

MCCANN & MCCANN, P.C.

ATTORNEYS AT LAW
89 NEWBURY STREET – SUITE 302
DANVERS, MASSACHUSETTS 01923
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E-MAIL: NMCCANN@MCCANNLAW.COM



October 2, 2018

Topsfield Board of Appeals
Town Hall
Topsfield, MA 01983

Re: 9-11 South Main Street

Dear Board Members:

On behalf of 9-11 South Main Street, LLC, new owner of the property located at 9-11 South Main Street, enclosed please find an Application package requesting a Finding and Site Plan Approval, together with an Appeal of the Building Inspector's determination, relative to the proposed renovation and extension of the existing antique building. The Applicant proposes a small first floor addition and a corresponding second floor addition over the existing single story wings at the rear of the building, and the construction of two dwelling units within the second floor addition. The existing commercial office use will remain.

The Application package consists of:

1. Application Form A
2. Form B with certified abutter's list and map
3. Form C
4. Permit Denial from the Building Inspector
5. Current Deed
6. Site Plan
7. Elevation Plans and Floor Plans
8. Filing Fee \$400.00
9. Two sets of stamped abutter envelopes.

I would appreciate this matter being placed on the agenda of the October 23, 2018 Board of Appeals meeting. Thank you for your consideration

Very truly yours,


Nancy A.S. McCann



Application for Zoning Relief

Form A

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

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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 III, Section 3.05 of the Bylaw.
- ☐ Petition for a Variance from Article ____, Section ____, 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 09-06-18 of the Building Inspector or others pursuant to L.L. c. 40A, Section 15.

DESCRIPTION OF APPLICANT:

- a. Name 9-11 South Main Street LLC
- b. Address 28 High Street, Topsfield, MA 01983
- c. Phone Number _____
- 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 40, Lot(s) 9, Zoning District CR
- b. Location of Premises (number and street) 9-11 South Main Street
- c. Name and address of legal owner (if different from Applicant) Applicant
- d. Deed to the Premises recorded at (if known):
☒ Essex South District Registry of Deeds, Book 36865 Page 396
☐ Essex South Registry District of the Land Court, Certificate Number _____
- e. Prior zoning decisions affecting the Premises (if any):
Date of Decision 06-26-07 Name of Applicant P. Barry McDonough
Nature of Decision Alteration of a non-conforming use
- f. Present use of the Premises Office
- g. Present structures conform to current Zoning Bylaw. ☐ Yes ☒ No. If no, in what respect does it not conform. Front setback

PROPOSAL (attach additional sheets if necessary):

- a. General Description:
See Exhibit A Attached

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

	FRONT	REAR	SIDE(S)
1. Setbacks required per bylaw	20'	30'	10' 10'
2. Existing setbacks	18'	77'	26'
3. Setbacks proposed	18'	77'	26'

	FRONTAGE	AREA
4. Frontage and area required by bylaw	100'	20,000
5. Existing frontage (s) and area	171' 101'	43,000
6. Frontage (s) and area proposed	171' 101'	43,000

	FEET	STORIES
7. Existing Height	35'	2
8. Height proposed	32' 8"	2

- 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:

10-1-18
Date

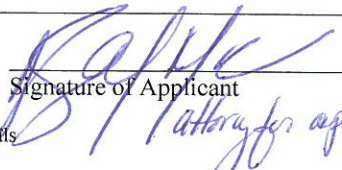

Signature of Applicant



Exhibit A

Board of Appeals Application 9-11 South Main Street

I. Finding and Site Plan Approval

The Applicant proposes to alter the existing non-conforming building, (circa 1742) by filling in the first floor area between two wings at the rear of the property, and constructing a second floor above wings and the new first floor area. The first floor addition will conform to all setback requirements and will consist of approximately 380 s.f.; the second floor addition will conform to all setback requirements and will consist of approximately 1,565 s.f.

The Applicant proposes to alter the existing non-conforming use of the building by:

- a. Expanding the office use into the proposed 380 s.f. addition; the entire first floor will be used for commercial office purposes
- b. Creating two small residential units on the second floor; the units will be two-bedroom units. The second floor will consist of a mix of commercial office and two residential units. Residential Unit 1 will contain 1,140 s.f. and Unit 2 will contain 992 s.f.

The applicant requests a Finding under G.L. ch. 40A Section 6 and Article III Section 3.05 of the Topsfield Zoning Bylaw to allow the alteration of the existing non-conforming structure and to allow the alteration and expansion of the existing non-conforming use. The property is located in the Central Residential Zoning District which permits residential uses by right; the district prohibits office use.

The Applicant submits that the very modest increase in the office use on the first floor (380 s.f.) and the creation of two small residential uses on the second floor, which will result in a reduction over existing conditions in the non-conforming office use on the second floor, will be in keeping with the residential uses permitted in the Central Residential District and will not be substantially more detrimental to the neighborhood than the existing non-conforming office use. Providing needed modestly sized housing in the downtown area is in keeping with the intent and purpose of the Zoning Bylaw by encouraging housing options, and preservation of structures with historic character.

II. Appeal of Building Inspector's Decision

The Building Inspector's Permit Denial states that a Use Variance is required to provide a mixed use with 2 residential units on the second floor and business use on the first and second floors. The Applicant submits that the Building Inspector has erred in his determination based on G.L. Ch. 40A Section 6, and specifically Article III Section 3.05 of the Topsfield Zoning Bylaw which permit a non-conforming use to be "changed, move, or extended" by a Board of Appeals Finding that the proposed change will not be

more detrimental or objectionable to the neighborhood. In 2007, the Topsfield Board of Appeals determined that the use of the property for office purposes, which is the current use of the property, is a pre-existing non-conforming use. Therefore, a change, alteration or expansion of that non-conforming use is permitted by a Finding of the Board of Appeals. The Applicant proposes to change the pre-existing non-conforming commercial Office use to a non-conforming mixed office and residential use which will not be substantially more detrimental or objectionable to the neighborhood than the existing non-conforming use.



Topsfield Zoning Board of Appeals

Certificate of Decision

Finding Pursuant to Article 3, Section 3.05 of the Topsfield Zoning By-Law

Property Address: 9-11 South Main Street

Property Owner: Eleven South Main Street LLC

Applicant: P. Barry McDonough (Gab/Tan LLC)

Proposed Reconstruction, Extension or Alteration: For an alteration to a non-conforming commercial building with a one (1) story (85 sq. ft.) addition between two existing attached shed wing structures in back of building that will be rebuilt as interior space within existing footprint; and for change in a pre-existing non-conforming use as a professional real estate office and counseling center to a medical facility housing a family medical practice. Lot is conforming and there are twenty (20) existing parking spaces in side parking lot with four (4) stacked spaces on opposite side for employee parking.

Hearing Date: June 26, 2007

The Application

An application was filed on June 5, 2007 with the Topsfield Town Clerk by the Applicant for a finding pursuant to Article 3, Section 3.05 of the Topsfield Zoning By-Law to permit the Proposed Reconstruction, Extension or Alteration set forth above at the Property.

1. The Hearing

Pursuant to duly published notices, a public hearing was held on the Hearing Date.

DATE August 7, 2007

A TRUE COPY
ATTES

Beverly Ann Guarino
Town Clerk
Topsfield, MA 01983

ZBA Finding
Page 1 of 2

RECEIVED OFFICE OF TOWN CLERK
Topsfield, MA 01983

Date: July 17, 2007 Time: 9:52 AM
Beverly Ann Guarino
Beverly Ann Guarino,
Town Clerk

2. Decision

After due consideration of the Application and the testimony presented at the Hearing, the Board made the following finding pursuant to Topsfield Zoning By-law 3.05:

The proposed Reconstruction/Extension/Alteration and change in the pre-existing non-conforming use from professional offices to a medical facility ☐ will ☒ will not be substantially more detrimental or objectionable to the neighborhood.

Moriarty, Chairman	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Dow, Member	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Palace, Member	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Stern-Taylor, Clerk	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Penta, Member	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain

3. The Conditions

The following conditions were imposed as part of the Board's Finding of no substantial detriment to the neighborhood:

None

4. Appeals

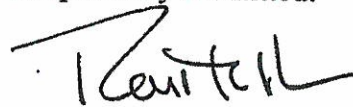
Appeals of the above decision shall be filed pursuant to M.G.L. 40A, § 17 within 20 days of the date of filing of this certificate with the Topsfield Town Clerk.

5. 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 and the Building Inspector.

Dated: July 17, 2007

Respectfully submitted:



Robert J. Moriarty, Jr.
Chairman

**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

**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: 9-11 South Main Street LLC

c/o Nancy A.S. McCann, Esq., 89 Newbury Street - Ste 302, Danvers, MA 01923

Telephone No. 978-739-8484

Locus: 9-11 South Main Street

Map 40 Block 9	Location 9-11 South Main Street	Owner Applicant	(If different from location) Mailing Address
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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

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 **Wednesday, September 19, 2018** Issue Date **Thursday, September 20, 2018**

Department requiring list: **Zoning Board of Appeals**

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

Person/Party requesting list: **Nancy A. S. McCann, Esq.**

Address: **89 Newbury Street - S#302, Danvers, MA 01923**

Phone #: **978-739-8484** Email Address **nmccann@mccannlaw.com** Misc: **rsandland@mccannlaw.com**

Property Owner: **9-11 South Main Street LLC (formerly owned by GABTAN LLC)**

Assessor's Map(s) **40** Lot(s) **9** Location: **9 South 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
September 20, 2018



Subject Property:

Parcel Number: 40-9
CAMA Number: 40-9
Property Address: 9 SOUTH MAIN ST

Mailing Address: GABTAN LLC
900 LYNNFIELD STREET, UNIT 23
LYNNFIELD, MA 01940

Abutters:

Parcel Number: 40-10
CAMA Number: 40-10-1
Property Address: 3 SOUTH MAIN ST Unit 3

Mailing Address: DOORLY MARYJANE
P O BOX 245
TOPSFIELD, MA 01983

Parcel Number: 40-10
CAMA Number: 40-10-2
Property Address: 5 SOUTH MAIN ST Unit 1

Mailing Address: BLAIS VICTORIA
5 SOUTH MAIN ST
TOPSFIELD, MA 01983

Parcel Number: 40-10
CAMA Number: 40-10-3
Property Address: 5 SOUTH MAIN ST Unit 2

Mailing Address: HERBEL WOLFGANG
5 SOUTH MAIN ST #2
TOPSFIELD, MA 01983

Parcel Number: 40-11
CAMA Number: 40-11
Property Address: 6 GROVE ST

Mailing Address: QUIMBY GREGG P & CARYN LEE
113 BOSTON ST
MIDDLETON, MA 01949

Parcel Number: 40-12
CAMA Number: 40-12
Property Address: 10 GROVE ST

Mailing Address: JOHNSON TIMOTHY M
10 GROVE ST
TOPSFIELD, MA 01983

Parcel Number: 40-13
CAMA Number: 40-13
Property Address: 14 GROVE ST

Mailing Address: BETTANO STEPHEN A
14 GROVE ST
TOPSFIELD, MA 01983

Parcel Number: 40-14
CAMA Number: 40-14
Property Address: 16 GROVE ST

Mailing Address: ROBINSON BRYANT K
16 GROVE ST
TOPSFIELD, MA 01983

Parcel Number: 40-15
CAMA Number: 40-15
Property Address: 24 GROVE ST

Mailing Address: WALSH ROSEMARIE
24 GROVE ST
TOPSFIELD, MA 01983

Parcel Number: 40-30
CAMA Number: 40-30
Property Address: 40 GAIL ST

Mailing Address: MOTT RUTH M TR
40 GAIL ST
TOPSFIELD, MA 01983

Parcel Number: 40-31
CAMA Number: 40-31
Property Address: 45 GAIL ST

Mailing Address: LINK DOUGLAS E
43 GAIL ST
TOPSFIELD, MA 01983



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9/20/2018

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300 foot Abutters List Report

Topsfield, MA
September 20, 2018

Parcel Number: 40-32 CAMA Number: 40-32 Property Address: 43 GAIL ST	Mailing Address: PRATT DAVID R TR 45 GAIL ST TOPSFIELD, MA 01983
Parcel Number: 40-33 CAMA Number: 40-33 Property Address: 39 GAIL ST	Mailing Address: MALTACEA MARIANNE R 39 GAIL ST TOPSFIELD, MA 01983
Parcel Number: 40-6 CAMA Number: 40-6 Property Address: 17 PROSPECT ST	Mailing Address: ROMAN CATHOLIC ARCHBISHOP PO BOX 258 TOPSFIELD, MA 01983
Parcel Number: 40-7 CAMA Number: 40-7 Property Address: 13 PROSPECT ST	Mailing Address: LONGO DAVID J 13 PROSPECT ST TOPSFIELD, MA 01983
Parcel Number: 40-71 CAMA Number: 40-71 Property Address: 7 GROVE ST	Mailing Address: GROVE REALTY PARTNERS LLC 6 PARK ST TOPSFIELD, MA 01983
Parcel Number: 40-72 CAMA Number: 40-72 Property Address: 2 MAIN ST	Mailing Address: CARGILL WILLIAM R JR TR 2 MAIN ST TOPSFIELD, MA 01983
Parcel Number: 40-74 CAMA Number: 40-74 Property Address: 30 MAIN ST	Mailing Address: TOPSFIELD VILLAGE SHOPPING 50 BROAD ST SALEM, MA 01970
Parcel Number: 40-8 CAMA Number: 40-8 Property Address: 11 PROSPECT ST	Mailing Address: INGALLS JOHN K 11 PROSPECT ST TOPSFIELD, MA 01983
Parcel Number: 40-81 CAMA Number: 40-81 Property Address: 15 MAIN ST	Mailing Address: INSTITUTION OF SAVINGS IN NEWB P O BOX 32 IPSWICH, MA 01938
Parcel Number: 40-82 CAMA Number: 40-82 Property Address: 18 SOUTH MAIN ST	Mailing Address: TOPSFIELD CROSSING LLC 10 SOUTH MAIN ST TOPSFIELD, MA 01983
Parcel Number: 40-85 CAMA Number: 40-85 Property Address: 31 SOUTH MAIN ST	Mailing Address: GUIDO JONATHAN D 31 SOUTH MAIN ST TOPSFIELD, MA 01983
Parcel Number: 40-86 CAMA Number: 40-86 Property Address: 19 SOUTH MAIN ST	Mailing Address: GATTI MARK 19 SOUTH MAIN ST TOPSFIELD, MA 01983



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9/20/2018

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300 foot Abutters List Report

Topsfield, MA
September 20, 2018

Parcel Number: 40-87
CAMA Number: 40-87
Property Address: 15 SOUTH MAIN ST

Mailing Address: WINFREY SCOTT
15 SOUTH MAIN ST
TOPSFIELD, MA 01983

Parcel Number: 40-88
CAMA Number: 40-88
Property Address: 13 SOUTH MAIN ST

Mailing Address: MCALLISTER 13 SOUTH MAIN ST LL
13 SOUTH MAIN ST
TOPSFIELD, MA 01983

Parcel Number: 40-89
CAMA Number: 40-89
Property Address: 8 PROSPECT ST

Mailing Address: BUDROSE MARY
8 PROSPECT ST
TOPSFIELD, MA 01983

Parcel Number: 40-90
CAMA Number: 40-90
Property Address: 10 PROSPECT ST

Mailing Address: PATCH TODD K
10 PROSPECT ST
TOPSFIELD, MA 01983

Parcel Number: 40-91
CAMA Number: 40-91
Property Address: 12 PROSPECT ST

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

Parcel Number: 40-92
CAMA Number: 40-92
Property Address: 18 PROSPECT ST

Mailing Address: TODD MICHAEL
18 PROSPECT ST
TOPSFIELD, MA 01983

Parcel Number: 40-99
CAMA Number: 40-99
Property Address: 2 ANTORIA WAY

Mailing Address: HUSSAIN DILDAR
2 ANTORIA WAY
TOPSFIELD, MA 01983

Parcel Number: 41-6
CAMA Number: 41-6
Property Address: 8 SUMMER ST

Mailing Address: MASS BAY TRANSPORTATION AUTH
77 FRANKLIN ST - 9TH FL
BOSTON, MA 02110

Parcel Number: 41-7
CAMA Number: 41-7
Property Address: 6 PARK ST

Mailing Address: BUTLER CABIN LLC
6 PARK ST
TOPSFIELD, MA 01983



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9/20/2018

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9 South Main Street TOWN OF TOPSFIELD

Topsfield, MA

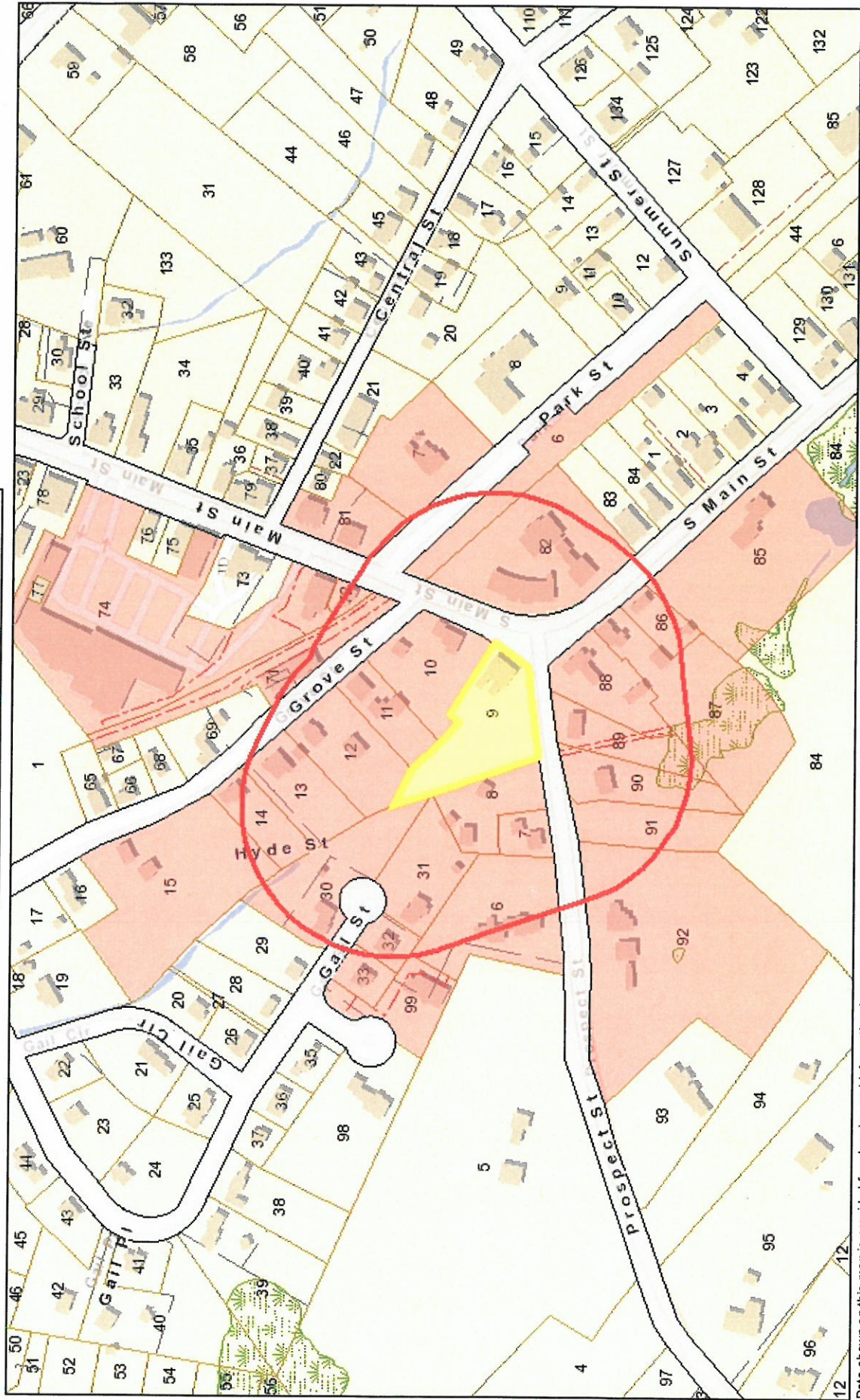
September 20, 2018

1 inch = 268 Feet



CAI Technologies
Precision Mapping. Grounded Solutions.

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Return to:
Robert C. McCann
McCann & McCann, P.C.
89 Newbury Street, Suite 302
Danvers, MA 01923

MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 07/16/2018 12:14 PM
ID: 1249019 Doc# 20180716003190
Fee: \$2,872.80
Cons: \$630,000.00

This space reserved for the Registry of Deeds

QUITCLAIM DEED

GABTAN, LLC, a Massachusetts limited liability company with its principal place of business at 900 Lynnfield Street, Unit 23, Lynnfield, MA 01940

For consideration paid of Six Hundred Thirty Thousand Dollars (\$630,000.00)

Grants to: 9-11 SOUTH MAIN STREET, LLC
with a mailing address of: 28 High Street, Topsfield, MA 01983

WITH QUITCLAIM COVENANTS

The land together with the buildings thereon know and numbered 9-11 South Main Street, Topsfield, Essex County, Massachusetts being shown as Lot 9 on the Topsfield Assessors Map and more particularly described as follows:

Beginning at the center of the stone post standing at the corner of the roads southerly of the structure on the premises herein described, thence running:

Northeasterly	on Main Street to land now or formerly of Justin Allen, thence running
Northwesterly	by said land of Allen and by land now or formerly of Galloup and Welch to a brook and land formerly of William B. Cummings, thence
Southwesterly	by said land now or formerly of Cummings to land now or formerly of Dane, thence
Southeasterly	to the highway and thence by said highway to the point of beginning.

The above described parcel is affected by that certain Boundary Line Agreement dated April, 2004 and recorded in Book 22641, Page 467. See also plan entitled "Plan of Land located in Topsfield, Mass." Prepared by Eastern Land Survey Associates, Inc. dated March 12, 2004 and recorded in Plan Book 375, Plan 85.

The Grantor is not taxed as a corporation.

Locus: 9-11 South Main Street, Topsfield, MA 01983

Meaning and intending to describe and convey the same premises conveyed to Gabtan, LLC, by deed of Eleven South Main Street, LLC dated October 4, 2007 and recorded in Book 27274, Page 142 of the Essex South District Registry of Deeds.

Executed this 11 day of July, 2018.

Gabtan, LLC


Witness

By: 
Name: P. Barry McDonough
Title: Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

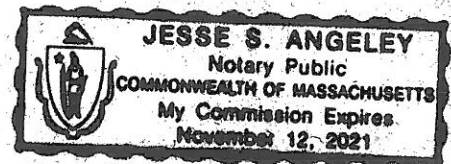
On July 11, 2018, before me, the undersigned notary public, personally appeared B. Barry McDonough, Manager of Gabtan, LLC, proved to me through satisfactory evidence of identification, which was:

- ☒ photographic identification with signature issued by a federal or state governmental agency,
☐ oath or affirmation of a credible witness,
☐ personal knowledge of the undersigned,

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, on behalf of the company.


Notary Public
My Commission Expires: _____

[SEAL]





INSPECTIONAL SERVICES
DEPARTMENT

Town of Topsfield
8 West Common Street
Topsfield, MA 01983

PERMIT DENIAL

NAME: 9-11 So. Main Street LLC

ADDRESS: 28 High Street, Topsfield, MA 01983

LOCATION: 9 So Main Street

ZONING DISTRICT: CR

PERMIT REQUESTED FOR: Enclose space at rear of building.

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

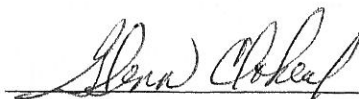
☐ SPECIAL PERMIT

- ☐ 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 Structure ☐ Additional Principal Building
☐ Other

ZONING REQUIREMENT: Pre-existing non-conforming structure

PROPOSED: Enclose space at rear of building on first & second floor for residential space.

Date Permit Denied 9/6/2018


Inspector of Buildings
Zoning Enforcement Officer



INSPECTIONAL SERVICES
DEPARTMENT

Town of Topsfield
8 West Common Street
Topsfield, MA 01983

PERMIT DENIAL

NAME: 9-11 So. Main Street LLC

ADDRESS: 28 High Street, Topsfield, MA 01983

LOCATION: 9 So Main Street

ZONING DISTRICT: CR

PERMIT REQUESTED FOR: (MIXED USE) 2-Residential Units on Second Floor & Business Use on First & Second.

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

☒ ZONING BOARD OF APPEALS

☐ PLANNING BOARD

☐ BOARD OF SELECTMEN

FOR A:

☒ USE VARIANCE

☐ FINDING

☐ SPECIAL PERMIT

- | | | | | |
|--|--|--|---------------------------------------|-------------------------------------|
| <input type="checkbox"/> Lot Area | <input type="checkbox"/> Lot Frontage | <input type="checkbox"/> Building Height | <input type="checkbox"/> Lot Coverage | |
| <input type="checkbox"/> Front Yard | <input type="checkbox"/> Side Yard | <input type="checkbox"/> Rear Yard | <input type="checkbox"/> Parking | <input type="checkbox"/> Open Space |
| <input type="checkbox"/> Sign (size, height, location) | <input type="checkbox"/> Expansion of Non-Conforming Use | | | |
| <input type="checkbox"/> Change in Non-Conforming Use | <input type="checkbox"/> Additional Principal Building | | | |
| <input type="checkbox"/> Other | | | | |

ZONING REQUIREMENT: Mixed Use not allowed in CR District

PROPOSED: Mixed Use

Date Permit Denied 9/6/2018

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: 9/6/18

Glenn Clohecy
Building Official (Print Name)

[Signature]
Signature

Date

SECTION 1: SITE INFORMATION

1.1 Property Address:

9-11 MAIN ST TOPSFIELD, MA 01983

1.2 Assessors Map & Parcel Numbers

1282

40-9

Map Number

Parcel Number

1.1a Is this an accepted street? yes ☒ no ☐

1.3 Zoning Information:

CR

Central Residential

Zoning District

Proposed Use

1.4 Property Dimensions:

42,994

272.44

Lot Area (sq ft)

Frontage (ft)

1.5 Building Setbacks (ft)

Front Yard		Side Yards		Rear Yard	
Required	Provided	Required	Provided	Required	Provided
<u>20</u>		<u>10</u>		<u>30</u>	
1.6 Water Supply: (M.G.L c. 40, §54)		1.7 Flood Zone Information:		1.8 Sewage Disposal System:	
Public <input checked="" type="checkbox"/> Private <input type="checkbox"/>		Zone: <u>AE</u> Outside Flood Zone? Check if yes <input type="checkbox"/>		Municipal <input type="checkbox"/> On site disposal system <input checked="" type="checkbox"/>	

SECTION 2: PROPERTY OWNERSHIP¹

2.1 Owner¹ of Record:

9-11 Main Street, LLC

Topsfield, MA 01983

Name (Print)

City, State, ZIP

28 High St.

No. and Street

Telephone

Email Address

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

New Construction <input type="checkbox"/>	Existing Building <input type="checkbox"/>	Owner-Occupied <input type="checkbox"/>	Repairs(s) <input checked="" type="checkbox"/>	Alteration(s) <input checked="" type="checkbox"/>	Addition <input checked="" type="checkbox"/>
Demolition <input type="checkbox"/>	Accessory Bldg. <input type="checkbox"/>	Number of Units _____	Other <input type="checkbox"/> Specify: _____		

Brief Description of Proposed Work²: Upgrade structure of existing space add two residential units and expand commercial space that exists

SECTION 4: ESTIMATED CONSTRUCTION COSTS

Item	Estimated Costs: (Labor and Materials)	Official Use Only
1. Building	\$ <u>150,000.-</u>	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
2. Electrical	\$ <u>30,000.-</u>	
3. Plumbing	\$ <u>35,000.-</u>	
4. Mechanical (HVAC)	\$ <u>30,000.-</u>	
5. Mechanical (Fire Suppression)	\$ <u>6,000.-</u>	
6. Total Project Cost:	\$ <u>281,000.-</u>	

RECEIVED
AUG 02 2018

TOWN OF TOPSFIELD
INSPECTION DEPT.