

Topsfield Zoning Board of Appeals

September 2, 2009

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.

Reorganization of the Board:

Member Kristin Palace made the motion to nominate Bob Moriarty as Chairman; seconded by Member Scott Dow; so voted 4-0-1.

Chairman Moriarty made the motion to nominate Kristin Palace as Clerk; seconded by Member Lisa Taylor; so voted 4-0-1.

Amberwood Permit Release: Developer John Sanidas came before the Board to request the final release for the Amberwood Development's comprehensive permit. Chairman Moriarty and members reviewed the file. Ms. Knight confirmed that all responsible boards had confirmed in writing that work under their respective jurisdiction had been completed, and that the Conservation Commission had finally issued the Certificate of Compliance.

Finding all in order, Chairman Moriarty made the motion that pursuant to Chapter 40B, and under Section 13 of the Comprehensive Special Permit, the Zoning Board of Appeals approves the release for sale of the final four (4) units within the Project in accordance with the terms of the Permit and by said release grants the Applicant Approval of Final Completion; seconded Kristin Palace; so voted 5-0.

Minutes: Chairman Moriarty made the motion to approve the minutes of February 24, 2009, joint minutes of February 24, 2009, minutes of March 24, 2009 and joint minutes of March 24, 2009; seconded by Kristin Palace; so voted 5-0.

285 Boston Street /MetroPCS: At 8:15PM, Chairman Moriarty called to order the public hearing to consider the the application submitted by MetroPCS Massachusetts LLC, represented by Bill McQuade of New England Wireless Solutions LLC for a Special Permit pursuant to Article XII, Section 12.04, paragraph C sub-sections 3 & 4 of the Topsfield Zoning By-law to add six (6) panel antennas at a centerline of 110' and related BTS equipment in the existing fenced compound to an existing Major Wireless Telecommunications Facility located at 285 Boston St.

Mr. Bill McQuade and Mr. Sohail Usmani of New England Wireless Solutions LLC represented the applicant. The representatives noted that MetroPCS intentions were to co-locate 6 panel antennas on decommissioned AT&T mounts at 110 feet on the existing tower. Member Kristin Palace noted that page 2 of the FCC "D" Block license was missing. Mr. McQuade noted that he would email the missing page to Ms. Knight (which was received and forwarded to all members). Mr. Usmani reviewed the structural information reports and responded to the Board members' questions as to size and shape of the antennas. Member Scott Dow questioned whether there should be an independent engineering review on the structural integrity of the tower. Chairman Moriarty responded that the structural analysis reports in his opinion gave sufficient information relative to the capability of the existing self-supporting tower to support the six requested antennas. Further, because of the Tower's remote location, there is little risk of harm to abutting properties, utility lines, or Route 1 in the unlikely event that a problem should develop with the structural integrity of the tower.

Chairman Moriarty made the motion that the Board grant a special permit to Metro PCS Massachusetts LLC for the co-location on the existing Wireless Telecommunications Facility at 285 Boston Street of 6 panel antennas at the centerline of 110' and related BTS equipment in the existing fenced compound; seconded by Member Tony Penta; so voted 5-0.

207 Boston Street / Essex Agricultural Society / Arena: At 8:45PM, Chairman Moriarty called to order the public hearing to consider the application of the Essex Agricultural Society for premises located at 207 Boston Street requesting a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 2 Community Facilities, Sub-section 2.7 Privately- owned recreational facility of the Zoning By-Law in connection with the use of the Livestock Arena as a sports arena for athletic games including sports office, snack bar and pro-shop.

James O'Brien, General Manager of the Topsfield Fairgrounds, represented the Essex Agricultural Society and reviewed the application for the proposed sports facility operation to be housed in the Livestock Arena. The application as presented proposed the use of the Livestock Area from mid-October to mid-April as a "Sports Arena" for athletic games including soccer, field hockey, softball, volleyball and lacrosse and to also house a sports office, limited snack bar and pro-shop. This proposal is similar to the operations that Don Cragg had conducted in the Arena under a special permit since 1993. The Society does not plan to renew Mr. Cragg's lease, but would like to continue the athletic use under a special permit issued to the Society. Mr. O'Brien introduced Stefano Franciosa, a Topsfield resident experienced in running athletic programs, whom the Society would hire to run the sports facility operation. He then reviewed the submitted site plan with the Board noting the location of the sports office, limited snack bar and pro-shop. He also responded to questions raised by the members.

The Board members then reviewed the special permits issued in 1993 and 1995 relative to Board findings and specific conditions previously imposed under the terms of these special permits.

No abutters were present and no one spoke in opposition to the application for the special permit.

Chairman Moriarty made the motion that the Board grant a special permit to the Essex Agricultural Society pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 2 Community Facilities, Sub-section 2.7 Privately-owned recreational facility for the Arena subject to the following conditions:

- The hours of operation for athletic activities will be 5:30AM to 11:00PM, Monday thru Friday; and 8:00AM to 11:00PM on Saturday and Sunday.
- The hours of operation for the pro-shop and snack bar will be the same as the athletic activities except that they may open ½ hour before the event and must be closed no later than 11:00PM.
- No fees for admission by spectators are permitted.
- No video arcades are permitted.
- No alcoholic beverages are permitted on the premises.
- No advertising of goods for sale in the media, i.e. television, radio newspapers, internet, etc. shall be made. Advertising of the existence of the pro-shop and snack bar in conjunction with advertising of the athletic programs is permitted.
- The goods offered to players/participants must be consistent with the programs conducted at the arena.
- No more that 400 sq. feet of floor space shall be devoted to the pro-shop, sports office and snack area.
- Applications must be submitted and permits obtained from the Board of Health for the sale of snack foods, and from Inspectional Services for all interior alterations.
- All safety regulations and requirements imposed by the Topsfield Police Chief and Fire Chief shall be met.
- The conditions of all applicable state building laws, rules and permits shall be met.

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

Home Occupation / Accessory Use: At this time, Selectman Martha Morrison addressed the Board whether there was an issue under the Zoning By-laws with allowing a home occupation within an accessory structure such as a barn located on a residential property. A short discussion ensued, but no determination was made as to appropriateness under the bylaw.

The meeting was adjourned at 9:45 PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator