

Topsfield Zoning Board of Appeals

September 24, 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: Selectman Martha Morrison; Alan Grenier, Foti Qirjazi, Brent Roeder, Thomas Wilson, Eileen Wilson, Florence Lear, Wilma Kenney, Philip Reiniger, Attorney Gary Evans.

Reorganization:

Member Jody Clineff made the motion to nominate Robert Moriarty as Chairman; seconded by Member Gregor Smith; so voted 4-0-1.

Member David Moniz made the motion to nominate David Merrill as Clerk; seconded by Member Jody Clineff; so voted 4-0-1.

14 Ross Road: At 8:00PM, Chairman Moriarty called to order the public hearing to consider the application of Thomas Wilson for a finding pursuant to Article III, Section 3.05 of the Zoning By-Law for 13 Ross Road for a one room addition to a single family residence on a non-conforming lot.

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

The Board made the appropriate findings relative to the required zoning relief. Member David Moniz made the motion to grant a finding for 14 Ross Road to allow the construction for a 16 feet by 20 feet living room addition on a non-conforming lot; seconded by Member Jody Clineff; so voted 5-0.

53 Main Street: The Applicant Foti Qirjazi, represented by Attorney Alan Grenier appeared before the Zoning Board of Appeals to request a minor modification of the April 24, 2012 site plan review decision, which approved the parking site plan entitled "Parking Plan for Fotaq Qirjazi" dated January 5, 2012 and revised through April 6, 2012 which designated 16 off-street parking spaces, including one handicapped space and one additional street space.

Attorney Grenier reviewed the modified plan designated as "Parking Plan prepared for Fotaq Qirjazi and Brent Roeder, Graham Associates, Inc. Civil Engineers, dated January

5, 2012, Revision No. 4, August 16, 2013”, denoting the change in the location of the parking spaces and a one way traffic flow pattern for ingress and egress. According to Attorney Grenier the purpose of the change in the configuration of the parking spaces and traffic flow was to allow for improved ingress and egress and provide for an increased area for all parked automobiles as they park and exit. Further, he stated that the modified configuration would improve safety and traffic flow.

The Board members noted their concerns relative to turning radius for vehicles and further that the site was very tight to accommodate the number of required spaces and at the same time handle traffic flow. A lengthy discussion ensued. Chairman Moriarty stated for the record that he was opposed to the modification. Member Gregor Smith noted his concerns for the turning radius; however, he preferred the modified plan relative to traffic flow.

After discussing the merits of the modification, Member Gregor Smith moved that the Board amend the April 24, 2012 decision, and approve the modified parking site plan; all in accordance with the copy of the revised Site Plan dated August 16, 2013; seconded by Clerk David Merrill; so voted 4-1.

47 Central Street /21 Summer Street: At 9:00PM, Chairman Moriarty entertained a discussion with Attorney Gary Evans representing Ziad Shahin concerning said location at the corner of Central Street and Summer Street which houses two residential dwellings on the same lot. Attorney Evans reviewed the history of the property. The lot for many years housed a single family home and a trailer attached to a foundation which was considered a residential dwelling. In 1999, Mr. Shahin filed an application for a special permit to allow the demolition of the trailer and construct a single family home. The Zoning Board approved the special permit to allow the construction of a second single family home and septic system on the property.

At this time, Attorney Evans informed the Board that Mr. Shahin would like to sub-divide the property into two lots. Both lots would be non-conforming in acreage. He asked the Board’s opinion on this proposal.

Planning Board Chairman Martha Morrison informed the Board that an ANR Plan had been submitted to the Planning Board for this property for sub-division into two non-conforming lots. Ms. Morrison noted that at that time the Applicant’s representative was informed that Town policy must be followed and that the owners of the property would need to first seek zoning relief from the Zoning Board of Appeals.

Minutes:

Chairman Moriarty made the motion to approve the minutes of May 28, 2013 as written; seconded by Member Jody Clineff; so voted 5-0.

Member David Moniz made the motion to approve the minutes of June 25, 2013 as written; seconded by Member Jody Clineff; so voted 5-0.

Zoning Amendments: Planning Board Chair Martha Morrison reviewed two sections of the Zoning Bylaw that the Planning Board would be considering two possible amendments at the May 2014 ATM for: (1) the Open Space Bylaw relative to buildable area; (2) removal of the finding requirement for non-conforming lots when all setback requirements are met. Proposed language recommendation relative to “findings” will be forth coming from Glenn Clohecy, Inspector of Buildings.

The meeting was adjourned at 9:45 PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator