

TOWN OF TOPSFIELD

SPECIAL PERMIT APPLICATION TO THE PLANNING BOARD FOR A TEMPORARY ACCESSORY APARTMENT

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

Name

Address

Dina Kahriman-Prkos
Elvir Prkos

37 Wenham Road, Topsfield, MA 01983
37 Wenham Road, Topsfield, MA 01983

☐ Deed attached YES

2. Property Address: **37 Wenham Road, Topsfield, MA 01983**
3. Registry of Deeds Title Reference: **Book 41183 , Page 065**
4. Attach list of all abutters within 300 feet of each lot line to whom notice of the application shall be given. **ATTACHED**
5. State the names and ages of all occupants of the main dwelling.

Name

Age

Name

Age

Dina Kahriman-Prkos	38		
Elvir Prkos	44		
Behija Kahriman	68		
Enisa Kahriman	18		
Luna Prkos	1.5 (baby)		

6. State the names and ages of all proposed occupants of the temporary accessory apartment.

Name

Age

Name

Age

Behija Kahriman	68		
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(Already an occupant of the home)

6. State the identity of and the family or other relationship between the owner or occupant of the main dwelling and the owner or occupant of the Temporary Accessory Apartment upon which this application is based.

Behija Kahriman is my mother (Dina Kahriman) and mother-in-law to Elvir Prkos.

7. State the reason for the Temporary Accessory Apartment. (Article VII § 7.03 of the bylaw requires that the primary purpose of the Temporary Accessory Apartment shall be to maximize privacy, dignity, and independent living among the occupants of the main dwelling and the Temporary Accessory Apartment).

The primary reason of the Temporary Accessory Apartment is to maximize privacy, dignity, and independent living among my mother (Behija Kahrیمان 68y old), occupant of the Temporary Accessory Apartment, and the remaining family members, occupants of the main dwelling.

8. State estimated cost of all improvements to create the Temporary Accessory Apartment.

\$10,000.00-\$15,000.00

9. If any Temporary Accessory Apartment permits were previously approved for this property, please list the dates and describe any structural work performed at that time.

None that I know of.

Date of Permit: _____ Work Performed: _____
Date of Permit: _____ Work Performed: _____

**Describe your requested improvements and if they include structural work:
Extend existing wall (see pictures attached) to create a solid wall between the two units. Renovate existing built-in bar area to be a functional kitchen by adding a stove, fridge, and more kitchen cabinets. No walls or structure will be torn down for said improvements. No structural work required.**

10. State the description and frequency of the personal care assistance to be provided.

My mother is a high functioning but disabled 68 year elderly woman. The care would be on a daily basis consisting of spending time together to assure her well being, helping with chores, in particular laundry and other such matter that may difficult to for her to perform due to restrictions on lifting and age.

11. State whether the occupant(s) of the Temporary 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 Temporary Accessory Apartment).

Yes _____
No X

12. 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 Temporary Accessory Apartment including elevations if exterior modifications are proposed.

Floor plan attached 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 Temporary Accessory Apartment.

Board of Health certification attached **Attached. Septic system has been updated as per Board of health request.**

15. Identify the zoning district and present use of the subject property and the commencement date of that use. **Zoning District is ORA, single-family. The commencement date of that use is 1954, when the house was initially built. The house will remain exactly as it is now from the outside, and will continue to be used as a single-family home with an accessory apartment for the purposes of my mother occupying it. All occupants will remain the same. The same amount of cars will be on premises.**

16. 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 Temporary Accessory Apartment shall forthwith be discontinued upon termination as provided by the bylaw.

Dated: 10/11/2023


Dina Kahrman-Prkos


Elvir Prkos

**INTERNAL USE: PLANNING BOARD TRACKING SHEET
FOR TEMPORARY ACCESSORY APARTMENT**

Property Location: _____

Documents required by the bylaw to be attached hereto.

- ☐ Amnesty requested
- ☐ Filing fee paid
- ☐ Notice to abutters
- ☐ Deed
- ☐ Floor plan
- ☐ Elevations
- ☐ Board of Health certification
- ☐ Building permit
- ☐ Certificate of occupancy
- ☐ Title reference to recorded special permit
 ✂ Book _____, Page _____
- ☐ Title reference to recorded termination notice
 ✂ Book _____, Page _____
- ☐ Building Inspector confirmation of discontinuance

Zoning District: _____ Basis of use if not single-family zone:

Name of each owner residing in the main dwelling:

Name of each occupant of the Temporary Accessory Apartment.

Date of Denial of Special Permit setting forth the reason:

Date: _____

Reason: _____

Date of approval of special permit by planning board vote that each requirement of the bylaw has been met.

Date: _____

Termination Date: _____

Extended Termination Date: _____



SO.ESSEX #173 Bk:41183 Pg:065
09/12/2022 11:07 AM DEED Pg 1/2
eRecorded

MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 09/12/2022 11:07 AM
ID: 1546020 Doc# 20220912001730
Fee: \$6,156.00 Cons: \$1,350,000.00

QUITCLAIM DEED

We, Steven C. Pettengill and Virginia C. Pettengill, husband and wife, of 37 Wenham Road, Topsfield, Essex County, Massachusetts

for consideration paid and in full consideration of ONE MILLION THREE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$1,350,000.00),

grant to Dina Kahriman-Prkos and Elvir Prkos, as tenants by the entirety of 310 Lynn Fells Parkway, Saugus, Essex County, Massachusetts

WITH QUITCLAIM COVENANTS,

The land with the buildings thereon commonly known as 37 Wenham Road, Topsfield, Massachusetts as described below:

The land and buildings in said Topsfield, Massachusetts being shown as Lot No. 8 on a plan entitled "Land of Estate of Annie B. Shatuck, et ux, Wenham Road, Topsfield, Mass., Feb. 1957, Edwin T. Brudzynski, Reg. Surveyor" recorded with Essex South District Registry of Deeds, Plan Book 89, Plan 74, bounded and described as follows:

- | | |
|---------------|---|
| SOUTHEASTERLY | by the Westerly side of said Wenham road by two lines measuring respectively, forty-eight and 58/100 (48.58) feet, and one hundred fifty-one and 42/100 (151.42) feet to a stake at Lot 9; thence running |
| SOUTHWESTERLY | by said Lot No. 9 on said plan, six hundred nineteen and 54/100 (619.54) feet to land now or late of Wellman; thence running |
| NORTHWESTERLY | by said land now or late of Wellman, by three lines measuring respectively, one hundred fifty-three and 73/100 (153.73) feet, fifty-eight and 19/100 (58.19) feet, and seventy-seven and 99/100 (77.99) feet to a point at the other land now or formerly of said Wellman; thence running |
| NORTHEASTERLY | by said other land now or formerly of Wellman, four hundred eighty-seven and 73/100 (487.73) feet to the point of beginning. |

Containing 100,000 square feet of land, according to said plan.

Said premises are conveyed subject to and with the benefit of easements, reservations and rights of record.

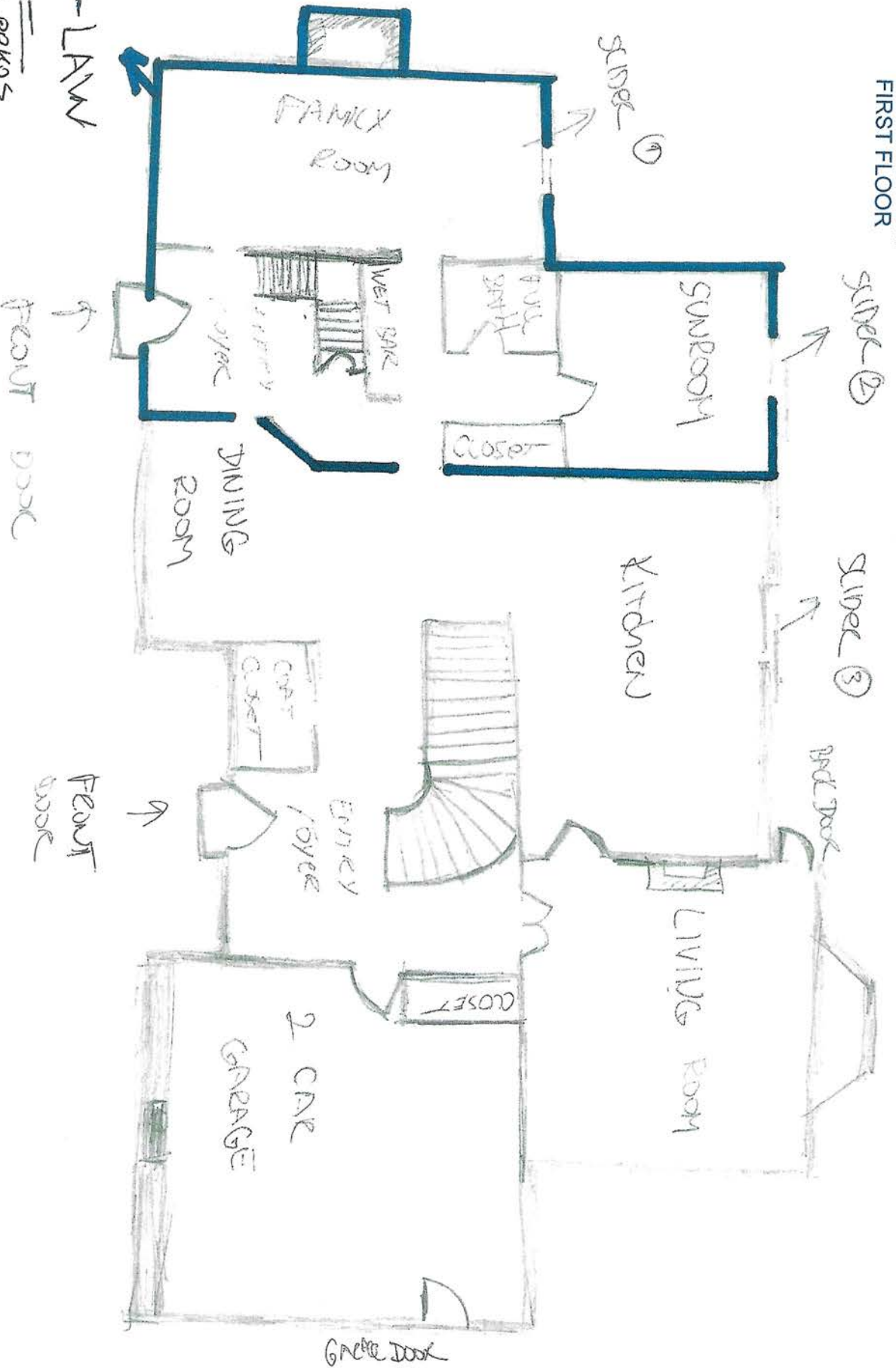
The undersigned hereby releases any and all rights of homestead and certify that no other person has any homestead rights to said premises.

Property Address: 37 Wenham Road, Topsfield, MA 01983

EXISTING PLAN
FIRST FLOOR

ELVIR PROS
02/27/2023

IN-LAW

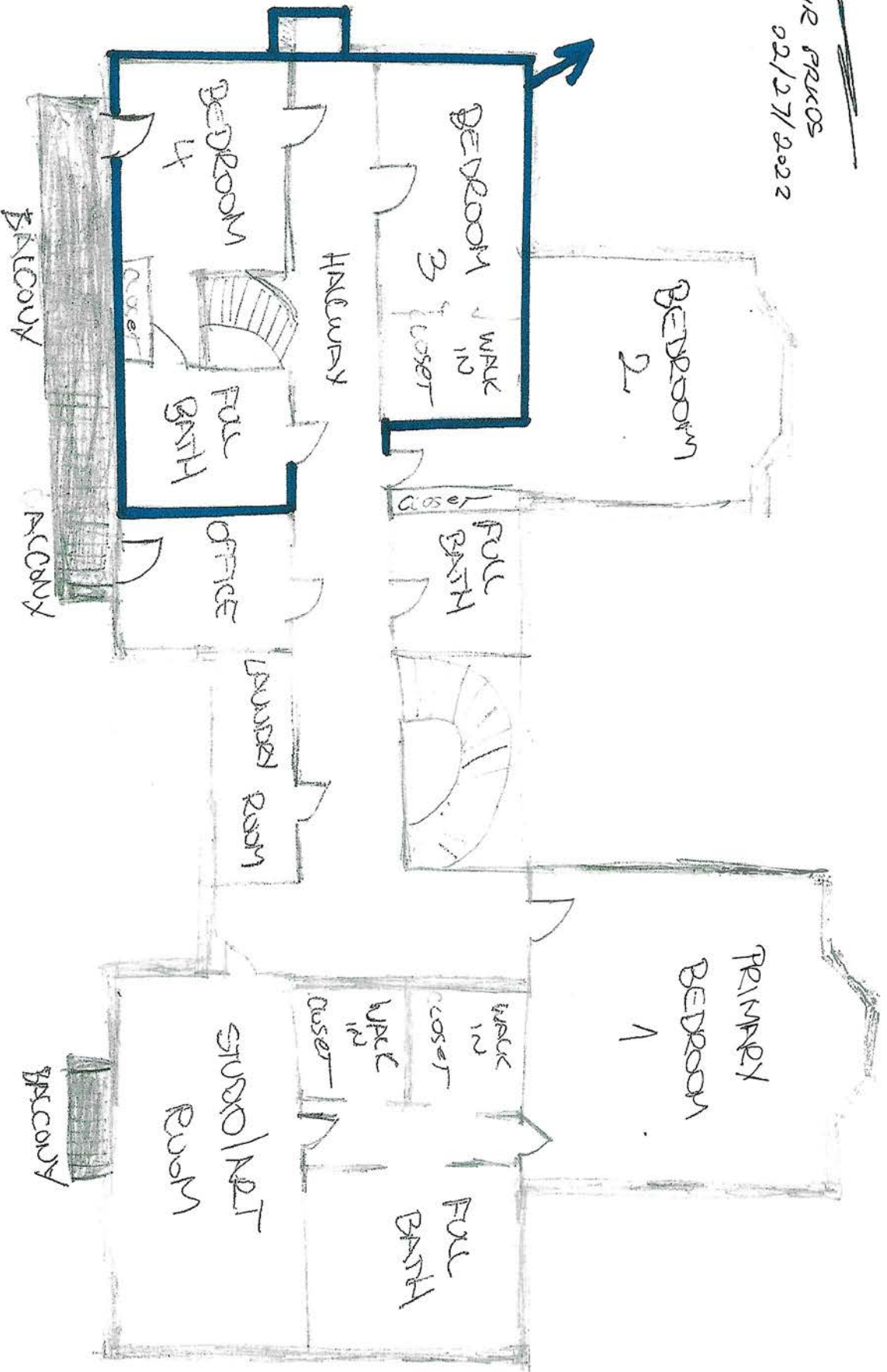


37 WENDHAM RD.

ELVIR PROS 02/21/2023

EXISTING PLAN
SECOND FLOOR

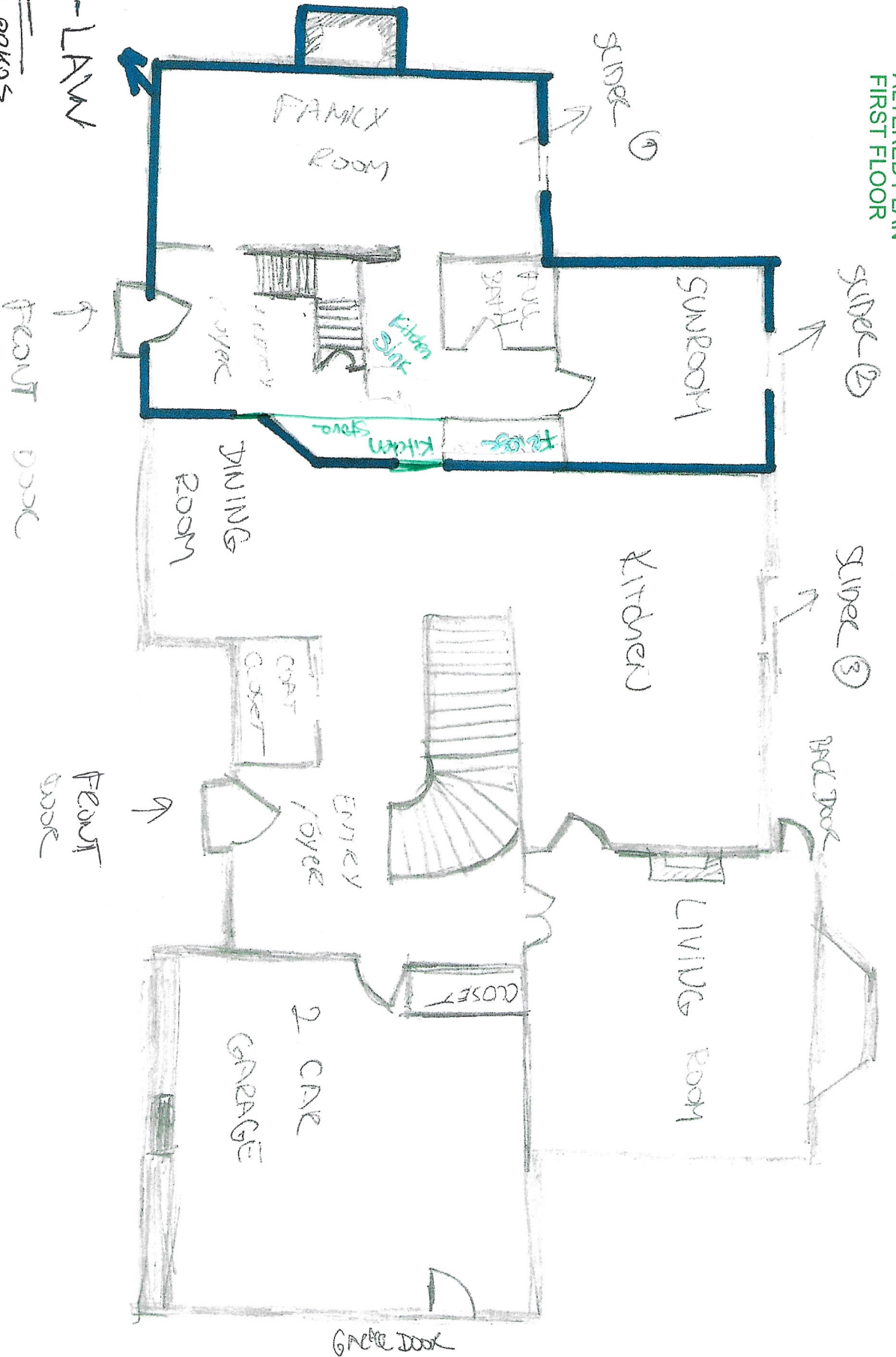
WIR PRKS
02/27/2022



37 WENHAM RD.

WIR PRKS 02/21/2023

