### Planning Board Application for Special Permit & Site Plan Review 2014-MAR - 6 PM 12: 24

### Form A



Before you file this application, it is necessary that you be familiar with the requirements for filing plans and other materials in support of this application as specified in the Topsfield Zoning Bylaws, scenic road Bylaw, Stormwater & Erosion Control Bylaw and the respective Planning Board Rules and Procedures that are available from the Town Clerk and Community development Coordinator as well as the Town website at <a href="https://www.topsfield-ma.gov">www.topsfield-ma.gov</a>.

Incomplete applications will not be considered unless waivers are previously obtained from the Planning Board.

#### SPECIAL PERMIT FEES:

Business Park Use Permits	\$200.00								
Elderly Housing Special Permits	\$1000.00 (New construction EHD see Site Plan Review fees								
	listed below)								
Common Drive	\$100.00								
Accessory Apartment	\$100.00								
Groundwater Protection District	a <sup>r</sup>								
Wind Energy Conversion System - Small Scale	\$200.00								
Ground Mounted Solar Photovoltaic Installations	\$200.00								
Scenic Road									
Stonewall Removal	\$75.00								
Tree Removal	\$75.00								
Stormwater & Erosion Control	\$100.00 plus \$.0030 times the total square footage of the area to be altered by the project; see exemptions under regulations								

#### SITE PLAN REVIEW:

1). Coverage Fee \$100/5,000 sq. ft. or any portinew/altered building footprints systems).	on thereof of new/altered lo, plus all paved surfaces, ser	t disturbance (the total square footage of all otic installations and stormwater management
sq. ft. ÷ 5,	000 sq. ft. x \$100 =	area of new/altered coverage
2). Gross Floor Area Fee \$200/5,000 square feet or any p square footage of all new floor a	portion thereof of new/altered area on all levels of all new or	Gross Floor Area (gross floor area – the total existing buildings).
sq. ft. ÷ 5,00	0 sq. ft. x \$200 =	area of new/altered gross floor area
Coverage Fee	\$	
Gross Floor Area Fee	\$	
Total Site Plan Review Fee	\$	

1	NATURE OF APPLICATION:
	Petition for Special Permit pursuant to Article 7, Section 305 of the Zoning Bylaw.
	Petition for Finding pursuant to Article, Section of the Bylaw.
	Petition for Site Plan Review pursuant to Article IX of the Zoning Bylaw (and the Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaw; and Supplement Form C for submitted requirements and formats).
	Petition for a Scenic Road Permit pursuant to Chapter LV.
	Petition for a Stormwater & Erosion Control Permit pursuant Chapter LI.
DESC	PRIPTION OF APPLICANT:
	a. Name Christopher + Cather Cunningham b. Address 10 Meadownew Rd
	b. Address 10 Meadowngew Rd
	c. Phone Number 978-887 879-7
	d. Interest in Premises (e.g., owner, tenant, prospective purchaser, etc.)  (Attach copy of lease and/or letter of authorization from owner, if applicable)
DESC	RIPTION OF PREMISES:
a.	Assessor's Map 37, Lot(s) 27, Zoning District TRA
b.	Location of Premises (number and street) 10 Meclaw Usew Rd
c.	Name and address of legal owner (if different from Applicant)
d.	Deed to the Premises recorded at (if known):  Essex South District Registry of Deeds, Book 3/370 Page 4/5  Essex South Registry District of the Land Court, Certificate Number
e.	Prior zoning decisions affecting the Premises (if any):  Date of Decision Name of Applicant  Nature of Decision
f.	Present use of the Premises Single Family Pascelewce
g.	Present structures conform to current Zoning Bylaw. Yes No. If no, in what respect does it not conform.
PROPO	SAL (attach additional sheets if necessary):
a.	General Description:  Construction of an accessory building  attached to the main house  for the purpose of tamely accessory apartment

Topsfield Planning Board Form A Page 2 of 5

b.	If proposal is for construction or alteration	n of an existing str	ucture, please s	tate:	
	<ol> <li>Setbacks required per bylaw</li> <li>Existing setbacks</li> <li>Setbacks proposed</li> </ol>	FRONT 20 90 90	REAR 40 1824 1554	37,4 31,4	
	<ul><li>4. Frontage and area required by bylaw</li><li>5. Existing frontage (s) and area</li><li>6. Frontage (s) and area proposed</li></ul>	FRONTAGE	ARI 413 473	EA 1,000 1,180	
	7. Existing Height 124 8. Height proposed 124	FEET &	STO	PRIES	
c.	Other town, state or federal permits or lice	enses required, if a	ny:		
NECES	SARY ACCOMPANYING DATA:				
appropri	It is required that every application be a late and complete data could result in delay oplicable accompanying supporting data:	ccompanied by ap and/or denial of ap	opropriate suppo pplication for zo	orting data. oning relief.	Failure to submit Place a check next
	Variance of Special Permit Applications: (See Planning Board Rules and Procedures Sect All required sup	tion III) porting data attacl	ned	_ Yes	No
	Site Plan Review Applications: (See Town of Topsfield Zoning Bylaw, Article ) Standards for Activities Subject to the Provision All required sup-	IX, Section 9.05. Se as of Article IX of th porting data attach	e Topsfield Zonin	g Bylaw)	nce
	Comprehensive Permit Applications:	porting data attact		_Yes	No
	(See G.L.c. 40B, Sections 20-23)	porting data attach	and	37	
	Appeals from decisions of Building Inspect (See Planning Board Rules and Procedures, Sect	or or Others		_Yes	No
]	If all required supporting data is not attached		ea	_Yes	No
and					
740 -					
./	3/4/14		Passin	Kimmi	undan 1
Ī	Date		Signature of Ap	oplicant	y wire
		(	holys	long	5

Topsfield Planning Board Form A Page 3 of 5

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### **TOWN OF TOPSFIELD**

### SPECIAL PERMIT APPLICATION TO THE PLANNING BOARD FOR FAMILY ACCESSORY APARTMENT

1. Applicant(s): (This application must be signed by all owners as identified in the deed attached to this application).

<u>Name</u>	<u>Address</u>		^
Christopher Conninghan	n lomes	downen RJ Rys	held
Christopher Conninghan Paithin Conningham	10 Me	adaview RD Bo	Reld
$Q_{i}$			
☐ Deed attached	18		
2. Property Address: 10 M	eadouvieu	u Ro Topsfield	
3. Registry of Deeds Title Re	eference: Boo	k 31370, Page 415	_
4. Attach list of all abutters notice of the application sha		eet of each lot line to who	m
5. State the names and ages	s of all occupa	ants of the main dwelling	; <b>-</b>
Name	Age	Name	<u>Age</u>
Caitlin Cunningham	30		
christopher Connighom	30		
beby due 5/7/14			
			PPEP PORT OF THE PPEP P
6. State the names and ages accessory apartment.	s of all propos	sed occupants of the fami	ly
<u>Name</u>	<u>Age</u>	Name	Age
Jodi Conway	56		
7. State the identity of and to owner or occupant of the market family Accessory Apartment	in dwelling a	nd the owner or occupan	t of the
non Courred 12 Mostres	or con	mi Camidian	

8. State the reason for the Family Accessory Apartment. (Article VII § 7.03 of the bylaw requires that the primary purpose of the Family Accessory Apartment shall be to maximize privacy, dignity, and independent living among the occupants of the main dwelling and the Family Accessory Apartment).
Personal Cove Peguirements
9. State estimated cost of all improvements to create the Family Accessory Apartment.
10. State whether improvements include structural work, and if so describe them.
New accessive building attached to main house - no structure work to exact this halse.  11. State the description and frequency of the personal care assistance to be provided.
Family support through meal, interaction of communication on a daily boss. Childrage.
12. State whether the occupant(s) of the Family Accessory Apartment will make any financial contribution to the applicants and if so explain in detail. (Article VII § 7.03 of the bylaw prohibits generating income as a primary purpose of the Family Accessory Apartment).
Yes No
If yes, state amount, frequency and explain in detail.
13. Attach scaled drawings of the floor plan of the existing main dwelling and the proposed Family Accessory Apartment including elevations if exterior modifications are proposed.
☐ Floor plan attached ☐ Elevation attached

14. Attach written certification by the Board of Health that the sewage disposal system has sufficient capacity to accommodate the occupants of the Family Accessory Apartment.

