



TOWN OF TOPSFIELD

ZONING BOARD OF APPEALS

8 West Common Street, Topsfield, Massachusetts 01983

Certificate of Decision **Special Permit pursuant to Article III, Section 3.02** **of the Topsfield Zoning By-Law**

Property Address: 222 and 224 Boston St., Topsfield, Massachusetts

Applicant:

1. The Application

An application was filed on February 7, 2024 with the Topsfield Town Clerk by Emporio Motors for premises at 222 and 224 Boston Street requesting a Special Permit pursuant to Article III Section 3.02, Use 4.10 Retail Establishment Selling Motor Vehicles and Use 4.20 Automotive Repair or Service in the Business Highway District, to open a used car dealership and automotive repair.

2. The Hearing

Notice was published in the Salem News on February 12th and 19th, 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 February 27, 2024 via ZOOM, due 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; David Moniz, Member; and Gregor Smith, Member. Alternate Kristin Palace was not present. Senior Administrative Assistant Lynne Bermudez read the Legal Notice to open the Public Hearing for a Special Permit pursuant to Article III, Section 3.02 of the Zoning Bylaw, Use 4.10 Retail Establishment Selling Motor Vehicles and Use 4.20 Automotive Repair or Service in the Business Highway District, to open a used car dealership and automotive repair.

Chairman Moriarty recognized Jaime Roca of Emporio Motors and asked if he would speak about his business. Mr. Roca shared he has been in the car business for seven years and currently is involved with the ownership of a used car dealership in Dracut. He and his

wife and daughter live in Middleton and they would like to be closer to their business. Mr. Roca's business partner will run the Dracut shop and Mr. Roca and his wife will run the business in Topsfield with one salesperson and one mechanic. The business will consist of the selling of used cars and light auto repair (oil changes, brake repair). The business will operate Monday-Friday 9 am – 6 pm and on Saturdays from 9 am – 4 pm. They will be closed on Sundays.

The applicant submitted a plan of the proposed parking in connection with its application, a copy of which, as approved is attached hereto. The parking plan was shown and discussed. The applicant requested Emporio Motors be allowed to have 11 cars (to be sold) located on the 224 Boston St. property. This gravel parking area is a legally existing, prior non-conforming use. They will not be using the building at 224 Boston St. They will operate their business out of the 222 Boston St. building and will use the 10 parking spaces on that lot for employees and customers (8 spaces outside and 2 bays in the building). The two bays in the building are where the repairs will be done. These 10 spaces are shown on the site plan from the 2013 ZBA decision to grant a variance for the property at 222 Boston Street. Chairman Moriarty stated that the six "parking spaces" noted on the plan in the rear of 222 Boston Street are not parking spaces under the Zoning By-Law as they are not paved and within an area designated for snow storage under prior approvals. This area may not be used for parking without approval from the Topsfield Conservation Commission.

Discussion was held on lighting and signage. There is currently no signage on the building. The applicant will adhere to town bylaws for any new signage and will minimize lighting in keeping with dark sky regulations. External lighting will not be increased from current levels and lighting will not extend beyond the property of 222 and 224 Boston St. There are currently no lighting towers on 224 Boston St. The Chairman asked if anyone present wished to be heard. No one responded.

Jody Clineff made a motion to close the public hearing. David Moniz seconded the motion and it passed unanimously with a roll call vote as follows:

Chairman Bob Moriarty	yes
Clerk David Merrill	yes
Member Dave Moniz	yes
Member Jody Clineff	yes
Member Gregor Smith	yes

3. The Findings

The Board, pursuant to M.G.L. c. 40A, §10, and after considering the objectives of Article III Section 3.02 of the Topsfield Zoning By-Law, made the following finding. Approval of the request by Emporio Motors:

- Would not be more detrimental or objectionable the neighborhood;
- Would not create undue traffic congestion or impair pedestrian safety;
- Would not overload any public water, drainage, sewer or other municipal system;
- Would not impair the integrity or character of the Business Park District within which the lot is located; and
- Would not be detrimental to health, safety or welfare of the general public.

4. The Decision

Chairman Moriarty made a motion to approve the special permit with the following conditions: hours of operation Monday-Friday 9 am – 6 pm, Saturdays from 9 am – 4 pm and closed on Sundays; signage will conform to Town requirements; lighting will not be increased from current levels, where feasible it will adhere to the intent of dark sky and no light will extend beyond the property lines except to the extent it is already in existence; the business will operate out of the 222 Boston St. building utilizing its ten parking spaces (the six “spaces” noted on the parking plan in the rear of the 222 Boston St. property cannot be used for parking; eleven cars (to be sold) will be located on the 224 Boston St. property. Dave Moniz seconded the motion and it passed unanimously with 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 checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Smith, Member	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain

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: March 6, 2024

Respectfully submitted:



Robert J. Moriarty, Jr.
Chairman

N/F Topsfield Motor Company, LLC

N/F 222 Boston Street
Realty Trust
(Lot Area = 2.34 Acres +/-)

50' WIDE EASEMENT
PL. 510 OF 1956

N/F Charles & Suzanne Wilkinson

N/F 222 Boston
Street Realty
Trust

N/F M.B.T.A.

50' WIDE EASEMENT
PLAN 826 OF 1954

Property Owners: 222 Boston Street Realty Trust &
224 Boston Street Realty Trust

Project Location: 222 and 224 Boston Street

Proposed Use: Retail Establishment Selling Motor Vehicles

Parking Calculations:

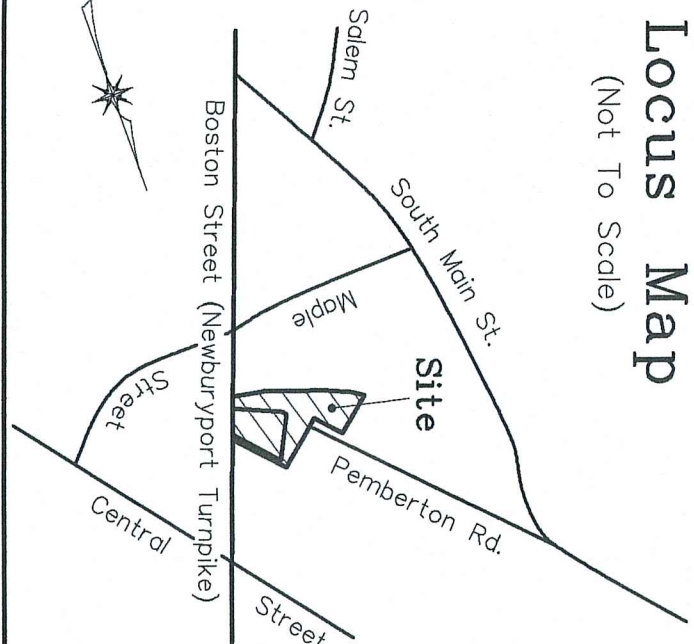
Parking Required: 1,320 S.F. Retail Sales Space x 1 Space/250 S.F. =
5.3 Spaces Required

Parking Provided:

Retail: 6 Spaces Total [2 inside & 4 outside (paved)]

