

Application for Zoning Relief

2018 DEC 27 AM 9:34

Form A

RECEIVED
TOWN CLERK
TOPSFIELD, MA

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 and the Topsfield Zoning Board of Appeals Rules and Procedures that are available from the Town Clerk.

Incomplete applications will not be considered unless waivers are previously obtained from the Zoning Board of Appeals

.....

BOARD USE ONLY

Date Filed:

Date Action Due

Public Hearing:

Decision:

Revised Form Date: 04/26/2011

NATURE OF APPLICATION:

- ____ Petition for Special Permit pursuant to Article ____, Section ____ of the Zoning Bylaw.
- ____ Petition for Finding pursuant to Article ____, Section ____ of the Bylaw.
- ☒ Petition for a Variance from Article 1V, Section 4.06, of the Zoning 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 Comprehensive Permit pursuant to G.L.c. 40B, Section 20-23.
- ____ Appeal from the decision dated _____ of the Building Inspector or others pursuant to L.L. c. 40A, Section 15.

DESCRIPTION OF APPLICANT:

- a. Name Margaret M. Burke-Carman
- b. Address 129 Main St. Topsfield, MA 01983
- c. Phone Number (781)854-6008
- 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 25, Lot(s) 52, Zoning District C-R
- b. Location of Premises (number and street) 129 Main St.
- 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 35387 Page 557
____ 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 Residence
- 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:
Gargage addition to improve owner safety/accessibility. Please see attached narrative.

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

	FRONT	REAR	SIDE(S)	
1. Setbacks required per bylaw	<u>20'</u>	<u>30'</u>	<u>10'</u>	<u>10'</u>
2. Existing setbacks	<u>+/- 31.8'</u>	<u>+/- 46.1'</u>	<u>+/- 13'-7"</u>	<u>+/- 27.3'</u>
3. Setbacks proposed	<u>+/- 10'-1"</u>	<u>+/- 46.1'</u>	<u>+/- 3'-0"</u>	<u>+/- 27.3'</u>
	FRONTAGE	AREA		
4. Frontage and area required by bylaw	<u>100'</u>	<u>20,000sf</u>		
5. Existing frontage (s) and area	<u>101.46'</u> _____	<u>14,403sf</u>		
6. Frontage (s) and area proposed	<u>101.46'</u> _____	<u>14,403sf</u>		
	FEET	STORIES		
7. Existing Height	<u>+/- 18'</u>	<u>1</u>		
8. Height proposed	<u>+/- 18'</u>	<u>1</u>		
Height Allowed	<u>35'</u>	<u>2 1/2</u>		

- c. Other town, state or federal permits or licenses required, if any:

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 Zoning Board of Appeals 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 Zoning Board of Appeals Rules and Procedures, Section III (1) (e))

All required supporting data attached ☐ Yes ☐ No

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

12/29/8
Date

Mark Burke-Carmen
Signature of Applicant

TOWN OF TOPSFIELD, MA ZONING BOARD OF APPEALS

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: Margaret M Burke-Carman, 129 Main St. Topsfield, MA 01983

Telephone No. (781)854-6008

Locus: _____

Map	Block	Location	Owner	(If different from location) Mailing Address
25	52	129 Main St. Topsfield, MA 01983	Margaret M Burke-Carman	

SEE ATTACHED LIST

If needed, attach additional sheets.

Assessor's Certification

To the Topsfield Zoning Board of Appeals:

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 _____

**TOWN OF TOPSFIELD, MA
ZONING BOARD OF APPEALS**

**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



4 S. Main Street, Ipswich, MA 01938 • p 978.356.7786 • www.savoienolan.com

18 December, 2018

To: Topsfield Zoning Board of Appeals

Re: Variance Request for Front and Right Side Yard Setback Reduction
129 Main Street
Margaret M. Burke – Carman, Owner

This narrative is in support of the above referenced variance application. The homeowner, Margaret (Margie) Burke-Carman hopes to build an attached single story accessible garage onto the front of her home. Due to the location of the septic system on the front left side of the lot, and the topography which falls away towards the rear of the property, placing the garage on the right front of the house is the only feasible location that works with the room layout of the current house to achieve this objective. An existing parking area under her screened porch on the rear of the house has inadequate headroom and the current steep driveway serving it is not manageable with snow cover.

Margie is nearing retirement and has had numerous back surgeries which limit her mobility. She desires conveniently located enclosed parking at the main living level of her single story residence, with a driveway that will be accessible year round. The modest sized attached 2 gar garage will measure approximately 22ft. by 22ft. There will be sufficient space in the driveway to back out and around then safely drive forward onto Main St.

The house is currently 31.9 ft. from the front property line and 13.6 from the right side lot line. The proposed garage will reduce the required front setback from 20 ft. to 10ft., and the right side yard setback from 10 ft. to 3 ft. The reduced front setback is offset by the relatively large front yard, specifically the distance between the proposed garage and edge of Main St. at this location of approximately 44 ft. The Main St. road layout shifted further away from the house when the intersection with Ipswich Road was reconfigured. Most of the surrounding houses are considerably closer to the street, including those at #127, 130, and 132 Main Street, and at # 4 and 5 Haverhill Road. The addition of the garage to Margie's home will still be in keeping with the front setbacks of neighboring homes, as shown on the attached GIS Locus Map.

The reduced right side yard setback does not negatively impact the neighboring property at 127 Main St. owned by Deborah Northey since her house is approximately 60 ft. from this adjoining lot line. Furthermore, Deborah has no objection to the proposed garage addition and has offered her support for the project.



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We believe that the request meets the criteria for a variance as set forth in Massachusetts General Laws Chapter 40A Section 10, as follows:

...owing to circumstances relating to soil conditions, shape, or topography of such land or structures, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the applicant...

The location of the septic system, proximity of wetlands, and the topography of the lot all limit alternative locations for an attached garage. Given Margie's physical limitations it is very important for her to have the garage near the main living level and avoid the steep driveway which is impractical in winter. A literal enforcement of the setback regulations preventing a proposed garage at this location would involve a substantial hardship in her continued use of the property.

...desirable relief may be granted without nullifying or substantially derogating from the intent of the zoning bylaw.

Due to the shift in the roadway layout of Main Street, the distance from the front of the proposed garage addition to the roadway will remain in keeping with the front setbacks of other houses in the neighborhood. The reduced right side yard setback is not an issue for the adjoining neighbor Deborah Northey given the significant separation between homes. Margie has spoken with Deborah as well as the other neighbors and they support the proposed project. The expanded house will remain in keeping with the scale and character of other surrounding homes. For these reasons the project does not negatively impact the neighborhood nor derogate from the intent of the zoning bylaw.

...no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located,

The proposed attached garage and enclosed entry vestibule garage are conventional features of a residential use permitted in this zoning district.

We appreciate your consideration of this application and hope you will grant this variance request.

Kenneth J. Savoie, AIA



INSPECTIONAL SERVICES
DEPARTMENT

Town of Topsfield
8 West Common Street
Topsfield, MA 01983

PERMIT DENIAL

NAME: **Margaret Burke-Carman**

ADDRESS: **129 Main Street, Topsfield, MA 01983**

LOCATION: **129 Main Street, Topsfield, MA 01983**

ZONING DISTRICT: **CR**

PERMIT REQUESTED FOR: **One story attached garage**

THIS DENIAL IS BASED ON THE NEED FOR AN APPROVAL FROM THE:

☒ ZONING BOARD OF APPEALS

☐ PLANNING BOARD

☐ BOARD OF SELECTMEN

FOR A:

☒ VARIANCE

☐ FINDING

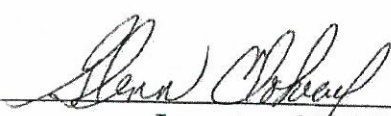
☐ SPECIAL PERMIT

- ☐ Lot Area ☐ Lot Frontage ☐ Building Height ☐ Lot Coverage
☒ Front Yard ☒ Side Yard ☐ Rear Yard ☐ Parking ☐ Open Space
☐ Sign (size, height, location) ☐ Expansion of Non-Conforming Use
☐ Change in Non-Conforming Use ☐ Additional Principal Building
☐ Other

ZONING REQUIREMENT: **Front 20' Side 10'**

PROPOSED: **Front 9' Side 3'**

Date Permit Denied **12/13/2018**


Inspector of Buildings
Zoning Enforcement Officer



The Commonwealth of Massachusetts
Board of Building Regulations and Standards
Massachusetts State Building Code, 780 CMR



Building Permit Application To Construct, Repair, Renovate Or Demolish a
One- or Two-Family Dwelling

This Section For Official Use Only

Building Permit Number: _____

Date Applied: _____

Glenn Clohcey
Building Official (Print Name)

Signature

Date

SECTION 1: SITE INFORMATION

1.1 Property Address:

129 Main St. Topsfield

1.2 Assessors Map & Parcel Numbers

Map Number

25

Parcel Number

52

1.3 Zoning Information:

C-R
Zoning District

single family residential
Proposed Use

1.4 Property Dimensions:

14,403
Lot Area (sq ft)

101'
Frontage (ft)

1.5 Building Setbacks (ft)

Front Yard		Side Yards		Rear Yard	
Required	Provided	Required	Provided	Required	Provided
<u>20'</u>	<u>1/2 9'</u>	<u>10'</u>	<u>1/3 (L)/27(R)</u>	<u>30'</u>	<u>46'</u>

1.6 Water Supply: (M.G.L. c. 40, § 54)

Public ☒ Private ☐

1.7 Flood Zone Information:

Zone: _____
Outside Flood Zone? ☐
Check if yes ☐

1.8 Sewage Disposal System:

Municipal ☐ On site disposal system ☒

SECTION 2: PROPERTY OWNERSHIP¹

2.1 Owner¹ of Record:

Margaret M. Brooks-Carmen
Name (Print)

Topsfield MA 01983
City, State, ZIP

129 Main St.
No. and Street

781-854-6008 margie_AJ@verizon.net
Telephone Email Address

SECTION 3: DESCRIPTION OF PROPOSED WORK² (check all that apply)

New Construction ☐ Existing Building ☒ Owner-Occupied ☒ Repairs(s) ☐ Alteration(s) ☐ Addition ☒
Demolition ☐ Accessory Bldg. ☐ Number of Units _____ Other ☐ Specify: _____

Brief Description of Proposed Work²: one story attached garage on front of house, and enclosed entry w/ covered porch

SECTION 4: ESTIMATED CONSTRUCTION COSTS

Item	Estimated Costs: (Labor and Materials)	Official Use Only
		1. Building Permit Fee: \$ _____ Indicate how fee is determined: <input type="checkbox"/> Standard City/Town Application Fee <input type="checkbox"/> Total Project Cost ³ (Item 6) x multiplier - - - x _____ 2. Other Fees: \$ _____ List: _____ Total All Fees: \$ _____ Check No. _____ Check Amount: _____ Cash Amount: _____ <input type="checkbox"/> Paid in Full <input type="checkbox"/> Outstanding Balance Due: _____
1. Building	\$ <u>22,500</u>	
2. Electrical	\$ <u>1,000</u>	
3. Plumbing	\$ <u>5,000</u>	
4. Mechanical (HVAC)	\$ <u>1,500</u>	
5. Mechanical (Fire Suppression)	\$ _____	
6. Total Project Cost:	\$ <u>30,000</u>	



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 for a certified abutters list.

Submission Date **Thursday, November 29, 2018** Issue Date **Tuesday, December 4, 2018**

Department requiring list: **Planning Board/Zoning**

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

Person/Party requesting list: **Kenneth Savoie/Savoie Nolan Architects**

Address: **4 South Main Street, Ipswich, MA 01938**

Phone #: **978-356-7786** Email Address **ken@savoienolan.com** Misc: _____

Property Owner: **Margie Burke-Carman**

Assessor's Map(s) **25** Lot(s) **52** Location **129 Main Street, Topsfield MA**

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.



300 foot Abutters List Report

Topsfield, MA
December 04, 2018



Subject Property:

Parcel Number: 25-52
CAMA Number: 25-52
Property Address: 129 MAIN ST

Mailing Address: BURKE-CARMAN MARGARET M TR
129 MAIN ST
TOPSFIELD, MA 01983

Abutters:

Parcel Number: 24-76
CAMA Number: 24-76
Property Address: 126R MAIN ST

Mailing Address: PEABODY LESTER C TR
112 HESPERUS AVE
MAGNOLIA, MA 01930

Parcel Number: 24-77
CAMA Number: 24-77
Property Address: 8 HAVERHILL RD

Mailing Address: TOWN OF TOPSFIELD
8 WEST COMMON ST
TOPSFIELD, MA 01983

Parcel Number: 25-1
CAMA Number: 25-1
Property Address: 124 MAIN ST

Mailing Address: ADAMS SUE H TR
124 MAIN ST
TOPSFIELD, MA 01983

Parcel Number: 25-10
CAMA Number: 25-10
Property Address: 5 HAVERHILL RD

Mailing Address: ROCCO DAVID S
35 OAKLAND ST
NEWBURYPORT, MA 01950

Parcel Number: 25-2
CAMA Number: 25-2
Property Address: 126 MAIN ST

Mailing Address: SCHULTZ SARAH
126 MAIN ST
TOPSFIELD, MA 01983

Parcel Number: 25-3
CAMA Number: 25-3
Property Address: 130 MAIN ST

Mailing Address: FROST MARGARET R TR
130 MAIN ST
TOPSFIELD, MA 01983

Parcel Number: 25-4
CAMA Number: 25-4
Property Address: 132 MAIN ST

Mailing Address: MERCER CHARLES B TR
132 MAIN ST
TOPSFIELD, MA 01983

Parcel Number: 25-5
CAMA Number: 25-5
Property Address: 4 HAVERHILL RD

Mailing Address: MCMANUS GARRETT J
4 HAVERHILL RD
TOPSFIELD, MA 01983

Parcel Number: 25-50
CAMA Number: 25-50
Property Address: 1 IPSWICH RD

Mailing Address: GREAT HILL CO-OP HOMEOWNERS IN
ONE GREAT HILL DR
TOPSFIELD, MA 01983

Parcel Number: 25-53
CAMA Number: 25-53
Property Address: 127 MAIN ST

Mailing Address: NORTHEY DEBRA
127 MAIN ST
TOPSFIELD, MA 01983



www.cai-tech.com

12/4/2018

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300 foot Abutters List Report

Topsfield, MA
December 04, 2018

Parcel Number: 25-54
CAMA Number: 25-54
Property Address: 125 MAIN ST

Mailing Address: BUNKER DAVID
125 MAIN ST
TOPSFIELD, MA 01983

Parcel Number: 33-11
CAMA Number: 33-11
Property Address: 117 MAIN ST

Mailing Address: WOLF SPENCER H
117 MAIN ST
TOPSFIELD, MA 01983



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12/4/2018

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Abutters List Report - Topsfield, MA

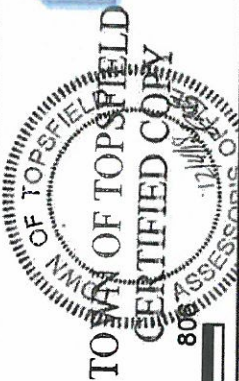


129 Main Street

Topsfield, MA

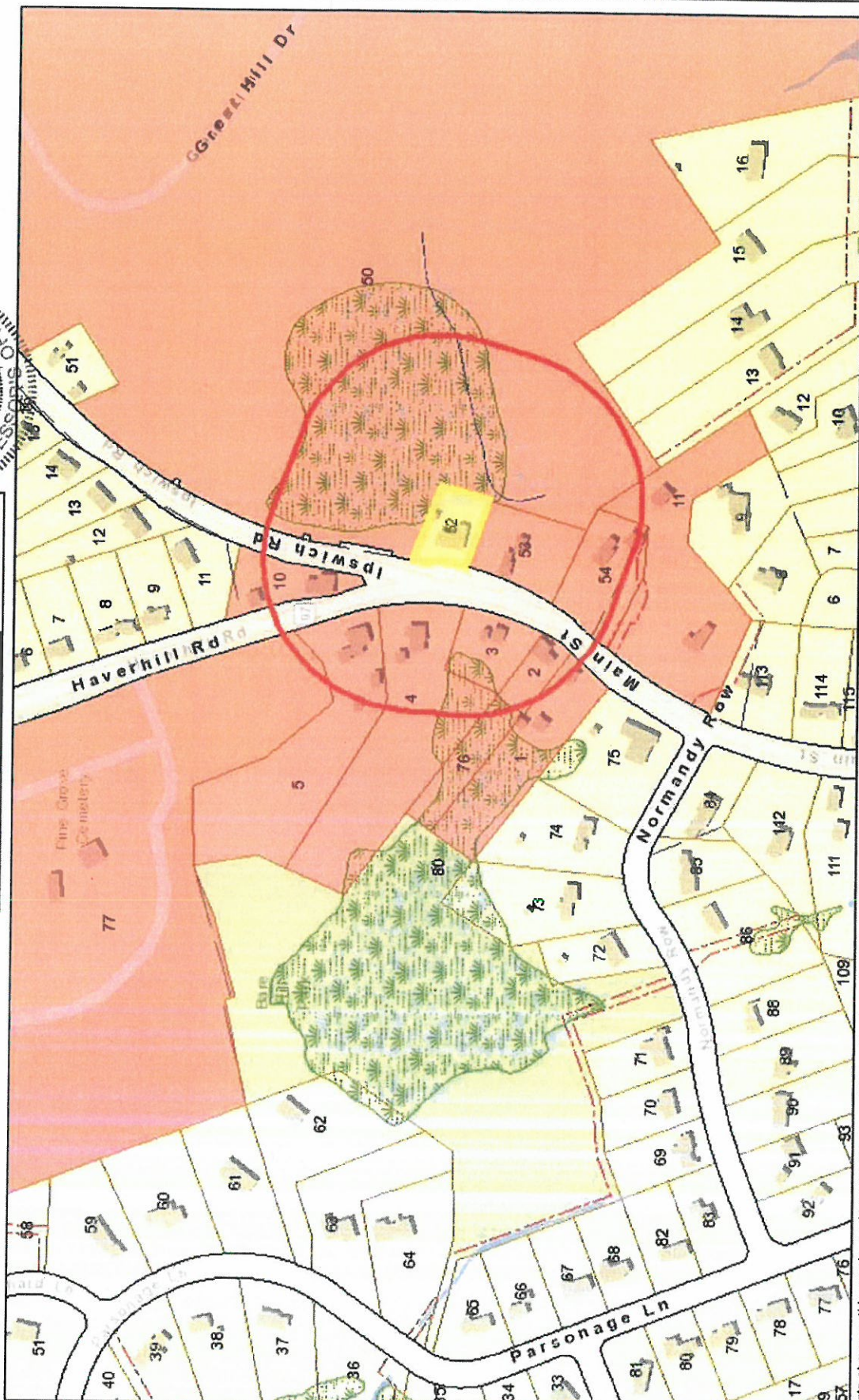
December 4, 2018

1 inch = 268 Feet
0 268 537 806



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Professional Mapping & Geographic Solutions

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savoie nolan

ARCHITECTS LLC

4 South Main Street - Ipswich, MA 01938 - 978-356-7786

View 1

Scale: NTS

The Burke-Carman Residence

129 Main St. Topsfield, MA 01983
December '18, 2018

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