Board of Health certification attached

15. Identify the zoning district and present use of the subject property and the commencement date of that use.

IRA-Sigle family (esidence)

By signing this application, all applicants verify that all purposes, procedures and requirements as set forth in the bylaw have been fulfilled and covenant that the use of the Family Accessory Apartment shall forthwith be discontinued upon termination as provided by the bylaw.

Dated: 3/4/14



# Town of Topsfield 8 West Common Street

Topsfield, MA 01983

### PERMIT DENIAL

NAME:	Christopher & Caitlin Cunningham
ADDRESS:	10 Meadowview
LOCATION:	10 Meadowview
ZONING DIS	TRICT: IRA
PERMIT REC	QUESTED FOR: Accessory Apartment per plans submitted
THIS DENIA	L IS BASED ON THE NEED FOR AN APPROVAL FROM THE:
	ZONING BOARD OF APPEALS
X	PLANNING BOARD
	BOARD OF SELECTMEN
FOR A:	
	VARIANCE
	FINDING
X	SPECIAL PERMIT
	☐ Lot Frontage       ☐ Building Height       ☐ Lot Coverage         ☐ Side Yard       ☐ Rear Yard       ☐ Parking       ☐ Open Space         height, location)       ☐ Expansion of Non-Conforming Use         Non-Conforming Use       ☐ Additional Principal Building
ZONING REQ	UIREMENT:
PROPOSED: Date Permit De	enied 3/6/2014  Seried 3/6/2014  Inspector of Buildings Zoning Enforcement Officer



## The Commonwealth of Massachusetts Board of Building Regulations and Standards Massachusetts State Building Code, 780 CMR, 8th edition



Building Permit Application To Construct, Repair, Renovate Or Demolish a

One- or Two-Family Dwelling

This Section For Official Use Only

Building Permit Num	perj			Applied:	· · · · · · · · · · · · · · · · · · ·								
Signature:	ena laho ommissioner/Insp	ref			6/14								
		Andrew or a contract of the property of	to the same of	Date /	<u></u>	ga tab							
1.1 Property Addres	LOW VIC	w	1.2 Assessors Map & Parcel Numbers  Map Number  Parcel Number										
1.3 Zoning Information Property Zoning District		no	1.4 P 43	roperty Dir	150								
1.5 Building Setback	s (ft)	the front glock to come		Alle	Frontage	(II)							
Front Ya		- S	Side Yards										
Required	Provided	Required		Provided	Required	ear Yard							
26 9	0.3	15	1	211	Required	Provided							
1.6 Water Supply: (M. Public Private		1.7 Flood Zon Zone:		ood Zone2	1.8 Sewage Disp	osal System:							
Signature (SDC	DIONE DESC	A RELIGINOR	Telepho	ne	-809-8-79-7								
	Existing Buildin		Occupied		s(s)  Alteration	THE RESERVE OF THE PARTY OF THE							
TO SECURE OF TAXABLE PARTY OF THE PARTY OF T	Accessory Bldg.	900 mg 1800 mg	of Units	- History	er  Specify:	(s) Addition							
Brief Description of Pro	at a la	4 36Ag	900 29 a	970. W	the con la	1-lan slay room							
ltem	Estimated (Labor and )	Costs:			Moial Use Only								
l. Building	S	1.	Building P	cumit Fee: \$	Indicateth	ow fee is determined:							
. Electrical	\$		Standard (	hty/Town A	pplication Fee								
. Plumbing	\$	70 7	lotal Proje Other Fiees	ct Cost" (Ite	m-6):xanuliplier	X - A							
. Mechanical (HVAC)	\$	, May 2, 7 9 1		A STATE									
. Mechanical (Fire uppression)	\$	Tot	al All Fees	<b>3</b>									
. Total Project Cost:	\$240,0	00*/- Che	ck No. aid in Full	Check	Amount: Ca Outstanding Balanc	ish Amount: e Due:							



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Trust



Return to:
Department of Environmental Protection
Bureau of Resource Protection, Wastewater Management
{Applicable Regional Office or Boston Office address}

### GRANT OF TITLE 5 BEDROOM COUNT DEED RESTRICTION

This Grant of Title 5 Bedroom Count Deed Restriction is made as of this 6<sup>TH</sup> day of March, 20 14, by Caitlin & Christopher Curningham ("Grantor"), of Topsfield County, Essex pursuant to M.G.L. c. 21A, §13 and 310 CMR 15.000 (collectively, "Title 5").

WITNESSETH WHEREAS, Grantor, being the owner(s) in fee simple of that [those] certain parcel[s] of [vacant] land located in 10 Meodowien Road, Topsfield, MA, ESSEX Massachusetts, [with the buildings and improvements thereon], pursuant to a deed from to Grantor, dated 5/24/2012, and recorded with ESSEX County Registry of Deeds in Book 31370, Page 415 [source of title other than by deed] and/or pursuant to Certificate issued by the Land Registration Office of the **Essex** County Registry of Title No. District, said parcel(s) of land being more particularly bounded and described in Exhibit A, attached hereto and made a part hereof, and being shown on a plan entitled, "\* below", dated no. 80, in Plan Book 97 and/or registered as Land Court Plan No. \_\_\_\_, on file with the Land Registration Office of ESSEX County Registry District ("Property"); and WHEREAS, Grantor desires to restrict the number of bedrooms, as the term bedroom is defined at 310 CMR 15.002 ("Bedroom"), through the granting of this Title 5 Bedroom Count Deed Restriction; NOW, THEREFORE, Grantor does hereby GRANT to Town of Toosfield of Essex County, Massachusetts, a municipal corporation located in **Essex** County, having a mailing

NOW, THEREFORE, Grantor does hereby GRANT to Town of Topsfield of Essex

County, Massachusetts, a municipal corporation located in Essex

County, having a mailing address of a west Common St. Topsfield Massachusetts, and acting by and through its Board of Health ("Local Approving Authority"), for nominal and non-monetary consideration, the sufficiency and receipt of which are hereby acknowledged, with QUITCLAIM COVENANTS, a TITLE 5

BEDROOM COUNT DEED RESTRICTION ("Restriction") in, on, upon, through, over and under the Property.

Said Restriction operates to restrict the Property as follows:

1. Restriction. Grantor hereby restricts the total number of Bedrooms in, on, upon, through, over and under the Property to [4(four)] Bedrooms, such that at no time shall there exist more than [4(four)] Bedrooms in, on, upon, through, over and under said Property.

K Plan entitled, "Definitive Plan and Profile, Meadowview Road, Topofield, Mass., Owner - Russet Trust"

- 2. <u>Severability</u>. Grantor hereby agrees that, in the event that a court or other tribunal determines that any provision of this instrument is invalid or unenforceable:
  - (i) That such provision shall be deemed automatically modified to conform to the requirements for validity and enforceability as determined by such court or tribunal; or
  - (ii) That any such provision, by its nature, cannot be so modified, shall be deemed deleted from this instrument as though it had never been included herein.

In either case, the remaining provisions of this instrument shall remain in full force and effect.

- 3. <u>Enforcement.</u> Grantor expressly acknowledges that a violation of the terms of this Restriction could result in the following:
  - (i) upon determination by a court of competent jurisdiction, in the issuance of criminal and civil penalties, and/or equitable remedies, including, but not limited to, injunctive relief, such injunctive relief could include the issuance of an order to modify or remove any improvements constructed upon the Property in violation of the terms of this Restriction; and
  - (ii) in the initiation of an enforcement action and/or assessment of penalties by the Local Approving Authority and/or the Massachusetts Department of Environmental Protection, a duly constituted agency with a principal office located at One Winter Street, Boston, MA 02108 (DEP), to enforce the terms of this Restriction pursuant to Title 5; M.G.L. c.111, §§ 2C, 17, 31, 122, 123, 125, 127A-O, inclusive, and 129; and M.G.L c. 83, §11.
- 4. Provisions to Run with the Land. The rights, liabilities, agreements and obligations created under this Restriction shall run with the Property and any portion thereof for the term of this Restriction. Grantor hereby covenants for [himself/herself/itself] and [his/her/its] executors, administrators, heirs, successors and assigns, to stand seized and to hold title to the Property and any portion thereof subject to this Restriction.

The rights granted to the Local Approving Authority, its successors and assigns, do not provide, however, that a violation of this Restriction shall result in a forfeiture or reversion of Grantor's title to the Property.

- 5. Concurrence Presumed. It is agreed that:
  - (i) Grantor and all parties claiming by, through, or under Grantor agree to and shall be subject to the provisions of this Restriction; and

- (ii) Grantor and all parties claiming by, through, or under Grantor, and their respective agents, contractors, sub-contractors and employees, agree that the Restriction herein established shall be adhered to and shall not be violated, and that their respective interests in the Property shall be subject to the provisions herein set forth.
- 6. <u>Incorporation into Deeds, Mortgages, Leases, and Instruments of Transfer.</u> Grantor hereby agrees to incorporate this Restriction, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest and/or a right to use the Property, or any portion thereof, is conveyed.
- 7. Recordation. Grantor shall record and/or register this Restriction with the appropriate Registry of Deeds and/or Land Registration Office within 30 days of receiving the approved Restriction from the Local Approving Authority. Grantor shall file with the Local Approving Authority and the DEP a certified Registry copy of this Restriction as recorded and/or registered within 30 days of its date of recordation and/or registration.
- 8. Amendment and Release. This Restriction may be amended only upon the approval and acceptance of such amendment by the Local Approving Authority. Release of this Restriction shall be granted by the Local Approving Authority upon (i) Grantor's request of such release; and (ii) the Property being connected to a municipal sewer system and the septic system serving the Property being abandoned in accordance with 310 CMR 15.354. Any such amendment or release shall be recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office and a certified Registry copy of said amendment or release shall be filed with the Local Approving Authority and the DEP within 30 days of its date of recordation and/or registration.
- 9. Term. This Restriction shall run in perpetuity and is intended to conform to M.G.L. c.184, §26, as amended.
- 10. Rights Reserved. This Restriction is granted to the Local Approving Authority. It is expressly agreed that acceptance of this Restriction by the Local Approving Authority shall not operate to bar, diminish, or in any way affect any legal or equitable right of the Local Approving Authority or of DEP to issue any future order with respect to the Property or in any way affect any other claim, action, suit, cause of action, or demand which the Local Approving Authority or DEP may have with respect thereto. Nor shall acceptance of the Restriction serve to impose any obligations, liabilities, or any other duties upon the Local Approving Authority.
- 11. Effective Date. This Restriction shall become effective upon its recordation and/or registration with the appropriate Registry of Deeds and/or Land Registration Office.

WITNESS the execution hereof under seal this	6 <sup>TH</sup> day of <u>March</u> , 20 14.
	Grantor - Cai-lin Cunningham
	Grantor - Christopher Cunningham
	March 6, 2014
Then personally appeared the above-named the foregoing instrument to be	Cartin and Christophy Cand acknowledged free act and deed before me.
	Gennikuk. Dorie
	TENNIFER K. DORE  OF THE TOTAL PROPERTY OF MASSACHUSETTS  My Commission Expires  January 9, 2015
	Approved and Accepted By:
Date:	Local Approving Authority

TEST

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### TOWN OF TOPSFIELD, MA PLANNING BOARD

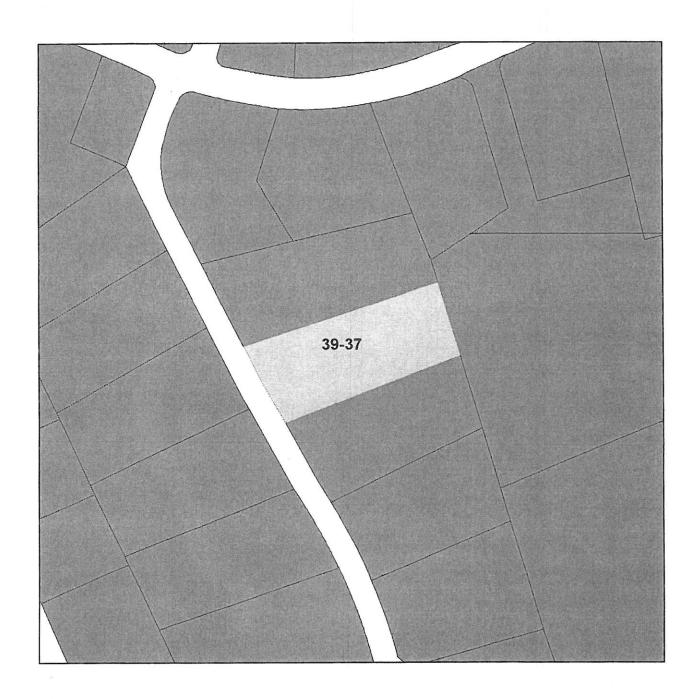
### Application Supplement Form B

Attach to this form a copy of the Assessor's map (scale 1" equals 200') showing the property and all other properties and roadways within 300 feet of any portion of the property. Also, show the lot number and lot owner's name on each lot within the 300'.

property of the Ap	pplicant (locus).	ling addresses as shown in the Assess	
Applicant's Nam	_	Cartlin + Christophe	r CONNING ham
Telephone No.	118-081-	- 8797	
Locus:	16 Mead	don view Rd	
Map Block	Location	Owner	(If different from location)  Mailing Address
	39-37		
SEE ATTACHE	D LIST		
If needed, attach a	additional sheets.	-	
		Assessor's Certification	
To the Topsfield F	Planning Board:		
	sses of the parties asse	last assessment for taxation made by tessed as owners of land within 300' o	
Authorized Signat Assessors' Office	ture Kath	and Jackson (A	sst to principal asses

39-37 10 MEADOWVIEW RD FCR PLANNING BOARD TOPSFIELD, MA ABUTTERS LIST WITH IN 300'

St Zip	MA 01983			MA 01983		MA 01983			MA 01983	FT. 34109	MA 01983	MA 01983	MA 01983	MA OISES															
City	TOPSFIELD	ANDOVER	TOPSFIELD	TOPSFIELD	TOPSFIELD	TOPSFIELD	TOPSFIELD	TOPSFIELD	TOPSFIELD	TOPSFIELD	TOPSFIELD	TOPSFIELD	TOPSFIELD	TOPSFIELD															
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Mailing Address	90 WASHINGTON ST	3 LOVEJOY RD	94 WASHINGTON ST	102 WASHINGTON ST	8 MEADOWVIEW RD	10 MEADOWVIEW RD	14 MEADOWVIEW RD	20 MEADOWVIEW RD	21 MEADOWVIEW RD	17 MEADOWVIEW RD			7 MEADOWYLEW NO PO BOX 46	PO BOX 428					9					-,*					et po
		MACKEY TAKA L	n'	KING LOUISE C		TLIN E	IR A		14	KAREN N JELLOW FAMILLI IN	AL PER RES TR 2007	IVES JOLIE LACHAPELLE	SANDLER STEPHANIE C	BRUCE NOMINEE TR												*	v		
	Owners Name	MACKEY STEPHEN M	GUSCHOV DEMBITMA ON PETRELLO RAYMOND	KING JOHN W	MAKI LISA	CINNINGHAM CHRISTOPHER	KOLTUKA PHILIP E	HOVER DANIEL P	GIABBAI PETER	JELLOW KAREN N TR	BATEMAN JOSEPH F JR	LEONARD INTA H IN	SANDLER ERIK D	BRUCE DOROTHY M TR	DORN MARK E														
ţ	aloot Tot			31 89 94 MACHINGTON ST	91	36	37	38 14 MEADOWYLEW	39 LA MERDONATEM	39 40 21 MEADOWVIEW RD	43	44		46							28								



GEOGRAPHIC INFORMATION SYSTEM
VISION APPRAISAL TECHNOLOGY



