

**Minutes
Topsfield Zoning Board of Appeals
Town Hall
Board of Selectmen Meeting Room
November 27, 2018**

Chairman Bob Moriarty called the meeting to order at 8:03PM. Board members present, in addition Chairman Moriarty, Dave Moniz, David Merrill, Gregor Smith (arrived at 8:17pm) and Jody Clineff were present. Donna Rich, Community Development Coordinator, was also present. Other persons present during all or part of the meeting included residents John Ingalls, Vicki Blais, Wolfgang Herbel, Maryjane Doorly, Dick Gandt, Mark Mscisz, Chris Mscisz, Nancy McCann, McCann & McCann, P.C., Michael Laham, The Morin-Cameron Group, Inc., Sid Silveira, DMS design, LLC.

2019 Meeting Schedule

Member Dave Moniz made a motion to approve the 2019 Meeting Schedule, seconded by Member Jody Clineff; so voted: 4-0.

FY18 Annual Report

Member Dave Merrill made a motion to approve the FY18 Zoning Board of Appeals Annual Report, seconded by Member Dave Moniz; so voted: 4-0.

2018 Open Space Letter of Support

Chairman Bob Moriarty made a motion to approve the 2018 Open Space letter of Support, seconded by Member Dave Merrill; so voted: 4-0.

Minutes

Member Dave Merrill made a motion to approve the minutes of October 23, 2018, as written, seconded by Member Jody Clineff; so voted: 3-0-1. Bob Moriarty abstained. Member Jody Clineff made a motion to approve the Executive Session minutes of October 23, 2018, as written, seconded by Member Dave Moniz; so voted: 3-0-1. Bob Moriarty abstained.

Public Hearing *continued*

9-11 South Main Street-9-11 South Main Street LLC- Nancy McCann, McCann & McCann presented the request of a Finding pursuant to Article III, section 3.05, Site Plan Review, pursuant to Article IX, both of the Zoning Bylaw and an appeal of the Building Inspectors decision dated 9/6/18 pursuant of Massachusetts General Law chapter 40a, section 15. Nancy McCann described historically what the uses had been over the years at 9-11 South Main Street; a single family, an Inn, physicians/medical offices, a two-family and a real estate business, all non-conforming within the Central-Residential district. Nancy McCann explained that the applicant is proposing an addition in the back of the building that would include a second floor. The addition would allow for 380 square feet of office space on the first level and 2-two bedroom units, each 800 square feet, on the second level. There were no changes proposed for the front façade of the building, therefore preserving the integrity of the building. Nancy McCann explained that the neighbors at 3 South Main Street had requested additional landscaping along the side

of their yard and the applicant proposed an arborvitae hedge, which would be coordinated with the property owners. Michael Laham, The Morin-Cameron Group, Inc. described the Site Plan, stating that there would be no changes to what exists presently. The traffic would flow from Prospect Street to South Main. Mike Laham explained the location of 16 parking spaces, which included 4 residential parking spaces denoted at the back of the parking area. The Board asked if directional arrows would be striped on the pavement, Mike Laham reported that they would be. Member Jody Clineff asked if the Historical Commission had been consulted as to the changes to the 1742 structure, Nancy McCann noted they hadn't been. Sid Silveira, DMS design, LLC described the architectural design of the addition, noting that the colors and materials would remain the same as the rest of the building. There was a discussion relative to the non-conforming use and noted mixed uses over the years. Chairman Moriarty asked about parking and Nancy McCann noted that the number of parking spaces was within the requirements. It was noted that this location is within 300 feet to the municipal parking area on Park Street. Chairman Moriarty asked if there were any comments from the public. John Ingalls, abutter, expressed his positive feelings toward the project. Applicant Mark Mscisz stated that he had met with the neighbors at 3 South Main Street and discussed the screening, which was decided to be a lining of trees as opposed to a fence. Other items discussed were the location of a dumpster and exterior lighting in the back of the building. It was noted that the project would be going before the Conservation Commission as the addition falls within their jurisdiction.

The Board went through the Site Plan Review Checklist. Once completed the Board determined the following conditions would be part of the decision:

- The project would receive confirmation from the Historical Commission to whether it falls under their jurisdiction or not and if so will comply with any requirements.
- There would be 2 sconces type exterior lighting installed by the 2 residential units entrances.
- There would be a line of arborvitae trees, coordinated with the abutters, installed along the property at 3 South Main Street.

Member Gregor Smith made a motion to close the Public Hearing, seconded by Member Jody Clineff; so voted: 5-0.

Member Gregor Smith made a motion to overrule the Building Inspectors decision dated 9/6/18 based on Massachusetts General Law, Chapter 40a, section 15, seconded by Member Dave Merrill; so voted: 5-0.

Member Gregor Smith made a motion to approve alterations of non-conforming use to allow a 380-sq-ft office space, 2 residential units and a mixed use of residential and commercial at this location, seconded by Member Jody Clineff; so voted: 5-0.

Member Gregor Smith made a motion to approve the Site Plan dated November 18, 2018, seconded by Member Jody Clineff; so voted: 5-0.

At 9:15pm Member Dave Merrill made a motion to adjourn, seconded by Member Jody Clineff; 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 regular meeting minutes and executive session minutes of October 23, 2018
3. Application for 9-11 South Main Street
4. FY18 Annual Report
5. 2018 Open Space letter of Support 2019 Meeting Schedule
6. 2019 Meeting Schedule

Approved as amended at the January 23, 2019 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
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