ALTERED PLAN
FIRST FLOOR



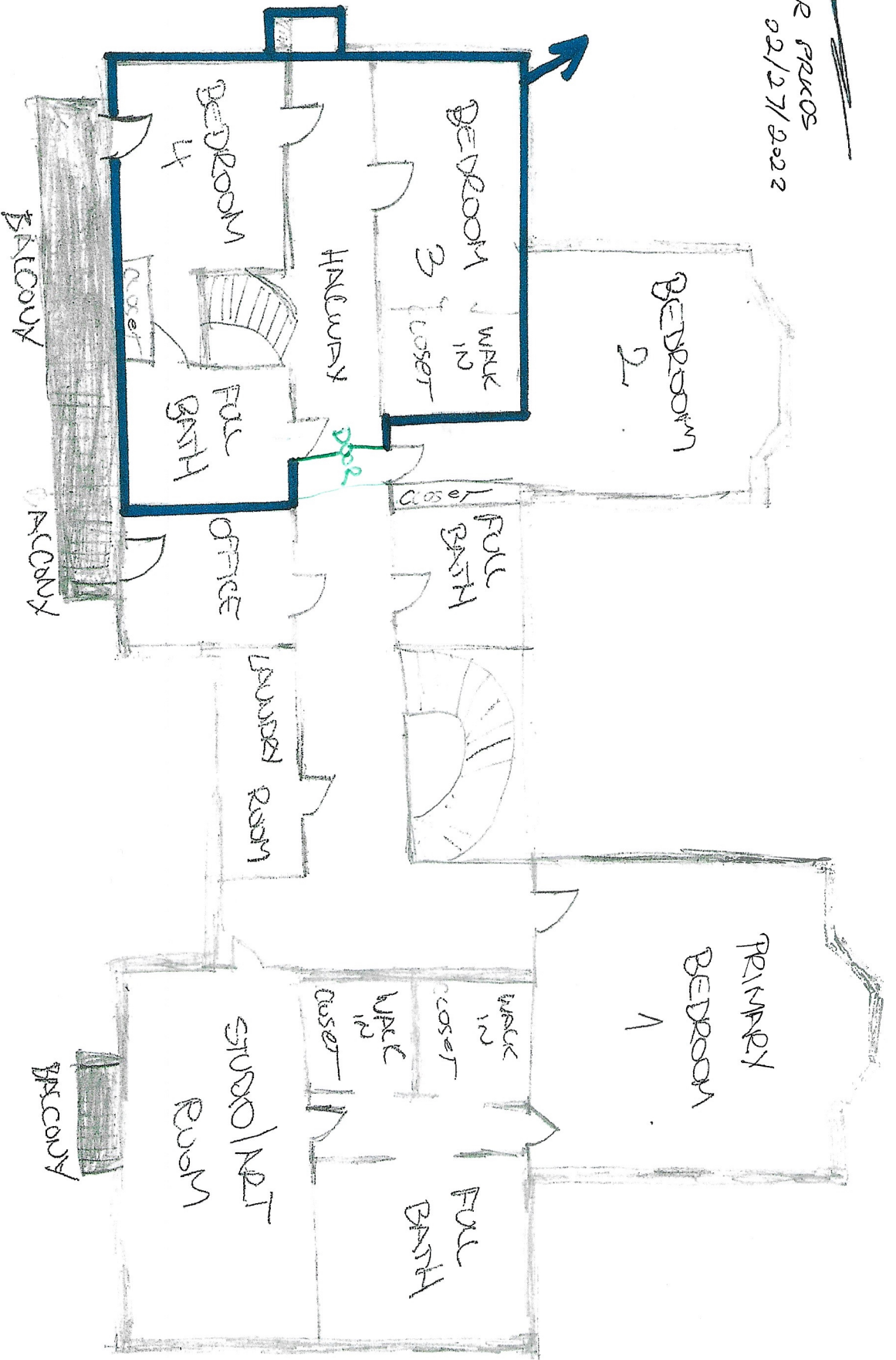
ELVIR PERKINS
02/27/2023

37 WENDHAM RD.

ELVIR PERKINS 02/21/2023

ALTERED PLAN
SECOND FLOOR

WIR PRANS
02/27/2022



37 WENHAM RD

WIR PRANS 02/21/2023

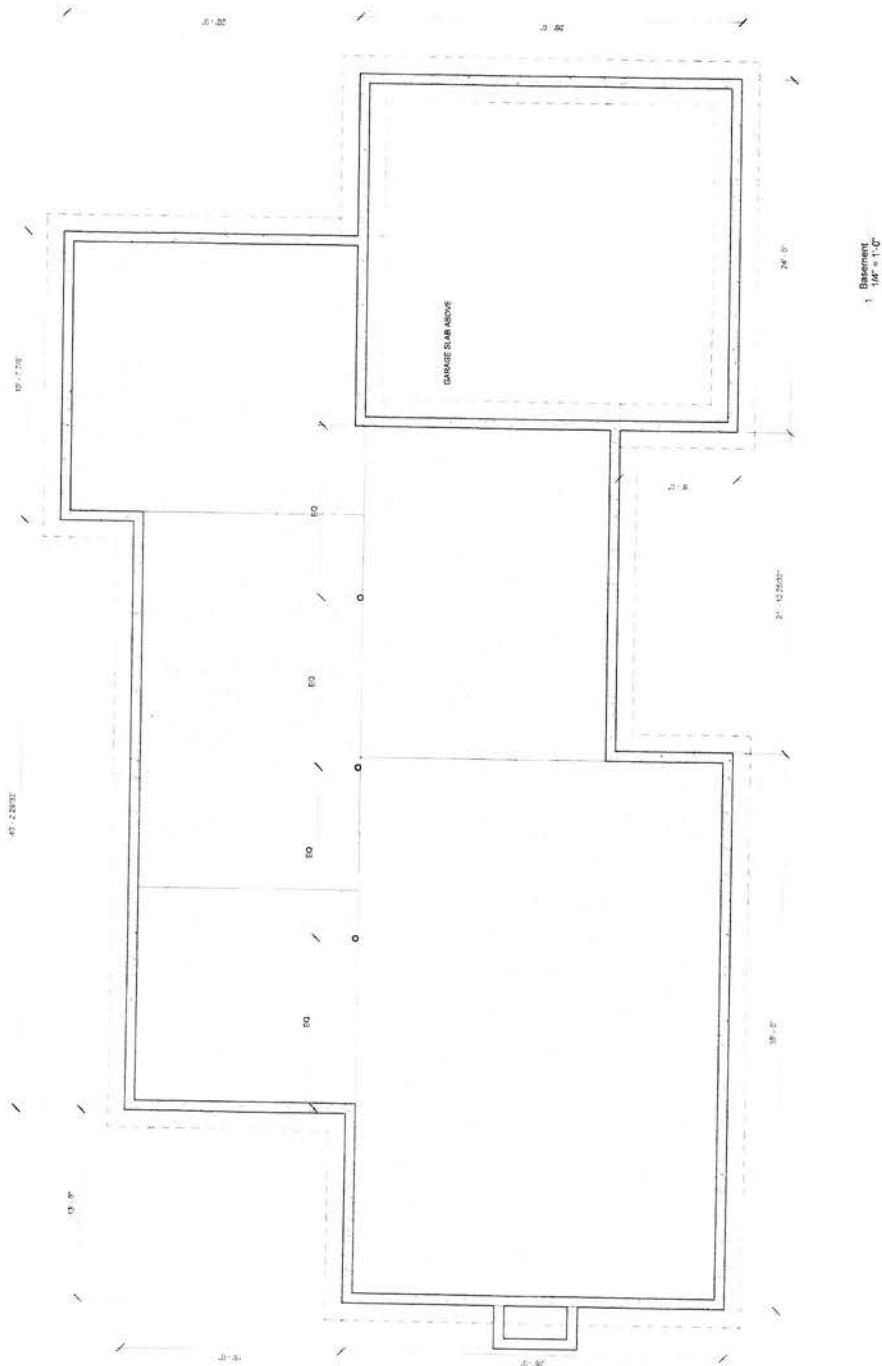
SCALE 1/4" = 1'-0"	DRAWN BY RJC
PROJECT No. Project Number	CADD FILE

