

Topsfield Zoning Board of Appeals
May 25, 2010

Chairman Moriarty called the meeting to order at 8:00 PM. Board members present were Bob Moriarty, Kristin Palace, Tony Penta, Lisa Stern-Taylor and Scott Dow. 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.

13 Prospect Street: At 8:05PM, Chairman Moriarty opened the continued public hearing to consider David Longo's submission of a revised plan for a reduced sized garage located at 13 Prospect Street, a non-conforming lot, under Section 4.06 Accessory Buildings with no impact to the side setback in order to expand a detached one-car garage to a two-car garage.

The Board reviewed the revised plan for a reduced sized garage and discussed with the Applicant the extension of the paved driveway and a proposed future retaining wall along the edge of pavement. The Board noted that the proposed wall would be located too close to the side lot line to provide for adequate grading on abutter's side of the wall.

Clerk Kristin Palace made the motion to approve a finding pursuant to Section 3.05 of the Topsfield Zoning By-law that the expansion of the garage would not be substantially more detrimental or objectionable to the neighborhood, subject to the following imposed conditions:

- Expansion of pavement for driveway only to edge of expanded garage
- No retaining wall is to be constructed at edge of pavement along right side lot line

Seconded by Member Tony Penta; so voted 4-0-0. Member Lisa Taylor abstained.

1 Howlett Street / Parson Capen House: At 8:26PM, Chairman Moriarty called to order the public hearing to consider the application of the Topsfield Historical Society for premises, known as "The Parson Capen House", located at 1 Howlett Street requesting a special permit pursuant to Article IV, Section 4.07B to allow a second principal structure for a single family residential dwelling on the same lot as the museum.

Mr. Isler noted that the Board previously overruled the decision of the Inspector of Buildings to deny the allowance of a mixed use at 1 Howlett Street for the addition of a single family apartment to the Parson Capen House, and subsequently granted the Society exemption status pursuant to M.G.L. Chapter 40A, Section 3, as a non-profit educational corporation. However, the Inspector of Buildings subsequently took the position that any proposed alteration of the structure would trigger the imposition of other state regulations relative to the Massachusetts State Building Code. The Topsfield Historical Society, in an effort to move forward with the project, agreed to follow a path suggested by the Inspector of Buildings. Accordingly, the Society has applied for a special permit to allow for a second principal structure for a single family dwelling on the same lot as the

museum. This structure would be located behind the museum and would allow the Society to fulfill its goal of having a live-in custodian on the property.

Stephen Clark, a Society member, noted that the Inspector of Buildings had decided that alterations to the Parson Capen House for an attached addition would trigger access issues and upgrade of the building to meet state code. As a result, the Society was proposing to construct a residential structure that was not attached to the Parson Capen House.

Architect Benjamin Nutter then reviewed the architectural drawings of the residential unit, and site development plans with the Board. Mr. Nutter noted that following this approach, the back chimney installed by George Dow would be removed and the museum would be architecturally and historically closer to its original 1600 design. The design of the residential structure would compliment the Parson Capen House.

The Board noted that parking and walkway access was not designated on the plan, and upon reviewing access alternatives marked the plan accordingly to provide vehicle access in the opening in the stone wall to the southerly side on the property, parking for two cars and walkway access. The Board also noted that it would defer review of the architectural plans to the Historical Commission since the property is located in the Historical District and is under the Commission's jurisdiction.

The Board found that the proposed site development plan for a second principal structure and its location on the property would not have any detrimental impact on the residential neighborhood.

Clerk Kristin Palace moved that the Board adopt the foregoing findings and grant a special permit pursuant to Article IV, Section 4.07B of the Topsfield Zoning Bylaw to allow a second principal structure on the lot subject to the following conditions:

- vehicle access in the opening in the stone wall to the southerly side of the property
- parking for two cars and walkway access to support the residential use.

Furthermore, the Board recognizes that the actual design would be extensively reviewed by the Historical Commission consistent with historical character in details of the design.

The motion was seconded by Member Anthony Penta; so voted; 5-0

A copy of the marked plan is on file with the Zoning Board of Appeals and the Town Clerk.

171 Washington Street: At 9:00PM, Chairman Moriarty called to order the public hearing to consider the application of Gregg & Jennifer Fellows for premises located at 171 Washington Street requesting a finding pursuant to Article III, Section 3.05 of the Zoning By-Law relative to an addition consisting of a master bedroom, mudroom and family room.

The Board reviewed the plans for the addition with Jennifer Fellows and builder Gary Tallaksen. Ms. Fellows pointed out that the family room and mudroom would be added to the back of the existing structure along the right side boundary on Brook Road, and the master bedroom would be added to the left front side of the house facing Washington Street. The lot is non-conforming due to acreage and frontage for the Inner Residential District.

Clerk Kristin Palace made the motion to approve a finding pursuant to Section 3.05 of the Topsfield Zoning By-law that the addition of a master bedroom, mudroom and family room would not be substantially more detrimental or objectionable to the neighborhood; seconded by Member Lisa Taylor; so voted 5-0.

Minutes: Member Kristin Palace made the motion to approve the minutes of March 23, 2010 as amended; seconded by Member Scott Dow; so voted 4-0-0. Member Lisa Taylor abstained.

The meeting was adjourned at 9:21 PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator