

**Minutes
Topsfield Zoning Board of Appeals
Town Library Meeting Room
December 19, 2017**

Chairman Moriarty called the meeting to order at 8:09PM. Board members present, in addition to Chairman Bob Moriarty, were Gregor Smith, Dave Moniz, David Merrill and Jody Clineff. Donna Rich, Community Development Coordinator, was also present. Other persons present during all or part of the meeting included Robert Dignan, Jr. of Mead Talerman & Costa LLC, Joseph C. Edwards, attorney, Ripal Patel, Country Farms Market, residents Foti, Alex & Donela Qirjazi, Pauline Croteau, , Angelo Caruso, Lori & Chris Boyd, Lawrence, Kevin, Patrick and William Guinee, John Gilford, Martha Morrison, Gregg Lindsey, Stephen Mackey, Lauren & David Herter, David Bunker, Greg & Maurella Huntley, Mark Malmquist, and Jeff Murley.

Public Hearing

8:09PM: 49 Main Street-David Merrill read the Legal Notice to open the Hearing. Alex Qirjazi explained that he and his sister, Donela, are requesting a change in use from office space to a variety store at 49 Main St. Alex described the renovations of the space to be a more open space concept with an 11x7 cooler in the back of the building along with the idea of selling fresh produce and locally grown products, such as honey, jams and other gourmet foods. It was asked if a Business Plan existed describing the venture, Alex stated that they were looking for a consensus from the Board before moving forward with the idea. The Board discussed with Alex parking considerations, ADA compliance, the plan for deliveries, and if alcohol was being considered, to name a few. The Site Plan Review Checklist was provided to Alex, along with the fact that an engineer's plan describing the proposed variety store would be required upon submission. Chairman Moriarty recognized resident Martha Morrison who stated that the building is a Significant Structure and any changes to the outside of the building should be reviewed by the Historical Commission. Resident Jim Gilford asked about the consideration of large delivery trucks. Alex explained that he saw no problem with that. Member Dave Moniz made a motion to continue the Public Hearing until January 23rd at 8pm, seconded by Member Jody Clineff; so voted: 5-0.

Meeting Schedule for 2018: The Board agreed on the proposed schedule as presented.

Minutes: Member Dave Moniz made a motion to approve the minutes of August 22, 2017, as written, seconded by Member Gregor Smith; so voted: 5-0.

FY2019 Budget: The Board agreed on the proposed FY19 budget as presented.

2017 Annual Report: Chairman Bob Moriarty made a motion to approve the Report as presented, seconded by Member Dave Moniz; so voted: 5-0.

Public Hearing

8:45PM: 3 Kinsman Lane- David Merrill read the Legal Notice to open the Hearing. Attorney Robert Dignan, Mead, Talerman & Costa, LLC requested that the Board allow the applicant to withdraw the application dated November 21, 2017. Member David Merrill made a motion to accept the applicant's request of withdrawal, seconded by Member Jody Clineff; so voted: 5-0. Member Dave Moniz made a motion to close the Public Hearing, seconded by Member Jody Clineff; so voted: 5-0.

Discussion: 252 Rowley Bridge Road –Patrick Guinee representing the Family described the proposed intent for the family home located at 252 Rowley Bridge Road. Their intent is to keep the homestead as a working apple orchard, as it is today, with the hope to help defer the costs by being permitted to hold tented events on the property. A diagram of the property with emergency access and car traffic identified was distributed to the Board. Chairman of the Planning Board Martha Morrison relayed that the property is in the Outlying Residential and Agricultural District and as a working farm this could be a permitted use with a Special Permit. Chairman Bob Moriarty suggested that the family submit a letter of explanation to the Building Inspector and request his opinion on how the family should proceed.

Public Hearing

9:15PM: 51 Central Street- David Merrill read the Legal Notice to open the Hearing. Greg Huntley explained the proposed plan that requires a decrease of 3.7-feet on the side setback in order to demolish the existing two car garage and to construct a new 28-foot x 40-foot garage. Mr. Huntley distributed a Plot Plan of Land, dated 12/18/17 and Construction Document Final Set of Huntley Garage, dated 2/9/17, which further displayed the plans for the garage. The Board asked if there would be windows on the neighbors side, the answer was no and asked what was the intended use of the new garage, the answer was for storage. Hearing no further comments from the Board, Member Gregor Smith made a motion to approve the request of a setback to 3.7 feet on the side, seconded by Member Dave Moniz; so voted: 5-0.

There was a brief discussion of the establishment of a Nuisance Ordinance at the 2018 Annual Town Meeting led by Chairman Moriarty.

At 9:48pm, Member Dave Moniz made a motion to adjourn and Member Gregor Smith seconded the motion; so voted: 5-0.

Respectfully submitted,

Donna C. Rich
Community Development Coordinator

Per the Open Meeting Law, the documents that were either distributed to the Zoning Board of Appeals before the meeting in a packet, or at the meeting were:

1. Agenda
2. Draft Minutes August 22, 2017
3. Application from 49 Main Street
4. Application from 3 Kinsman Lane, along with letter of withdrawal

5. Application from 51 Central Street
6. 2017 Draft ZBA Annual Report
7. Draft 2018 Meeting Schedule of the ZBA
8. FY2019 Proposed ZBA Budget
9. Open Meeting Law/Ethics packet
10. Received at meeting: 49 Main Street-picture of signage used for Tritown Council and a parking plan dated 1/5/12, 252 Rowley Bridge Road-picture entitled Connemara Farm Goal, 51 Central Street-Plot Plan of Land, dated 12/18/17 and Construction Document Final Set of Huntley Garage, dated 2/9/17.

Approved as written at the December 19, 2017 Zoning Board of Appeals meeting.

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Committee constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Committee as to the completeness or accuracy of such statements.
