

**Minutes
Topsfield Zoning Board of Appeals
Town Library Meeting Room
December 27, 2016**

Chairman Moriarty called the meeting to order at 8:13PM. 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, and residents Ben Nutter, Brent Roeder, Paula Burke, Foti Qirjazi, Donela Qirjazi, Alex Qirjazi, Attorney Alan Grenier, Danielle & Adam Gauvin, Laurene & Robert Skeffington, Melvin Baer, Michael Kippenberger, Kevin Barboza, owner of Axis Conditioning, Water Superintendent Greg Krom, Wright-Peirce representative Jim Cray, McGinley Kalsow & Associates Inc. representative Doug Manley, Michelle Crowley Landscape Architect representative Naomi Cottrell.

Public Hearings

8:13PM: Town Hall Historic Preservation, Renovation and Expansion Project-Site Plan Review: Member Jody Clineff read the Legal Notice to open the Hearing. Member Gregor Smith recused himself, as he is Chairman of the Town Hall Building Committee. McGinley Kalsow & Associates Inc. representative Doug Manley provided an extensive review of to the Town Hall Historic Preservation, Renovation and Expansion Project using site plans that displayed the layout of the interior and external aspects of the buildings. Michelle Crowley Landscape Architect representative Naomi Cottrell described the landscape plans in detail, specifically describing the change in the entrance which will be on the westerly side of the building. The Board had a lengthy discussion relative to the estimated 49 parking spaces and if that would be sufficient for the expected use of the building. Council on Aging Director Paula Burke voiced her concerns for the estimated number of spaces. The Board requested that more parking opportunities be explored in the general vicinity. Member Dave Merrill made a motion to continue the Hearing to January 24, 2017 at 8:15PM, seconded by Member Dave Moniz; so voted: 5-0.

9:03PM: 53R Main St Request for an Amendment: Member Dave Merrill read the Legal Notice to open the Hearing. Attorney Alan Grenier stated that Mr. Qirjazi was requesting an amendment to the ZBA September 25, 2015 Decision, Conditions 1 & 2, which states that there be no occupancy as a residence shall be permitted and the space will only be used for storage, etc. It was stated that the second floor at 53R was in need of repair; Mr. Qirjazi obtained the appropriate permit for those repairs with the intent that the business below would use it as storage, but after the repairs were completed the dry cleaning business changed their minds. Mr. Grenier further explained that Mr. Qirjazi had been to the Conservation Commission and Board of Health to bring the building into compliance, along with two additional parking spaces. Chairman Moriarty stated that it was apparent that the space had been converted into a two bedroom apartment, before approvals were granted. There was debate regarding the Building Inspectors granting of a permit and the continual change in 2nd floor use of space at 53 and 53R Main Street buildings, after ZBA Decisions stated they were not to occur. Abutter Brent Roeder spoke of the positive changes Mr. Qirjazi has made to the buildings Chairman Moriarty

made a motion to continue the Hearing until January 24, 2017 at 9PM, seconded by Member Dave Moniz; so voted: 5-0.

10:10PM: Water Treatment Facility: Wright-Peirce representative Jim Cray provided an extensive review of the proposed Water Treatment Facility using site plans that displayed the layout of the interior and exterior of the 4200 square foot building. Abutters Danielle & Adam Gauvin both raised questions relative to sound decibels that might be heard and environmental effects on the neighboring property. Mr. Cray and Water Superintendent Greg Krom responded to the questions and concerns, stating there would be no noise, the pump area would be in an insulated room, and the project would be required to follow Department of Environmental Protection standards, therefore would not be able to emit any environmental effects. Water Superintendent Greg Krom explained the rationale of why the Water Treatment Plant was being placed at the DPW building sight, stating there was no other Town owned property available. In addition it was explained the reason for pursuing the Water Treatment Plant in place of “attaching” to the Salem Beverly Water system or the Massachusetts Water Resources Authority (MWRA). Abutter Danielle Gauvin requested the Hearing be continued due to her father’s absence, with no objection from the applicant, Chairman Moriarty made a motion to continue the Hearing until January 24, 2017 at 9:20PM, seconded by Member Dave Moniz; so voted: 5-0.

10:46PM: 426B Boston Street-Special Permit: Applicant Kevin Barboza appeared before the Board requesting a Special Permit pursuant to Article 5, Section 5-04. Mr. Barboza explained that his facility at 426A provides strength and endurance training to elementary through high school children and adults. Mr. Barboza stated that when the 1800 square feet of space next door, 426B, became available he felt that it could be utilized for business offices and fitness training programs for the elementary through high school children. Abutters Laurene & Rob Skeffington, 82 North Street, expressed their concern of the consistent music decibel levels that were continually heard coming from the facility. Mr. Barboza explained the hours that he expected for the kids program would run approximately from 2:30PM-7:00PM. After further discussion, it was agreed that no outdoor activity would commence prior to 8:00AM and would end by 6:00PM. Member Gregor Smith made a motion to close the Hearing, seconded by Member Dave Merrill; so voted: 5-0. Member Gregor Smith moved that the Board adopt the foregoing findings and grant a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section Retail and Service, Sub-section 4.24 Fitness and Recreation Sports Facilities to allow said use at 426B Boston Street to Kevin Barboza with the following conditions (1) that no outdoor activity shall commence prior to 7:00AM and end by 6PM and (2) no noise shall extend the property lines of the Business Park between the hours of 8AM – 6PM, seconded by Member Dave Moniz; so voted: 5-0.

At 11:17PM, 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. Site Plan application and plans for the Town Hall Historic Preservation, Renovation and Expansion Project
3. 53R Main St Request for an Amendment
4. Water Treatment Facility Site Plan Application
5. 426B Boston Street-Special Permit request

Approved as amended at the January 24, 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.