

**Minutes
Topsfield Zoning Board of Appeals
Virtual Meeting
March 22, 2022**

Chairman Bob Moriarty called the meeting to order at 7:03PM. Board members present included Chairman Moriarty, David Merrill, Gregor Smith, Jody Clineff, Dave Moniz and Kristin Palace, alternate. Donna Rich, Community Development Coordinator, was also present.

Visitors names on screen via zoom: applicant Michael Larkin, Perkins Landing LLC, Julia Eatmon, Majesty Auto Sales, LLC, Anthony Franciosa, resident Kathy Port, Boxford Cable Access TV and many others.

GOVERNOR’S ORDER

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means. Members of the public who wish to access the meeting may do so via the Zoom meeting identification as listed on the agenda. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, for reasons of economic hardship and despite best efforts, we will post on the Town website: www.topsfield-ma.gov an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Chairman Moriarty read the following Announcement: “The meeting is being recorded via ZOOM and it will be available on the Topsfield website Cable Video on Demand page, is there anyone else present who wishes to record the meeting?” No requests were heard.

Public Hearing: *continued*

57 Perkins Row – Perkins Landing LLC / Michael Larkin

Chairman Moriarty stated that the Conservation Commission had issued the Determination of Applicability which identified the under the State the riverfront area and it was anticipated that a future submittal would be coming from the applicant. The applicant has requested a continuance until the next meeting as well as an extension of the 180-day requirement. The Chair also indicated that a Purchase and Sales for the property had been received dated October 1, 2021 which indicates evidence that the applicant has site control.

Chairman Moriarty made a motion to continue the Public Hearing until April 26, 2022 at 7pm and to extend the 180-days’ time-period for the Zoning Board of Appeals to act pursuant to 760 CMR 56.05(3) until August 23, 2022, seconded by Dave Moniz; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Clerk David Merrill-yes
Member Gregor Smith-yes
Member Jody Clineff-yes
Member Dave Moniz-yes

Public Hearing: *continued*

240 Boston Street – Julia Eatmon, Class II Used Car Dealership –Donna Rich provided an overview of the hearings to date, including the business plan submitted and parking plan. Chairman Bob Moriarty stated that the parking plan had been reviewed in depth during the hearing of Gymcore LLC at the meeting, same location. Dave Moniz asked if there would be any addition lighting added to the site. Julia Eatmon stated there would be no changes or additions. Julia Eaton stated that the 18 parking spaces indicated by the realtor would be sufficient. She noted that there would be limited inventory at the site, the business runs as vehicles are sourced to purchase. Chairman asked if there were any comments from the public, none were heard.

Bob Moriarty made a motion to close the public hearing, seconded by David Merrill; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Clerk David Merrill-yes
Member Gregor Smith-yes
Member Jody Clineff-yes
Member Dave Moniz-yes

Bob Moriarty made a motion to approve a Special Permit pursuant to Article III, Section 4.10, Retail Establishment Selling Motor Vehicles of the Zoning Bylaw, seconded by Gregor Smith; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Clerk David Merrill-yes
Member Gregor Smith-yes
Member Jody Clineff-yes
Member Dave Moniz-yes

Chairman Moriarty directed the members through the Site Plan Review Checklist. No issues were identified.

Bob Moriarty made a motion to approve Site Plan Review pursuant to Article IX of the Zoning Bylaw and accept the parking plan as submitted, seconded by David Merrill; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Clerk David Merrill-yes
Member Gregor Smith-yes
Member Jody Clineff-yes

Member Dave Moniz-yes

Public Hearing:

68 Washington Street -Anthony Franciosa

Clerk David Merrill read the Legal Notice to open the Public Hearing. Chairman Bob Moriarty recognized Tony Franciosa. Tony Franciosa explained that he purchased 68 Washington Street, an older cape style house with additions made to the house, along with a foundation in disrepair. Franciosa stated that the present house would be razed and the new house would conform with the side and back set-backs and be within the buildable area. The request is due to the frontage only being 85-feet and is required to be 100-feet. Gregor Smith asked the age of the house, it was noted to be 50+ years. There was discussion of the house being within the Historical Commission jurisdiction and was noted it was not. Jody Clineff had reached out to the Chair, Liz Mulholland and reported that the house was an 1850 Greek Revival and not listed on the town's list of Historic Structures. Jody Clineff reported that Liz Mulholland would like to document the house prior to it being razed, Tony Franciosa would allow for that and Donna Rich would connect the two individuals. Chairman Moriarty asked if any of the public wished to speak. Kathy Port, 70 Washington Street, requested information regarding the marked trees, and whether they are slated for removal. Tony Franciosa reported that they were in fact marked for removal. There was a brief discussion ending with Tony Franciosa agreeing to walk the property with Kathy Port to review the changes in the landscape. It was noted that all activity is outside the wetland buffer zone. There were no other comments from the public.

Gregor Smith made a motion to close the public hearing, seconded by David Merrill; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Clerk David Merrill-yes
Member Gregor Smith-yes
Member Jody Clineff-yes
Member Dave Moniz-yes

Gregor Smith made a motion to approve a Finding pursuant to Article III, Section 3.05A, Nonconforming Uses of the Zoning Bylaw, seconded by David Merrill; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Clerk David Merrill-yes
Member Gregor Smith-yes
Member Jody Clineff-yes
Member Dave Moniz-yes

Minutes:

Bob Moriarty made a motion to approve the January 11, 2022 minutes as written, seconded by David Merrill; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Member David Merrill-yes
Member Gregor Smith-yes
Member Dave Moniz-yes
Member Jody Clineff-yes

David Moniz made a motion to approve the January 25, 2022 minutes as amended, seconded by Gregor Smith; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Member David Merrill-yes
Member Gregor Smith-yes
Member Dave Moniz-yes
Member Jody Clineff-yes

Jody Clineff made a motion to approve the February 22, 2022 minutes as amended, seconded by David Merrill; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Member David Merrill-yes
Member Gregor Smith-yes
Member Dave Moniz-yes
Member Jody Clineff-yes

At 7:44 pm Bob Moriarty made a motion to adjourn, seconded by Jody Clineff; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Member David Merrill-yes
Member Gregor Smith-yes
Member Dave Moniz-yes
Member Jody Clineff-yes

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. Minutes of January 11 & 25, 2020 and February 22, 2022
3. Continuation Request for 57 Perkins Row and Purchase & Sales Agreement
4. 68 Washington Street application

Approved as amended at the April 26, 2022, 2022 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.