



**P**ROPERTY **I**NFORMATION **P**ACKAGE# 11-1326

## **ABSOLUTE AUCTION**

*To Be Sold to the Highest Bidder Regardless of Price*

**PRIME .56+/-ACRE COMMERCIAL LOT**  
**High-Traffic Intersection ~ Many Development Opportunities**

**362 BOSTON ST. (RT. 1), TOPSFIELD, MA**

**Tuesday, May 3rd at 11am On-Site**



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**Be sure to look on the Topsfield auction page on our web site for links to 2 additional documents not included in this Property Info. Package:**

**1) Traffic Study**

**2) Hydrology Report & Pump Calculations**



## **AUCTIONEER'S DISCLAIMER**

The following information is provided to you as a matter of convenience only, and no representation or warranty, expressed or implied, is made as to its accuracy or completeness.

Prospective purchasers of the auction property are responsible for conducting such due diligence of their own as they consider appropriate, prior to bidding at the auction sale.

All information contained within this Property Information Packet was derived from reliable sources and is believed to be correct, but is not guaranteed. Buyers shall rely entirely on their own judgment and inspection.

Announcements from the Auction Block will take precedence over any previously printed material or any other oral statements made.

**800.521.0111**

# JJManning

— AUCTIONEERS —

**Jerome J. Manning, CAI, AARE, CES**  
Chairman, CEO  
jerry@JJManning.com

**Justin J. Manning, CAI, AARE**  
President  
justin@JJManning.com

April 20, 2011

Dear Prospective Bidder:

JJManning Auctioneers is please to offer at Absolute Auction 362 Boston St./Rt. 1, Topsfield, MA. This prime commercial development lot is comprised of a .56+/- acre "Island" ideally situated in a high-traffic area at the 4-way intersection of Rt. 1 and Ipswich Rd., across from Dunkin Donuts®. Business District Highway North zoning presents a variety of development opportunities.

The Owner has chosen Absolute Auction, the accelerated method of marketing, for the sale of this fabulous property. Their decision allows you to set the market price for this prime commercial lot with your bid. You will buy the property at the lowest possible price by bidding one increment higher than the competition. On auction day, it will be sold to the highest bidder regardless of price!

As you know, the property is being sold "as is, with all faults". There is a large amount of information in this Property Information Package (PIP), please review it carefully. The auction will be held, on site, at 11:00 a.m. on May 3rd. Don't miss it! If you can't attend but wish to make an Absentee Bid, give us a call.

The sale is not contingent upon your ability to acquire mortgage financing. You are encouraged to pre-qualify yourself with a lender before the auction. This will help you to bid with confidence. Read the Sample Purchase & Sale Agreement in this package. You should consult your attorney with any questions regarding the Agreement. There can be no changes to the Agreement.

Don't forget to have the \$10,000 certified deposit check made out to yourself and bring it with you to the auction. You must show the check at registration in order to receive a Bidder Number. You must have a Bidder Number in order to bid at this open, outcry auction.

Our experienced auction staff is available to answer your questions at (800) 521-0111, at the open house and one hour before the auction. We welcome your calls. See you at the auction. Good luck, with your bids!

Sincerely,



Jerome J. Manning, CAI, AARE, RECS  
Chairman/CEO



Justin J. Manning, CAI, AARE  
President





## TERMS & CONDITIONS

# **ABSOLUTE AUCTION**

*To Be Sold to the Highest Bidder Regardless of Price*

**Tuesday, May 3rd at 11am**

Bid Live On-Site ~ Ref. #11-1326

**362 BOSTON ST. (RT. 1), TOPSFIELD, MA**

**PRIME .56+/-ACRE COMMERCIAL LOT**

**High-Traffic Intersection ~ Many Development Opportunities**

Terms of Sale: 10% deposit of which Ten Thousand Dollars (\$10,000.00) must be presented in cash, certified or bank check. Remainder of the 10% deposit in wire transfer, cash, certified or bank check by 5:00 p.m. ET on Friday, May 6, 2011. Balance in 45 days.

A. Make the certified deposit check payable to yourself. If you are the successful bidder, you will endorse the check to JJManning Auctioneers, Escrow Agent.

B. Closing will take place on or before Friday, June 17, 2011 (45 days from the auction) unless otherwise agreed upon by Seller, in writing.

C. A Buyer's Premium of TEN PERCENT (10%) will be added to the high bid. Their sum will constitute the Total Purchase Price. See Buyer's Premium explanation elsewhere in this Bidder Information Package.

D. The property is being sold "as is, with all faults". You must rely on your own inspection and judgment when bidding on this property.

E. The property is being sold "absolute" to the high bidder regardless of price.

F. The property is NOT being sold with a financing contingency. We recommend that you pre-qualify yourself with your lending institution before bidding at the auction sale. This will allow you to bid with confidence!

G. Other terms, if any, to be announced at the auction sale.



## **BUYER'S PREMIUM EXPLANATION**

There will be a Buyer's Premium of 10% added to the high bid.  
The total of the high bid plus the 10% Buyer's Premium shall  
constitute the Contract Sales Price.

*EXAMPLE:*

Bid Price:	\$100,000.00
Add 10% Buyer's Premium:	\$ 10,000.00
	-----
Contract sales price:	<b>\$110,000.00</b>

The contract sales prices represents the total due from the buyer  
and will be the amount entered on the  
*Purchase & Sale Agreement.*



**800.521.0111**

PURCHASE AND SALE AGREEMENT

This 3rd day of May, 2011

1. PARTIES AND MAILING ADDRESSES

Walsh Properties, LLC hereinafter called the SELLER, agrees to SELL and

hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The land with the buildings thereon known as 362 Boston St., Topsfield, Massachusetts.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Included in the sale as a part of said premises are the buildings, structures, and improvements now thereon, and the fixtures belonging to the SELLER and used in connection therewith including, if any, all wall-to-wall carpeting, drapery rods, automatic garage door openers, venetian blinds, window shades, screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating equipment, stoves, ranges, oil and gas burners and fixtures appurtenant thereto, hot water heaters, plumbing and bathroom fixtures, garbage disposals, electric and other lighting fixtures, mantels, outside television antennas, fences, gates, trees, shrubs, plants, and ONLY IF BUILT IN, refrigerators, air conditioning equipment, ventilators, dishwashers, washing machines and dryers; and none.

4. TITLE DEED

Said premises are to be conveyed by a good and sufficient Quitclaim Deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except

- (a) Provisions of existing building and zoning laws;
- (b) Existing rights and obligations in party walls which are not the subject of written agreement;
- (c) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
- (d) Any liens for municipal betterments assessed after the date of this agreement;
- (e) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the current use of said premises;

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan with the deed in form adequate for recording or registration.

6. PURCHASE PRICE

The agreed purchase price for said premises is \_\_\_\_\_ dollars, of which

\$ \_\_\_\_\_ have been paid as a deposit this day and

\$ \_\_\_\_\_ are to be paid in cash, wire transfer, certified, cashier's, treasurer's or bank check(s) by 5:00 pm ET Friday, May 6, 2011

\$ \_\_\_\_\_ are to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s)

\$ \_\_\_\_\_ TOTAL

7. TIME FOR PERFORMANCE DELIVERY DEED

Such deed is to be delivered on or before Friday, June 17, 2011 (45 days of the date of this agreement) at the office of SELLER'S attorney, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

8. POSSESSION AND CONDITION OF PREMISE

Full possession of said premises, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, and (b) not in violation of said building and zoning laws, and (c) in compliance with provisions of any instrument referred to in clause 4 hereof.

#### 9. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto, unless the SELLER elects to use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of ninety days.

#### 10. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

#### 11. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction. In which case the SELLER shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said premises shall have been damaged by fire or casualty insured against, then the SELLER shall, unless the SELLER has previously restored the premises to their former condition, either (a) pay over or assign to the BUYER, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the SELLER for any partial restoration; or (b) if a holder of a mortgage on said premises shall not permit the insurance proceeds or a part thereof to be used to restore the said premises to their former condition or to be so paid over or assigned, give to the BUYER a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the SELLER for any partial restoration.

#### 12. ACCEPTANCE OF DEED

The acceptance of a deed by the BUYER, or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.

#### 13. USE OF SELLER MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.

#### 14. INSURANCE

Until the delivery of the deed, the SELLER shall maintain the insurance on said premises as currently insured.

#### 15. ADJUSTMENTS

Collected rents, mortgage interest, water and sewer use charges, operating expenses (if any) according to the schedule attached hereto or set forth below, and taxes for the then current fiscal year, shall be apportioned and fuel value shall be adjusted, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. Uncollected rents for the current rental period shall be apportioned if and when collected by either party.

#### 16. ADJUSTMENT OF UNASSESSED TAXES

If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained.

#### 17. BROKER

BUYER acknowledges that he has engaged no real estate broker, and no real estate broker has in any way been involved in this transaction except any broker previously registered with and acknowledged by AUCTIONEER in writing. BUYER agrees to indemnify and hold harmless the SELLER and AUCTIONEER, including SELLER'S and AUCTIONEER'S reasonable attorney's fees, for any claim made by any real estate broker not registered with and acknowledged by Auctioneer in writing in connection with this transaction.



18. DEPOSIT

All deposits made hereunder shall be held in escrow by JEROME J. MANNING & Co., INC as escrow agent subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, the escrow agent may retain all deposits made under this agreement pending instructions mutually given by the SELLER and the BUYER.

19. BUYER'S DEFAULT

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages.

20. CONTINGENCIES

BUYER acknowledges that this Agreement contains no contingencies affecting the BUYER'S obligation to perform. If the sale as contemplated herein is not consummated for any reason, except SELLER'S inability to deliver good, clear, marketable record or insurable title, then the deposit paid by the BUYER upon the execution of this Agreement shall inure to and become the property of the SELLER, all as provided in Paragraph (19) hereof.

21. WARRANTIES AND REPRESENTATIONS

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing. The BUYER further acknowledges that he is buying the Property as is, with all faults and without warranty of any kind, whatsoever.

22. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisee, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

23. LEAD PAINT LAW

The BUYER acknowledges that whenever a child or children under six years of age resides in any residential premises in which any paint, plaster or other accessible material contains dangerous levels of lead, the owner of said premises must remove or cover said paint, plaster or other material so as to make it inaccessible to children under six years of age. BUYER further acknowledges that he has been notified of said lead paint law by SELLER and AUCTIONEER.

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

Walsh Properties, LLC, Seller

\_\_\_\_\_  
BUYER

By: \_\_\_\_\_

\_\_\_\_\_  
BUYER

By: \_\_\_\_\_

\_\_\_\_\_  
Buyer's Mailing Address (Street or P.O. Box)

\_\_\_\_\_  
Buyer's Attorney (Name)

\_\_\_\_\_  
Buyer's Mailing Address (City, State & Zip Code)

\_\_\_\_\_  
Buyer's Attorney (Firm)

\_\_\_\_\_  
Buyer's Daytime Phone

\_\_\_\_\_  
Buyer's Attorney's Address (Street or P.O. Box)

\_\_\_\_\_  
Buyer's Evening Phone

\_\_\_\_\_  
Buyer's Attorney's Address (City, State & Zip Code)

\_\_\_\_\_  
Buyer's Attorney's Phone

# Rt. 1 Intersection ~ Commercial Zoned Prime .56± Acre Development Lot

**Selling to the Highest Bidder, Regardless of Price**

**Across from Dunkin Donuts®, Gas Station & Offices**  
**Easy Access from Routes 97, 133 & I-95**  
**Many Development Opportunities**

**362 Boston St./Rt. 1**  
**Topsfield, MA**



**Site Area:** .56± acres (24,356± sf.)

**Zoning:** BHN - Business District Highway North, Groundwater Protection Overlay

**Frontage:** 175± ft. Rt. 1/Boston St./Newburyport Tpk., 328± ft. Ipswich Rd., 321± ft. Averill St.

**Structures:** House, barn & shed associated with prior use as residential farm

**Available Utilities:** Town water, gas, electric

**Key Documents:** See Property Info. Package for Traffic Study, Hydrologic Analysis & more in regard to proposed 6,156± sf. retail/office building with on-site alternative technology septic, 21± parking spaces & Ipswich Rd. access

**Parcel ID:** Map 26 Block 1

**Legal Ref.:** Essex S. County 25419/533

**JJ Manning**  
AUCTIONEERS

Property Information, Photos & Full Terms at:

[www.JJManning.com](http://www.JJManning.com)

**ABSOLUTE AUCTION: May 3<sup>rd</sup> at 11am On-site 800.521.0111**



# Prime Commercial Development Lot

.56± Acre "Island" in High Traffic Area  
4-Way Intersection of Route 1 & Ipswich Road



362 Boston St./Rt. 1  
Topsfield, MA

Boundaries approximate

*Selling to the Highest Bidder, Regardless of Price*

# ABSOLUTE AUCTION

Tuesday, May 3<sup>rd</sup> at 11am On-site

# JJ Manning

— AUCTIONEERS

[www.JJManning.com](http://www.JJManning.com)

800.521.0111

179 Old King's Highway, Yarmouth Port, MA 02675

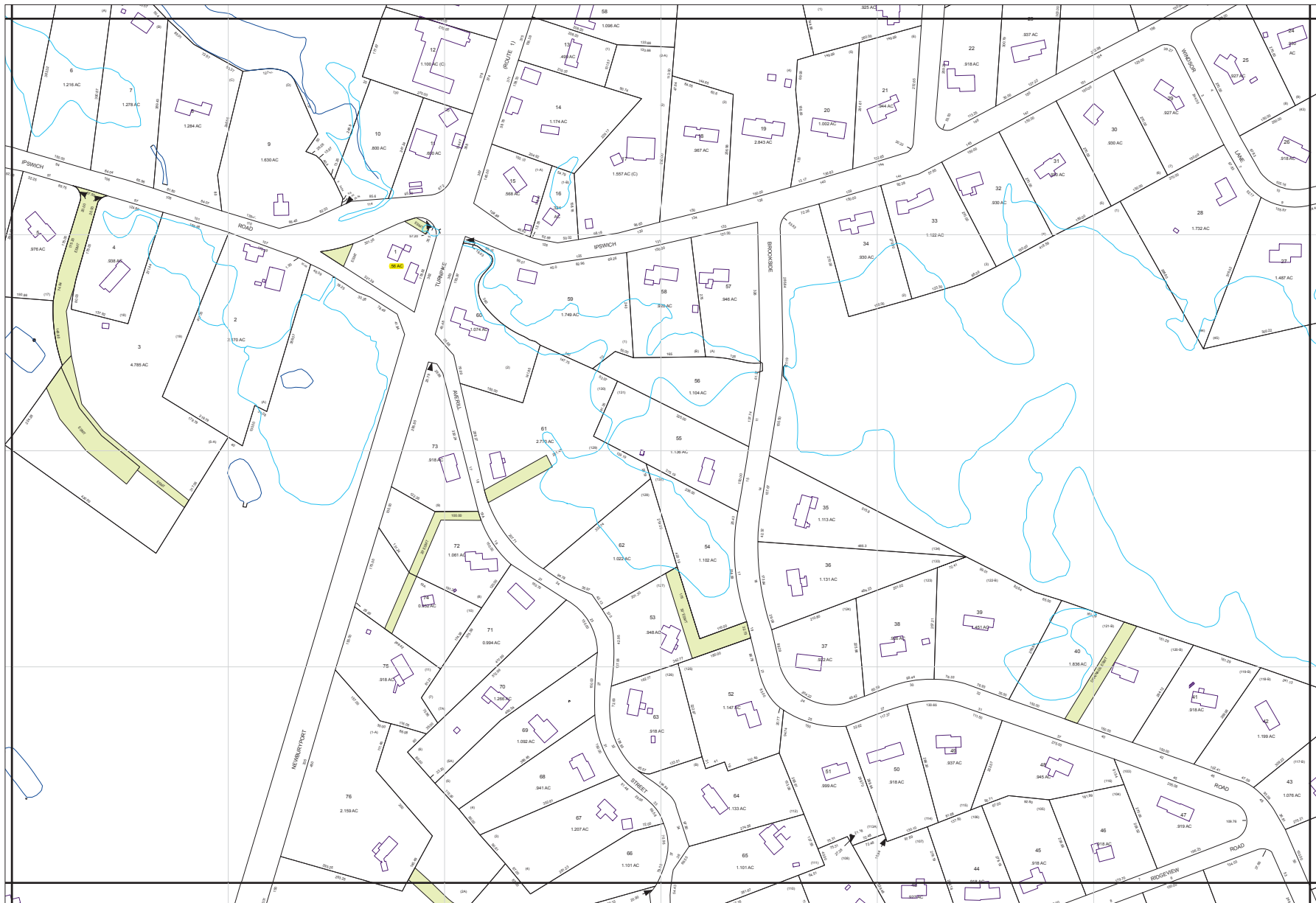
MA Lic 111  
Bro 1391  
Ref 11-1326



**Terms of Sale:** 10% certified deposit of which \$10,000 in cash, certified or bank check at auction & remainder within 3 business days. Balance in 45 days. 10% Buyer's Premium. Other terms, if any, announced at the sale.

**2% Buyer's Broker Commission Terms:** Visit [www.JJManning.com](http://www.JJManning.com) for details & mandatory pre-registration requirements.

**Auctioneer's Disclaimer:** All information derived from reliable sources believed correct, but not guaranteed. Buyers shall rely entirely on their own judgment & inspection. Announcements from the Auction Block take precedence over any previously printed material or any other oral statements made. JJManning Auctioneers is acting exclusively on behalf of Seller in this transaction. Aerial image used by permission through purchase from Terraserver.com.



# Tax Map 26 of Topsfield Massachusetts

**Legend**

**grid arc**

**DXF-LAYER**

— BORDER

— GRIDS

— Buildings

**Water Features**

**DXF-LAYER**

— CULV

— CULV-TOWN

— DAM

— DITCH

— LAKE

— PWW

— SWAMPS

□ Tax 2007 Parcels

■ Easements

These maps are prepared for the inventory of real property within the Town of Topsfield and compiled from recorded deeds, plans, tax maps, surveys, planimetric maps, and other public records and data. Users of these tax maps are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The Town of Topsfield and its mapping contractors assume no legal responsibility for the information contained herein.

Parcel Boundaries from January 1, 2008  
Buildings & Water Features from 1997

**ARTICLE III**  
**USE REGULATIONS**

3.01 Applicability of Use Regulations.

Except as provided in the Zoning Act or in this By-Law, no building, structure, or land shall be used except for the purposes permitted in the district and as described in the section. Any use not listed shall be construed as prohibited.

(Art. 45, 5/9/78; Art. 23, 5/5/81)

3.02 Permitted Uses.

The following Table of Use Regulations designates for each zoning district the uses permitted by right (P), the uses that may be permitted by a special permit in the district in accordance with Article V (S), the uses not permitted (NP), and uses that are not applicable (NA). In the Business Village Mixed Use Zone mixed uses shall be allowed provided that each principal use is separately allowed in the bylaw for the Business Village District. (Art. 45, 5/9/78; Art. 23, 5/5/81; Art. 25, 5/4/82; Art. 41, 5/7/85; Art. 37, 5/2/90; Art. 34, 5/1/2001; Art. 31, 5/4/2004; Art. 41, 5/4/2005; Art. 41, 5/6/2008)

**Editor's Note:**

The Table of Use Regulations appears on the following pages .



**Table of Use Regulations  
Overlay Districts**

<b>Elderly Housing District</b>	Permitted in all zones by Special Permit. See Article III, 3.16
<b>Groundwater Protection District</b>	See Article XI for delineation and permitted uses.
<b>Flood Plain District</b>	See Article VI for delineation and permitted uses.

**Zones**

<b>Residential</b>	<b>ORA =</b> Outlying Residential and Agricultural	<b>Mixed Use</b>	<b>BV= Business Village</b>
	<b>IRA =</b> Inner Residential and Agricultural		<b>BH = Business District Highway</b>
	<b>CR =</b> Central Residential	<b>Commercial</b>	<b>BHN = Business District Highway North</b>
			<b>BP = Business Park</b>

Abbreviations: P = Permitted, P\* = Permitted only within Mixed Use, S = Special Permit, NP = Not Permitted, NA = Not Applicable

Permitted Uses		ORA	IRA	CR	BV	BH	BP	BHN
<b>1. Residential</b>								
1.1	Single Family Dwelling	P	P	P	P	P	P	P
1.2	Two Family Dwelling	NP	NP	NP	S	P*	NP	P*
1.3	Multi-Family Dwelling	NP	NP	NP	S	P*	NP	P*
1.4	Multi-Family Residence for the Elderly	See Elderly Housing Overlay District above.						
1.5	Lodging and Boarding houses	S	S	S	S	NP	S	NP
1.6	Temporary Accessory Apartments	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P

2. Community Facilities		ORA	IRA	CR	BV	BH	BP	BHN
2.1	House of Worship	P	P	P	P	P	P	P
2.2	Non-Profit School	P	P	P	P	P	P	P
2.3	For Profit School	NP	NP	NP	S	S	S	S
2.4	Town building except Public Works Garage and Fire Station	P	P	P	P	P	P	P
2.5	Town Public Works Garage and Fire Station	S	S	S	S	P	S	NP
2.6	Publicly-owned recreational facilities	P	P	P	P	P	P	P
2.7	Privately-owned recreational facilities	S	S	NP	NP	NP	S	NP
2.8	Library or Museum	P	P	P	P	P	P	P
2.9	Cemetery	S	S	NP	NP	NP	S	NP
2.10	Day Camp for children	S	S	S	S	NP	S	NP
2.11	Public Utilities	S	S	S	S	S	S	S
2.12	Civic and Social Organizations	S	S	S	S	S	S	S
2.13	Communications and telephone towers	See Article XII for restrictions and regulations.						
2.14	Hospital	S	S	NP	NP	S	S	S
2.15	Nursing and Community Care Facilities	S	S	S	S	S	S	S
2.16	Conference and Event Facility	S	S	S	S	S	S	S

3. Agriculture		ORA	IRA	CR	BV	BH	BP	BHN
3.1	Agricultural, horticultural, viticultural and floricultural production	P	P	P	P	P	P	P
3.2	Non-commercial forestry	P	P	P	P	P	P	P
3.3	Commercial forestry (excluding milling)	S	S	NP	NP	S	S	S
3.4	Farm Stand (on property of less than 5	P	P	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	P	S <sup>2</sup>

	acres)							
3.5	Farm Stand (on property of more than 5 acres)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>
3.6	Farmers Markets	S	S	P	P	P	S	P
3.7	Home farm products stand	P	P	P	P	P	P	P
3.8	Raising of livestock for commercial use	S	S	S	NP	NP	S	NP
3.9	Commercial stables	P	P	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>

<b>4. Retail and Service</b>		<b>ORA</b>	<b>IRA</b>	<b>CR</b>	<b>BV</b>	<b>BH</b>	<b>BP</b>	<b>BHN</b>
4.01	Retail establishment selling principally convenience goods	NP	NP	NP	P	NP	NP	NP
4.02	Retail establishment selling general merchandise	NP	NP	NP	P	NP	NP	S
4.03	Hardware store	NP	NP	NP	P	S	NP	S
4.04	Retail establishment selling foods	NP	NP	NP	P	S	NP	S
4.05	Retail establishment selling sporting goods	NP	NP	NP	P	S	NP	S
4.06	Pharmacy (Drug Store)	NP	NP	NP	P	S	NP	S
4.07	Optical Goods Store	NP	NP	NP	P	S	S	S
4.08	Cosmetics, beauty supply and perfume store	NP	NP	NP	P	S	S	S
4.09	Retail establishment selling hand-crafts	NP	NP	NP	P	S	S	S
4.10	Retail establishment selling motor vehicles	NP	NP	NP	NP	S	NP	NP
4.11	Dry-cleaning and laundry establishment (except coin operated)	NP	NP	NP	P	S	NP	S
4.12A	Restaurant, Full Service	NP	NP	NP	S	S	S	S
4.12B	Restaurant, Limited Service	NP	NP	NP	S	S	S	S
4.12C	Restaurant, Formula Fast Food	NP	NP	NP	NP	NP	NP	NP
4.12D	Restaurant, Snack & Non-Alcoholic Beverage	NP	NP	NP	S	S	S	S
4.12E	Retail Specialty Foods	NP	NP	NP	S	S	S	S
4.13	Guest House and Bed and Breakfast	S	S	S	S	S	S	S
4.14	Drive-in and drive-through eating establishment	NP	NP	NP	NP	NP	NP	NP
4.15	Funeral Establishment	NP	NP	NP	S	S	NP	S
4.16	Bank (full service)	NP	NP	NP	P	S	S	S
4.17	Exterior Automatic Teller Machines	NP	NP	NP	S	S	S	S
4.18	Interior Automatic Teller Machines	NP	NP	NP	P	P	S	P
4.19	Drive-in and drive-through establishment	NP	NP	NP	S	NP	NP	NP
4.20	Automotive repair or service	NP	NP	NP	NP	S	NP	NP
4.21	Professional, technical, scientific and business offices	NP	NP	NP	P	P	S	P
4.22	Other business repair services	NP	NP	NP	P	P	S	P
4.23	Art Gallery	NP	NP	NP	P	P	S	P
4.24	Fitness and recreational sports facilities	NP	NP	NP	S	S	S	S
4.25	Barber Shops	NP	NP	NP	P	S	S	S
4.26	Beauty Salons	NP	NP	NP	P	S	S	S
4.27	Skin and Nail Care Salons	NP	NP	NP	P	S	S	S
4.28	Medical and Dental Offices	NP	NP	NP	P	P	S	P
4.29	Chiropractors' Offices	NP	NP	NP	P	P	S	P
4.30	Amusement or recreation services	NP	NP	NP	NP	NP	NP	NP

	<b>Retail and Service (Continued)</b>	<b>ORA</b>	<b>IRA</b>	<b>CR</b>	<b>BV</b>	<b>BH</b>	<b>BP</b>	<b>BHN</b>
4.31	Commercial parking lot	NP <sup>3</sup>	NP <sup>3</sup>	NP <sup>3</sup>	NP <sup>3</sup>	NP <sup>3</sup>	NP <sup>3</sup>	NP <sup>3</sup>
4.32	Installation of WECS	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>
4.33	Florist	NP	NP	NP	P	P	P	P
4.34	Catering	NP	NP	NP	S	S	S	S
4.35	Commercial kennels	NP	NP	NP	NP	S	S	NP
4.36	Veterinary Hospital	S	NP	NP	NP	P	P	S

<b>5. Trades, Wholesale, Transportation and Industrial</b>		<b>ORA</b>	<b>IRA</b>	<b>CR</b>	<b>BV</b>	<b>BH</b>	<b>BP</b>	<b>BHN</b>
5.01	Manufacturing	NP	NP	NP	NP	S	S	NP
5.02	Construction industry and supplies	NP	NP	NP	NP	S	S	NP
5.03	Transportation services	NP	NP	NP	S	S	NP	NP
5.04	Commercial earth and stone removal	NP	NP	NP	NP	NP	NP	NP
5.05	Processing and/or storage of earth products	NP	NP	NP	NP	NP	NP	NP
5.06	Warehouses	NP	NP	NP	NP	NP	NP	NP
5.07	Distribution centers	NP	NP	NP	NP	NP	NP	NP
5.08	Storage Facilities	NP	NP	NP	NP	NP	NP	NP
5.09	Wholesale automobile sales	NP	NP	NP	NP	NP	NP	NP
5.10	Research office and development facilities	NP	NP	NP	NP	S	S	S

<b>6. Accessory Uses</b>		<b>ORA</b>	<b>IRA</b>	<b>CR</b>	<b>BV</b>	<b>BH</b>	<b>BP</b>	<b>BHN</b>
6.01	Home Occupation	P	P	P	P	P	P	P
6.02	Accessory building or other structure subject to provisions of Article VI	P	P	P	P	P	P	NP
6.03	Accessory uses normally incidental to residential uses including keeping of domestic animals and agricultural and horticultural uses	P	P	P	P	P	P	P
6.04	Accessory private garage for not more than three commercial vehicles except on farm	S	S	S	S	S	P	NP
6.05	Storage of one unregistered motor vehicle, trailer, boat or motorized home in the open not within any required setback	P	P	P	P	P	P	NP
6.06	Accessory outside storage necessary for operation of principal use	S	S	S	S	S	S	NP
6.07	Accessory Signs	P	P	P	P	P	P	P
6.08	Accessory parking and loading spaces	P	P	P	P	P	P	P
6.09	Swimming pools, tennis courts and similar uses accessory to a residence.	P	P	P	P	P	P	P

Footnotes
<sup>1</sup> In accordance with Article VII, 7.03 Temporary Accessory Apartment Special Permit By-Law
<sup>2</sup> Subject to definition and restrictions of MGL40A
<sup>3</sup> Except in accordance with Article III, 3.13 and 3.14
<sup>4</sup> See Article IV, 4.11 for regulations
<sup>5</sup> Limited to more than five acres

### 3.03 Uses Subject to Other Regulations.

Uses permitted by right or by special exception shall be subject, in addition to use regulations, to all other provisions of this By-Law. (Art. 45, 5/9/78; Art. 23, 5/5/81 )

### 3.04 Table of Use Regulations.

See table on pages 25-28 (shown for the web above), which is declared to be a part of this By-Law.

### 3.05 Nonconforming Uses.

“Any lawful building or use of a building or premises or part thereof existing at the time this By-Law or any amendment thereto is adopted, may be continued although such building or use does not conform to the provisions thereof. No nonconforming use shall be changed, moved, or extended in space and no nonconforming building or structure shall be structurally or substantially altered, or enlarged or replaced by a new building unless, upon application to and a finding by the Permit Granting Authority, it can be shown that such change, if carried out, would not be more detrimental or objectionable to the neighborhood. Any such finding by the Permit Granting Authority pursuant to this section shall lapse one (1) year from the date of issuance (excluding the period of any appeal of such finding) if a substantial exercise of the rights permitted by the finding has not sooner commenced. Findings may be extended for successive periods of one year upon application to the Permit Granting Authority prior to the end of each one (1) year period and a showing of good cause. No nonconforming use can be changed, moved or re-established where such use has been discontinued for a period of two (2) years or more.”

In no event shall a nonconforming use of a building, structure, or use of land or premises be changed, altered, enlarged, extended, or be held to include racing with pari-mutuel betting except to the extent already in use for a period not to exceed six (6) days at the Essex Agricultural Fair, but to no greater extent.

(Art. 3, 6/25/47; Art. 45, 5/9/78; Art. 23, 5/5/81; Art. 29, 5/6/86; Art. 48, 5/7/87; Art. 42, 5/6/2008)

### 3.06 Uses in Business Park District.

In addition to those uses permitted in the Business Park District in the Table of Use Regulations, all uses permitted in the outlying Residential and Agricultural District shall be permitted in the Business Park District either by right or by special permit as such uses are permitted in the Outlying Residential and Agricultural District, and all provisions of this By-Law governing ORA uses, including the dimensional and density requirements of Article IV hereof, shall apply to any such ORA uses in the Business Park District. (Art. 45, 5/9/78; Art. 23, 5/5/81)

### 3.07 Uses in Residential Districts.

In addition to those uses set forth in the Table of Use Regulations, the following uses shall be permitted in the Central Residential, Inner Residential and Agricultural, and Outlying Residential and Agricultural Districts:

- a. Professional offices in private residences maintained by the residents thereof which are an accessory use as defined by the By-Law.
- b. Home occupations which (i) are carried on by a resident who lives on the premises and involve not more than two (2) additional employees and (ii) in no way injures or are offensive to the neighborhood by reason of the emission of odors, fumes, dust, smoke, vibration, noise, or other cause, and provided further that not more than twenty-five (25%) percent of the floor area of the premises is used for such Home Occupation. (Art. 23, 5/5/81; Art. 41, 5/2/90)

c. Rental of a museum which is located in an Historic Building, or the use of museum as a function facility including rental to unrelated entities, including but not limited to individuals and corporations, shall be subject to the following conditions:

1. Such use at any time by the same user shall not be for more than two (2) consecutive days; and
2. Such use shall not be permitted after 11:30 PM; and
3. Such use shall not create any undue disturbance caused by noise, smoke, vapors, fumes, dust or odors; and
4. Such use shall not unduly impair traffic.  
(Art. 43, 5/4/78; Art. 38, 5/7/97; Art. 30, 5/6/98)

### 3.08 Uses of Public Address Systems or Loudspeakers.

In the Business District Village, Business District Highway, or Business Park District, the following uses shall not be permitted except when authorized by the Permit Granting Authority:

- a. Public address systems operating between sunset and sunrise.  
(Art. 3, 6/25/47; Art. 24, 3/5/51; Art. 45, 5/9/78; Art. 23, 5/5/81)

### 3.09 Uses in the Business Village District.

- a. Principal Uses as permitted in the table of Use Regulations
- b. Mixed uses shall be allowed in structures in the Business Village District provided that each principal use is separately allowed in the Table of uses for the Business Village District.
- c. Buffer Strips shall be required for lots in the Business Village District. Such buffer strips shall conform to the following standards.
  1. The buffer strip shall be at least ten (10) feet wide and planted with grass, groundcover, or shrubbery.
  2. For lots with multi-family use, the buffer strip shall contain a screen of evergreens no less than six (6) feet in height and five (5) feet in width, or it shall contain a dense man-made screen, or a combination of the above two (2) screens.
  3. Where man-made screens are erected, these shall be designed to present an attractive façade which shall reflect the general architectural style of the premises.
  4. Whichever screen is proposed, it shall be so located on the buffer strip and be of such dimensions as to effectively protect the premises from exterior lights, noise, scattered refuse, dust, and smoke.
  5. Access across buffer strips shall be subject to review and approval of the Permit Granting Authority.
  6. The ten (10) foot requirement of Section 3.09 C.1 may be reduced to five (5) feet with the approval of the Permit Granting Authority.
- d. Parking requirements shall be calculated according to the separate uses within mixed use structures.



e. Severability. All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this by-law. (Art. 23, 5/5/81; Art. 40, 5/7/85; Art. 33, 5/4/2004)

### 3.10 Prohibited Uses.

No property shall be used for racing with pari-mutuel betting except to the extent already in use for a period not to exceed six (6) days at the Essex Agricultural Fair, but to no greater extent. (Art. 3, 6/25/47; Art. 45, 5/9/78; Art. 23, 5/5/81)

### 3.11 Uses in the Business District Highway North.

#### A. Purpose and intent

The Business District Highway North, located at the intersection of Route 1 and Ipswich Road, is a small scale, mixed-use, retail, commercial and residential zone. Development in this zone shall reflect the rural and historic nature of Topsfield and shall reflect the character of surrounding residential neighborhoods relative to uses, the scale of development, and traffic patterns. Further, the impact of development in this zone on surrounding residential areas shall be minimized relative to light, noise, fumes and congestion.

B. Principal Uses shall be as permitted in the Table of Use Regulations.

C. Mixed uses shall be allowed in structures in the Business District Highway North provided that each principal use is separately allowed, by right or by special permit, in the Table of Uses for the Business District Highway North.

D. Pedestrian walkways should be included to accommodate pedestrian access within a lot and to accommodate pedestrian access to adjacent lots within the district.

E. Buffer Strips shall be required for lots in the Business District Highway North. Such buffer strips shall be installed and maintained to conform to the following standards.

1. Between lots used for commercial purposes the buffer strip shall be at least ten (10) feet wide and planted with grass, groundcover, shrubbery or trees.

2. Between lots in the Business District Highway North and lots either zoned or used residentially, the buffer strips shall conform to the provisions of Article IV, Section 4.05.

3. For lots with residential use, the buffer strip shall contain a dense screen of evergreens no less than six (6) feet in height, or it shall contain a dense man-made screen, or a combination of these two (2) screens. Where man-made screens are erected, these shall be designed to present an attractive façade which shall reflect the general architectural style of the premises. Whichever screen or screens are proposed, they shall be so located on the buffer strip and be of such dimensions as to effectively protect the premises from exterior lights, auto headlights, noise, scattered refuse, dust, fumes, and smoke.

4. Vehicular access across buffer strips may be approved by the Special Permit Granting Authority to enable better vehicular movement, safety, and access between lots.

5. Pedestrian walkways may be included within buffer strips.

F. Parking requirements shall conform to the provisions of Article IV, Section 4.12, except for Section 4.12D, and shall be calculated according to the separate uses within mixed use structures.

G. Development in the Business District Highway North shall be subject to Site Plan Review under Article IX of the Topsfield Zoning By-Laws.

H. Development in the Business District Highway North shall conform to the density and dimensional standards of Article IV of the Topsfield Zoning By-Laws with the following additional requirement:

1. The footprint of any individual building shall not exceed 3500 sq. ft.

I. Uses may be in one building, or groupings of buildings. Uses may be in one building, or groupings of buildings. The Special Permit Granting Authority may approve a special permit that includes uses in buildings, groupings of buildings, or portions of buildings that are owned by different entities where such uses are consistent with the safety of the occupants and the public and which are consistent with the overall intent of this section.

J. Conditions in the Business District Highway North.

1. The building or buildings on any lot shall be served by common parking areas and by a common exit and entrance.

2. The building(s) on any lot shall have common design features through the use of building materials, architectural style, and color. The design of the buildings shall be consistent with Topsfield's architectural heritage.

3. All trash containers, dumpsters, and utility features must be screened from view by the building or by fencing and landscaping. All roof top mechanicals units shall be located so as not to be visible from street level or from public areas from ground level.

4. All non-residential uses shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicles and so that delivery vehicles can be parked completely out of the right-of-way.

5. Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street.

K. No trailers, temporary or portable structures, vehicles or containers used for storage or warehousing of goods or material shall be allowed, except for such temporary structures, vehicles or containers associated with construction on the lot. (art. 35, 5/6/2008)

### 3.12 Uses in the Business District Highway.

A. Purpose and intent

The Business District Highway located on Route 1 is a mixed-use retail, commercial and residential zone. Connected to the Business District Village by three streets, the Business Highway Zone is designed to serve as an attractive gateway to Topsfield's central commercial area. Development in this zone shall reflect the rural and historic nature of Topsfield.

B. Principal Uses shall be as permitted in the Table of Use Regulations.

C. Mixed uses shall be allowed in structures in the Business District Highway provided that each principal use is separately allowed, by right or by special permit, in the Table of Uses for the Business District Highway.

D. Pedestrian walkways should be included to accommodate pedestrian access within a lot and to accommodate pedestrian access to adjacent lots within the district.

E. Buffer Strips shall be required for lots in the Business District Highway. Such buffer strips shall be installed and maintained to conform to the following standards.

1. Between lots used for commercial purposes the buffer strip shall be at least ten (10) feet wide and planted with grass, groundcover, shrubbery or trees.

2. Between lots in the Business District Highway and lots either zoned or used residentially, the buffer strips shall conform to the provisions of Article IV, Section 4.05.

3. For lots with residential use, the buffer strip shall contain a dense screen of evergreens no less than six (6) feet in height, or it shall contain a dense man-made screen, or a combination of these two (2) screens. Where man-made screens are erected, these shall be

designed to present an attractive façade which shall reflect the general architectural style of the premises.

Whichever screen or screens are proposed, they shall be so located on the buffer strip and be of such dimensions as to effectively protect the premises from exterior lights, auto headlights, noise, scattered refuse, dust, fumes, and smoke.

4. Vehicular access across buffer strips may be approved by the Special Permit Granting Authority to enable better vehicular movement, safety, and access between lots.

5. Pedestrian walkways may be included within buffer strips.

F. Parking requirements shall conform to the provisions of Article IV, Section 4.12, except for Section 4.12D, and shall be calculated according to the separate uses within mixed use structures.

G. Development in the Business District Highway shall be subject to Site Plan Review under Article IX of the Topsfield Zoning By-laws.

H. Development in the Business District Highway shall conform to the density and dimensional standards of Article IV of the Topsfield Zoning By-Laws.

I. Uses may be in one building, or groupings of buildings. Uses may be in one building, or groupings of buildings. The Special Permit Granting Authority may approve a special permit that includes uses in buildings, groupings of buildings, or portions of buildings that are owned by different entities where such uses are consistent with the safety of the occupants and the public and which are consistent with the overall intent of this section.

J. Conditions in the Business District Highway

1. The building or buildings on any lot shall be served by common parking areas and by a common exit and entrance.

2. The building(s) on any lot shall have common design features through the use of building materials, architectural style, and color. The design of the buildings shall be consistent with Topsfield's architectural heritage.

3. All trash containers, dumpsters, and utility features must be screened from view by the building or by fencing and landscaping. All roof top mechanicals units shall be located so as not to be visible from street level or from public areas from ground level.

4. All non-residential uses shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicles and so that delivery vehicles can be parked completely out of the right-of-way.

5. Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street.

K. No trailers, temporary or portable structures, vehicles or containers used for storage or warehousing of goods or material shall be allowed, except for such temporary structures, vehicles or containers associated with construction on the lot. (Art. 40, 5/6/2008)

### 3.13 Parking of Automobiles.

The following shall not be permitted in the Central Residential, Inner Residential and Agricultural and the Outlying Residential and Agricultural Districts either as an accessory use or by authority of the Board of Appeals:

a. The parking of automobiles where a direct or indirect charge therefor is made except to the extent already in use for periods not to exceed ten (10) days at the Essex Agricultural Fair, but to no greater extent. (Art. 45, 5/9/78; Art. 23, 5/5/81)

### 3.14 Parking of Automobiles.

In the Business District Highway, Business District Highway North, Business District Village and Business Park District the following uses shall not be permitted:

- a. The parking of automobiles on premises except as an accessory use or for a period not to exceed ten (10) days at the Essex Agricultural Fair, but to no greater extent.  
(Art. 45, 5/1/78; Art. 23, 5/5/81)

### 3.15 Additional Accessory Uses.

In addition to the uses permitted in Table of Use Regulations the following accessory uses shall be permitted in the Central Residential District, Business District Village, Business District Highway, Business District Highway North, and Inner Residential and Agricultural District:

- a. Storage of one unregistered motor vehicle in the open.
- b. Storage of trailer, boat or motorized home in the open.  
(Art. 23, 5/5/81; Art. 14, 5/7/85; Art. 39, 5/6/2008)

### 3.16 Elderly Housing District.

A. Permitted Uses and Special Permit Uses. In an Elderly Housing District no building or land shall be used and no buildings shall be erected or converted except for the following purposes:

1. To provide, upon the grant by the Planning Board of a Special Permit and the approval of Site Plan, Multifamily residences for the Elderly, such housing to be owned and controlled only by a non-profit organization or by the Town or jointly as permitted by law; or after said grant and an approved Site Plan, by a Cooperative Housing Corporation organized pursuant to Massachusetts General Laws, Chapter 157B, jointly with the Town or otherwise, or under a declaration for a condominium organized pursuant to Massachusetts General Laws, Chapter 183A.
  - a. For the purposes of Subsection 1, above, a "non-profit" organization shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which, if appropriate, has been organized pursuant to Massachusetts General Laws, Chapter 180, as amended.
2. Any of the uses permitted, as a matter of right in the underlying Residential District with the development regulations applicable to such District as set forth in the Zoning By-Law for such underlying Residential District. (Art. 29, 5/3/88)

B. Accessory uses permitted in an Elderly Housing District shall include:

1. Garages;
2. One separate building, not exceeding one story in height, to house snow removal and mowing machines, garden and other tools and equipment required to maintain and service housing for the elderly;
3. One building not exceeding thirty-five (35) feet in height and used as a common building by the residents of the District, which building may include central kitchen and dining facilities for residents thereof and their guests and may also provide lounge and meeting rooms for the common use of residents and their guests. (Art. 29, 5/3/88)

C. Special Permit and Site Plan Approval.

In an Elderly Housing District no building shall be constructed, enlarged or changed to accommodate multifamily residences for the elderly except in conformity to this By-Law and to a Special Permit granted by the Planning Board and a Site Plan bearing the approval of the Planning Board. The Planning Board shall not approve any such Special Permit or Site Plan unless the applicable standards in Massachusetts General Laws and the following standards and criteria are met:

1. Standards.

- a. The Planning Board shall find that the proposed plan of development is in harmony with the purposes and intent of this By-Law as set forth herein.
- b. Where land is to be developed for multifamily residences for the elderly, the site shall contain not less than ten (10) acres.
- c. All elderly housing shall be owned and controlled by a non-profit organization or by the Town or jointly so far as permitted by law; or by a Cooperative Housing Corporation organized pursuant to Massachusetts General Laws Chapter 157B, jointly with the Town or otherwise, or under a declaration for a condominium organized pursuant to Massachusetts General laws, Chapter 183A.
- d. All newly constructed housing developed in an Elderly Housing District shall have not more than five (5) dwelling units per acre of buildable area.
- e. All buildings, including accessory buildings, shall cover not more than thirty (30%) percent of the buildable area of the site.
- f. The site shall have frontage of not less than fifty (50) feet on a public way.
- g. Every structure in an Elderly Housing District shall be so located so as not to extend closer than thirty (30) feet from the street line.
- h. The proposed plan shall provide that there shall be on the site off-street parking of not less than six (6) nor more than eight (8) parking spaces for each three (3) elderly dwelling units contained in the development. Parking spaces within a garage shall be counted toward the required number of parking spaces.
- i. Roads and ways within the development shall be constructed in accordance with the Planning Board Subdivision regulations with such waivers, if any, as the Planning Board deems appropriate.
- j. The entire site shall be a size and shape as shall provide a housing site which will be in harmony with the natural terrain and other features of the site and will preserve natural vistas and the existing rural or other character of the neighborhood.
- k. The site shall be supplied with a water system approved by the Planning Board with the advice of the Water Department, adequate to meet the needs of the units constructed on the site.
- l. All dwelling units must be served by adequate sewage treatment facilities or an on-site sewage disposal system approved by the Board of Health or other appropriate approval agency.
- m. No site on a plan for which an approval is granted under this section may be subdivided so as to create additional buildable lots and a notation to that effect shall be shown on the Site Plan.



- n. Elderly dwellings constructed under this section shall not be eligible for subsequent conversion to conventional apartments.
- o. Buildings shall be designed to be consistent with the appearance of the Town and shall be complementary in exterior design with each other and, where applicable, with the existing neighborhood in which the development is located.
- p. Sufficient security must be provided to insure completion of the development and continuing compliance upon its completion with the provisions of the approval.
- q. A Buffer Zone shall be required between the Elderly Housing Development and adjoining properties to provide visual and privacy for such adjoining properties. The Planning Board may require appropriate landscaping, fencing and other site improvements to accomplish such purposes and the Site Plan shall be accompanied by a Landscape Plan drawn by a Landscape Architect, which Plan shall indicate the species, height and density of landscaping to provide the necessary Buffer Zone. In no case shall said Buffer Zone be less than twenty-five (25) feet in depth for all side and rear boundaries of the site.
- r. No building in an Elderly Housing District shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.
- s. A plan shall be prepared by the petitioner which shall, to the extent allowable by law, give a preference for elderly dwelling units within a development first to Topsfield residents, then to immediate family members of Topsfield residents, and then to former residents of Topsfield. The petitioner shall furnish the Planning Board with an eligibility plan for the Elderly Housing Development, which plan shall be subject to the approval of the Planning Board.
- t. Site Plan Review under this section shall be conducted in conformance with the requirements, rules, and regulations set forth in Article IX, and the regulations adopted thereunder, except that any requirements set forth herein above which are more particular or stringent shall govern.

2. Site Plan and Special Permit Approval Application.

a. Eligibility:

An applicant may submit to the Planning Board for a Special Permit and Site Plan Approval a plan of land.

b. Contents of the Application.

Each application shall include:

- (i) All information required for submission of a Definitive Plan for Standard Subdivisions as provided for in Planning Board's Rules and Regulations governing the subdivision of land.
- (ii) Provisions for privacy and security.
- (iii) Provisions for parking.
- (iv) Proposed landscaping, exterior lighting, architectural exterior design and elevations, typical floor plans.
- (v) Projected phasing, timing of construction, type of ownership, and proposed covenants and/or agreements binding on occupants.
- (vi) Projected advantages to the Town of the proposed development compared to alternative permitted uses at the same site.
- (vii) Projected revenues to the Town in taxes or payments in lieu of taxes.

(viii) An Eligibility Plan for the Development as required under Section 1(s).  
(Art. 29, 5/3/88; Art. 16, 5/4/93)

D. Procedure.

Copies of the application shall be filed with the Town Clerk in accordance with the submittal requirements for a Definitive Plan and the Rules and Regulations Governing the Subdivision of Land in the Town of Topsfield. The Planning Board, acting as the Site Plan Approval Authority and Special Permit Granting Authority under this section, shall give notice, conduct public hearing and render a decision in conformity with Massachusetts General Laws, Chapter 40A, Section 9, and Section 5.04 of the Zoning By-Law. (Art. 29, 5/5/2009)

E. Grant of Approval.

The Planning Board shall grant an approval if it determines that the plan as proposed meets the standards for granting Special Permits and:

1. The plan promotes the more efficient use of land in harmony with its natural features, watercourses, scenic areas, natural vistas, existing rural character, and similar community assets within the general intent of the Zoning By-Law and the long-range plan of the Town.
2. The plan protects adjoining premises against serious detrimental effects by providing inter alia, surface water drainage, sound and sight barriers and preservation of views, light and air.
3. The plan provides for convenience and safety of vehicular and pedestrian movement within the site, and for appropriate location of driveway openings in relation to traffic or to adjacent streets.
4. The plan provides for adequate methods of disposal of refuse and other wastes.
5. The plan provides for suitable architectural design and a favorable relationship of structures and open space to the natural landscape, barriers and preservation of views, light and air.

F. Additional Provisions.

1. Construction must commence within one year of the granting of the approval. Construction must be completed within two (2) years of its commencement unless otherwise provided for in the approval.
2. No zoning map amendment shall create an Elderly Housing District except upon the petition by the owner of, or one holding a valid purchase and sale agreement on, the land to be so designated. (Art. 29, 5/3/88)
3. An application for a special permit and site plan review for any elderly housing development within an Elderly Housing District must be filed within two years of the date that the Town Meeting votes to place the land where the development is proposed to be located within the Elderly Housing District. (Art. 30, 5/6/2008)

**JOHNSON &  
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Michele C. Jonikas  
Karen L. Bussell  
Danielle R. Corey

September 28, 2010

*Via E-mail and U.S. First Class Mail*

Robert Moriarty, Chairman  
Topsfield Zoning Board  
8 West Common Street  
Topsfield, MA 01983

RE: **Applicant/Owner: Walsh Properties, Inc.**  
**Property: Map 26/Lot 1, 362 Boston Street**  
**Application Withdrawal Request**

Dear Chairman Moriarty,

Please accept this letter as the Applicant's request to withdraw the applications currently pending with the Zoning Board of Appeals in connection with the redevelopment of the above-referenced property. For a number of reasons, the Applicant has determined that it is not advantageous to proceed with the permitting of this project at this time.

Therefore, on behalf of the Applicant I respectfully request that the pending applications be withdrawn without prejudice and that the Board close its hearing and its file on this matter at this time. To the extent the documents submitted in connection with this matter are no longer necessary, the Applicant would retrieve any unneeded copies from the Board's staff.

Thank you and your fellow Board members for the time you have devoted to these applications to date.

Very truly yours,

JOHNSON & BORENSTEIN, LLC

  
Donald F. Borenstein

DFB~klb

pc: John Walsh, Walsh Properties, Inc. ✓  
John Morin, P.E.  
William Balkus, AIA

**Topsfield Zoning Board of Appeals**  
September 28, 2010

Chairman Moriarty called the meeting to order at 8:00 PM. Board members present were Bob Moriarty, Kristin Palace, Scott Dow and David Moniz. Roberta Knight, Community Development Coordinator was also present as well as the applicants, their representatives and interested residents. See attendance sheets for specific public hearings.

**Visitors:** Selectmen Martha Morrison and Richard Gandt; Jody Clineff

**362 Boston Street Continuance:** Chairman Moriarty noted that the Board had received from Attorney Donald Borenstein representing the Applicant Walsh Properties LLC written notice requesting to withdraw the application currently pending before the Board in connection with the redevelopment of 362 Boston Street. See attached letter dated September 28, 2010.

Chairman Robert Moriarty then moved that the Board approve the written request dated September 28, 2010 to withdraw said application without prejudice.

The motion was seconded by Clerk Kristin Palace; so voted; 3-0-0.

**2010 Open Space Letter:** The Chairman on behalf of the Zoning Board signed the letter of endorsement of the 2010 Open which would be forwarded to the Committee.

**Meeting Schedule:** Due to the lack of an expected quorum for the regularly scheduled October meeting, the Board made the decision to cancel the October 26<sup>th</sup> meeting.

**TVSC Parking Lot:** The Board discussed the lack of a final site plan denoting existing conditions in reference to the correspondence from Kopelman & Paige concerning land use permit extensions resulting from new state legislations. The Board requested Ms. Knight to query the Board Health as to its approval of the installed septic system and the status of filing of an As-Built plan. In addition, the Board requested Ms. Knight to draft a letter to Brian Woodland relative to the current parking configuration for Topsfield Station which is not in compliance with the site layout plan approved by the Topsfield Zoning Board.

The meeting was adjourned at 8:50 PM.

Respectively submitted,

Roberta M. Knight  
Community Development Coordinator

Town of Topsfield  
Zoning Board of Appeals

## Application for Zoning Relief

### 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 and the Topsfield Zoning Board of Appeals Rules and Procedures that are available from the Town Clerk.

Incomplete applications will not be considered unless waivers are previously obtained from the Zoning Board of Appeals



#### BOARD USE ONLY

Date Filed:  
Date Action Due  
Public Hearing:  
Decision:

Revised 5/06



NATURE OF APPLICATION:

\*See attached Addendum

- Petition for Special Permit pursuant to Article \*, Section      of the Zoning Bylaw.
- Petition for Finding pursuant to Article \*, Section      of the Bylaw.
- Petition for a Variance from Article \*, Section     , of the Zoning 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)
- Petition for a Comprehensive Permit pursuant to G.L.c. 40B, Section 20-23
- Appeal from the decision dated                      of the Building Inspector or others pursuant to L.L. c. 40A, Section 15.

DESCRIPTION OF APPLICANT:

- a. Name Walsh Properties, LLC
- b. Address 222 Boston Ave., Medford, MA 02155
- c. Phone Number (781) 960-0112
- d. Interest in Premises (e.g., owner, tenant, prospective purchaser, etc.) Owner  
(Attach copy of lease and/or letter of authorization from authorization from owner, if applicable)

DESCRIPTION OF PREMISES:

- a. Assessor's Map 26, Lot(s) 1, Zoning District Business District-Highway North  
Groundwater Protection Overlay District
- b. Location of Premises (number and street) 362 Boston Street
- c. Name and address of legal owner (if different from Applicant) Same
- d. Deed to the Premises recorded at (if known):  
 Essex South District Registry of Deeds, Book 25419 Page 533  
Essex South Registry District of the Land Court, Certificate Number
- e. Prior zoning decisions affecting the Premises (if any): None known.  
Date of Decision              Name of Applicant                                       
Nature of Decision
- f. Present use of the Premises Residential/Commercial/Agricultural
- g. Present structures conform to current Zoning Bylaw.      Yes  No. If no, in what respect does it not conform. Structures in yard set backs

PROPOSAL (attach additional sheets if necessary):

- a. General Description:  
Applicant proposes to raze all existing structures and construct a new commercial building for retail and office uses, with associated parking, landscaping, stormwater drainage and septic systems. All as shown in further detail in the materials submitted herewith.

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

	FRONT	REAR	SIDE(S)	
1. Setbacks required per bylaw	<u>40</u>	<u>N/A</u>	<u>30</u>	<u>30</u>
2. Existing setbacks	<u>12.4*</u>	<u>N/A</u>	<u>1.0</u>	<u>33.1</u>
3. Setbacks proposed	<u>45**</u>	<u>N/A</u>	<u>24</u>	<u>40</u>
	FRONTAGE	AREA		
4. Frontage and area required by bylaw	<u>100</u>	<u>20,000</u>		
5. Existing frontage (s) and area	<u>174.8*</u>	<u>30,111</u>		
6. Frontage (s) and area proposed	<u>327.57**</u>	<u>30,111</u>		
	FEET	STORIES		
7. Existing Height	<u>    </u>	<u>2</u>		
8. Height proposed	<u>    </u>	<u>    </u>		

\* Route 1  
\*\* Ipswich Road

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

- MA - DOT highway ACCESS Permit
- MA - DEP/Topsfield Con. Comm. Wetlands Orders of Conditions
- Topsfield Board of Health septic design approval

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 Zoning Board of Appeals 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

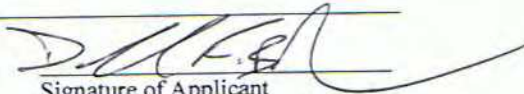
Comprehensive Permit Applications:  
(See G.L.c. 40B, Sections 20-23)  
All required supporting data attached  N/A Yes  No

Appeals from decisions of Building Inspector or Others:  
(See Zoning Board of Appeals Rules and Procedures, Section III (1) (e))  
All required supporting data attached  N/A Yes  No

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

June 1, 2010  
Date

  
Signature of Applicant  
Donald F. Borenstein, Esq.  
Attorney for Applicant  
Johnson & Borenstein, LLC  
12 Chestnut Street  
Andover, MA 01810  
(978) 475-4488



TOWN OF TOPSFIELD  
ZONING BOARD OF APPEALS

ADDENDUM

**Applicant/Owner: Walsh Properties, Inc.**

**Property: Map 26/Lot 1, 362 Boston Street**

**Date: June 1, 2010**

The Applicant/Owner, Walsh Properties, Inc., proposes to demolish and remove all existing structures and redevelop the Property for retail and office uses, as shown on the plans and materials submitted herewith. The Applicant proposes to construct a new, 6,156 s.f. building to include retail with storage on the first floor and office space on the second floor. Trash removal will be mandated on a daily basis for all tenants, eliminating the need for a dumpster.

The Property is in the Business District Highway North. The Property is located at the intersections of Averill Street, Ipswich Road and Route 1 and has an unusual, triangular shape. All of the Property's boundaries are along these streets. The Property does not directly abut any other lot. The existing structures located on the Property are in disrepair. The Property is currently accessed and oriented toward Route 1. The Applicant's proposed redevelopment would utilize Ipswich Road as the Property's Lot Frontage and primary access. The existing access onto Averill Street would be limited to emergency access.

A. The Applicant seeks **Variance** relief as follows and, **alternatively**, seeks relief by **finding**<sup>1</sup> allowing the redevelopment of the Property as depicted on the plans and other materials submitted herewith.

1. Article IV, Section 4.12.D – Parking:

Applicant requests that the Board allow parking within the required front yard setback at Ipswich Road.

2. Article IV, Section 4.02 – Table of Dimensional and Density

Regulations:

Applicant requests that the Board allow for a side yard setback of 24' where 30' is required at the Averill Street side yard. Existing setbacks are 12.4' from Route 1/Boston Street, 1.0' from Ipswich Road and 33.1' from Averill Street.

3. Article XI, Section 6.1 – Groundwater Protection District:

The Groundwater Protection District Bylaw does not appear to account for any retail or office use in the Groundwater Protection District overlay. Applicant requests that the Board allow office and retail uses as permitted uses in the Groundwater Protection District under Article XI, Section 6.1. Alternatively, the Applicant requests that the Board allow office and retail uses in the Groundwater

---

<sup>1</sup> That the Applicant's proposal is a benefit and not more detrimental or objectionable to the neighborhood than the existing non-conforming buildings and uses, under Article III, Section 3.05.



Protection District by special permit under Article XI, Section 6.3.5, see below.

3. Article XI, Section 6.1 – Groundwater Protection District:

The Groundwater Protection District Bylaw does not appear to account for any retail or office use in the Groundwater Protection District overlay. Applicant requests that the Board allow office and retail uses as permitted uses in the Groundwater Protection District under Article XI, Section 6.1. Alternatively, the Applicant requests that the Board allow office and retail uses in the Groundwater Protection District by special permit under Article XI, Section 6.3.5, see below.

4. Article XI, Section 6.2.4 & 6.2.5– Groundwater Protection District:

Applicant requests that the Board allow loading of the Property with septic effluent at the rate of 550 gallons per acre per day, which is in excess of the rate of 110 gallons per  $\frac{1}{4}$  acre per day (a/k/a greater than 440 gal./acre/day) that is permitted under Article XI, Section 6.2.4. The Applicant's proposed septic system utilizes an alternative technology that allows for an increased septic loading rate and, is designed in accordance with the State Title V septic regulations, 310 CMR 15.00, et seq. To the extent necessary, the Applicant also requests that the Board allow a variance under Article XI, Section 6.2.5, to allow earth removal within 6' of the estimated high water

table. It is unclear whether this restriction is applicable to the Applicant's proposal where the earth removal would be in connection with the Applicant's proposed redevelopment of the Property and not in connection with a "mining operation".

B. The Applicant seeks **Special Permit** relief as follows, allowing the redevelopment and use of the Property as depicted on the plans and other materials submitted herewith.

1. Article III. Section 3.02 – Table of Dimensional and Density

Regulations:

The Applicant seeks a special permit to allow various potential retail uses on the Property. The Applicant believes that this neighborhood is one in which a retail use is consistent with the other uses in the area and would not be more detrimental to the neighborhood. Given the current economic climate, the Applicant seeks a special permit to allow a variety of uses so that it would have reasonable flexibility in finding tenants. Specifically, the Applicant seeks a special permit to allow the following:

- Section 4.02 Retail Establishment Selling General Merchandise;
- Section 4.03 Hardware Store;
- Section 4.04 Retail Establishment Selling Food;
- Section 4.05 Retail Establishment Selling Sporting Goods;
- Section 4.06 Pharmacy;
- Section 4.07 Optical Goods Store;
- Section 4.08 Cosmetic, Beauty Supply and Perfume Store;
- Section 4.09 Retail Establishment Selling Handcrafts;
- Section 4.12A Restaurant Full Service;
- Section 4.12B Restaurant Limited Service;
- Section 4.12D Restaurant, Snack and Non-Alcoholic Beverage;

- Section 4.12E Retail Specialty Store;
- Section 4.6 Bank, full service;
- Section 4.17 Exterior Automatic Teller Machine;
- Section 4.24 Fitness and Recreational Sports Facility;
- Section 4.25 Barber Shop;
- Section 4.26 Beauty Salons;
- Section 4.27 Skin and Nail Salon;
- Section 5.10 Research Office and Development Facility.

2. Article XI, Section 6.1 – Groundwater Protection District:

To the extent necessary, the Applicant seeks a special permit to allow these same office and retail uses in the Groundwater Protection District, by special permit under Article XI, Section 6.3.5.

C. The Applicant seeks **Site Plan Review** approval as follows, allowing the redevelopment and use of the Property as depicted on the plans and other materials submitted herewith.

1. Article IX, Section 9.01, et seq. – Site Plan Review:

The Applicant seeks the Board's Site Plan Review approval for the Applicant's proposed redevelopment of the Property under Article IX.



TOWN OF TOPSFIELD  
ZONING BOARD OF APPEALS

APPLICATION SUPPLEMENT FORM B

Attach to this form a copy of the Assessor's map (scale 1" = 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 owner's name on each lot within 300'.

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

LOT NUMBER

OWNER'S NAME

MAILING ADDRESS

has: 261 - 362 Boston Street  
Wassa Properties LLC  
222 Boston ~~Street~~ Avenue  
Medford, Ma. 02155

See Attached List

(Attach additional sheets if above space is insufficient)

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 Assessor's Office

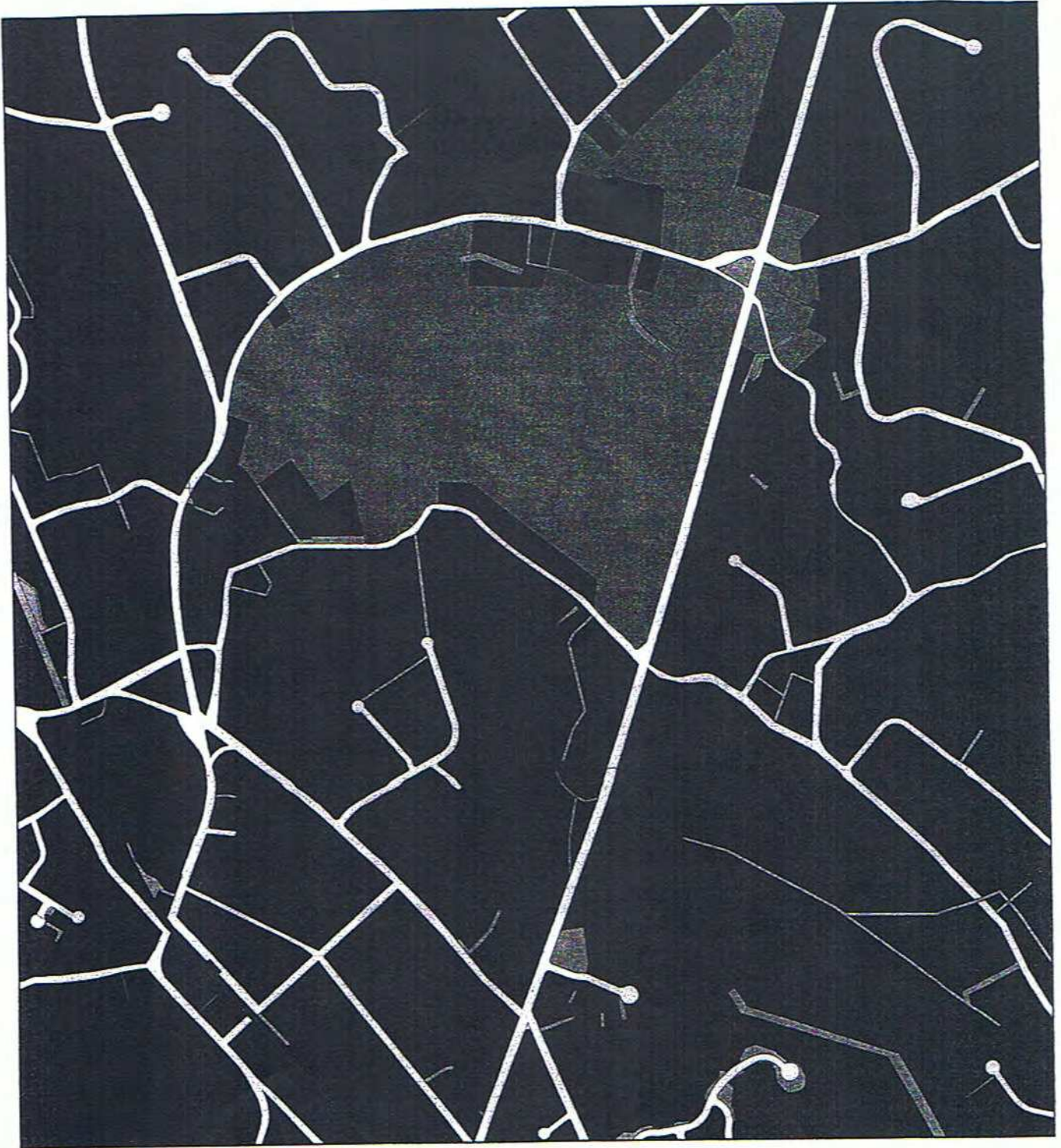
Date of Verification

Pauline M. Evans

April 2, 2010



# 26-1 362 BOSTON ST



Information on this Map is  
Compiled and Maintained for  
Assessing Purposes Only

GEOGRAPHIC INFORMATION SYSTEM  
VISION APPRAISAL TECHNOLOGY



Abutters' List Within 300' of 26-1 362 Boston St for ZBA  
TOPSFIELD, MA

Map	Block	Lot	Street Number	Street Name	Owner's Name	Co-Owner's Name	Mailing Address	City	St Zip
26	73		17	AVERILL ST	EISEN EDWARD D	EISEN AMY J	17 AVERILL ST	TOPSFIELD	MA 01983
26	61		18	AVERILL ST	SUNDBERG ROBERT L		18 AVERILL ST	TOPSFIELD	MA 01983
26	60	4	363	BOSTON ST	BRADY JAMES R III & MARY E TRS	JEMZ REALTY TRUST	93 WINGERSHEEK RD	GLOUCESTER	MA 01930
26	60	1	363	BOSTON ST	DONOHUE P J & PARKHURST J R TR	DONOHUE & PARKHURST REALTY TR	363 BOSTON ST	TOPSFIELD	MA 01983
26	60	2	363	BOSTON ST	DONOHUE P J & PARKHURST J R TR	DONOHUE & PARKHURST REALTY TR	363 BOSTON ST	TOPSFIELD	MA 01983
26	60	3	363	BOSTON ST	DONOHUE P J & PARKHURST J R TR	DONOHUE & PARKHURST REALTY TR	363 BOSTON ST	TOPSFIELD	MA 01983
26	15		367	BOSTON ST	LEXA LLC	C/O DUNKIN DONUTS	112 ELLIOT ST	BEVERLY	MA 01915
26	11		368	BOSTON ST	SKEFF'S INC	C/O RICHARD SHEFFINGTON	PO BOX 185	ROCKWOOD	MA 01983
26	14		371	BOSTON ST	SABINO RANDY	SABINO MAUREEN	447 BOSTON ST SUITE 4	TOPSFIELD	MA 01983
26	12		374	BOSTON ST	KNOWLES STEPHEN E TRUSTEE	374 BOSTON ST TOPSFIELD REALTY TR	21 LONG HILL RD	BOXFORD	MA 01921
26	60		363-363	BOSTON ST	GREAT HILL CO-OP HOMEOWNERS INC	C/O MAUCIA O'HARA PROP MANAGER	ONE GREAT HILL DRIVE	TOPSFIELD	MA 01983
25	50		1	IPSWICH RD	BARNISH ROBERT G TRUSTEE	C/O RICE HEARD & BIGELOW INC	50 CONGRESS ST - STE 1025	BOSTON	MA 02109
26	3		101	IPSWICH RD	WHITE ROBIN C & WINTOROWSKI R TRS	107 IPSWICH ROAD TRUST	107 IPSWICH RD	TOPSFIELD	MA 01983
26	2		107	IPSWICH RD	BERRY JEFFREY W		108 IPSWICH RD	TOPSFIELD	MA 01983
26	8		108	IPSWICH RD	RON AMIR	BERRY LISA A	110 IPSWICH RD	TOPSFIELD	MA 01983
26	9		110	IPSWICH RD	TOWN OF TOPSFIELD	ZINK ANGELA	8 WEST COMMON ST	TOPSFIELD	MA 01983
26	10		114	IPSWICH RD	MACDONALD RICHARD J TRUSTEE	CONSERVATION DEPT	125 IPSWICH RD	TOPSFIELD	MA 01983
26	59		125	IPSWICH RD	LEXA LLC	T F C REALTY TRUST	112 ELLIOTT ST	BEVERLY	MA 01915
26	16		126	IPSWICH RD	TOWN OF TOPSFIELD	C/O DUNKIN DONUTS	8 WEST COMMON ST	TOPSFIELD	MA 01983
18	60		17	NORTH ST		RECREATION DEPT		TOPSFIELD	MA 01983

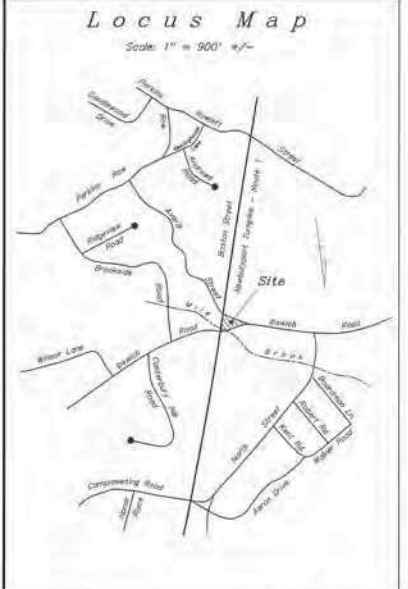


**Zoning Table: Business District Highway North**

Description	Zoning By-Law	Site Dimensions
Lot Area	20,000 SF.	30,111 SF.
Frontage	100'	100' + On All Roads
Front Setback	40'	45' (Ipswich Road)
Side Setback	30'	24' & 40'
Rear Setback	30'	Fire Building Inspector No Rear Yard
Height	35'	29'
Stories	2.5	2.0
Building Area	40%	10%
Open Space	30%	33%

**Table Of Drawings**

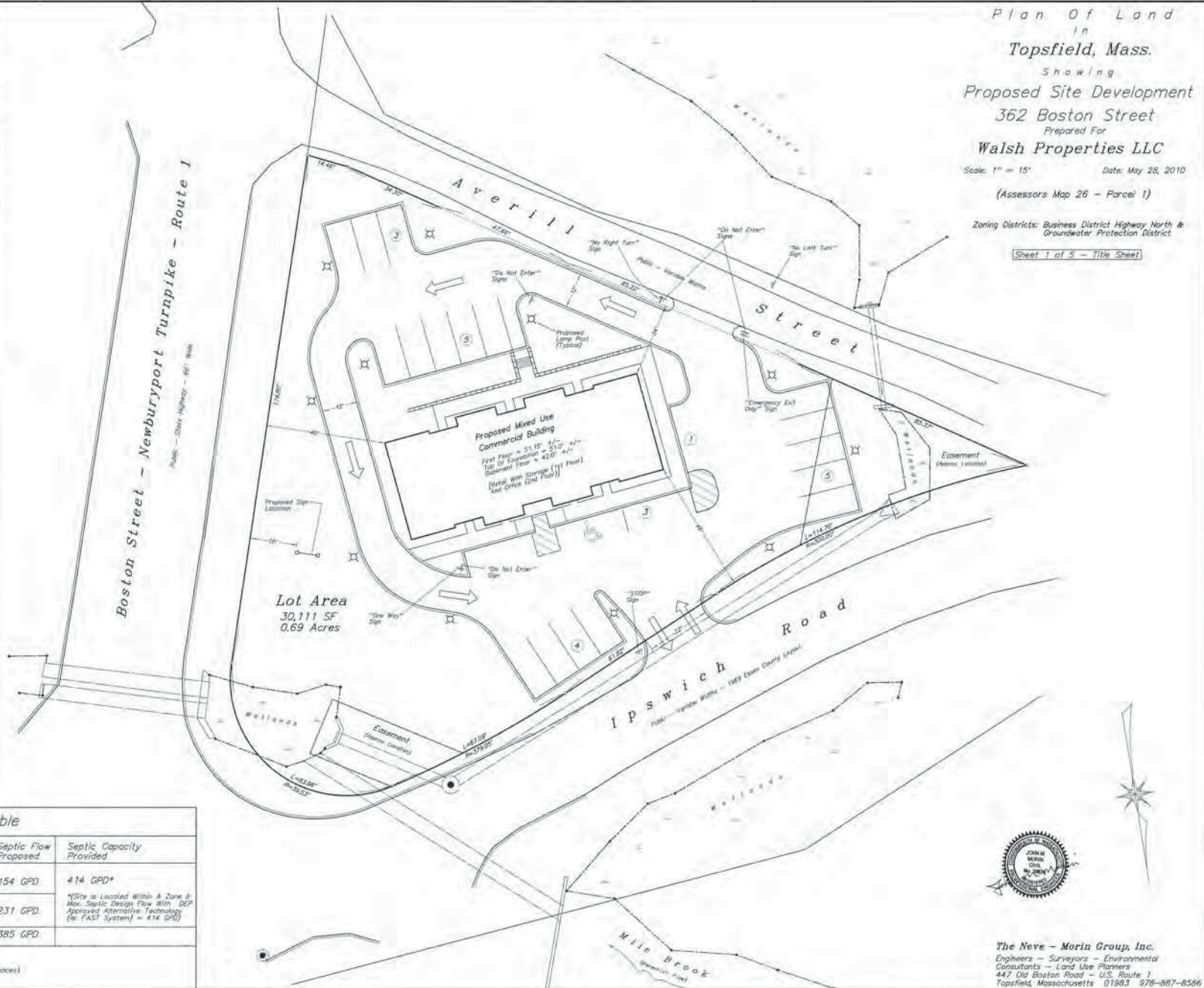
Sheet 1 - Title Sheet  
 Sheet 2 - Existing Conditions  
 Sheet 3 - Proposed Site Development  
 Sheet 4 - Construction Details  
 Sheet 5 - Construction Details



**Proposed Use Table**

	Area	Use	Parking Req'd.	Parking Provided	Septic Flow Proposed	Septic Capacity Provided
First Floor	3,078 SF	Retail	10	21 Spaces	154 GPD	414 GPD*
Second Floor	3,078 SF	Office	11		231 GPD	*[Site is Located Within 1/2 Mile of Max. Septic Design Flow With DEP Approved Alternative Technology (ie: FAST System) = 414 GPD]
Total	6,156 SF		21		385 GPD	

**Parking Calculations:**  
 Retail (3,078 SF / 720 SF (average)) / 250 SF/Space = 34 spaces (Use 10 Spaces)  
 Office (3,078 SF / 320 SF/Space = 10.2 spaces (Use 11 Spaces)



**The Neve - Marin Group, Inc.**  
 Engineers - Surveyors - Environmental  
 Consultants - Land Use Planners  
 447 Old Boston Road - U.S. Route 1  
 Topsfield, Massachusetts 01963 978-987-8566

Plan Of Land  
In  
Topsfield, Mass.  
Showing  
Proposed Site Development  
362 Boston Street

Walsh Properties LLC

Scale: 1" = 15' Date: May 26, 2010

(Assessors Map 26 - Parcel 1)

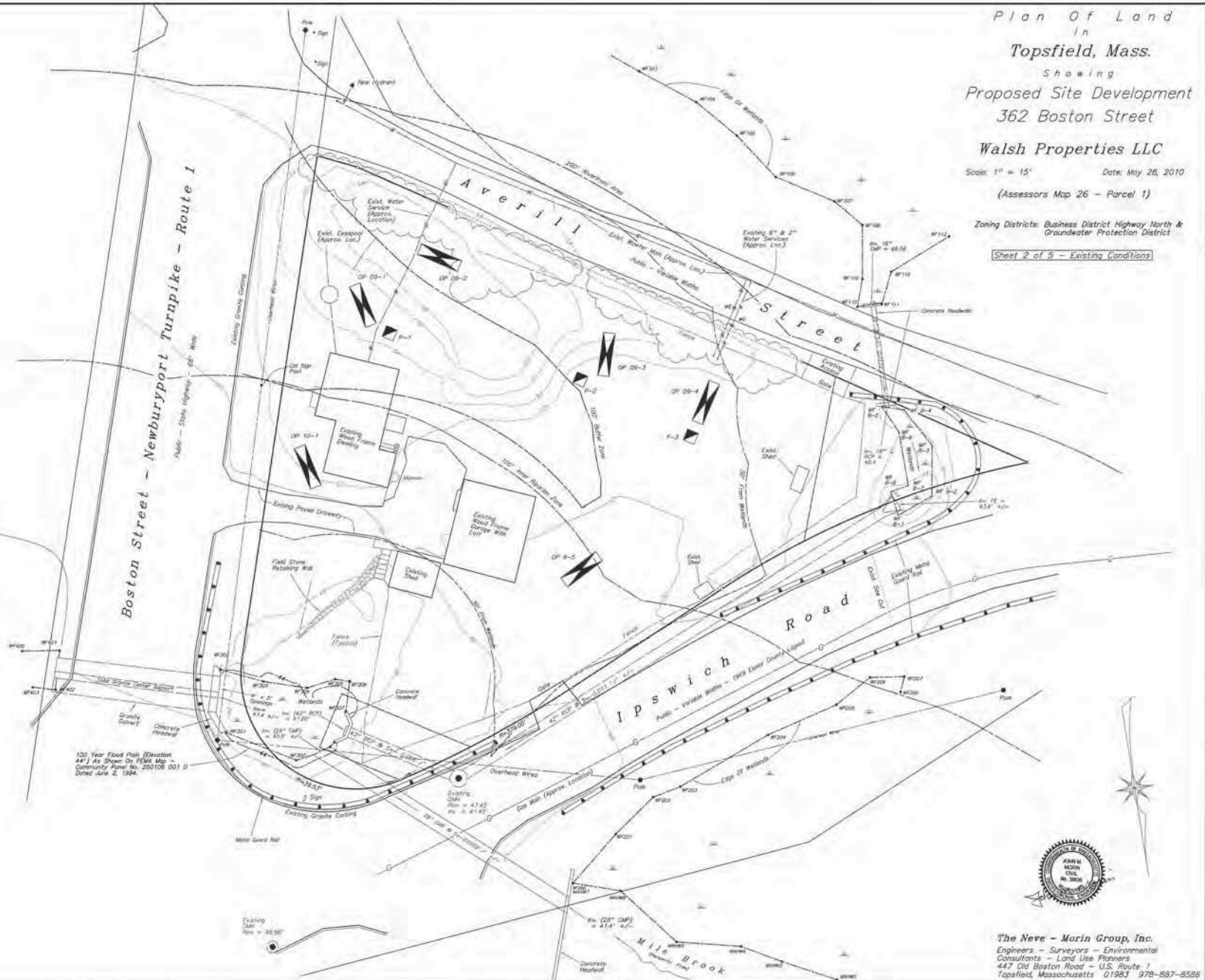
Zoning Districts: Business District Highway North &  
Groundwater Protection District

Sheet 2 of 5 - Existing Conditions

**Benchmark:**  
Disiled Square in Top Center Of  
Downstream Headwall Of U.S. Route 1  
Bridge Over Mill Brook  
(Reference Mark: RM-3)  
Elevation = 47.29' (NGVD Datum)

**Legend**

- Existing Grade
- Finish Grade
- Deep Observation Test Pit Location
- Percolation Test Location
- Edge Of Wetlands
- 50' From Wetlands
- 100' Wetland Buffer Zone
- 100' Inner Riparian Zone
- 200' Riverfront Zone
- Filtrate Filter Sock



**The Neve - Morin Group, Inc.**  
Engineers - Surveyors - Environmental  
Consultants - Land Use Planners  
447 Old Boston Road - U.S. Route 1  
Topsfield, Massachusetts 01963 978-887-8588



Plan Of Land  
In  
Topsfield, Mass.

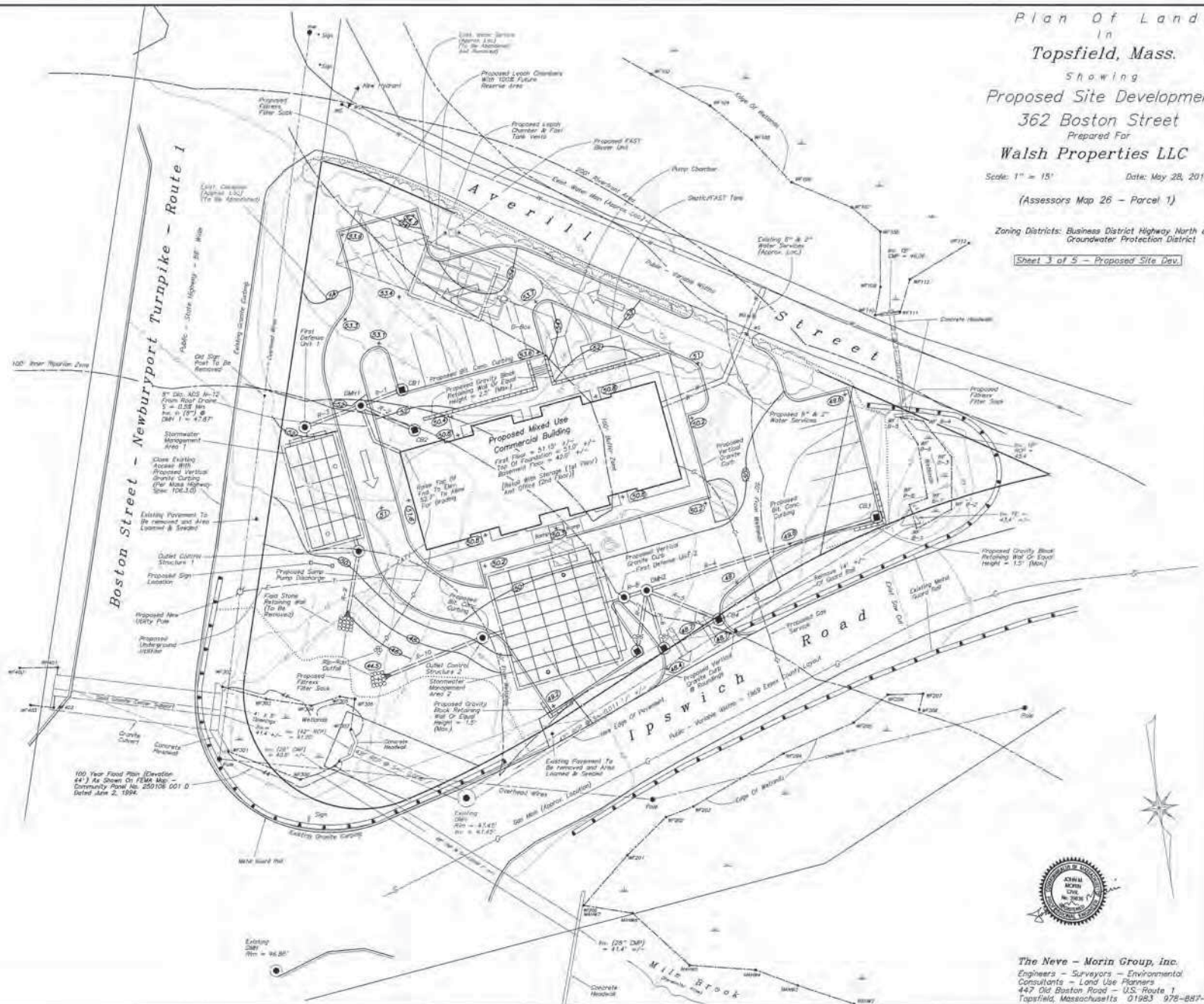
Showing  
Proposed Site Development  
362 Boston Street  
Prepared For  
Walsh Properties LLC

Scale: 1" = 15' Date: May 28, 2010

(Assessors Map 26 - Parcel 1)

Zoning Districts: Business District Highway North &  
Groundwater Protection District

Sheet 3 of 5 - Proposed Site Dev.



Legend

- Existing Grade
- Finish Grade
- Deep Observation Test Pit Location
- Percolation Test Location
- Edge Of Wetlands
- 50' From Wetlands
- 100' Wetland Buffer Zone
- 100' Inner Riparian Zone
- 200' Riverfront Zone
- Filtraxx Filter Sock

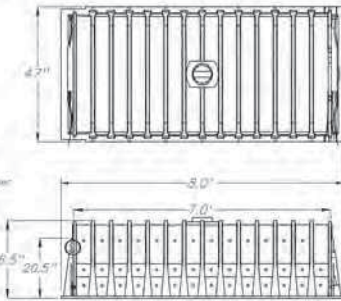


The Neve - Marin Group, Inc.  
Engineers - Surveyors - Environmental  
Consultants - Land Use Planners  
447 Old Boston Road - U.S. Route 1  
Topsfield, Massachusetts 01963 978-867-8586



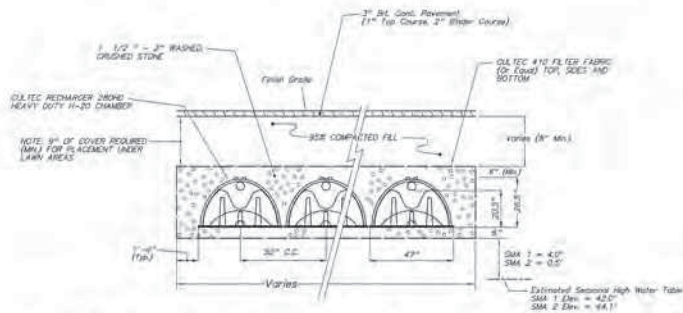
**SPECIFICATIONS**  
 Length 8.0'  
 Lay-up Length 8.0'  
 Width 4.2'  
 Height 26.5"  
 Invert 20.5"  
 Chamber Storage 43.55 CUF  
 Max. Storage with Stone 56.81 CUF

**GENERAL NOTES**  
 Recharger 280 HD by CULTEC, Inc. all brackets CT  
 All Recharger 280 HD Chambers must be installed in  
 accordance with all applicable local, state and federal  
 regulations.  
 Refer to manufacturer, CULTEC, Inc.'s recommended  
 installation guidelines.  
 All Recharger 280 HD #20 Heavy Duty units are  
 marked with a 4" slope along the length of the chamber.



**CULTEC Recharger 280HD Section View**

(Not To Scale)



**Chamber Installation Paved Traffic Application**

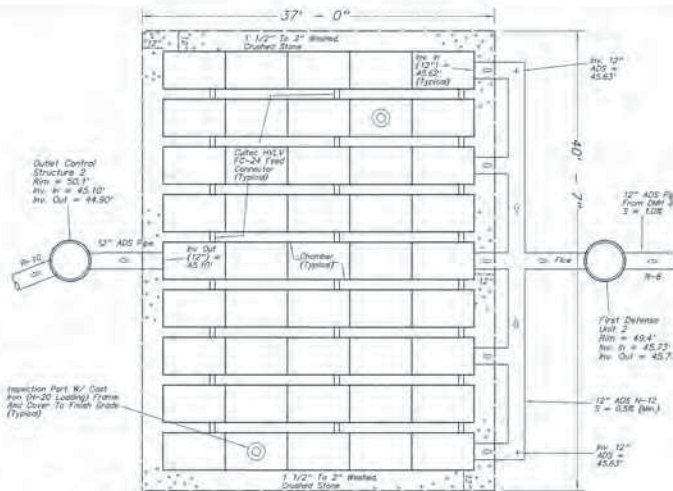
(Not To Scale)

Stormwater Management Area	Bottom Of Stone Elev.	Bottom Of Chamber Elev.	Top Of Chamber Elev.	Length And Width To Edge Of Stone	Number Of Chambers
1	46.00'	46.50'	48.71'	37'-0" x 18'-11"	20
2	44.60'	45.10'	47.31'	37'-0" x 40'-7"	45

**Schedule Of Drainage Structures & Piping**

(Note: All Pipe Shall Be ADS N-12)

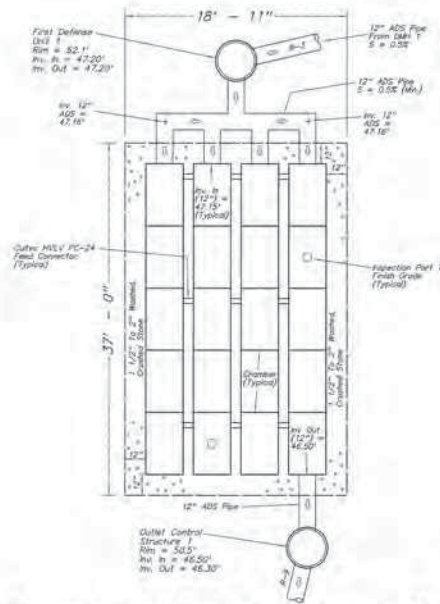
Structure	Rim	Reach	From Inv.	Dia. (in.)	Length	Slope (1/1')	To Inv.	Structure	Rim
Catch Basin 1	52.80'	R-1	49.73'	12	11'	0.2045	47.48'	Drain Manhole 1	51.30'
Catch Basin 2	50.00'	R-2	47.58'	12	16'	0.0050	47.48'	Drain Manhole 1	51.30'
Drain Manhole 1	51.95'	R-3	47.28'	12	76"	0.0050	47.20'	First Defense 1	52.1'
Catch Basin 3	49.00'	R-4	46.58'	12	77"	0.0077	48.97'	Drain Manhole 2	48.4'
Catch Basin 4	48.80'	R-5	46.18'	12	23'	0.0083	45.97'	Drain Manhole 2	48.4'
Catch Basin 5	48.50'	R-6	46.06'	12	17'	0.0053	45.97'	Drain Manhole 3	48.4'
Catch Basin 6	46.70'	R-7	46.26'	12	17'	0.0171	45.97'	Drain Manhole 3	48.4'
Drain Manhole 2	49.4'	R-8	45.77'	12	4'	0.0100	45.23'	First Defense 2	48.4'
Outlet Control Structure 1	50.5'	R-9	46.30'	12	20"	0.0150	46.2'	Flowed End	---
Outlet Control Structure 2	50.1'	R-10	44.90'	12	23"	0.0121	44.5'	Flowed End	---



**Stormwater Management Area No. 2**

(Cultec Recharger 280HD Chambers - 45 Chambers)

(Note: All Pipe Shall Be ADS N-12)  
 (Not To Scale)



**Stormwater Management Area No. 1**

(Cultec Recharger 280HD Chambers - 20 Chambers)

(Note: All Pipe Shall Be ADS N-12)  
 (Not To Scale)

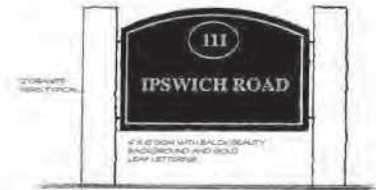
Plan Of Land  
 in  
 Topsfield, Mass.  
 Showing  
 Proposed Site Development  
 362 Boston Street  
 Prepared For  
 Walsh Properties LLC

Scale: As Noted Date: May 28, 2010

(Assessors Map 26 - Parcel 1)

Zoning Districts: Business District Highway North & Groundwater Protection District

Sheet 4 of 5 - Construction Details

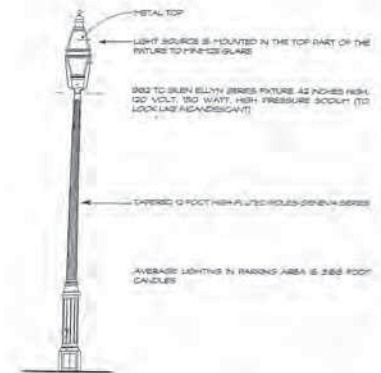


**DETAIL AT SIGN**

**Sign Detail**

(Scale: 1/2" = 1'-0")

**STERNBERG LIGHTING**  
 100 Lakeside Drive, Topsfield, MA 01968  
 www.sternberglighting.com



**Lamp Post Detail**

(Not To Scale)



The Neve - Moran Group, Inc.  
 Engineers - Surveyors - Environmental  
 Consultants - Land Use Planners  
 447 Old Boston Road - U.S. Route 1  
 Topsfield, Massachusetts 01963 978-887-8586

Plan Of Land  
in  
Topfield, Mass.

Showing  
Proposed Site Development  
362 Boston Street  
Prepared For  
Walsh Properties LLC

Scale: Not To Scale Date: May 28, 2010

(Assessors Map 26 - Parcel 1)

Zoning Districts: Business District Highway North &  
Groundwater Protection District

Sheet 5 of 5 - Construction Details

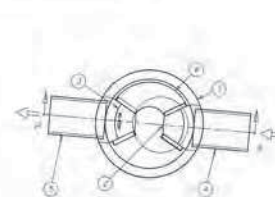
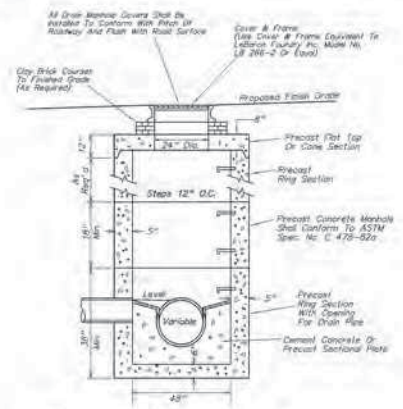
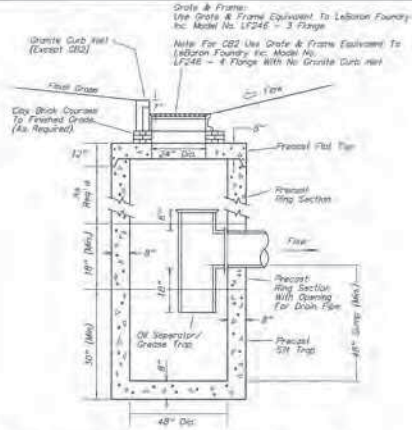
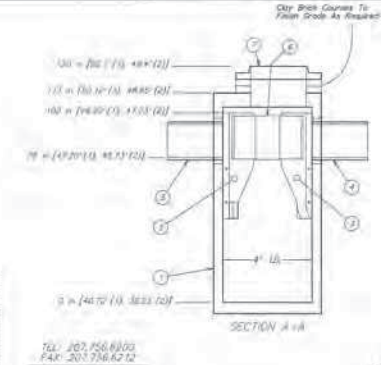


TABLE 1 - 4 FT DIA. FIRST DEFENSE UNIT

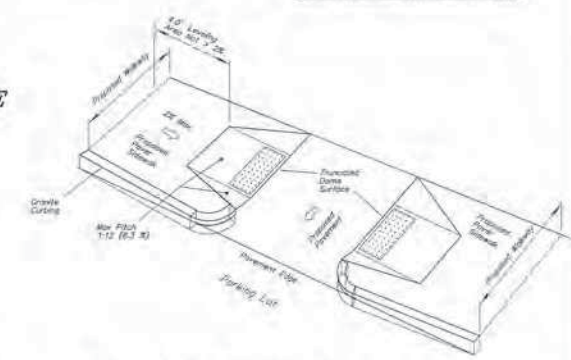
ITEM	DESCRIPTION
1	10' CONCRETE MANHOLE
2	PRECAST CONCRETE (6" x 12") MANHOLE RINGS
3	PRECAST CONCRETE (6" x 12") MANHOLE RINGS
4	PRECAST CONCRETE (6" x 12") MANHOLE RINGS
5	PRECAST CONCRETE (6" x 12") MANHOLE RINGS
6	PRECAST CONCRETE (6" x 12") MANHOLE RINGS
7	PRECAST CONCRETE (6" x 12") MANHOLE RINGS
8	PRECAST CONCRETE (6" x 12") MANHOLE RINGS
9	PRECAST CONCRETE (6" x 12") MANHOLE RINGS
10	PRECAST CONCRETE (6" x 12") MANHOLE RINGS



Typical Catch Basin Detail  
(Not To Scale)

Typical Drain Manhole  
(Not To Scale)

4-FT DIAMETER FIRST DEFENSE  
(STANDARD UNIT)  
(Not To Scale)

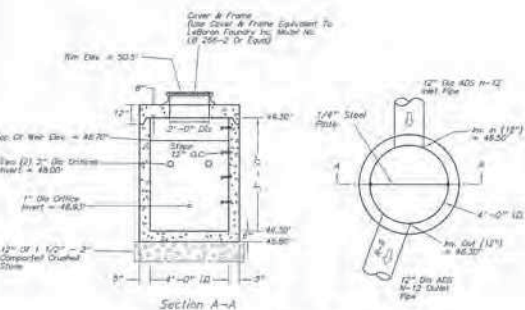


Wheelchair Access Ramp Detail  
(Not To Scale)

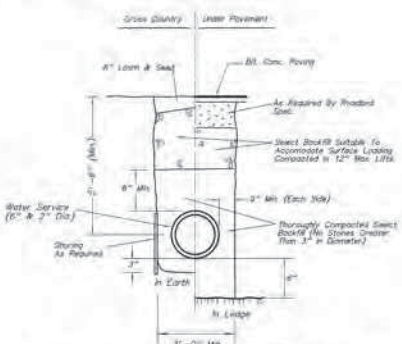
Note: All Handicapped Ramps Are To Be Constructed In Accordance With The Regulations As Set Forth By The Americans With Disabilities Act (ADA) And The Architectural Access Board (AAB).

In Accordance With ADA & AAB A Leveling Area For Wheelchair Ramps Shall Not Exceed 24" In Grade.

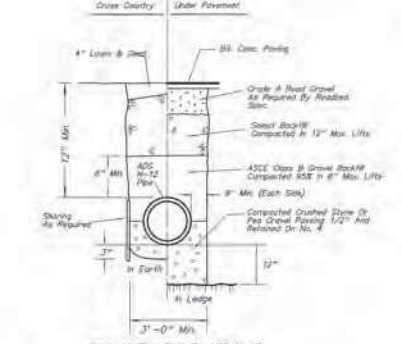
Any Wheelchair Ramps, As A Surface Treatment Shall Have Raised Triangular Dimple Surfaces With A Diameter Of Nominal 0.5 Inches, A Height Of Nominal 0.2 Inches And A Center To Center Spacing Of Nominal 2.35 Inches And Shall Contrast Visually With Adjoining Surfaces, Either Light-On-Dark, Or Dark-On-Light. The shaded Area On The Detail Are Wheelchair Ramps In Accordance With The Definition.



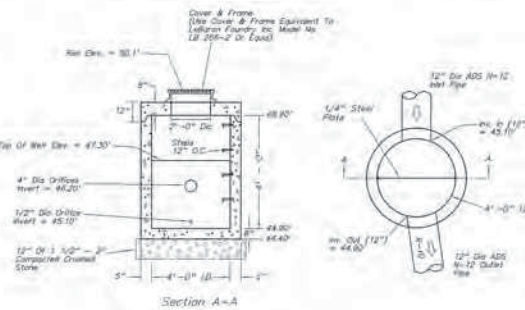
Outlet Control Structure 1  
(Not To Scale)



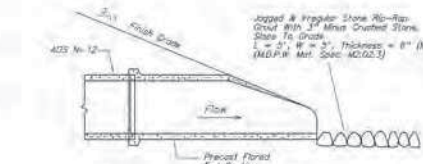
Water Service Trench Section  
(Not To Scale)



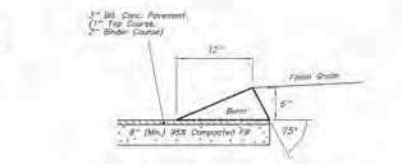
Drainage Trench Section  
(Not To Scale)



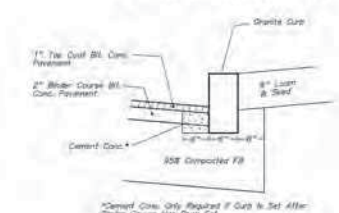
Outlet Control Structure 2  
(Not To Scale)



Typical Polyethylene Flared End Section  
(Not To Scale)



Cape Cod Berm Detail  
(Not To Scale)

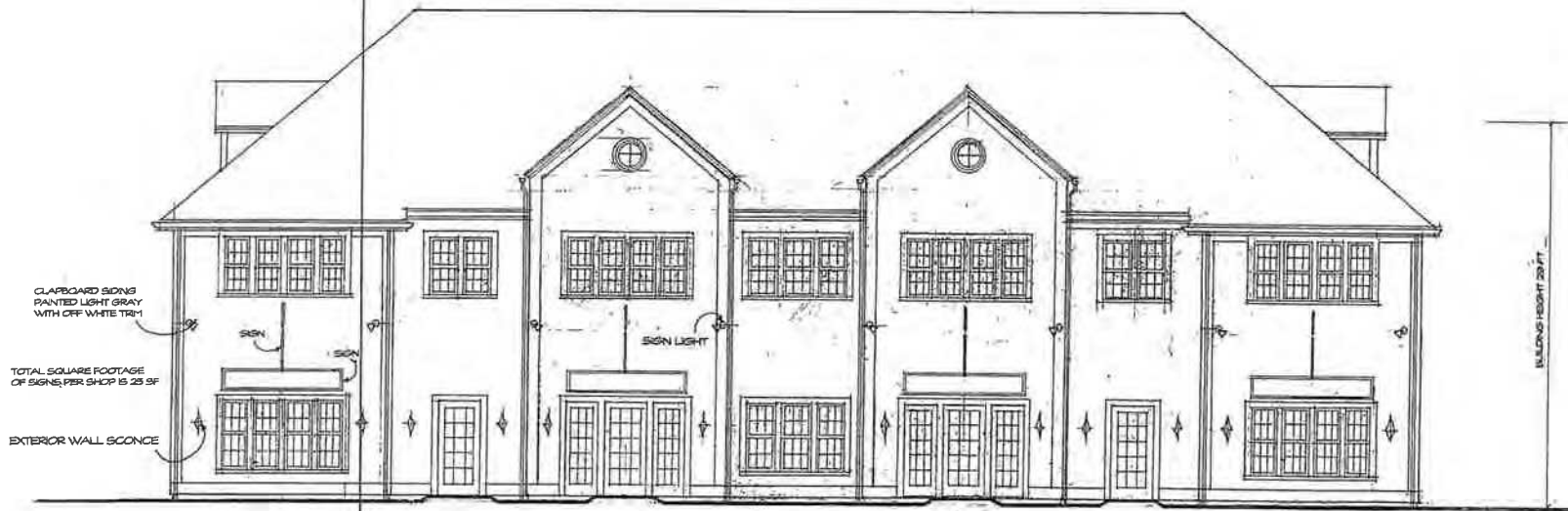


Vertical Granite Curb  
(Not To Scale)

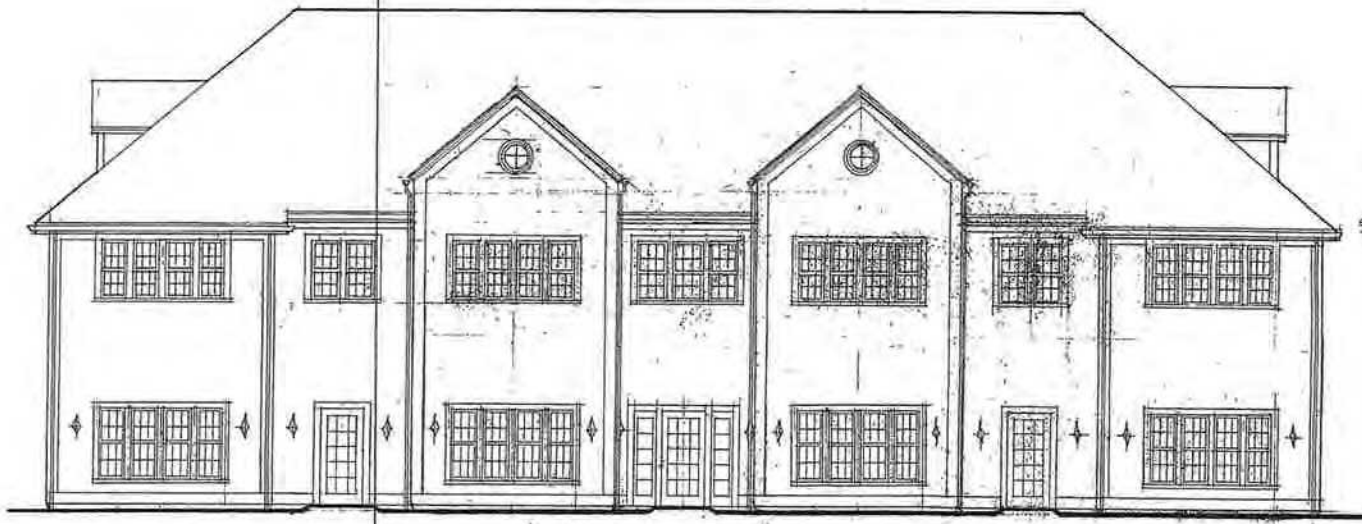


The Neve - Morin Group, Inc.  
Engineers - Surveyors - Environmental  
Consultants - Land Use Planners  
447 Old Boston Road - U.S. Route 1  
Topfield, Massachusetts 01983 978-887-8586

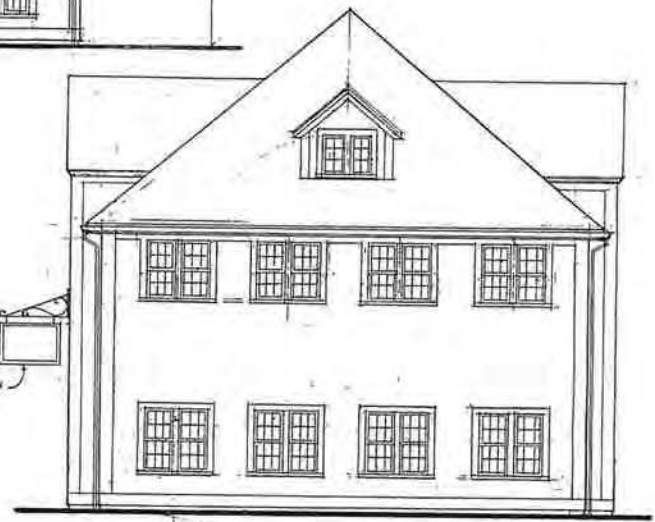




**FRONT ELEVATION:**  
SCALE 1/4" = 1'-0"



**REAR ELEVATION:**  
SCALE 1/4" = 1'-0"



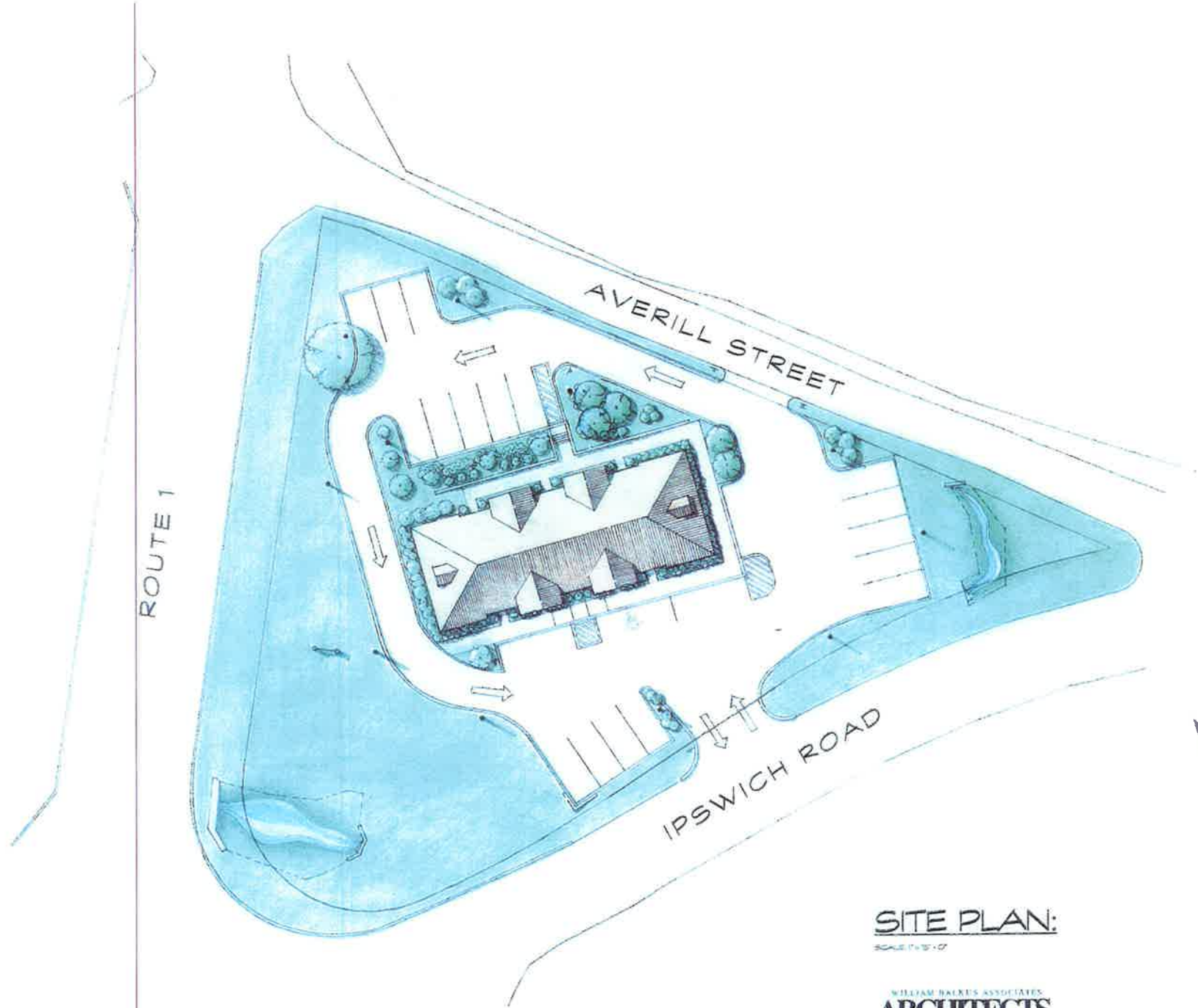
**TYPICAL SIDE ELEVATION:**  
SCALE 1/4" = 1'-0"

WILLIAM BALKUS ASSOCIATES  
**ARCHITECTS**  
 TEN SOUTH MAIN STREET TOPSFIELD MASS 01063 WMBAL@BALKUSCO.COM  
 TEL 978 887 3351 FAX 978 887 9290  
**362 BOSTON STREET**  
 TOPSFIELD MASSACHUSETTS









ROUTE 1

AVERILL STREET

IPSWICH ROAD

**SITE PLAN:**

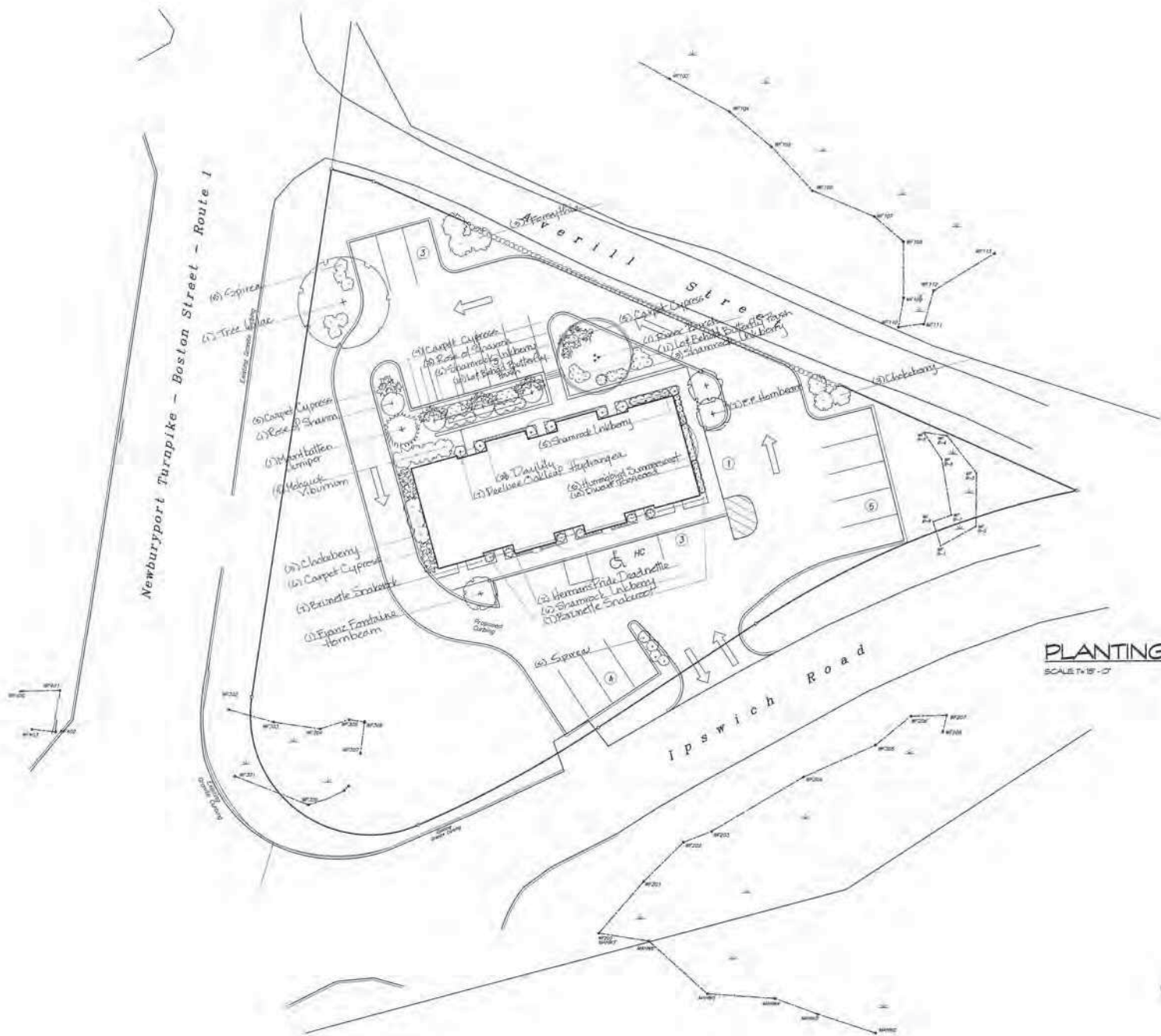
SCALE 1" = 50'-0"

WILLIAM BARKES ASSOCIATES  
**ARCHITECTS**

15 NORTH MAIN STREET TOPSFIELD MASSACHUSETTS 01462  
TEL. 978 887 3311 FAX 978 887 9290

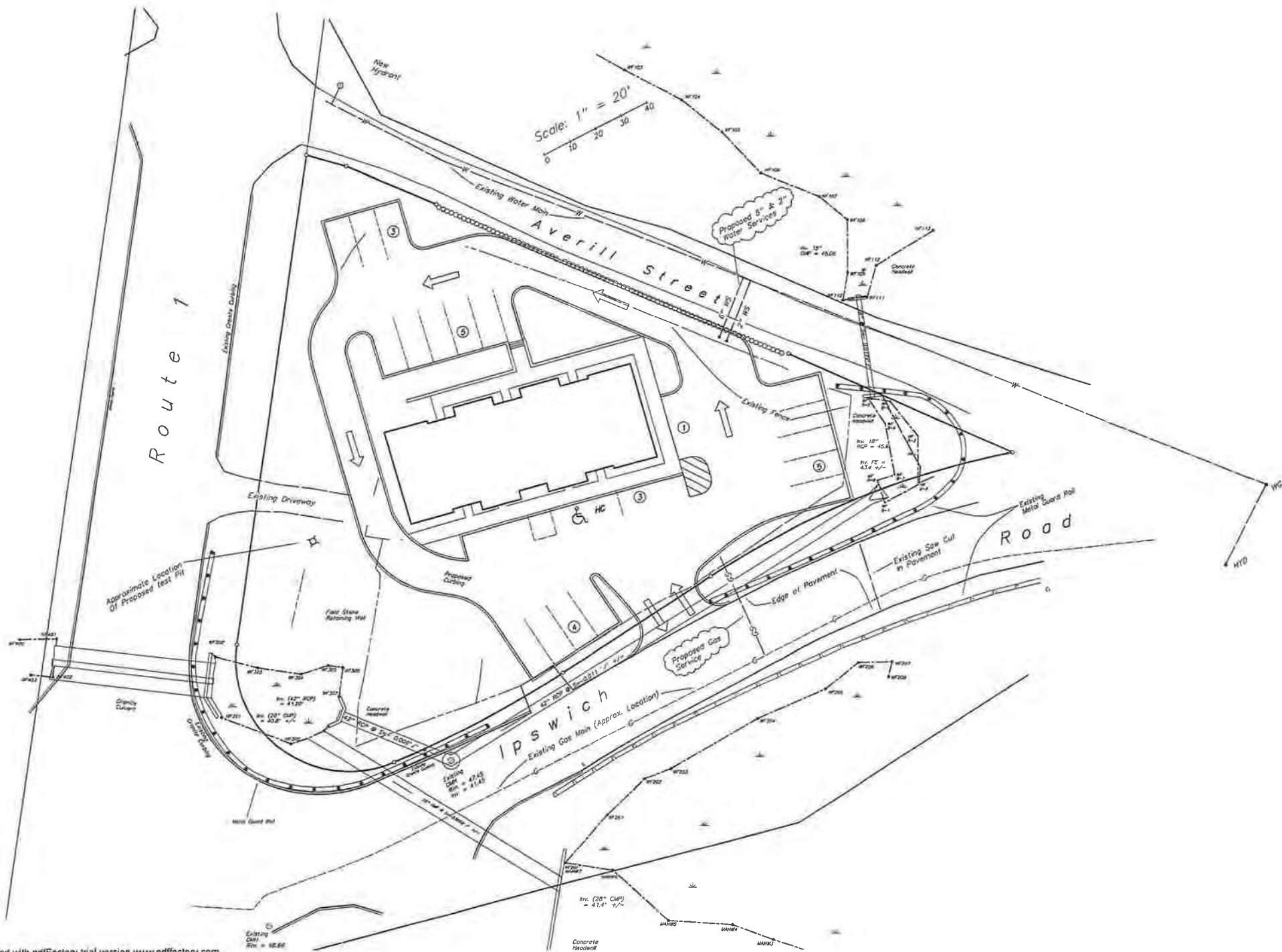
**362 BOSTON STREET**  
TOPSFIELD MASSACHUSETTS





**PLANTING PLAN:**  
SCALE 1/8" = 1'

WILLIAM BALKUS ASSOCIATES  
**ARCHITECTS**  
 TEL: 978-887-3151 FAX: 978-887-0390  
**362 BOSTON STREET**  
 FORTFIELD MASSACHUSETTS





RONALD P. GIOVANNACCI  
Chief of the Department

Town of Topsfield  
Fire Headquarters  
27 High Street  
Topsfield, Massachusetts 01983-1403  
(978) 887-5148 • FAX (978) 887-1512  
[www.topsfieldfire.com](http://www.topsfieldfire.com)

November 15 2010

Mr. John Morin P.E.

The Neeve-Morin Group Inc.

447 Boston Street

Topsfield Ma. 01983

John

After reviewing the proposed development at 362 Boston Street, Topsfield Fire Department, has no

Objections to the development of this property as presented

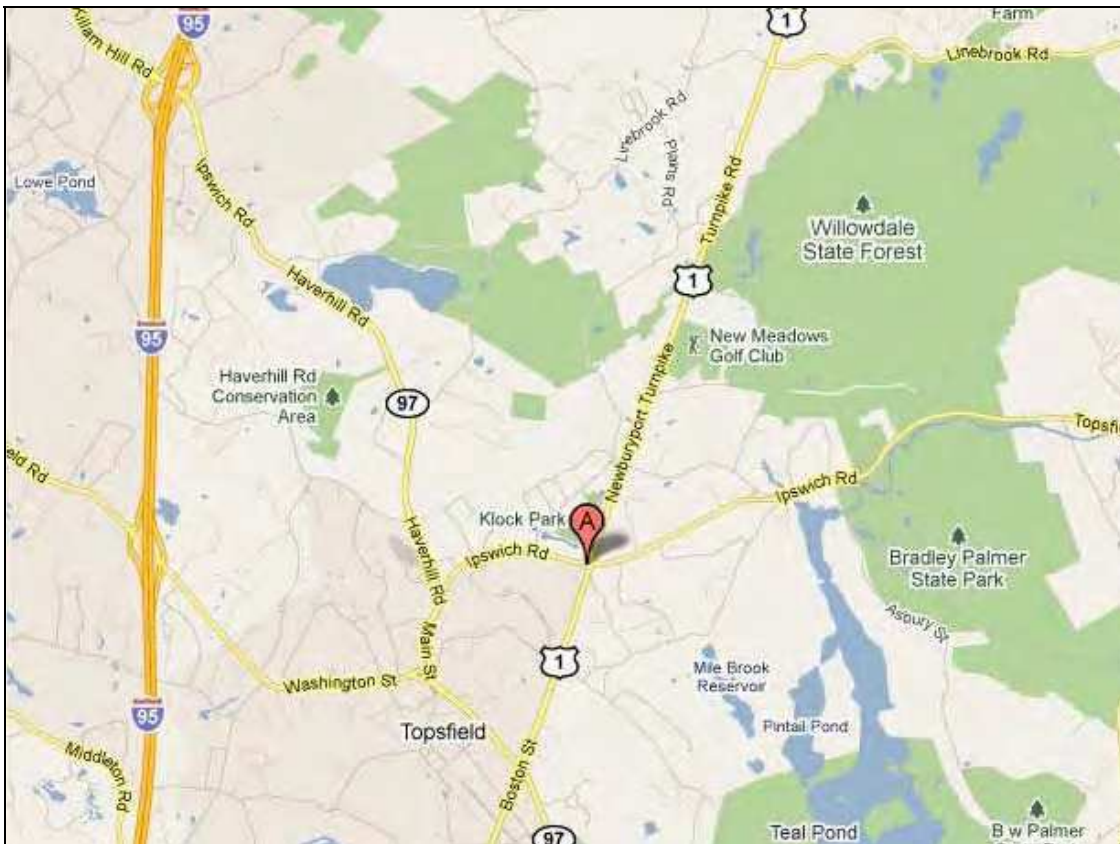
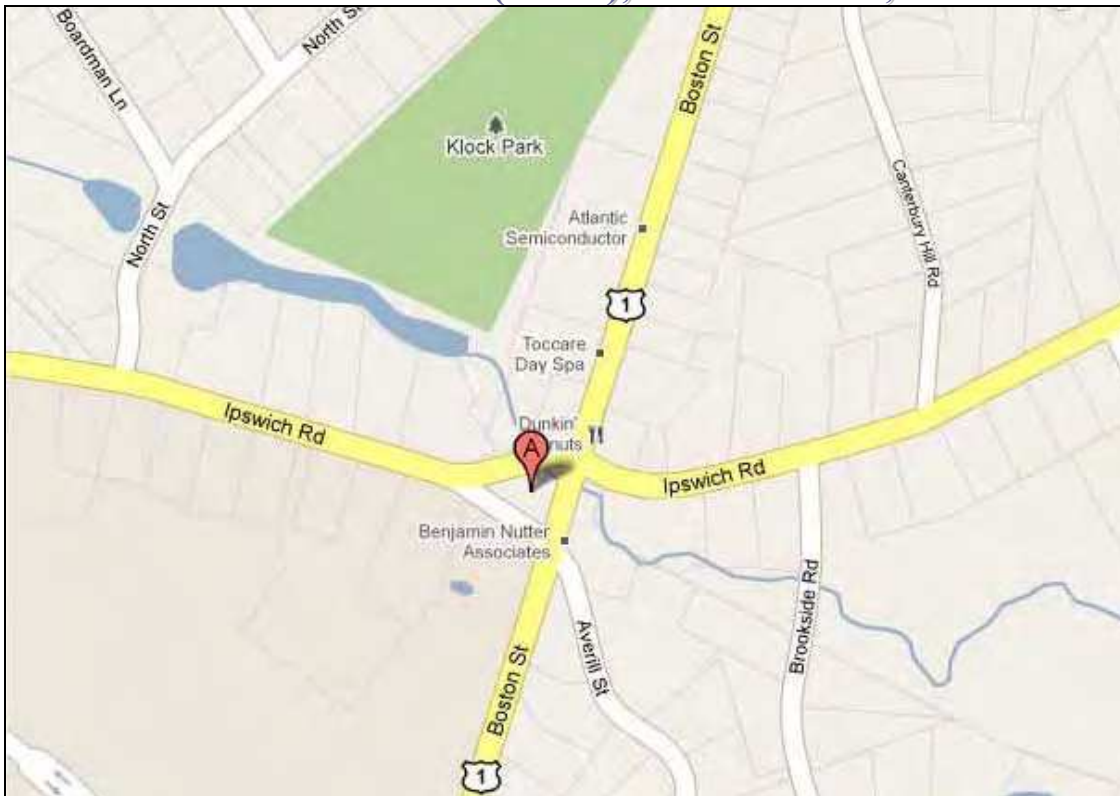
As always detailed blueprints will be required prior to construction.

If you have any questions or concerns please feel free to contact me

Charles R. Denault Jr. Captain

# MAP

## 362 BOSTON ST. (RT. 1), TOPSFIELD, MA



**THANK YOU FOR REVIEWING THE ENTIRE  
PROPERTY INFORMATION PACKAGE. WE  
LOOK FORWARD TO SEEING YOU AT THE  
AUCTION. IF YOU HAVE ANY QUESTIONS  
PLEASE DON'T HESITATE TO CONTACT US!**



Jerome J. Manning,  
CAI, AARE, CES,  
RECS

CEO/Chairman



Justin Manning,  
CAI, AARE

President

**Phone: 800-521-0111**

**Fax: 508-362-1073**

**EMAIL: [JERRY@JJMANNING.COM](mailto:JERRY@JJMANNING.COM)**

**EMAIL: [JUSTIN@JJMANNING.COM](mailto:JUSTIN@JJMANNING.COM)**