



# **TOWN OF TOPSFIELD**

## **ZONING BOARD OF APPEALS**

*8 West Common Street, Topsfield, Massachusetts 01983*

**Certificate of Decision**  
**Finding Pursuant to Article III, Section 3.05A,**  
**Site Plan Review Pursuant to Article IX**  
**of the Topsfield Zoning By-Law**

**Property Address: 279 Boston Street, Topsfield, Massachusetts**

**Applicant: Town of Topsfield Water Department**

**1. The Application**

An application was filed on January 25, 2024 with the Topsfield Town Clerk by Wright-Pierce on behalf of the Town of Topsfield Water Department for a Site Plan Review pursuant to Article IX Section 9.05 of the Topsfield Zoning Bylaw for construction of the Boston Street Water Storage Tank Project.

**2. The Hearing**

Notice was published in the Salem News February 12<sup>th</sup> and 19<sup>th</sup>, 2024 and 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. Kristen Palace, Alternate was not present. Lynne Bermudez read the Legal Notice to open the Public Hearing for a Site Plan Review pursuant to Article IX Section 9.05 of the Topsfield Zoning Bylaw for construction of the Boston Street Water Storage Tank Project.

Chairman Moriarty asked the engineers, Charles Daigle and Ian Bentley, from Wright and Pierce if they could provide an overview of the project. Mr. Daigle walked through the various options the Topsfield Water Department considered for replacing the town's existing 500-gallon water tank. The final choice was to install an 800-gallon concrete tank beside the DPW building at 279 Boston St. near the rear of the lot. He explained his work with the Town's

Stormwater Coordinator and the resulting stormwater management plan which the Coordinator approved.

Discussion was held on the location of the proposed tank being just fifteen feet from the property line and possible impacts to the nearest neighbor by erosion at the property line due to the clearing of trees and the gradation of the slope at the boundary. The engineers responded that all work will be kept on Town property, a stone riprap will be installed to mitigate erosion and the town will be revegetating the area being cleared of trees. Also discussed was if the new water tank would be visible from Boston Street. Daigle stated that while no renderings have been done yet, they do not expect the tank to be visible given its height and that it will be placed over the crest of the hill on the back of the property with a good amount of vegetation wrapping around the area. Chairman Moriarty asked if there were any comments from the public. There were none. Given the nature of the project and its location the Board agreed it was not necessary to go through the detailed site plan checklist.

Mr. Daigle provided a timeline for the project stating the design should be complete in the next few weeks, bidding would be pursued in the spring and construction would start shortly thereafter. The Board then voted to close the Public Hearing.

### 3. **The Findings**

The Board determined that the subject property is located in the Inner Residential and Agricultural District.

The Board found that the approval of the Site Plan and requested stormwater regulation waivers for the Topsfield Water Department:

- Would not be detrimental to the public convenience or welfare.
- 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 Inner Residential and Agricultural District.
- Would not be detrimental to health, safety or welfare of the general public.

### 4. **The Decisions**

Jody Clineff made a motion to approve the site plan for the water storage tank project. Gregor Smith 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

Chairman Moriarty made a motion to grant the waivers from Standard 3: Recharge, and Standard 4: Water Quality of the MA Stormwater Regulations. Gregor Smith 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

Chairman Moriarty made a motion to approve the Stormwater Special Permit. Gregor Smith 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 4, 2024**

Respectfully submitted:



Robert J. Moriarty, Jr.  
Chairman