

**Minutes
Topsfield Zoning Board of Appeals
Town Hall
Board of Selectmen Meeting Room
January 28, 2020**

Chairman Bob Moriarty called the meeting to order at 8:00PM. Board members present included Chairman Moriarty, David Merrill, Gregor Smith, Dave Moniz, Jody Clineff and Kristin Palace (arrived at 8:30). Donna Rich, Community Development Coordinator, was also present.

Visitors: Martha Morrison, Randy & Maureen Sabino, John Morin, Morin Cameron Group, and Eric Menzer.

Public Hearing:

8:00PM – 371 Boston Street – Clerk Dave Merrill read the Legal Notice to open the Public Hearing for a Special Permit for Retail Establishment Selling General Merchandise and for Retail Specialty Foods, and petition for Finding pursuant to Article III, Section 3.05A, and petition for Site Plan Review pursuant to Article IX for the proposed re-development of the property to mixed-use commercial / residential development which includes the installation of utilities, sanitary disposal system, and parking areas to accommodate the proposed uses.

John Morin, Morin Cameron Group, stated he was representing Randy & Maureen Sabino for a proposed redevelopment of the property at 371 Boston Street to a mixed-use commercial / residential development which would include the installation of utilities, sanitary disposal system, stormwater management and parking areas to accommodate the proposed uses. John Morin explained that for the past ten years the Sabino's have been purchasing abutting properties in an effort to build what is being presented with the purpose to utilize the area for what the Town re-zoned it for. John Morin further explained that most of the existing set-backs for the buildings would remain the same except for the rear set-back required a Finding. John Morin reviewed the parking stating that for the proposed buildings 22 spaces were required, however the project proposes 41. Randy Sabino spoke regarding Massachusetts Department of Transportation's (MassDOT) request that the entrance become wider, therefore, the existing dwelling situated along Route 1 would have to be moved south to comply. Randy Sabino explained that the one building was envisioned to be a market, however, there has been a swell of interest for him to build a tavern. The Board discussed this option and provided positive feedback, which Randy would research and consider. The Board discussed the clock tower building and requested that the height be lowered, and the size in general be smaller.

John Morin requested that the Hearing be continued to February 25th, the Board agreed for 7pm, or thereabouts; so voted: 5-0.

Public Hearing *continued*

8:15PM: Adoption of Comprehensive Permit Regulations-Chairman Moriarty explained that after a brief discussion with Kevin Harutunian, Town Administrator, the Board should continue in an effort for the Board of Selectmen to make a policy decision on the matter. The motion was moved and voted: 5-0.

Public Hearing

9:10PM: 8 Pemberton Road – Eric Menzer explained that his request was to decrease the side setback from 10-feet to 8-feet in order to construct an above-ground swimming pool. He explained that there was an existing driveway to an excavation yard abutting the side lot line in which the pool would be directly next to and that the neighbor's house is 30-40-feet away. Menzer noted that the neighbors had expressed no objection to his project. In addition, he reported that the pool would comply with the 10-foot setback required from the leaching field. After some discussion the members agreed that an above ground pool had a limited life span and therefore could be approved.

Dave Moniz made a motion to approve the variance with a condition that the installation of any decking around the pool that encroached on the side setbacks would not be permitted, seconded by Gregor Smith; so voted: 5-0.

Downtown Revitalization BOS Meeting Review

Discussion: Chairman of the Planning Board Martha Morrison directed the Board to the documents relative to the findings of the Metropolitan Area Planning Council (MAPC) report regarding the downtown revitalization. Martha Morrison reported that the Board of Selectmen was looking to initiate a small working group, 2 members of the Board of Selectmen, 2 members from the Planning Board, the Town Administrator and 2 members from the Zoning Board of Appeals. This group would review the solutions identified and refine/clarify what would be realistic within the Business Village District. Gregor Smith and Bob Moriarty volunteered to represent the ZBA.

Meeting Schedule for 2020 – The members agreed to change the start time of the meetings to be 7PM.

FY21 Budget – The members voted to approve the FY21 budget as presented, level funded; 5-0

2019 Annual Report: The members voted to approve the 2019 Annual Report as written; 5-0.

Minutes: The members voted to approve the November 26, 2019 minutes as written; 5-0.

At 9:54 Jody Clineff made a motion to adjourn, seconded by Bob Moriarty; so voted 5-0.

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. 371 Boston Street Application
3. 8 Pemberton Application
4. KP Law response to Comprehensive Permit Rules & Regulations
5. Draft Meeting Schedule for 2020
6. FY21 Budget
7. Draft 2019 Annual Report
8. Minutes of November 26, 2019
9. Letter from DHCD regarding Subsidized Housing Inventory Biennial

Approved as amended at the February 25, 2020 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.