

Topsfield Zoning Board of Appeals

July 27, 2010

Chairman Moriarty called the meeting to order at 8:00 PM. Board members present were Bob Moriarty, Kristin Palace, 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.

Reorganization of the Board:

Clerk Kristin Palace made the motion to nominate Robert Moriarty as Chairman; seconded by Member Scott Dow; so voted 4-0

Chairman Robert Moriarty made the motion to nominate Kristin Palace as Clerk; seconded by Member Scott Dow; so voted 4-0.

362 Boston Street Continuance: At 8:10PM, Chairman Moriarty called to order the continued public hearing to consider the application of Walsh Properties, LLC for premises located at 362 Boston Street for the demolition and removal of all existing structures and the redevelopment of the property for retail and office uses requesting (1.) variance relief pursuant to Article IV, Section 4.12 D Parking and Section 4.02 Table of Dimensional and Density Regulations; Article XI Groundwater Protection District Sections 6.1, 6.2.4 & 6.2.5 and alternatively requesting office and retail uses in this district by special permit under Article XI, Section 6.3.5; (2.) special permit relief to allow various potential retail uses on the property pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Sections 4.02 thru 4.9, Sections 4.12A, 4.12B, 4.12D, 4.12E, 4.16, 4.17, Sections 4.24 thru 4.27, Section 5.10; and (3.) site plan review pursuant to Article IX of the Topsfield Zoning Bylaw.

The Board was in receipt of a written request by the Applicant for a continuation of the public hearing to August 17, 2010. Clerk Kristin Palace made the motion to approve the request for a continuation to August 17, 2010; seconded by Member Scott Dow; so voted 4-0.

The Board then discussed the written request per email by Attorney Donald Borenstein that three additional proposals be solicited for peer review services. Attorney Borenstein noted that the development team believed that the fee proposed by the BSC Group Inc. was excessive for a project of this scope. The members reviewed the list of consultants provided by Attorney Borenstein and decided to request proposals from Vanasse Hangen Brustlin Inc. and W.C. Cammett Engineering Inc. Ms. Knight further suggested that the Board request a proposal from Beals & Thomas Associates since the Planning Board and Conservation Commission had previous experience with them for peer review services. The Board directed Ms. Knight to forward the RFP and solicit proposals from these consultants.

7 Boardman Lane: At 8:30PM, Chairman Moriarty called to order the public hearing to consider the application of Elliott and Paula Breuer for premises located at 7 Boardman Lane requesting a finding pursuant to Article III, Section 3.05 of the Zoning By-Law for the construction of a two story addition consisting of two bedrooms, living room and study as well as interior renovations within the existing structure on a non-conforming lot due to lot size requirements.

The Applicants explained that the project consisted of the addition of two bedrooms and the conversion of the existing bedrooms to two baths and a hallway on the second floor while on the first floor a living room and study would be added with interior renovations within the existing structure.

A letter of support from abutter Joan Lunn of 7 Boardman Lane was entered into the record.

Clerk Kristin Palace made the motion to approve a finding pursuant to Section 3.05 of the Topsfield Zoning By-law that the construction of a two story addition consisting of two bedrooms, living room and study as well as interior renovations within the existing structure would not be substantially more detrimental or objectionable to the neighborhood; seconded by Member Scott Dow; so voted 4-0.

218 Boston Street: At 8:30PM, Chairman Moriarty opened the public hearing to consider the application of Essex Auto Group for premises located at 218 Boston Street, Suite 210 requesting a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 4. Retail and Service, Sub-section 4.10, retail establishment selling motor vehicles to allow the existing property to be permitted for retail sales of motor vehicles.

At this time, Chairman Moriarty informed the Board that the Applicant formally made a written request to withdraw the application without prejudice. Clerk Kristin Palace moved that the Board approve the written request dated July 25, 2010 to withdraw said application without prejudice. The motion was seconded by Member Scott Dow; so voted; 4-0

Correspondence: The Board reviewed the following correspondence:

- Letter: Trinity Episcopal Church Re: Wireless Communication Facility
- Letter: Glenn Clohecy Re: Violation at 215 Washington St.

207 Boston Street / Fairgrounds School Bus Parking: At 8:45PM, Chairman Moriarty called to order the public hearing to consider the application of NRT Bus, Inc. for premises located at 207 Boston Street, commonly known as the Topsfield Fairgrounds,

requesting a finding pursuant to Article III, Section 3.05 of the Zoning By-Law to permit the parking and refueling of school buses within a designated area at the Fairgrounds for transportation of students for the Masconomet School District & Tri-Town Union.

Attorney James Senior represented the Applicant. Also present were owner John McCarthy and employees Christine Vrees and Lisa Exum who gave input relative to the refueling procedures for the buses.

Attorney Senior presented the application to the Board and noted that there would be approximately 30 buses parked in the designated location off to the right of the River Gate entrance driveway as shown in Exhibit A attached hereto. He referred to the materials forwarded to the Board regarding the refueling operation. The Board's main concern with refueling was that the refueling operation would take place in an environmentally sensitive area abutting the Ipswich River. The members discussed said operation in detail with the Applicant. Attorney Senior informed the Board that refueling would take place once per week with approximately 50 to 60 gallons per bus. The nozzle is required to be hand held releasing 7.5 gallons per minute. The Board was informed that all employees are required to receive hazmat training and would follow refueling procedures as regulated by state code under 527 CMR 5. The Applicant also informed the Board that it would file for a permit from the Topsfield Fire Department and would follow all conditions and/or restrictions placed on said permit or approval issued by the local department.

The Board found pursuant to Topsfield Zoning By-law, Article III, Section 3.05 that the proposed parking and refueling of school buses is distant enough from any residential neighbors so as not to have any detrimental impact on them, and would not be substantially more detrimental or objectionable to the neighborhood provided the conditions in the decision are adhered to.

Chairman Moriarty moved that the Board adopt the foregoing findings and issue a decision with conditions pursuant to Article III, Section 3.05 to allow parking and refueling of school buses by NRT Bus, Inc. at the Topsfield Fairgrounds. The finding shall only be valid until June 30, 2015. The permit is subject to annual reviews, at the discretion of the Board, to determine if the actual operations of the Applicant are in conformance with the information provided to the Board and to determine if additional conditions are required to insure that the operations are not substantially more detrimental or objectionable to the neighborhood.

The motion was seconded by Clerk Kristin Palace; so voted; 4-0.

The meeting was adjourned at 9:52 PM

Respectively submitted,

Roberta M. Knight, Community Development Coordinator