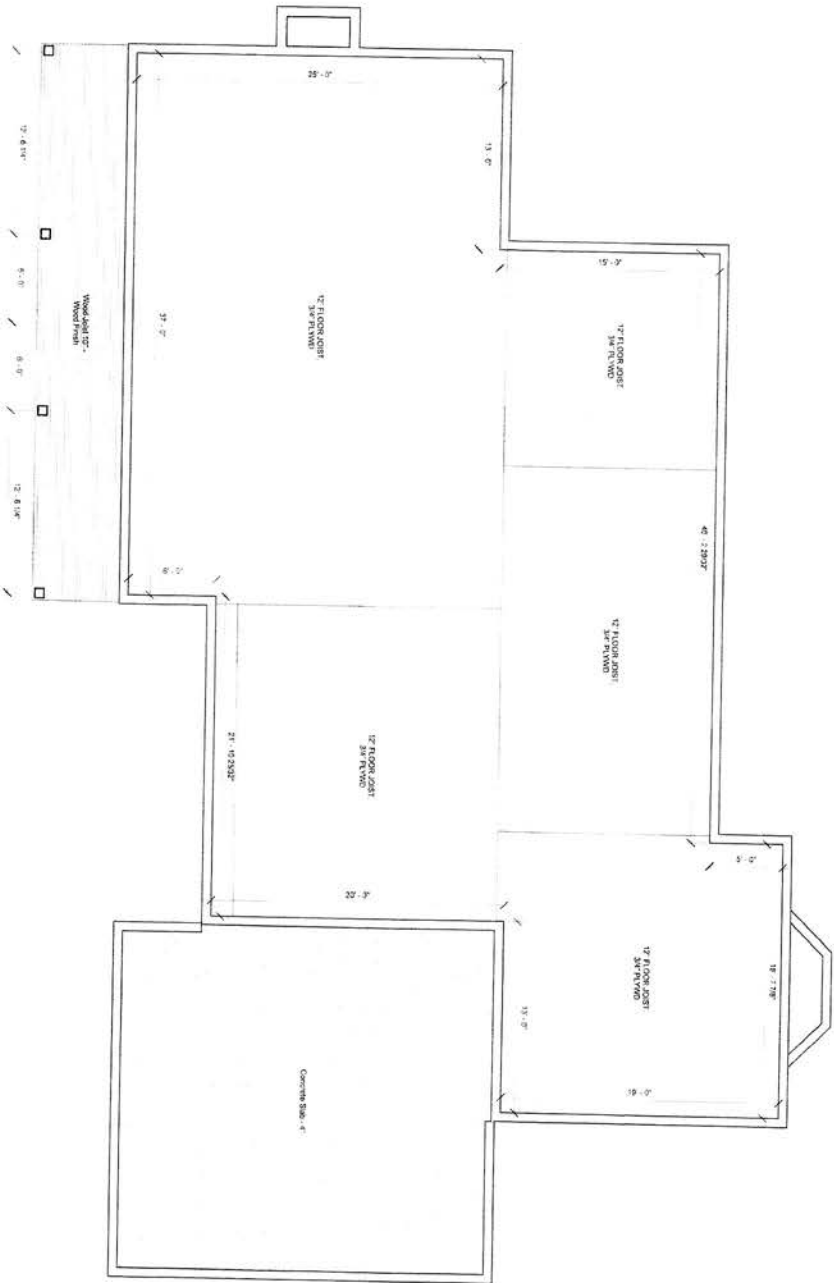
REVISIONS	
Date	Description

DATE	ISSUE DATE
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25

Project Name	37 WENHAM RD TOPSFIELD, MA 01963
Basement Plan	





1
1/4" = 1'-0"

Boeing & Company Architects 11 Main Street, Suite 200 Boston, MA 02108 Tel: 617.552.1234 Fax: 617.552.1235 Email: info@boeing.com		Project Name 37 WENHAM RD TOPSFIELD, MA 01963					
DATE 10/1/10		SHEET TITLE First Floor Plan					
REVISIONS <table border="1"> <thead> <tr> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>				Date	Description		
Date	Description						
SCALE 1/4" = 1'-0" PROJECT NAME CDD FILE		PROJECT NUMBER A1					

1 Second Floor
1/4" = 1' 0"

Wood Joist 10" -
Wood Finish

Wood Joint 10"
Wood Finish

12" FLOOR JOIST
3/4" PLYWD12" FLOOR JOIST
3/4" PL. W/ST.12" FLOOR JOIST
3/4" PLY MD17' FLOOR JOIS
3/4" PLYWD

THE FLOOR JOIST
WAS PLANNED

Planning Board Application for Special Permit & Site Plan Review

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 www.topsfield-ma.gov.

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	
<u>Accessory Apartment</u>	<u>\$100.00</u>	
Groundwater Protection District		
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 4.0030 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 portion thereof of new/alterd lot disturbance (the total square footage of all new/alterd building footprints, plus all paved surfaces, septic installations and stormwater management systems).

_____ sq. ft. ÷ 5,000 sq. ft. x \$100 = _____ area of new/alterd coverage

2). Gross Floor Area Fee

\$200/5,000 square feet or any portion thereof of new/alterd Gross Floor Area (gross floor area – the total square footage of all new floor area on all levels of all new or existing buildings).

_____ sq. ft. ÷ 5,000 sq. ft. x \$200 = _____ area of new/alterd gross floor area

Coverage Fee	\$ _____
Gross Floor Area Fee	\$ _____
Total Site Plan Review Fee	\$ _____

NATURE OF APPLICATION:

- ☒ Petition for Special Permit pursuant to Article VII, Section 7.03 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.

DESCRIPTION OF APPLICANT:

- a. Name Dina Kahrman-Prkos and Elvir Prkos
- b. Address 37 Wenham Road, Topsfield, MA 01983
- c. Phone Number 781-248-0305 (Dina); 617-803-0232 (Elvir)
- d. Interest in Premises (e.g., owner, tenant, prospective purchaser, etc.) Owner
(Attach copy of lease and/or letter of authorization from owner, if applicable)

DESCRIPTION OF PREMISES:

- a. Assessor's Map 70, Lot(s) 11, Zoning District ORA
- b. Location of Premises (number and street) 37 Wenham Road
- c. Name and address of legal owner (if different from Applicant) Same
- d. Deed to the Premises recorded at (if known):
☒ Essex South District Registry of Deeds, Book 41183 Page 065 deed attached
☐ Essex South Registry District of the Land Court, Certificate Number _____
- e. Prior zoning decisions affecting the Premises (if any): none that we know of.
Date of Decision _____ Name of Applicant _____
Nature of Decision _____
- f. Present use of the Premises Singel Family
- g. Present structures conform to current Zoning Bylaw. ☒ Yes ☐ No. If no, in what respect does it not conform. _____

PROPOSAL (attach additional sheets if necessary):

a. General Description:

The home, without any proposed alterations, is a single-family house, with 2 front door entranced, and 3 back door entranced leading to the yard area. It has 2.290 acres of land and 5045 square feet of finished living area. It has 4BRs, 3 full baths, 1 3/4 bath, and 10 rooms total. We are not adding any additional bedrooms, baths, rooms or squarefootage. We are proposing to only do 2 things: 1.) Build a wall between the 2 entrances. The living arrangements will remain exactly as they are now. The purpose of the wall is to minimize noise and allow for privacy. 2.) Convert the existing built-in bar area to a functional kitchen by adding a stove, fridge, and additional kitchen cabinets.

See attached pictures with description.

b. If proposal is for construction or alteration of an existing structure, please state:

	FRONT	REAR	SIDE(S)
1. Setbacks required per bylaw	_____	_____	_____
2. Existing setbacks	_____	_____	_____
3. Setbacks proposed	<u>no changes</u> <u>proposed</u>	<u>no changes</u> <u>proposed</u>	<u>no changes</u> <u>proposed</u>
	FRONTAGE	AREA	
4. Frontage and area required by bylaw	_____	_____	
5. Existing frontage (s) and area	_____	_____	
6. Frontage (s) and area proposed	<u>no changes</u> <u>proposed</u>	<u>no changes</u> <u>proposed</u>	
	FEET	STORIES	
7. Existing Height	_____	2 stories	
8. Height proposed	<u>no changes</u> <u>proposed</u>	<u>no changes</u> <u>proposed</u>	

c. Other town, state or federal permits or licenses required, if any:
Building permit for renovations has already been issued and in the final stage of
being closed out, pending the special permit.

NECESSARY ACCOMPANYING DATA:

It is required that every application be accompanied by appropriate supporting data. Failure to submit appropriate and complete data could result in delay and/or denial of application for zoning relief. Place a check next to the applicable accompanying supporting data:

Variance of Special Permit Applications:

(See Planning Board Rules and Procedures Section III)

All required supporting data attached ☒ Yes ☐ No

Site Plan Review Applications:

(See Town of Topsfield Zoning Bylaw, Article IX, Section 9.05. See also Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaw)

All required supporting data attached ☒ Yes ☐ No

Comprehensive Permit Applications:

(See G.L.c. 40B, Sections 20-23)

All required supporting data attached ☐ Yes ☒ No

Appeals from decisions of Building Inspector or Others:

(See Planning Board Rules and Procedures, Section III (1) (e))

All required supporting data attached ☐ Yes ☒ No

If all required supporting data is not attached, why not:

Comprehensive permit application is not applicable.

No appeals have been filed or issue, to the best of my knoweldge.

10/11/2023
Date

Dina Kahriman
Signature of Applicant
Elvir Prkos



TOWN OF TOPSFIELD

BOARD OF ASSESSORS

8 West Common Street
Topsfield, Massachusetts 01983
Telephone: (978) 887-1514 Fax: (978) 887-1502

This form must be completed and Assessor fee of \$20.00 must be paid before release of the certified abutters list.

Submission Date **Thursday, October 12, 2023** Issue Date **Friday, October 13, 2023**

Department requiring list: **Planning Board**

300 Ft. ☒ 100 Ft. ☐ (Conservation Only) ☐ Direct Abutters

Person/Party requesting list: **Dina Kahrman**

Address: **37 Wenham Road Topsfield, MA**

Phone #: **781-248-0305** Email Address **info@kahrmanlaw.com** Misc: _____

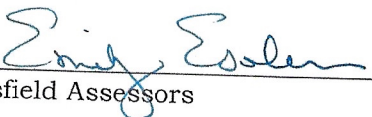
Property Owner: **Dina Kahrman**

Assessor's Map(s) **70** Lot(s) **11** Location **37 Wenham Road**

Assessor's Fee Paid: ☒ Yes ☐ No

The Assessors' Office requires ten (10) working days to certify an Abutters List. This list is valid for sixty days only from date of issue.

Certified By:


Topsfield Assessors



Certification of Parties in Interest

The Board of Assessors of the Town of Topsfield do hereby certify, in accordance with the provisions of Section 10 and 11 of Chapter 808 of the Acts of 1975, that the following named persons, firms and corporations are parties in interest, as in said Section 11 defined, with respect to the premises herein above described.

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'.

List below the lot owner names and mailing addresses as shown in the Assessors' records, beginning with the property of the Applicant (locus).

Applicant's Name, Mailing Address: Dina Kahrman-Prkos and Elvir Prkos

Telephone No. 781-248-0305 (Dina); 617-803-0232 (Elvir)

Locus: 37 Wenham Road, Topsfield, MA 02115

Map	Block	Location	Owner	(If different from location) Mailing Address
70	11	37 Wenham Road, Topsfield, MA 02115	Dina Kahrman-Prkos and Elvir Prkos	same

SEE ATTACHED LIST

If needed, attach additional sheets.

Assessor's Certification

To the Topsfield Planning Board:

This is to certify that, at the time of the last assessment for taxation made by the Town of Topsfield, the names and mailing addresses of the parties assessed as owners of land within 300' of the parcel of land shown in the attached sketch were as listed.

Authorized Signature

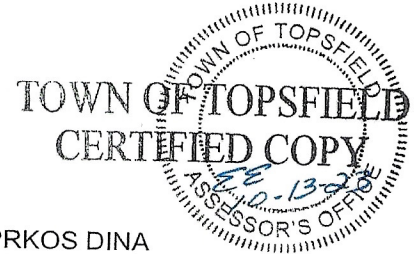
Assessors' Office _____

Date of Verification _____



300 feet Abutters List Report

Topsfield, MA
October 13, 2023



Subject Property:

Parcel Number: 70-11
CAMA Number: 70-11
Property Address: 37 WENHAM RD

Mailing Address: KAHRIMAN-PRKOS DINA
310 LYNN FELS PKWY
SAUGUS, MA 01906

Abutters:

Parcel Number: 64-15
CAMA Number: 64-15
Property Address: 28 WENHAM RD

Mailing Address: PULICK CHRISTOPHER E
28 WENHAM RD
TOPSFIELD, MA 01983

Parcel Number: 70-10
CAMA Number: 70-10
Property Address: 41 WENHAM RD

Mailing Address: LACHMAYR KAREN L
41 WENHAM RD
TOPSFIELD, MA 01983

Parcel Number: 70-12
CAMA Number: 70-12
Property Address: 29 WENHAM RD

Mailing Address: RIORDAN BRENDAN T
29 WENHAM RD
TOPSFIELD, MA 01983

Parcel Number: 70-14
CAMA Number: 70-14
Property Address: 38 WENHAM RD

Mailing Address: COLSMAN ECKART E
38 WENHAM RD
TOPSFIELD, MA 01983

Parcel Number: 70-15
CAMA Number: 70-15
Property Address: 42 WENHAM RD

Mailing Address: MALOY STEVEN R
42 WENHAM RD
TOPSFIELD, MA 01983

Parcel Number: 70-16
CAMA Number: 70-16
Property Address: 46 WENHAM RD

Mailing Address: FRIEND DOUGLAS J
46 WENHAM RD
TOPSFIELD, MA 01983

Parcel Number: 70-8
CAMA Number: 70-8
Property Address: 128 SALEM RD

Mailing Address: DWINELL EVELYN H TR
132 SALEM RD
TOPSFIELD, MA 01983

Parcel Number: 70-9
CAMA Number: 70-9
Property Address: 45 WENHAM RD

Mailing Address: TREVENEN ANNE B
45 WENHAM RD
TOPSFIELD, MA 01983

Parcel Number: 71-18
CAMA Number: 71-18
Property Address: 51 WENHAM RD

Mailing Address: YANNETTI MARK
51 WENHAM RD
TOPSFIELD, MA 01983

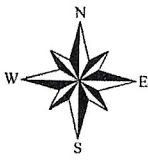


www.cai-tech.com

10/13/2023

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

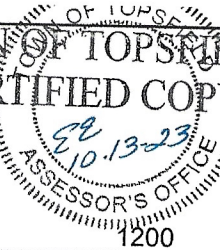
Page 1 of 1



TOWN OF TOPSFIELD
CERTIFIED COPY

Town of Topsfield, MA

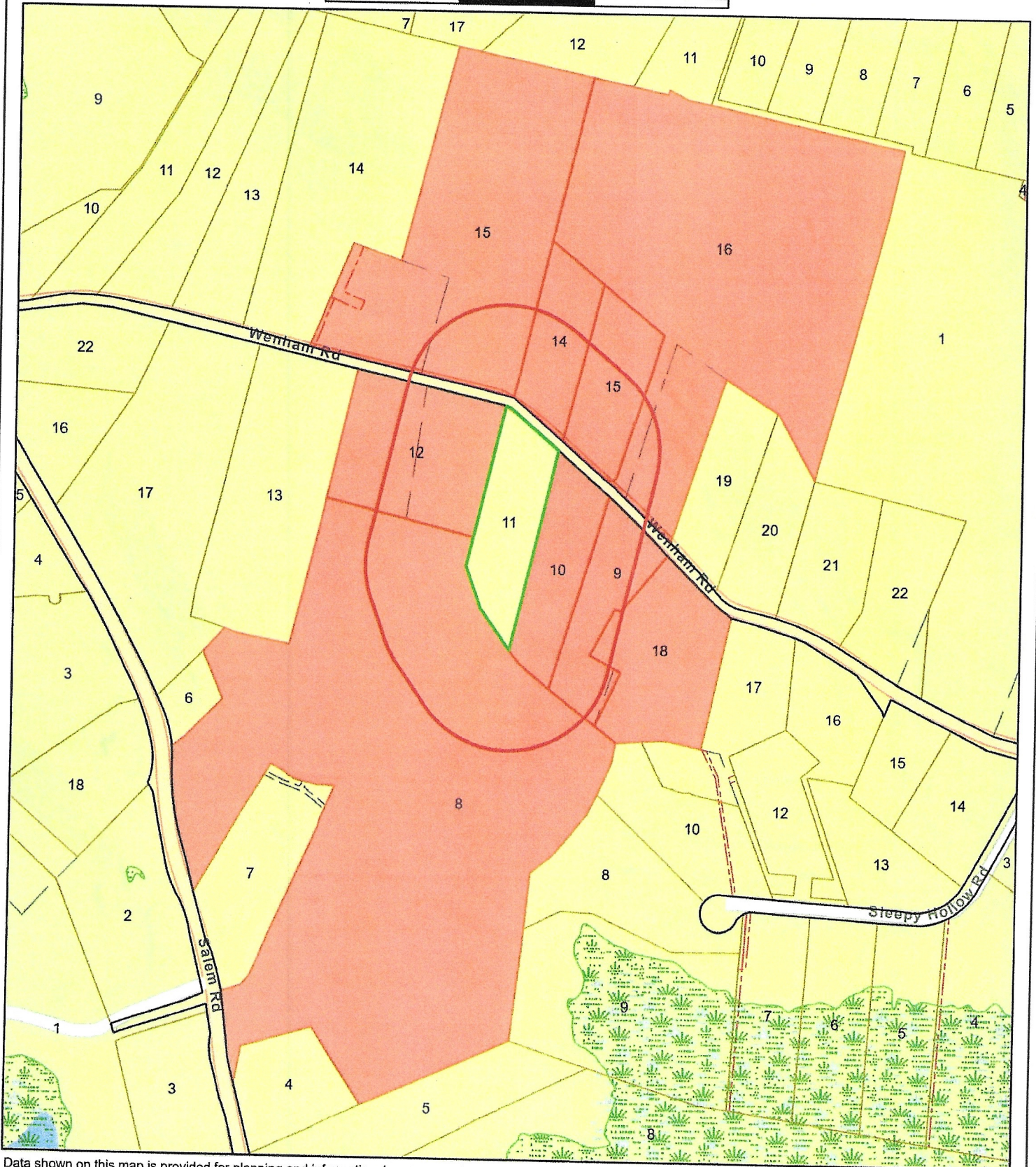
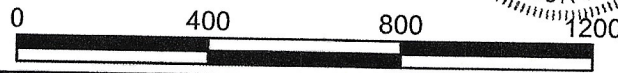
1 inch = 400 Feet



CAI Technologies
Precision Mapping. Geospatial Solutions.

www.cai-tech.com

October 13, 2023



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

COLSMAN ECKART E
38 WENHAM RD
TOPSFIELD, MA 01983

COLSMAN ECKART E
38 WENHAM RD
TOPSFIELD, MA 01983

DWINELL EVELYN H TR
132 SALEM RD
TOPSFIELD, MA 01983

DWINELL EVELYN H TR
132 SALEM RD
TOPSFIELD, MA 01983

FRIEND DOUGLAS J
46 WENHAM RD
TOPSFIELD, MA 01983

FRIEND DOUGLAS J
46 WENHAM RD
TOPSFIELD, MA 01983

LACHMAYR KAREN L
41 WENHAM RD
TOPSFIELD, MA 01983

LACHMAYR KAREN L
41 WENHAM RD
TOPSFIELD, MA 01983

MALOY STEVEN R
42 WENHAM RD
TOPSFIELD, MA 01983

MALOY STEVEN R
42 WENHAM RD
TOPSFIELD, MA 01983

PULICK CHRISTOPHER E
28 WENHAM RD
TOPSFIELD, MA 01983

PULICK CHRISTOPHER E
28 WENHAM RD
TOPSFIELD, MA 01983

RIORDAN BRENDAN T
29 WENHAM RD
TOPSFIELD, MA 01983

RIORDAN BRENDAN T
29 WENHAM RD
TOPSFIELD, MA 01983

TREVENEN ANNE B
45 WENHAM RD
TOPSFIELD, MA 01983

TREVENEN ANNE B
45 WENHAM RD
TOPSFIELD, MA 01983

YANNETTI MARK
51 WENHAM RD
TOPSFIELD, MA 01983

YANNETTI MARK
51 WENHAM RD
TOPSFIELD, MA 01983

**TOWN OF TOPSFIELD, MA
PLANNING BOARD**

**Application Supplement Form C
Site Plan Review Submittal Requirements & Formats**

Submittal Distribution Requirements and Formats:

1. An applicant shall file with the Town Clerk copies of all required documents in the quantities and forms as outlined below. The Clerk's copy of the required documents shall be kept on file by the Town Clerk for the duration of the permitting process and the remaining copies shall be distributed immediately by the Town Clerk to the following:

	Plan
Town Clerk	1
Granting Authority *	7
Granting Authority electronic	1
Reviewing Engineer	1
Conservation Commission	1
Public Works Department (Water & Highway)	1
Board of Health**	1
Historical Commission**	1
Building Inspector**	1
Fire Department**	1
Police Department**	1
Tree Warden**	1
Planning Board or Board of Appeals	
if not the Granting Authority **	1

* Two full size and five reduced size (11" x 17")

** Reduced size plans (11" x 17") are acceptable

Additional copies of any and all documents shall be furnished if requested by the Granting Authority or any other Board, Commission or Department.

2. An electronic copy of all documents shall be submitted to the Granting Authority, formatted in a single paginated PDF file with descriptive bookmarks for each plan set and for each document on either a CD or DVD disc.
3. An electronic copy of the final plans with same format as in section "4.11.2." above, and a full size hard copy of said plans showing the Signatures of the Granting Authority and date of approval shall be submitted to the Granting Authority.

SUMMARY:

* Granting Authority: **(2) Full Scale, (5) Reduced Size 11 x 17**
 Town Clerk, Review Engineer, Conservation, Public Works: **Full Scale**
 All Others: **Reduced Size 11 x 17**

Total: (6) Full Scale; (12) Reduced Size 11 x 17; (1) electronic copy

Home without any alternations

Front of the house already has two doors. No changes will be made.

It will remain as one address and one mailbox.

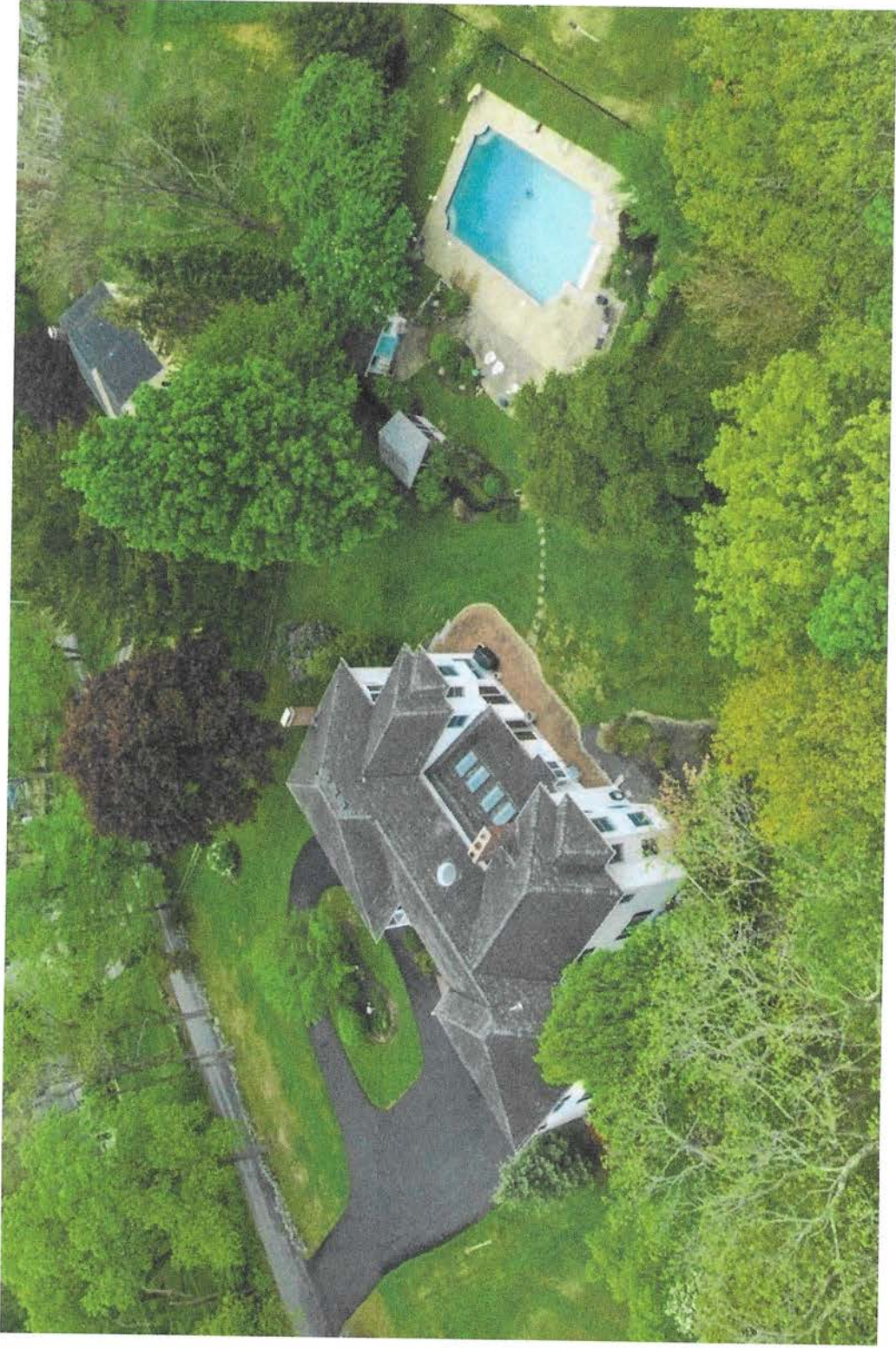
When facing the house, the white door on the left is my mom's entrance.

The red door on the right is our entrance.

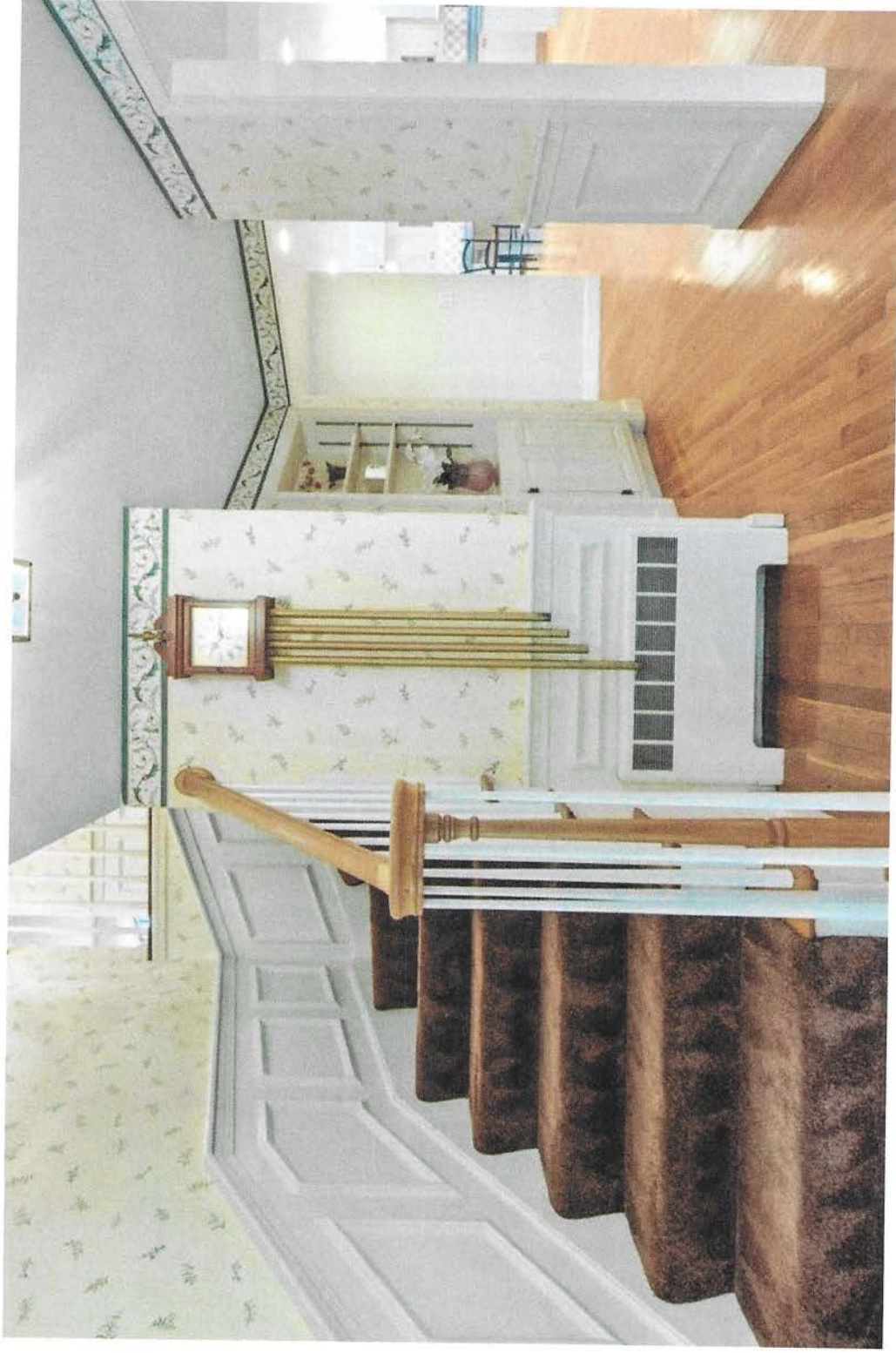
There are 2 garages already, available to all of us, as well as plenty of parking in the driveway.



Back of the house will remain exactly as it is now. No addition is proposed, and no additional square footage has been added or will be added anywhere. The entire alteration is within the house itself.



Area seeking alteration: When facing the house, the white door on the left, leads to this entry. The stairs lead to 2BRs and a bathroom that are already there and currently used by my mom. To the left of the stairs is the living room, that is already there. Behind the stairs is the built-in bar area that we seek to alter into a kitchen, and the bathroom that would stay as-is. The right side of the stairs has a partial wall already, with the remaining area being open and leading to our side of the house. We seek to extend that wall to the left and right and close-up the open space.



The built-in bar area that is there already. The open door that is seen on the picture leads to my mom's living room, which will remain as-is (door and living room).



Pictures of the same areas altered: Same front entrance, still having the living room to the left of the stairs, but with the wall now closed-up on the right and a full kitchen area.



The built-in bar area renovated w/dishwasher, but kept to the same size, with the same door to the living room.



Closed-up wall with additional cabinets, a stove, and a fridge. The door to the bathroom that is visible to the right, is exactly where it was before, same size.



Second Floor with wall and door between the units.





PRKOS PROPERTY MANAGEMENT, INC.

361 NEWBURY ST., 5TH FLOOR
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PAY TO THE
ORDER OF

Town of Topsfield

10/13/2023

\$ 200.00

Two Hundred

00/100

DOLLARS

MEMO

37 Wenham Road
Sausal Pt MA



AUTHORIZED SIGNATURE

007165 021000021

895816079

ARTICLE VII

SPECIAL REGULATIONS

7.01 Site Preparation.

No building permit shall be issued for any structure that requires the excavation of sod, soil, sand, gravel, stone, or any other like materials in an amount in excess of one hundred twenty (120) percent of the foundation of said structure.

Where a variance from the above has been granted by the Permit Granting Authority, the excavation and removal of said material shall be subject to the provisions of the Topsfield Soil Removal By-Law.

(Art. 46, 5/9/78; Art. 23, 5/5/81)

7.02 Soil Transport Within Approved Subdivision.

Within an approved subdivision soil, sod, sand, gravel, and any other like material may be moved within said subdivision for the sole purpose of constructing ways, septic systems, and laying utility lines.

The removal of sand, sod, stone, gravel, and any other like material from a subdivision shall be in compliance with the Topsfield Soil Removal By-Law.

7.03 Temporary Accessory Apartment Special Permit By-Law.

1. Purpose

✓ Mom
1.1 This section permits the owner of an existing, or a proposed, single family detached dwelling to construct one additional dwelling unit for occupancy by family members who have some dependency for special housing needs due to age, mental or physical health, personal care requirements, or economic factors, or by paid or unpaid individuals, including but not limited to nurses, nurse's aids, homemakers, nannies or au pairs, who occupy the family accessory apartment to facilitate providing direct care to a family member of the owner that resides in the dwelling. The primary purpose shall be to maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as the single-family residential character of the neighborhood. Such a purpose is incidental and subordinate to the primary use of the dwelling as a single-family dwelling. A primary purpose of generating income from the additional dwelling unit is not permissible in the single-family zoning district; however, nothing shall prevent payments from the occupant to the owner. Due to the necessary family relationships among the owners of the main dwelling and the occupants of family accessory apartment, the use to be granted hereunder is personal to the owner. The permitted use is temporary to provide adequate monitoring by the special permit granting authority that the owner has continuously complied with the purpose procedures, requirements, and conditions as herein provided.

2. Procedure

✓ 2.1 The Planning Board, as the Special Permit granting authority of the Town of Topsfield, shall grant a Special Permit for a period of three years upon a finding by said Board that the purpose, procedure and requirements of this section have been fulfilled.

2.2 The Application for Special Permit shall:

Deed attached ✓ 2.21. Be signed by 100% of the record title ownership interest of a single family detached dwelling and shall include a copy of the deed to the applicant.

Attached
Attached

✓ 2.2.2. State the name and ages of all occupants of the main dwelling and separately identify the names and ages of the proposed occupants of the family accessory apartment and the family relationship between each owner and each proposed occupant.

✓ 2.2.3. State the factual basis upon which the aforesaid purpose has been fulfilled.

✓ 2.2.4. Include a floor plan of the family accessory apartment, the main dwelling where it is to be located and all elevations where exterior modifications are proposed. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the family accessory apartment.

✓ 2.2.5. Include written verification by the Board of Health that the sewage disposal system shall have sufficient capacity to accommodate the increased proposed use within the rules and regulations of the Board of Health.

3. Requirements

✓ 3.1 The single family detached dwelling may be located in the Inner Residential and Agricultural District, the Outlying Residential and Agricultural District, or as nonconforming single-family residence use within any district.

✓ 3.2 A family member shall include mother, father, stepmother, stepfather, mother-in-law, father-in-law, child, stepchild, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, grandmother, grandfather, grandchild, aunt, uncle, niece or nephew.

✓ 3.3. At least one owner shall reside in the main dwelling as a principal place of residence.

✓ 3.4. One occupant of the family accessory apartment shall be a family member with one owner of the main dwelling unless the occupant shall provide personal care to a family member of at least one owner of the main dwelling or to an occupant of the family accessory apartment.

✓ 3.5. The occupants of the family accessory apartment shall be family members of each other unless the occupants shall provide personal care to a family member of at least one owner of the main dwelling or to an occupant of the family accessory apartment.

✓ 3.6. Each occupant of the family accessory apartment shall provide personal care to a family member of at least one owner of the main dwelling or to an occupant of the family accessory apartment who is a family member to an owner of the main dwelling.

✓ 3.7. There shall be no more than two adult occupants or one adult occupant and two unemancipated children in the family accessory apartment.

✓ 3.8. There shall be no more than one family accessory apartment in any single family detached dwelling.

None required ✓ 3.9. Modifications of the exterior of the dwelling shall be completed in a manner that maintains the appearance of the dwelling as a single-family dwelling.

✓ 3.10. No separate entry to the family accessory apartment shall be permitted unless from existing entries, from within the main dwelling, from the back or from the side of the main dwelling.

✓ 3.11. The family accessory apartment shall not contain more than two bedrooms, and shall not contain in excess of seven hundred fifty square feet, which may be exceeded by 5% due to peculiarities of the layout of the main dwelling. 784 sq. ft.

✓ 3.12. The family accessory apartment shall be located within or attached to the main dwelling.

✓ 3.13. The family accessory apartment must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the main dwelling.

Removal of non structural bearing wall

- ✓ 3.14. All parking shall be onsite.
- * ✓ 3.15. There shall be interior access between the family accessory apartment and the main dwelling unit, which may be locked from either side.
- ✓ 3.16. Electricity, water and gas shall be provided by a single service to both the family accessory apartment and the main dwelling.
- ✓ 3.17. There shall be one mailing address of the property.
- ✓ 3.18. The Planning Board may impose conditions upon the grant of the Special Permit.
- ✓ 3.19. The owner shall record the Special Permit at the registry of deeds and provide to the Planning Board the recorded title reference. * record upon issuing *
- ✓ 3.20. The Special Permit shall be exclusive and personal to the owner of the main dwelling and shall not run with the land to fulfill the purpose of providing care to an owner or a family member of an owner.
- ✓ 3.21. The owner shall promptly notify the Planning Board of any change in the use of the family accessory apartment.
- ✓ 3.22. No Building Permit shall be issued until the Special Permit shall be duly recorded. *
- * ✓ 3.23. There shall be no modification of the dwelling until a Building Permit has been issued.
- ✓ 3.24. The Building Permit shall be revoked upon determination by the Building Inspector that any condition imposed by the Planning Board has not been fulfilled.
- * ✓ 3.25. There shall be no occupancy of the family accessory apartment until the Building Inspector has issued a certificate of occupancy that the main dwelling and family accessory apartment shall be in compliance with all applicable health and building codes.
- ✓ 3.26. Owners of existing dwellings with an unpermitted family accessory apartment shall have one year of amnesty from the effective date of this section to obtain a Special Permit.
- ✓ 3.27. By filing the Application for Special Permit for a family accessory unit, all owners consent to an inspection without a warrant upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section and conditions imposed upon the grant of the Special Permit.
- ✓ 3.28. All other provisions of the bylaws, rules and regulations of the Town of Topsfield shall apply.
- ✓ 3.29. All care givers and all care receivers must reside in either the main dwelling or the family accessory apartment.

4. Termination

- 4.1. The Special Permit shall terminate immediately upon any of the following events:
 - 4.1.1. Three years from the date of the grant of the Special Permit.
 - 4.1.2. Two years from the date of the grant of the Special Permit if a substantial use thereof has not commenced, or in the case of a permit for construction, if construction has not commenced within one year from the date of the grant of the Special Permit.
 - 4.1.3. Any transfer of title to the premises, except a mortgage.
 - 4.1.4. One year after the birth of a child to two adult occupants.
 - 4.1.5. Violation of any term or condition of the Special Permit that the owner fails to cure, upon two weeks written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.



APPENDIX ZA:1

ZONING GUIDELINES*

GUIDELINES AND PERFORMANCE STANDARDS FOR ACTIVITIES SUBJECT TO THE PROVISIONS OF THE TOPSFIELD ZONING BY-LAW.

ZA:1-1. PREAMBLE.

These Guidelines and Performance Standards hereinafter called "the guidelines" have been adopted by vote of the Permit Granting and the Special Permit Granting Authorities hereinafter interchangeable called "the authority" at a joint meeting on 01/19/1993 pursuant to the provisions of Sections 9.07 and 9.08 of Article IX of the Topsfield Zoning By-Law.

The guidelines address the nine (9) standards for review contained in Section 9.07 of the above-mentioned Article.

The guidelines are intended to supplement the procedures and requirements set forth in Article IX of the Topsfield Zoning By-Law. In the event that the guidelines or any portion thereof are found to be in conflict with any provision of Article IX, the latter shall govern.

ZA:1-2. DEFINITIONS.

Terms used in the guidelines shall have the same meanings as listed in Article I of the Topsfield Zoning By-Law. Terms used herein that are not defined in the above Article are defined in the text wherein they are used or they are defined in the Rules and Regulations, Statutes, or By-Laws sited relative hereto.

ZA:1-3. STANDARDS.

ZA:1-3.1 Compliance With All Standards Required; Exception. In the following the performance standards relative to each of the nine (9) review criteria of Section 9.07 are set forth. Applications for Site Plan Review that do not meet these standards and any of the nine (9) criteria set forth in Section 9.07 shall contain a written request for a waiver by the authority of each of the standards and/or criteria that are not met in the proposed site plan.

ZA:1-3.2 Legal. Site plans submitted for review shall contain a list of all permits, licenses, and approvals required under Federal, State and local statutes, rules and regulations, and By-Laws for the use, construction and operations on, and occupancy of the premises. Said list shall state when applications for these required approvals, licenses, and/or permits were or will be made and when they were granted, or when they are expected to be obtained. Copies of applications or permits shall be appended to the list.

ZA:1-3.3 Traffic. In addition to those items that must be submitted, a traffic study, when required, shall contain a traffic impact analysis that projects the total traffic generated by the proposed project, the division of that excess traffic on the adjoining roads, the peak hours of said traffic generated by the project, and the ability of these roads or ways to absorb said excess traffic. In addition the impact of said excess traffic on the intersections nearest to the proposed project shall be estimated. Wherever possible a truck entrance shall be designed to have a deceleration lane. The authority shall not approve projects that require any vehicle to back into or out of an entrance from a public way.

Provisions shall be made to ensure that pedestrian traffic generated by the project is separated from vehicular traffic via curbed sidewalks and designated cross-walks.

ZA:1-3.4 Parking. Parking space facilities shall conform with the requirements contained in Article IV, Section 4.12 of the Topsfield Zoning By-Law entitled Parking. Where appropriate for the proper operation of the site, on-site cargo docks shall be provided to deliver and dispatch goods used or manufactured in the project. Said docks shall be located on the site such that vehicles using them do not intrude upon adjacent ways or interfere with traffic thereon.

ZA:1-3.5 Town Services. The site plan review application shall contain a review of the site plan and a written determination by the Police Chief, the Fire Chief, the Superintendent of the Water Department, and the Highway Superintendent that the services required by the proposed project can be provided by the respective department without requiring any increase in staffing or service capacity.

Emergency access for fire prevention vehicles and ambulances shall be provided, and said access, shown on the site plan, shall be approved in writing by the Topsfield Fire Chief.

ZA:1-3.6 Pollution Control. All subsurface septic disposal facilities shall be constructed in accordance with the requirements of 310 CMR, 15.00 and the Topsfield Board of Health Supplemental Rules and Regulations to 310 CMR, 15.00. All stormwater control and drainage installations shall be installed in accordance with the relevant requirements of The Rules and Regulations Governing the Subdivision of Land in the Town of Topsfield, Massachusetts. In any event calculations shall show that the off-site surface water run-off rate has not increased beyond that of the pre-development state except in those cases where that increase caused by the proposed project can be disposed of in streams or waterways that have substantial excess capacity to absorb said run-off.

Underground fuel storage tanks required on-site shall be installed in accordance with applicable constructions and performance standards contained in 527 CMR, 9.00 and the Topsfield Underground Petroleum Tank By-Law.

ZA:1-3.7 Nuisances. Noise at ground level from permanent installations such as air conditioning units shall not exceed three (3) decibels (dB) above ambient noise level when measured at a time when said ambient noise is least. Said ambient noise measurements shall be taken at the lot boundaries of the site at ground level elevation.

Smoke, dust, fumes, odors, and vapors from the proposed project shall not be vented into the air in sufficient quantity to be unhealthful, irritating, inflammable or explosive, toxic, or noxious even when wind driven across the lot line.

Outdoor lighting shall in general conform with that specified in Section ZA:1-3.4 Light from any proposed building or parking lot on the site in the proposed project shall not directly or indirectly illuminate any building located on lots contiguous with the site. Said lighting shall not be directed at and focused on adjacent ways such that it interferes with the vision of motorists thereon. Nor shall it be directed at adjoining lots.

ZA:1-3.8 Existing Vegetation. Wherever possible existing trees, shrubs, and other vegetation of note shall be preserved either by design or by transplantation to another locus on the site.

ZA:1-3.9 Amenities. Perimeter vegetative buffers and screens shall comply with the requirements of Article IV, Section 4.05, the Topsfield Zoning By-Law. Plantings interior to the proposed project not subject to the above said requirements shall be selected to provide sufficient species diversity to preclude a substantial loss of plants in the event that disease or drought eliminates any one of the selected species.

ZA:1-3.10 Town Character. The maximum building area occupancy on-site and setback dimensions shall not exceed that and those listed in the Table of Dimensional and Density Regulations of the Zoning By-Law under the "BP" entry. The dimensions and placement of signs advertising the location and the nature of the commercial activity on the site shall comply with the applicable provisions of the Topsfield Sign By-Law. Landscaping shall comply with the requirements set forth in subsections ZA:1-3.8 and ZA:1-3.9 above.

The architectural design of buildings proposed for the site shall be such as to integrate their stylistic elements – i.e.: exterior decorations, elevations, and choice of siding and roofing material, with those of the prevailing buildings in the surrounding neighborhood. The buildings shall be designed such that from any view point

exterior to the site their appearance is harmonious with the prevailing buildings in the immediate vicinity of the site and are visually integrated with the surrounding topography (terrain).

Wherever possible, on-site buildings, structures or other man-made features with historical significance or of such interest shall be preserved or restored where required. Evidence of said significance or interest shall be furnished by the Topsfield Historical District Commission.

Editor's Note:

*The Zoning Guidelines and Performance Standards herein before were adopted on January 19, 1993 at a joint meeting of the Planning Board and Zoning Board of Appeals.