



# TOWN OF TOPSFIELD

## ZONING BOARD OF APPEALS

*8 West Common Street, Topsfield, Massachusetts 01983*

### Certificate of Decision Finding and Variance Pursuant to Article IV, Section 4.02 of the Topsfield Zoning By-Law

**Property Address: 18 Glen Road, Topsfield, Massachusetts**

**Applicant:**

#### **1. The Application**

An application was filed on March 4, 2024 with the Topsfield Town Clerk by Robert McGlauflin of 18 Glen Road requesting a Variance from the required front yard setback in Article IV, Section 4.02 Dimensional and Density Regulations for expansion of the garage and construction of a mudroom.

#### **2. The Hearing**

Notice was published in the Salem News on March 11<sup>th</sup> and March 18<sup>th</sup>, 2024, mailed postage prepaid to all interested parties, including all abutters on the List of Abutters certified by the Assessor's Office and posted in a conspicuous place in the Town Hall for a period of not less than fourteen days before the day of such hearing. Pursuant to the notices, a public hearing was opened and closed on March 26, 2024 via ZOOM, pursuant to Chapter 2 of the Acts of 2023, as stated at the beginning of the meeting.

Present at the hearing from the Zoning Board of Appeals was Robert Moriarty, Chairman; David Merrill, Clerk; Jody Clineff, Member; and Gregor Smith, Member. Member Dave Moniz was not present. Senior Administrative Assistant Lynne Bermudez read the Legal Notice to open the Public Hearing.

Chairman Moriarty informed Mr. McGlauflin that four votes are needed to grant a variance, and that since there are only four members present at tonight's meeting he has the option of moving forward with tonight's hearing or continuing the hearing to the April meeting when five members would be present. Mr. McGlauflin stated he would like to proceed. Mr. McGlauflin then explained the work he has planned regarding expanding his existing garage and adding a mudroom. The corner of the expanded garage would come into the required front yard setback. Chairman Moriarty asked if Mr. McGlauflin had talked to any of his neighbors. He stated he had talked to all the people that abut his property and they all were

fine with his plans. Chairman Moriarty asked if there was any other way he could have laid out the design without going 2.5 feet into the setback area. Mr. McGlaulin stated they had looked at an option to put the garage at an angle but it would have looked imposing from the street with the garage fully along the setback line. This would be less attractive for the neighbors and it would have made for a difficult layout inside the house. The current design only has a small corner at the setback area. The Chairman asked how tall the garage would be. Mr. McGlaulin stated they designed the roof line to slope down to the first floor so it would not look imposing. The dormer brings the scale down. The Chairman noted that no members of the public were present to ask any questions or provide input. The hearing was then closed.

### 3. **The Findings**

The Board determined that the subject property is located in the Central Residential District.

The Board found, pursuant to G.L. c. 40A, §10, and after taking into account the objectives of the Topsfield Zoning By-Law made the following findings:

that owing to the shape of the lot and the placement of the structures thereon which affects this lot but does not affect generally other lots in the zoning district, a literal enforcement of the Topsfield Zoning By-Law would cause substantial hardship to the Applicant. The Lot has frontage on both Porter Meadow Road and Glen Road resulting in two required front setbacks where if the Glen Road frontage had been a side setback, it would have complied.

that owing to design changes that the Applicant has made in the roof line and height of the proposed garage addition relief from the required setback may be granted to the Applicant without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

### 4. **The Decision**

Chairman Moriarty moved that the Board approve the request of the applicant, for the premises located at 18 Glen Road, for a Variance for expansion of the garage and construction of a mudroom. The motion was seconded by Jody Clineff and passed unanimously on a roll call vote as follows:

Moriarty, Chairman	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Merrill, Clerk	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Clineff, Member	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Moniz, Member	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Absent/Abstain
Smith, Member	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain

If the rights granted by this variance are not exercised within one year of the date of granting, such rights shall lapse.

### 5. **Appeals**

Appeals of the above decision shall be filed pursuant to M.G.L. 40A, § 17 within 20 days of the date of filing of this certificate with the Topsfield Town Clerk.

## 6. Validation

This Decision shall be recorded at the Essex Southern District Registry of Deeds and shall not be effective until such time as evidence thereof shall be submitted to the Topsfield Town Clerk, the Building Inspector and the Planning Board.

**Dated: April 3, 2024**

Respectfully submitted:

A handwritten signature in blue ink, appearing to read "R. Moriarty, Jr.", with a stylized flourish at the end.

Robert J. Moriarty, Jr.  
Chairman