

## **Topsfield Zoning Board of Appeals**

June 25, 2013

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:** Warren Morrison, Scott Morrison, Raymond Lawton

**116 Boston Street:** Ms. Knight updated the Board on the proposal for 116 Boston Street to change the use of the residential property to a “retreat” to assist individuals with prior substance abuse issues. However, the current zoning does not have a category for a retreat facility. According to Ms. Knight, the proposers would like to have a discussion with the Board and a request will be forthcoming from Attorney Jill Mann. It was the consensus of the Board that the applicants should file a zoning application for a category and the Board would then hold a public hearing with all abutters properly notified.

**34 Gail Street: At 8:20PM,** Chairman Moriarty called to order the public hearing to consider the application of Warren & Scott Morrison for a finding pursuant to Article III, Section 3.05 of the Zoning By-Law for 34 Gail Street for the demolition and replacement of a single family residential structure within the same footprint on a non-conforming lot.

Mr. Warren reviewed the plans with the Board and noted that the lot was non-conforming due to frontage and lot area. The new structure would meet the setback requirements.

The Board made the appropriate findings relative to the required zoning relief. Member David Moniz made the motion to approve a finding for 34 Gail Street to allow the demolition and replacement of a single family residential structure within the same footprint on a non-conforming lot; seconded by Clerk David Merrill; so voted 5-0.

**222 Boston Street:** At 8:30PM, Chairman Moriarty called to order the public hearing to consider the application of Raymond Lawton for premises located at 222 Boston Street, a non-conforming lot, requesting (1) a finding pursuant to Article III, Section 3.05 relative to and demolition of an existing non-conforming structure and converting the residential structure to professional office use with garage bays; (2) a variance from the required frontage, front, side and rear setbacks pursuant to Article IV, Section 4.02 Table of Dimensional and Density Regulations of the Zoning By-Law relative to the extended reconfiguration of the footprint for the new structure; and (3) site plan review pursuant to Article IX of the Zoning Bylaw.

The Board reviewed the application, architectural drawings dated January 14, 2013 and site plan dated May 17, 2013, revised May 28, 2013 (denoting parking spaces) with the Applicant Raymond Lawton. Mr. Lawton noted that he was proposing to demolish the existing residential structure and to replace it with a new brick structure using the same footprint for the new building with the exception of squaring off the left rear portion of the original footprint along the left side lot line. The building would be two and a half stories consisting of two garage bays on the ground first floor level; professional offices on the second floor; storage space, and mechanical equipment for the building housed on the third floor.

The building would be used by Lawton Welding since increased space was needed for the company's operations due to business expansion. Mr. Lawton, in response to Board member questions, noted that he did not intend to rent any space within the building. He intends to house his company's drafting department on the second floor and use the two bays for maintenance and repair of company vehicles. He also noted that the site plan proposal has ten parking spaces which meet the square footage requirement of the building.

Ms. Knight noted that only the fire and conservation departments responded to the site plan review request for comments. The Fire Department would like the building to be sprinklered since there is no 360 degree perimeter access for the building. The Conservation Commission noted that the lot is under its jurisdiction due to the perennial stream running through the rear of the property. Ms. Knight noted that due to the proximity of the resource area the development of the property is limited.

Chairman Moriarty and the Board members then addressed the respective requests for zoning relief.

Mr. Moriarty determined that the Applicant did not need a finding for the project since professional offices were a permitted use in the district and that the Inspector of Buildings had made the same determination for the accessory garage bays based on the permit denial. The lot is non-conforming due to lot frontage, front yard setback and side yard setbacks. Further, Chairman Moriarty opined that the project would require a finding for the reconstruction of the building which would be included in the variance for the left side setback.

The Board made the appropriate findings relative to the required zoning relief. Member David Moniz moved that the Board adopt the foregoing findings and grant a variance for the left side setback, inclusive of a finding to extent required, for the reconstruction and reconfiguration of the building in the existing footprint; seconded by Member Jody Clineff; so voted 5-0.

And further, Member David Moniz moved that the Board adopt the foregoing findings and grant site plan approval subject to the following conditions:

1. Architectural change to front of building between windows
2. Walkway in front of building
3. Waiver of buffer strip
4. Parking as shown on site plan (10 spaces)
5. Dumpster to be located in rear of property in fenced and screened area from Cottage Place and street
6. No rooftop mechanical units
7. Outside lighting designed to be contained within property
8. Only signs permitted as a matter of right

The motion was seconded by Member Jody Clineff; so voted; 5-0

**Minutes:** Member Jody Clineff made the motion to approve the minutes of March 20, 2013 as written; seconded by Member David Moniz; so voted 5-0.

The meeting was adjourned at 9:26 PM

Respectively submitted,

Roberta M. Knight  
Community Development Coordinator