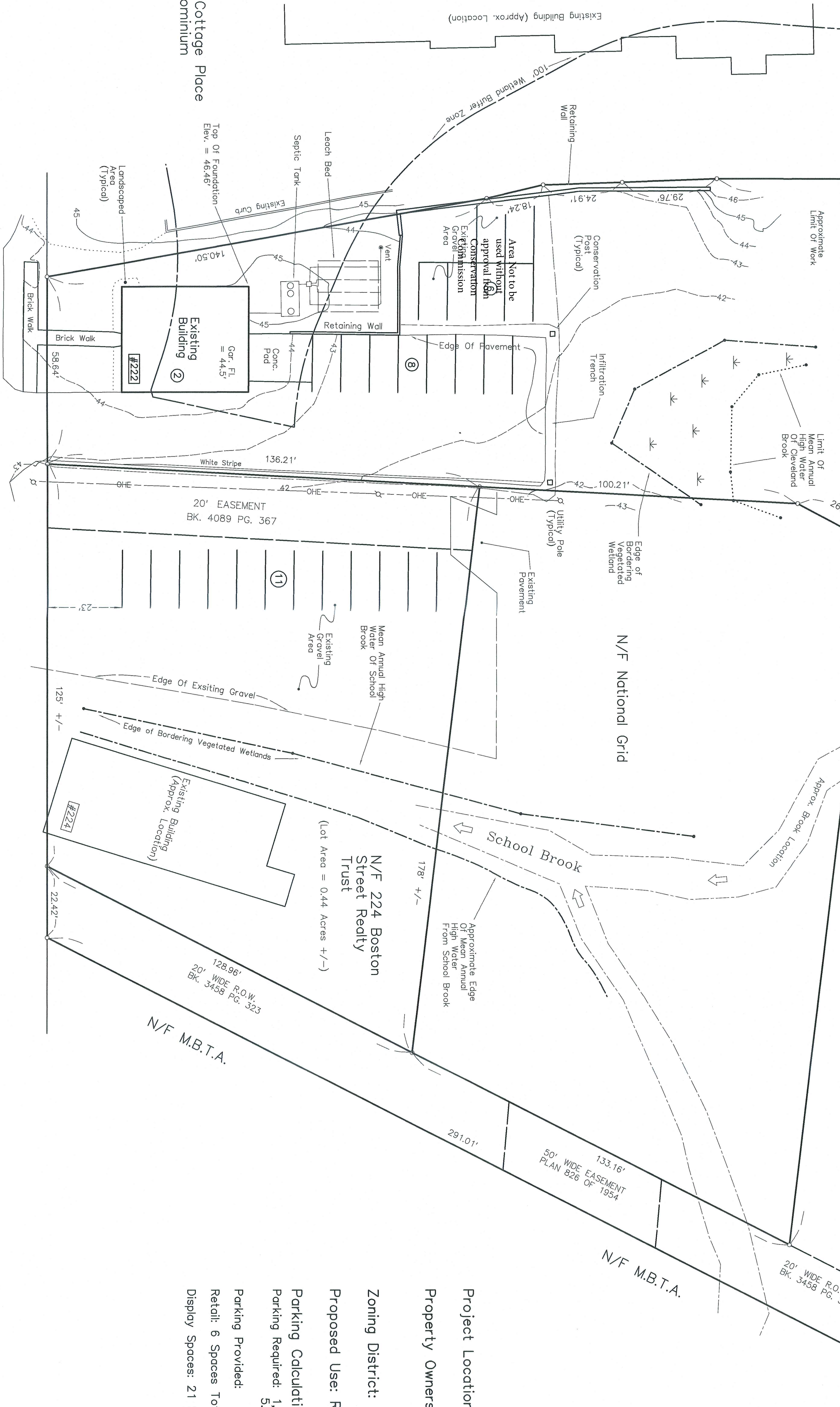
Display Spaces: 21 Spaces Total [4 (paved) & 17 (gravel)]

Locus Map
(Not To Scale)



Boston Street – Newburyport Turnpike
(U.S. Route 1)

N/F Cottage Place
Condominium



Plan
Scale: 1" = 20'

Drawing No.
S-3128
Sheet No.
1 of 1

Proposed Parking Plan
222 & 224 Boston Street
(Assessor's Map 49, Lots 41 & 42)
Topsfield, Massachusetts

Revisions	
No.	Description

Designed By: J.M.M.
Drafted By: J.M.M.
Checked By: W.A.S.
Scale: As Noted
Date: February 15, 2024



The
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