Alan Grenier reviewed the state agricultural restriction template with the Board and noted that there would be minor revisions to include the maintenance of drainage easement and septic system which are both located in the undeveloped field. Planning Board Chair Martha Morrison noted that in order to apply for an agricultural easement certain criteria would have to be met for eligibility.

The Board then reviewed the conditions for the decision and made certain revisions to the drafted language since the members agreed that they could not make conditions that were under the authority of other boards. Stormwater conditions noted by Beals and Thomas as part of the site plan review would be incorporated in the Stormwater Management Permit as issued by the Planning Board.

Chairman Moriarty then moved to close the public hearing; seconded by Member Jody Clineff; so voted 5-0.

Chairman Moriarty moved that the Board accept the change in the Applicant's name to Peirce Farm LLC; adopt the foregoing findings and grant a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations, Section 2. Community Facilities, Sub-section 2.17 Conference and Event Facility; approve the revised site plan dated February 14, 2014 and the draft Certificate of Decision by Roberta Knight as amended by the Board with the following conditions:

- A. Conditions: This decision imposes the following conditions:
1. The special permit is limited to the Peirce Farm LLC so long as Sean Ward and/or Michael Gutman either own or hold a controlling interest in that company.
  2. Any transfer of the real estate or control of or ownership of Peirce Farm LLC by Sean Ward and Michael Gutman shall require the prior approval of the Board, said approval not to be unreasonably withheld, delayed or conditioned, for the continuance of the special permit, absent which, the special permit would become null and void.
  3. The property's buildings as listed in the Town of Topsfield Inventories List of "Significant Structures" are Peirce, Col. Thomas Wentworth House, 1821; Peirce, Col. Thomas Wentworth Stable, 1880; Peirce, Col. Thomas Wentworth Summerhouse, 1920 and the Crowninshield, Benjamin W. Circulation System,

1821. The owners must notify the Topsfield Historical Commission prior to any exterior changes to these structures and follow the rules and regulations as established by the Commission pursuant to the General Code, Chapter XXVI, Demolition Delay Bylaw.
4. The Applicant shall take all the appropriate steps to secure an historic preservation easement for the structures as listed above through a federal, state or non-profit easement agreement and report progress to the Board on a periodic basis.
  5. The Applicant shall take all the appropriate steps to secure an agricultural or conservation restriction for the undeveloped field such that that portion of the parcel of land cannot be subdivided in the future and report progress to the Board on a periodic basis.
  6. Any alterations to the approved conditions that are required by MassDot or other town boards shall be submitted to the Board for final approval.

The motion was seconded by Member Gregor Smith; so voted; 5-0.

**Minutes:** Member David Moniz made the motion to approve the minutes of November 26, 2013 as written; seconded by Member Gregor Smith; so voted 5-0.

**2014 Proposed Zoning Amendments:** Planning Board Chair Martha Morrison at this time reviewed the latest Draft #3 of the proposed zoning amendments with the members. Chairman Moriarty raised his concerns relative to the proposed revisions to the Section 3.05 Nonconforming Uses. Given tonight's public hearing concerning 46 South Main Street, Chairman Moriarty requested that the zoning amendment be withdrawn at this time. He suggested that findings be monitored over the next year and proposed that an amendment be considered at the next town meeting based on the issues raised during the monitoring of applications over the next twelve months. Other board members agreed. Planning Chairman Martha Morrison noted her agreement and stated she would relate this request to the other members of the Planning Board.

**Alternate Member Volunteer Application:** At this time the Board reviewed the Volunteer Application of Kim Sherwood for an Alternate Board Member position. None of the members knew Ms. Sherwood on a personal or professional level. It was the consensus of the Board to remain neutral on a recommendation to the Board of Selectmen which is the appointing Board.

The meeting was adjourned at 9:28 PM

Respectively submitted,

Roberta M. Knight, Community Development Coordinator