

**Minutes
Topsfield Zoning Board of Appeals
Town Library Meeting Room
January 24, 2017**

Chairman Moriarty called the meeting to order at 8:00PM. 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 Woodrow Lancaster, Peter Bryson, Paula Burke, Foti Qirjazi, Donela Qirjazi, Alex Qirjazi, Attorney Alan Grenier, Daniel & Danielle Gauvin, Water Superintendent Greg Krom, Wright-Peirce representative Jim Cray, McGinley Kalsow & Associates Inc. representative Doug Manley, Michelle Crowley Landscape Architect representative Naomi Cottrell, Jamie O'Brien, General Manager Topsfield Fair, Gerry McDonald, HL Graham & Associates, Inc.

Public Hearings

8:00PM: Essex Agricultural Society-207 Boston Street: Clerk Dave Merrill read the legal notice to open the Public Hearing. Jamie O'Brien, representing the Essex Agricultural Society, explained that the Fair is requesting a five year Special Permit to allow parking of cars and the use of loudspeakers until 10:30pm Sunday through Tuesday of the fair week and until 11:00pm on all other nights, and to operate the Midway until 11:30pm for the annual fair to be held September 29-October 9, 2017, and for the following four years during fair dates. Chairman Moriarty stated it was for three years and now the request is for five years. Mr. O'Brien stated there has been no change in operations, they had five years previous, and request to go back to a five year permit. Abutter Wood Lancaster endorsed the use of speakers at the fair. It was also noted that resident Jack Armitage submitted a letter of support of the fair. Hearing no further comments, Member Dave Moniz made a motion to close the hearing, seconded by Member Gregor Smith; so voted: 5-0. Member Dave Moniz made a motion to approve a five year Special Permit pursuant to Article III, Section 3.05 of the Zoning Bylaw with the same conditions as previous permit, seconded by Member Gregor Smith; so voted: 5-0.

8:13PM: Town Hall Historic Preservation, Renovation and Expansion Project-Site Plan Review *continued*: Member Gregor Smith recused himself, as he is Chairman of the Town Hall Building Committee.

McGinley Kalsow & Associates Inc. representative Doug Manley presented the parking plan for the fifty spaces surrounding the Town Hall. Michelle Crowley Landscape Architect representative Naomi Cottrell then provided details on parking available within a one minute and five minute walk radius. Naomi Cottrell also described the lighting and reviewed the planting that has been proposed around the building. Members went through the Site Plan Review Checklist for completeness of application. Council on Aging Director Paula Burke wanted to go on record stating her concerns for the estimated number of parking spaces and hoping Proctor School will be cooperative, although she did also express her support of the project. Member Jody Clineff made a motion to close the public hearing, seconded by Member Dave Moniz; so voted 4-0-1, Member Gregor Smith abstained. Member Jody Clineff made a motion to approve the Site Plan Review

as presented with no conditions, seconded by Member Dave Moniz; so voted 4-0-1, Member Gregor Smith abstained.

Minutes:

Member Dave Moniz made a motion to approve the minutes of November 22, 2016, seconded by Member Gregor Smith; so voted: 4-0-1. Member Jody Clineff abstained. Member Dave Merrill made a motion to approve the minutes of December 27, 2016 as amended, seconded by Member Dave Moniz; so voted: 5-0.

Miscellaneous Items

Joint Meeting with Planning Board Request: After a brief discussion the member's agreed to meet with the Planning Board to jointly discuss any proposed Zoning Bylaw Amendments for the 2017 Annual Town Meeting Warrant. The meeting would be held on January 31, 2017 at 7:30PM.

Public Hearings

9:00PM: 53R Main St Request for an Amendment *continued*: Attorney Alan Grenier introduced Gerry McDonald, HL Graham & Associates, Inc. Mr. McDonald explained the parking plan and revisions that were made to the septic plan at the site. There was a historical account of the parking plans that have been presented to the ZBA since 2012, including the agreement that had been made with abutter Mr. Roeder. Mr. McDonald explained the addition of compact parking spaces that would be additional spaces to the site. Member Gregor Smith made a motion to amend the Special Permit of September 25, 2015, Conditions 1 & 2, to allow for the use of a one bedroom apartment above the dry cleaners business and to amend the existing parking plan revisions #5, dated December 1, 2016, seconded by Member Dave Moniz; so voted: 5-0.

9:32PM: Water Treatment Facility *conintued*: Wright-Peirce representative Jim Cray responded to an abutters request for a decibel report of the various fans and pumps at the site. Mr. Cray would make the decibel report available. Mr. Dan Gauvin provided an historical report of the previous Special Permit process when the DPW building was originally built and how over-time soil encroachment has occurred onto his property. There was then a lengthy discussion regarding the level of soil encroachment and how over time this has occurred in the area of the old recycling area at the DPW site. Water Superintendent Greg Krom agreed with the encroachment and offered to work with Mr. Gauvin to identify an appropriate boundary line to mark the expected 50-100-foot buffer zone. Chairman Moriarty made a motion to continue the Hearing until February 28, 2017 at 8PM, seconded by Member Dave Moniz; so voted: 5-0.

At 10:23PM, Member Bob Moriarty 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. Application for 207 Boston Street Sound Permit
3. Revised plans for the Town Hall Historic Preservation, Renovation and Expansion Project dated 1/24/17

Approved as amended at the May 23, 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.