



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: 462 Boston Street Suite 1-1, Topsfield, Massachusetts

Applicant:

1. The Application

An application was filed on July 25, 2023 with the Topsfield Town Clerk by Meagan O'Neill for premises at 462 Boston Street Suite 1-1 for a Special Permit pursuant to Article III, Section 3.02, Use 4.28 Medical and Dental Offices Use in Business Park District, to open a pediatric physical therapy and wellness practice for children ages birth to ten.

2. The Hearing

Notice was published in the Salem News on August 7th and 14th, 2023, 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 August 22, 2023 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.

Lynne Bermudez read the legal notice. Chairman Moriarty welcomed the applicant Meagan O'Neill and asked if she could describe what she intends to do. Ms. O'Neill provided an overview of her background and her physical therapy business, days and hours of operation, available parking, equipment/setup of her office, number of employees, and how many people will be in the office at one time. She has signed a lease contingent on financing.

After questions and discussion with the Board, and no comments from the public, Chairman Moriarty made a motion to close the public hearing. The motion was seconded by David Merrill and the motion carried unanimously 5-0 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 Meagan O'Neill

- 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**

Jody Clineff made a motion to grant the special permit for the operation as described with the condition that hours of operation not to exceed Monday through Friday 9am -7pm and Saturday 8am-12pm. The motion was seconded by Gregor Smith and the motion carried unanimously 5-0 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

The rights granted shall lapse one (1) year from the date of issuance (excluding the period of any appeal of such finding) if a substantial exercise of the rights permitted by the Special Permit have not sooner commenced.

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: September 6, 2023

Respectfully submitted:

A handwritten signature in blue ink, appearing to read 'RJM', is written over a faint, light blue circular stamp.

Robert J. Moriarty, Jr.
Chairman