

Planning Board

Application for Special Permit & Site Plan Review

Form A

Before you file this application, it is necessary that you be familiar with the requirements for filing plans and other materials in support of this application as specified in the Topsfield Zoning Bylaws, scenic road Bylaw, Stormwater & Erosion Control Bylaw and the respective Planning Board Rules and Procedures that are available from the Town Clerk and Community development Coordinator as well as the Town website at www.topsfield-ma.gov.

Incomplete applications will not be considered unless waivers are previously obtained from the Planning Board.

SPECIAL PERMIT FEES:

Business Park Use Permits	<u>\$200.00</u>	
Elderly Housing Special Permits	\$1000.00	(New construction EHD see Site Plan Review fees listed below)
Common Drive	\$100.00	
Accessory Apartment	\$100.00	
Groundwater Protection District		
Wind Energy Conversion System – Small Scale	\$200.00	
Ground Mounted Solar Photovoltaic Installations	\$200.00	
Scenic Road		
Stonewall Removal	\$75.00	
Tree Removal	\$75.00	
Stormwater & Erosion Control		\$100.00 plus 4.0030 times the total square footage of the area to be altered by the project; see exemptions under regulations

SITE PLAN REVIEW:

1). Coverage Fee

\$100/5,000 sq. ft. or any portion thereof of new/altered lot disturbance (the total square footage of all new/altered building footprints, plus all paved surfaces, septic installations and stormwater management systems).

_____ sq. ft. ÷ 5,000 sq. ft. x \$100 = _____ area of new/altered coverage

2). Gross Floor Area Fee

\$200/5,000 square feet or any portion thereof of new/altered Gross Floor Area (gross floor area – the total square footage of all new floor area on all levels of all new or existing buildings).

2000 sq. ft. ÷ 5,000 sq. ft. x \$200 = 80.00 area of new/altered gross floor area

Coverage Fee	\$ _____
Gross Floor Area Fee	\$ <u>80.00</u>
Total Site Plan Review Fee	\$ <u>80.00</u>

NATURE OF APPLICATION:

- Petition for Special Permit pursuant to Article v, Section 5.02.B.1 of the Zoning Bylaw.
- Petition for Finding pursuant to Article _____, Section _____ of the Bylaw.
- Petition for Site Plan Review pursuant to Article IX of the Zoning Bylaw (and the Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaw; and Supplement Form C for submitted requirements and formats).
- Petition for a Scenic Road Permit pursuant to Chapter LV.
- Petition for a Stormwater & Erosion Control Permit pursuant Chapter LI.

DESCRIPTION OF APPLICANT:

- a. Name Guisepe Giugliano
- b. Address 37C Pye Brook Lane, Boxford, MA 01921
- c. Phone Number 978-230-1717
- d. Interest in Premises (e.g., owner, tenant, prospective purchaser, etc.) owner
(Attach copy of lease and/or letter of authorization from owner, if applicable)

DESCRIPTION OF PREMISES:

- a. Assessor's Map 19, Lot(s) 4, Zoning District BP
- b. Location of Premises (number and street) 414 Boston Street
- c. Name and address of legal owner (if different from Applicant) _____
- d. Deed to the Premises recorded at (if known):
 Essex South District Registry of Deeds, Book 54171 Page 546
 Essex South Registry District of the Land Court, Certificate Number _____
- e. Prior zoning decisions affecting the Premises (if any):
Date of Decision _____ Name of Applicant _____
Nature of Decision _____
- f. Present use of the Premises Commercial
- g. Present structures conform to current Zoning Bylaw. Yes No. If no, in what respect does it not conform. _____

PROPOSAL (attach additional sheets if necessary):

- a. General Description:
See Exhibit A

b. If proposal is for construction or alteration of an existing structure, please state:

	FRONT	REAR	SIDE(S)
1. Setbacks required per bylaw	_____	_____	_____
2. Existing setbacks	_____	_____	_____
3. Setbacks proposed	_____	_____	_____

	FRONTAGE	AREA
4. Frontage and area required by bylaw	_____	_____
5. Existing frontage (s) and area	_____	_____
6. Frontage (s) and area proposed	_____	_____

	FEET	STORIES
7. Existing Height	_____	_____
8. Height proposed	_____	_____

c. Other town, state or federal permits or licenses required, if any:

Common Victuallers License

NECESSARY ACCOMPANYING DATA:

It is required that every application be accompanied by appropriate supporting data. Failure to submit appropriate and complete data could result in delay and/or denial of application for zoning relief. Place a check next to the applicable accompanying supporting data:

Variance of Special Permit Applications:

(See Planning Board Rules and Procedures Section III)

All required supporting data attached Yes No

Site Plan Review Applications:

(See Town of Topsfield Zoning Bylaw, Article IX, Section 9.05. See also Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaw)

All required supporting data attached Yes No

Comprehensive Permit Applications:

(See G.L.c. 40B, Sections 20-23)

All required supporting data attached Yes No

Appeals from decisions of Building Inspector or Others:

(See Planning Board Rules and Procedures, Section III (1) (e))

All required supporting data attached Yes No

If all required supporting data is not attached, why not:

2.14.16
Date

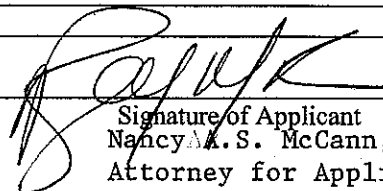

Signature of Applicant
Nancy A.S. McCann, Esq.
Attorney for Applicant

Exhibit A

The Applicant, Guiseppe Giugliano, requests a Special Permit and Site Plan Approval to allow a portion of the existing building located at 414 Boston Street to be used for a restaurant specializing in Italian cuisine. Mr. Giugliano purchased the property in June, 2015, and the building is 100% vacant. The property is located in the Business Park Zoning District which permits full service and limited service restaurants by Special Permit.

Mr. Giugliano and his family have experience in the restaurant business and believe that this property will provide an excellent location for a small restaurant that will be a service to the Topsfield community, there being few dining options available in town, particularly in the evening. Mr. Giugliano proposes to renovate the single story portion of the existing commercial building to create a 2,000 s.f. restaurant. Interior renovations and two new egress doors are proposed for code compliance. The restaurant will provide counter service and immediately adjacent seating for 8, together with a dining room with seating for 24. Mr. Giugliano will provide limited restaurant service during the day specializing in his handcrafted pizza; he anticipates providing a full service restaurant experience in the evening with Italian specialties and table service. A floor plan of the proposed restaurant is submitted with this application.

Other than the installation of two egresses, no alterations of the site are proposed. Existing parking for 25 vehicles is provided on the upper lot which will provide adequate parking for the restaurant. Mr. Giugliano anticipates 4 employees on the largest shift with the restaurant operating Tuesday through Saturday from 11:00 a.m. to 9:00 p.m.

An upgrading of the septic system will be required to accommodate the restaurant use; Mr. Giugliano has retained an engineer whose investigations reveal that the property will be suitable for the system. No additional impervious surface is being proposed and the existing site is well landscaped. The access to and from the site to Route 1 is via an existing curb cut onto North Street. The small restaurant use, being limited to 32 seats, will not create undue traffic congestion or any impairment of pedestrian safety. Municipal services will not be overloaded nor will the use impair the integrity or character of the Business Park Zone or adjoining zones nor will the use be a detriment to health, safety or welfare. To the contrary, the proposed restaurant use will meet the needs of the Topsfield community by providing a new family operated dining venue within a commercial district.

**TOWN OF TOPSFIELD, MA
ZONING BOARD OF APPEALS**

Application Supplement Form B

Attach to this form a copy of the Assessor's map (scale 1" equals 200') showing the property and all other properties and roadways within 300 feet of any portion of the property. Also, show the lot number and lot owner's name on each lot within the 300'.

List below the lot owner names and mailing addresses as shown in the Assessors' records, beginning with the property of the Applicant (locus).

Applicant's Name, Mailing Address: Giuseppe Giugliano
c/o Nancy A.S. McCann, Esq.
89 Newbury Street, Danvers, MA 01923

Telephone No. 978-739-8484

Locus: 414 Boston Street, Topsfield, MA 01983

<u>Map</u>	<u>Block</u>	<u>Location</u>	<u>Owner</u>	<u>(If different from location) Mailing Address</u>
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SEE ATTACHED LIST

If needed, attach additional sheets.

Assessor's Certification

To the Topsfield Zoning Board of Appeals:

This is to certify that, at the time of the last assessment for taxation made by the Town of Topsfield, the names and mailing addresses of the parties assessed as owners of land within 300' of the parcel of land shown in the attached sketch were as listed.

Authorized Signature
Assessors' Office _____

Date of Verification _____

TOWN OF TOPSFIELD

PLANNING BOARD

CERTIFIED ABUTTERS LIST

Attach to this form a copy of the Assessors' map (scale 1"=100') showing the property and all other properties and roadways within 300 feet of any portion of the property. Also, show the lot number and lot owner's name on each lot within the 300 feet.

List below those lot owners' names with the mailing address as shown in the assessors' records, beginning with the property of the applicant.

Applicant Name & Address:

McCann & McCann

Ruth Ann WAB

Telephone Number: 978.739.8484

<u>Map</u>	<u>Block</u>	<u>Location</u>	<u>Owner</u>	(If different from Mailing Address) <u>Mailing Address</u>
19-4	414	BOSTON ST		

If needed, attach additional sheets.

ASSESSORS' CERTIFICATION

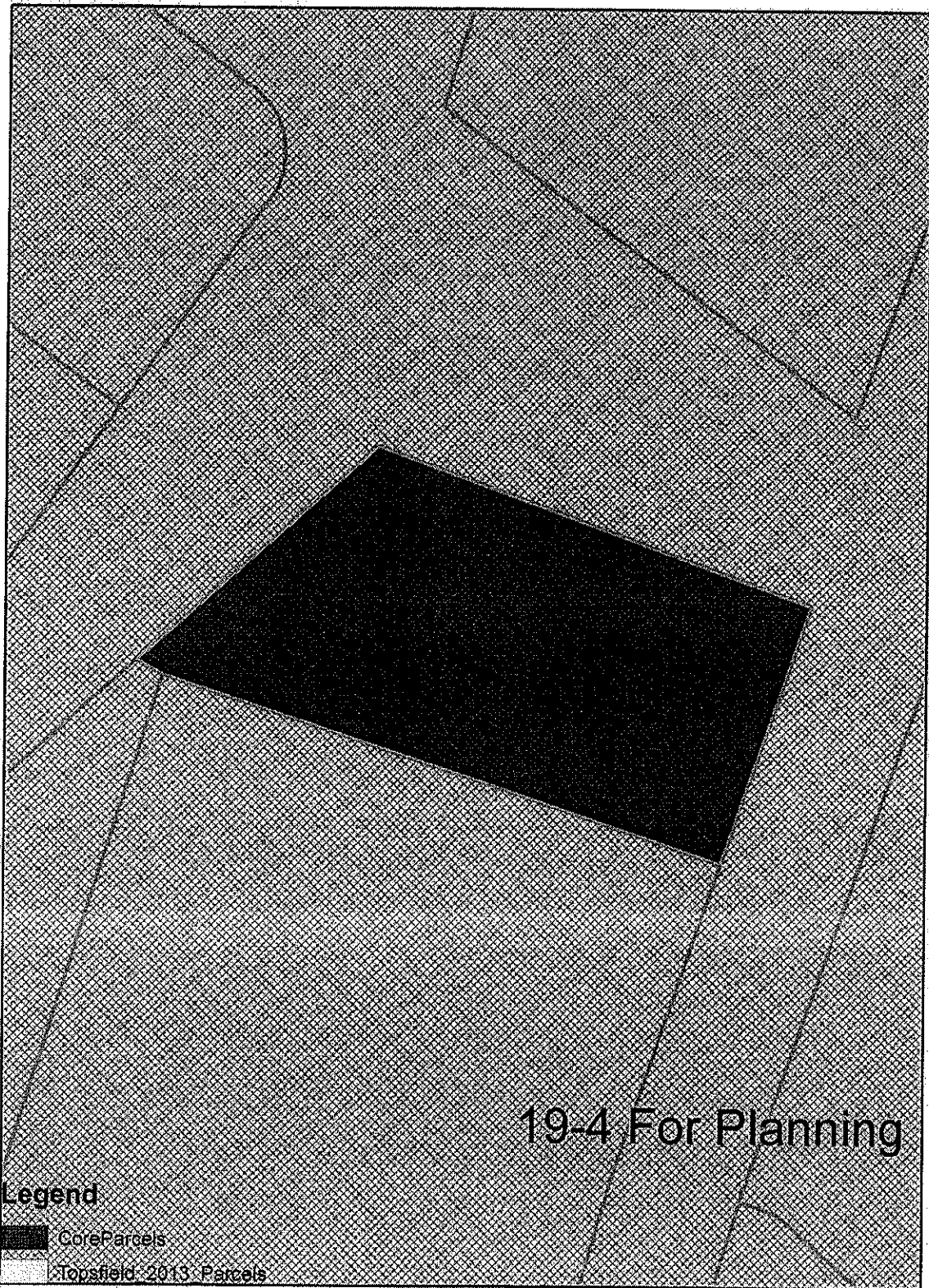
To the Topsfield Planning Board:

This is to certify that, at the time of the last assessment for taxation made by the Town of Topsfield, the names and mailing addresses of the parties assessed as owners of land within 300 feet of the parcel of land shown in the attached sketch were as listed.

Authorized Signature Kathleen Jackson
Assessors' Office

Date of Verification 2/3/16

414 Boston St





Patriot Properties

02/03/2016

10:13:46AM

Town of Topsfield

GIS - Abutters by Parcel ID

Filter Used:

DataProperty.AccountNumber in (610,676,651,608,607,606,650,605,731,625,649,732,733)

Parcel ID - Map/Block/Lot	Location	Owner/Mailing Address
12-1	60 NORTH ST	CUMMING JAMES J / MEARKLE CUMMING ELIZABET 60 NORTH ST TOPSFIELD MA 01983
12-10	24 AARON DR	CLEMSON ERIC G / CLEMSON KIMBERLY K 24 AARON DR TOPSFIELD MA 01983
12-2	23 AARON DR	IOVANELLA FRANK 23 AARON DR TOPSFIELD MA 01983
12-21	418 BOSTON ST	DKC REALTY LLC / C/O GOLIN CROSS 853 SHERIDAN RD WINNETKA IL 60093
12-32	417 BOSTON ST	SURREY VILLAGE DEVELOPMENT / CORPORATION 447 BOSTON ST STE 4 TOPSFIELD MA 01983
19-3	386 BOSTON ST	TOWN OF TOPSFIELD / CONSERVATION DEPT 8 WEST COMMON ST TOPSFIELD MA 01983
19-35	54 NORTH ST	BLACK LISA MARAFIOTI 54 NORTH ST TOPSFIELD MA 01983
19-36	56 NORTH ST	WEISLIK MARK & MICHAEL CO-TRS / TOPSFIELD INV 56 NORTH ST TOPSFIELD MA 01983
19-4	414 BOSTON ST	GIUGLIANO GUISEPPE 37 C PYE BROOK LN BOXFORD MA 01921
19-41	413 BOSTON ST	MARINO CUSTOM DISPLAY WOODWORKING 413 BOSTON ST TOPSFIELD MA 01983
19-42	409 BOSTON ST	UONG PHU D / NGUYEN YEN K 409 BOSTON ST TOPSFIELD MA 01983
19-43	407 BOSTON ST	REDDING CHRISTINE E / REDDING JAMES R 407 BOSTON ST TOPSFIELD MA 01983
19-5	53 NORTH ST	CICATELLI LOUIS J / CICATELLI JEAN A 53 NORTH ST TOPSFIELD MA 01983

**TOWN OF TOPSFIELD, MA
PLANNING BOARD**

**Application Supplement Form C
Site Plan Review Submittal Requirements & Formats**

Submittal Distribution Requirements and Formats:

1. An applicant shall file with the Town Clerk copies of all required documents in the quantities and forms as outlined below. The Clerk's copy of the required documents shall be kept on file by the Town Clerk for the duration of the permitting process and the remaining copies shall be distributed immediately by the Town Clerk to the following:

	Plan
Town Clerk	1
Granting Authority *	7
Granting Authority electronic	1
Reviewing Engineer	1
Conservation Commission	1
Public Works Department (Water & Highway)	1
Board of Health**	1
Historical Commission**	1
Building Inspector**	1
Fire Department**	1
Police Department**	1
Tree Warden**	1
Planning Board or Board of Appeals if not the Granting Authority **	1

* Two full size and five reduced size (11" x 17")

** Reduced size plans (11" x 17") are acceptable

Additional copies of any and all documents shall be furnished if requested by the Granting Authority or any other Board, Commission or Department.

2. An electronic copy of all documents shall be submitted to the Granting Authority, formatted in a single paginated PDF file with descriptive bookmarks for each plan set and for each document on either a CD or DVD disc.
3. An electronic copy of the final plans with same format as in section "4.11.2." above, and a full size hard copy of said plans showing the Signatures of the Granting Authority and date of approval shall be submitted to the Granting Authority.


SUMMARY:

* Granting Authority: (2) Full Scale, (5) Reduced Size 11 x 17
Town Clerk, Review Engineer, Conservation, Public Works: Full Scale
All Others: Reduced Size 11 x 17

Total: (6) Full Scale; (12) Reduced Size 11 x 17; (1) electronic copy

NE
③

PC5


SO. ESSEX #345 Bk:34171 Pg:546
06/29/2015 12:22 DEED Pg 1/3

MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 06/29/2015 12:22 PM
ID: 1073524 Doc# 20150629003450
Fee: \$2,416.80
Cons: \$530,000.00

QUITCLAIM DEED

We, Joseph M. Bochetti and Joseph M. Bochetti II, of Topsfield, Massachusetts

In consideration paid of FIVE HUNDRED THIRTY THOUSAND DOLLARS and NO CENTS (\$530,000.00)

37^c Pye Brook Ln.,
Grant to Guisepppe Giugliano, individually of Boxford, Massachusetts

With Quitclaim Covenants

The land with buildings thereon in Topsfield, Essex County, Massachusetts, being shown on a "Plan of Land in Topsfield" John W. Parsons, Surveyor, Lynn, Mass. dated May 15, 1969, and recorded with Essex South District Registry of Deeds in Book 5622, Page 711, Containing 30,297 square feet of land, more or less, according to said plan.

Subject to an easement as reserved by Green Acres Realty, Inc. in deed recorded in said Registry Book 5622, Page 711.

Subject further to an easement to Massachusetts Electric Company recorded in said Registry Book 5526, Page 141.

Said premises are known as and numbered 414 Old Boston Road, Topsfield, Massachusetts.

Being the same premises conveyed to the grantor by deed dated June 29, 2007 and recorded with the Essex South District Registry of Deeds in Book 26979, Page 147.

This conveyance is subject to taxes assessed but not yet due and payable and easements, restrictions, agreements and matters of record to the extent they are in force and effect.

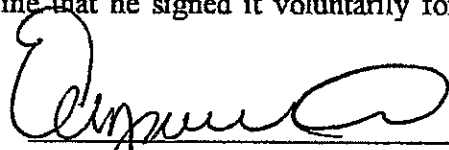
[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]

EXECUTED as a sealed instrument to all parties on this 19th day of June, 2015.


SELLER Joseph M. Bochetti

State of Florida
~~COMMONWEALTH OF MASSACHUSETTS~~
Lee County, ss.

On this 19th day of June, 2015 before me, the undersigned notary public, personally appeared Joseph M. Bochetti proven to me through satisfactory evidence of identification, which was his driver's license to be the person who executed the foregoing power of attorney and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public
My commission expires: 11/4/17



(Seal)

Executed under seal this 19th day of June, 2015

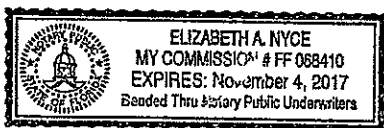
J. Bochetti II
Joseph M. Bochetti II

State of Florida
~~COMMONWEALTH OF MASSACHUSETTS~~
Lee County

On this 19th day of June, 2015, before me, the undersigned notary public, personally appeared Joseph M. Bochetti II, proved to me through satisfactory evidence of identification, which was his driver's license to be the person whose name is signed on the preceding or attached Unit Deed, and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]
Notary Public

My commission expires: 11/4/17



NOTARIAL SEAL



REQUEST FOR LEGAL NOTICE

I understand that by signing this form I am agreeing to the cost of the legal notice to be published in the newspaper.

Payment is required at the time of the legal notice being received by the city and before it is published in the newspaper.

Please make checks payable to the SALEM NEWS and mail immediately to
SALEM NEWS
Attention Gloria Pobiedzinski
32 DUNHAM ROAD
BEVERLY, MA 01915

**Average legal notice costs are estimated

**Customer will either be refunded or billed when the legal notice is published

Salem News = \$250.00 per day

Check #

Credit Card please call Gloria @ the Salem News 978-338-2512

If payment is not received the Legal Notice will be cancelled


Signed Applicant/Authorized Agent

02/03/2016
Date

Print Name Nancy A.S. McCann, Esq.
McCann & McCann, P.C.
Address 89 Newbury Street - Suite 302
Danvers, MA 01923

Phone 978-739-8484

TOWN OF TOPSFIELD



PLANNING BOARD, as Special Permitting Authority

APPLICANT'S CHECKLIST FOR SPECIAL PERMITS

SEE RULES & PROCEDURES FOR DETAILED LIST & REQUIREMENTS:

All Applications for a Special Permit must be made as follows:

- 7 copies of Application Form A
- 7 copies of Application Supplement Form B with Assessor's certification
- 7 copies of Assessor's location map (provided by Assessor)
- 7 copies of Plot Plan to scale certified by a registered land surveyor
- 7 copies of Building Inspector's denial, if any
- 2 pre-addressed, stamped envelopes for each lot owner or party of interest set forth in Supplement Form B. (Return Address shall be: Planning Board, Town Hall, Topsfield, MA 01983)
- 2 self-addressed, stamped envelopes with the same return address as above.