

Topsfield Zoning Board of Appeals
September 23, 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 Richard Gandt and Martha Morrison; Judd Pratt, Barbara Pratt, Howard Kielley, Filippa Giunta, Carol White, Caroline Playter, Doris Olmstead, Allison Musci, Jen LaRussa, Sal LaRussa

27 East Street: At 8PM, Chairman Moriarty called to order the public hearing to consider the application of Judson & Barbara Pratt, for premises located at 27 East Street requesting a finding pursuant to Article III, Section 3.05 of the Topsfield Zoning By-Law relative to the sub-division of a grandfathered non-conforming lot with two principal residential structures into two non-conforming residential lots.

Chairman Moriarty requested Ms. Knight to give an executive summary regarding the history of the property. Ms. Knight noted that the lot with existing historical buildings had been at one time part of the Laurence estate and the two dwellings date back to 1871 and 1912. Further, there was a zoning decision in 1987 that confirmed that the residences had been in existence prior to the date of the first Zoning By-law in the Town of Topsfield, and further found as a matter of fact that the occupancy of each of these two residences was a legal non-conforming use.

Mr. Judson Pratt, owner of the property, explained to the Board that he and his wife have been residents of Topsfield for forty years and had purchased the property in 1971 at which time there existed two residential dwellings. About thirty years ago, the back cottage had been improved and Barbara's mother came to reside there until her passing. Mr. Pratt further stated that zoning relief is being requested since it is the intent of the Pratt's to move to the smaller back cottage and sell the front larger home where they currently reside. Mr. Pratt presented the Board with an ANR Plan which subdivides the grandfathered lot into two non-conforming lots.

Chairman Moriarty confirmed that the Applicant's property is entitled to the zoning exemption from Subdivision Control pursuant to the definition of "Subdivision" contained in M.G.L c. 41, §41L on the basis that there were two buildings existing on one lot prior to the adoption of the Subdivision Control Act in the Town of Topsfield, both of which buildings are still standing.

Several of the residents were concerned that this would set precedence for other lots in the area in particular Ms. Playter was concerned with the abutting the horse farm to her property where there is a barn with living quarters. Mr. LaRussa asked for clarification

in the definition of a principal structure and was also concerned about the possible alteration, enlargement or replacement of either building on the newly created lots.

Chairman Moriarty responded that not only the current lot is a non-conforming grandfathered lot, the proposed lots would also be non-conforming and any changes to the dwelling units would need zoning relief from the Zoning Board. In the case of the horse farm, he noted that a barn is not considered a principal structure for dwelling purposes. A principal structure is a residential dwelling unit, where as a barn, garage, shed etc. are considered accessory structures.

The Board made the appropriate findings relative to the required zoning relief. Member Jody Clineff made the motion [pursuant to M.G.L. c. 41, §41L] to allow the sub-division of a grandfathered non-conforming lot with two principal residential structures into two non-conforming residential lots.

Coordinator's Update: Ms. Knight informed the Board that there were two possible applications that may be filed in the near future: the first, a full service restaurant at the former Bagel Shop on Main Street, and second, the proposed application by Peoples Bank to build a new structure the Topsfield Shopping Center in the area used for parking, access and egress onto Main Street.

Zoning Revisions: Topsfield Planning Board Chairman Martha Morrison informed the Board that the Planning Board would be discussing zoning changes for May 2015 town meeting action. Two of the possible revisions would concern (1) the parking requirements for the various use categories in the Business Village District and (2) the review of definitions for compatibility in the Zoning By-laws and the Subdivision Rules And Regulations. The Board members noted that they saw a need for the review of the parking for the downtown areas since present requirements limited development and revitalization of the downtown area. However, the Board did not see a need to review definitions.

The meeting was adjourned at 9:15 PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator