

2011 OCT 18 AM 11:19

RECEIVED
TOWN CLERK
TOPSFIELD, MA

NATURE OF APPLICATION:

- Petition for Special Permit pursuant to Article III Section .09 of the Zoning Bylaw.
- Petition for Finding pursuant to Article III, Section 3.05 of the Bylaw.
- Petition for a Variance from Article IV, Section .02, 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 Foti Qirjazi
- b. Address 14 Maple St. Topsfield, MA 01983
- c. Phone Number 978-887-3934
- d. Interest in Premises (e.g., owner, tenant, prospective purchaser, etc.) _____
(Attach copy of lease and/or letter of authorization from authorization from owner, if applicable)

DESCRIPTION OF PREMISES:

- a. Assessor's Map 41, Lot(s) 28, Zoning District B2
- b. Location of Premises (number and street) 53 Main St., Topsfield, MA 01983
- 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 26106 Page 137
 Essex South Registry District of the Land Court, Certificate Number _____
- e. Prior zoning decisions affecting the Premises (if any):
Date of Decision 8/24/2006 Name of Applicant Foti Qirjazi
Nature of Decision (see paragraph q)
- f. Present use of the Premises 1st Floor - fast food restaurant 2nd fl. unfinished
- g. Present structures conform to current Zoning Bylaw. Yes No. If no, in what respect does it not conform. Grant of variance and special permit, dated August 24 2006
side setbacks, front setback and parking spaces

PROPOSAL (attach additional sheets if necessary):

- a. General Description:
see schedule attached

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>30</u>	<u>30</u>	<u>30</u>
2. Existing setbacks	<u>7.2</u>	<u>146.6</u>	<u>44.1</u>	<u>2</u>
3. Setbacks proposed	<u>7.2</u>	<u>146.6</u>	<u>44.1</u>	<u>2</u>
	FRONTAGE	AREA		
4. Frontage and area required by bylaw	<u>100</u>	<u>20,000</u>		
5. Existing frontage (s) and area	<u>65.83</u>	<u>11,969</u>		
6. Frontage (s) and area proposed	<u>65.83</u>	<u>11,969</u>		
	FEET	STORIES		
7. Existing Height	<u>25</u>	<u>1 1/2</u>		
8. Height proposed	<u>25</u>	<u>1 1/2</u>		

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

site plan

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 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 Yes No

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

Date _____

ROTAQ QILIAZI by
Signature of Applicant

Abul. Sam

SCHEDULE

TOPSFIELD ZONING BOARD OF APPEALS

53 MAIN STREET, TOPSFIELD, MA

Proposal:

This is an application for:

- a) A modification to an earlier granted variance to the side setback dimensional requirements of Article IV, wherein this Board granted a side set back variance for a distance of 2 feet from said side setback in its Decision of August 25, 2006. This variance was never implemented to the full extent, and now the Applicant requests the same 2 foot variance measured from the proposed emergency stairwell to be constructed as shown on the attached plan.
- b) A modification to an earlier granted special permit, where in the Applicant is now requesting a change in use of a storage area located in the second floor to a residential apartment for the Applicant's parents. As the building is located in the BV district, a mixed use district, this modification should be allowed.
- c) Site Plan application as required under Article 9.03
- d) Finding under Article III, Section 3.05, relative to a change to an existing structure, to wit, a change in use of the 2nd floor of an existing Restaurant, Limited Service, from storage to a one bedroom apartment. Also the proposal will include an emergency egress stairway located on the northerly side of said structure, and the addition of two additional parking spaces to comply with the requirements of Section 4.12 (C). The Applicant states that this change will not be more detrimental than the present use.

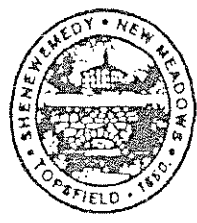
There will be no change to the existing footprint of the building and no change to the exterior, except for the above described emergency egress stairway. A copy of the architect's plan is attached.

The present building is established by the grant of a special permit and variance per the decision of this Board, August 24, 2006, as attached, which decision was amended by an Amendment to Certificate of Decision as issued by this Board on April 22, 2011, as attached.

The apartment to be constructed will initially be for the exclusive use of the applicant's parents who are presently living in Peabody. By their transfer to the proposed apartment unit, the applicant will be better able to care for their needs.

The change in use of the second floor from storage to the proposed use as an apartment was initiated as a result of the Board of Health's determination that the extant system was adequate for the proposed change in use. The correspondence from the Board of Health is attached.

78
/ 3



Town of Topsfield

TOPSFIELD, MASSACHUSETTS

Topsfield Zoning Board of Appeals

Certificate of Decision

Property Address: 53 Main Street, Topsfield, Massachusetts

The Applicant is Foti Qirjazi of 14 Maple Street, Topsfield, Massachusetts.

1. The Application

An application was filed with the Topsfield Town Clerk by Daniel J. Butler, Attorney for Foti Qirjazi for a finding pursuant to Article 3, Section 3.05 of the Topsfield Zoning By-Law and a variance from the Topsfield Zoning By-Law to permit the razing of an existing two family dwelling and the construction of a new building on the site to be used as a restaurant.

2. The Hearing

Pursuant to duly published notices, a public hearing was held on Tuesday, August 15, 2006, at 8 P.M. Present at the hearing were Robert Moriarty, Chairman; Lisa Taylor, Clerk; Scott Dow, member; Kristin Palace, member; and Anthony Penta, member.

Daniel Butler, the applicant's attorney, presented the application. The applicant, Mr. Qirjazi, also spoke on his own behalf. No one spoke in opposition to the application.

Mr. Butler and Mr. Qirjazi stated that the property is located at 53 Main Street in Topsfield, and is within the Business Village zoning district. They explained that the existing building would be torn down to make room for a new 12-seat restaurant on the site. Because more than 50% of the restaurant's business is expected to be take-out, section 4.12 of the Topsfield Zoning By-Laws requires Mr. Qirjazi to provide a minimum of 20 parking spaces. It is the need to maximize parking that drives the proposed location of the building structure on the site.

Mr. Qirjazi proposes to site the new building closer to both the front lot line and the side (northerly) lot line than the existing building. By doing so, Mr. Qirjazi can increase the number of parking spaces that can fit on this small lot to eight. The new building would be set seven feet from the front lot line, and two feet from the side (northerly) lot line. Because neither of these setbacks conforms to the requirements of the Topsfield Zoning By-Laws, and

RECEIVED OFFICE OF TOWN CLERK
Topsfield, MA 01983
Date: *Friday*, Time *8:30 a.m.*
August 25, 2006
Joan Glatz
Assistant Town Clerk

A TRUE COPY
ATTEST: *Beverly M. ...*
TOWN CLERK
TOPSFIELD, MASSACHUSETTS 01983
Sept 13, 2006

each would increase the non-conformity of the currently non-conforming pre-existing building, Mr. Qirjazi would require a variance to be permitted to site the new building at the proposed location. Additionally, locating the two parking spaces in the location proposed closest to the front lot line would also require a variance as these two spaces would be placed within the 40 foot front setback required for the Business Village zoning district.

In addition to the necessary variances, this project would also require a special permit as Article III, §3.02 of the Zoning By-Laws allow restaurants to be sited in the Business Village district pursuant only to a special permit.

Mr. Butler argued that the variance was warranted because of the small size of the lot and because the presence of another commercial building on the lot currently housing a dry cleaning establishment makes compliance with the parking requirement impossible. He further urged that a special permit was appropriate because the new restaurant would benefit the downtown area and would not be detrimental to the public.

Mr. Brian Woodland, an abutter to the site, testified that he believed the addition of the restaurant would enliven the downtown area, and that there was plenty of on-street parking available during the hours that the restaurant would be in operation. He stated that based on his experience he did not believe that the restaurant would cause undue traffic congestion and that between the eight parking spaces Mr. Qirjazi was providing and the available on-street parking, the available parking would be sufficient to handle the volume of business in the area.

3. The Findings

The Board determined that the subject property is located in the Business Village District.

The Board found, pursuant to M.G.L. c. 40A, §10, that owing to the shape and size of the lot and the placement of the structures thereon which affects this lot but does not affect generally other lots in the zoning district, a literal enforcement of the parking requirements of the Topsfield Zoning By-Law would cause substantial hardship to Mr. Qirjazi. The Board further found that relief from the front and side set-back requirements for the proposed structure and the parking spaces may be granted to Mr. Qirjazi and the subject lot without substantial detriment to the public good and without nullifying or substantially derogating the intent or purpose of the Zoning By-law.

The Board further found that the operation of a restaurant at the proposed location would not be detrimental to the public convenience or welfare, would not create undue traffic congestion or unduly impair pedestrian safety, would not overload any public water, drainage, sewer or other municipal system, and would not impair the integrity or the character of the Business Village district nor be detrimental to the health, safety or welfare.

4. The Decision

Robert Moriarty moved that the Board adopt the forgoing findings and that it grant a variance and a special permit to Mr. Qirjazi to permit the construction of the restaurant building as proposed on the site subject to the following conditions:

- The restaurant shall not open before 10 A.M. and shall close by 10 P.M. each day.
- The restaurant may operate seven days a week.
- Employees are permitted to be present on the site for the purposes of opening and closing the restaurant no more than one hour before opening time and one hour after closing time.

The motion was seconded by Scott Dow. The Board voted unanimously 5-0 to approve the motion and to grant the permit and the variance as requested by the Applicant subject to the conditions imposed by the Board.

The Board reminded the applicant that this decision does not encompass site plan approval, and that site plan review is still required for this project pursuant to Article IX of the Topsfield Zoning By-Law. No construction shall take place for this project until site plan review is complete and approval is granted. Any application for site plan review shall be made in accordance with §9.05 of the Topsfield Zoning By-Law.

5. Appeals

Appeals of the above decision shall be filed pursuant to M.G.L. 40A, § 17 within 20 days of the date of filing of this certificate with the Topsfield Town Clerk.

6. Validation

This Decision shall be recorded at the Essex Southern District Registry of Deeds and shall not be effective until such time as evidence thereof shall be submitted to the Topsfield Town Clerk and the Building Inspector.

Dated: August ²⁴ 2006

Respectfully submitted:



Robert J. Moriarty, Jr.
Chairman

OFFICE OF TOWN CLERK
8 WEST COMMON STREET
TOPSFIELD, MASSACHUSETTS 01983
TELEPHONE NUMBER: 978-887-1505

CERTIFICATE OF NO APPEAL

September 13, 2006

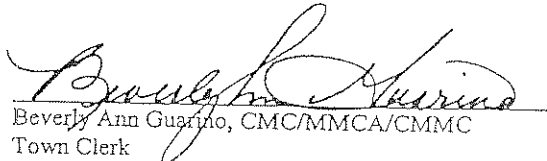
Foti Qirjazi
14 Maple Street
Topsfield, MA 01983

RE: 53 Main Street
Topsfield, Massachusetts 01983

To Whom It May Concern:

I, Beverly Ann Guarino, the duly elected Town Clerk of the Town of Topsfield, do hereby certify that the Zoning Board of Appeals has issued a finding pursuant to Article 3, Section 3.05 of the Topsfield Zoning By-Law to permit the razing of an existing two family dwelling located at 53 Main Street Topsfield, Massachusetts 01983, and to construct a new building at the site to be used as a restaurant subject to conditions as detailed in said decision. Said decision was filed with the Town Clerk on Friday, August 25, 2006 at 8:30 a.m. A certified copy of the decision is attached.

Further, I state that the required twenty (20) days have lapsed since said date and no appeal has been filed with the Town Clerk regarding said decision.


Beverly Ann Guarino, CMC/MMCA/CMMC
Town Clerk

Town Seal

c: Chairman Topsfield Zoning Board of Appeals
Chairman Topsfield Planning Board
Land Use Coordinator
Inspector of Buildings
Principal Assessor



TOWN OF TOPSFIELD

ZONING BOARD OF APPEALS

8 West Common Street, Topsfield, Massachusetts 01983

AMENDMENT TO CERTIFICATE OF DECISION

Property Address: 53 Main Street

The applicant is Foti Qirjazi.

1. Decision & Date:

The Zoning Board of Appeals approved the application for finding and variance with conditions thereof issued on August 24, 2006.

2. Request for Change to Conditions:

On March 23, 2010, the Applicant appeared before the Zoning Board of Appeals to request a minor modification to the original application and decision to increase the seating capacity for the limited service restaurant from 12 seats to 18 seats based on the January 28, 2010 Board of Health's decision to approve the reclassification of the septic system under Title V as "Restaurant - Fast Food" that allows for a per seat value of 20 gallons per day. As such, the seating capacity could be increased to a total of 18 seats.

3. Decision To Amend:

The Zoning Board voted to amend the original decision as follows: Approve minor modification to original decision to allow a maximum of 18 seats.

Motion made by Chairman Moriarty; seconded by Clerk Kristin Palace; so voted 5-0.

Dated: April 22, 2010

Respectfully submitted:

Robert J. Moriarty, Jr.
Chairman

For Z.B.A
Topsfield MA 01983

53 Main Street
February 20, 2010

Change in the Number of Seats for Alex's Roast Beef, Pizza & Seafood (from 12 to 18)

In 2006 the property located at 53 Main St had two adjoined buildings; one of these buildings contained a dry cleaning business which is still currently operating at this location and the other two story building was composed of two apartments totaling in 4 bedrooms. Both of these buildings ran on the same septic system which had an allotted 510 GPD.

Since then the building comprise of apartments has been torn down and in its place a two story building was erected. The first floor is a pizza place; the second floor was meant to be a one bedroom apartment. In the future we hope to occupy the second floor as a one bedroom apartment when all of the requirements are met.

After the reconstruction of the new building separate meters were added on each building. Originally there was no data from the past to correctly estimate the needed GPD of the Dry Cleaner business. The 70 GPD of the Dry Cleaner was the remainder from the 510 GPD - 440 GPD (4 Bedrooms). Now after two years of experience, the Dry Cleaner's usage of water flow average is 20 GPD and the Pizza Places average usage is under 200 GPD.

In accordance with the averages we suggest an allocated 40 GPD for the Dry Cleaner Business and the remaining 470 GPD be given to the new building (Pizza Place and 1 bedroom Apt). Of the remaining 470 GPD, 110 GPD is set aside for the future one bedroom apartment; this leaves 360 GPD for the Pizza Place.

Presently, the Pizza Place runs on 12 seats in accordance to its Restaurant classification. Under the new Restaurant / Fast Food classification, the remaining 360 GPD ($360 \text{ GPD} / 20 \text{ GPD} = 18$) allows for 18 seats.

With your help we hope to increase our ability to satisfy our local customers and possibly add to the economy of our town. Thank you for your consideration on this matter.

Sincerely,
Foti Qirjazi



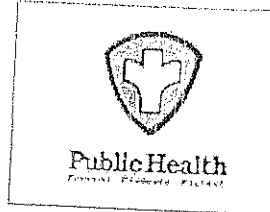


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TOWN OF TOPSFIELD

Board of Health

8 West Common Street, Topsfield, Massachusetts 01983
(978) 887-1520/Fax (978) 887-1521



February 25, 2010

Mr. Foti Qirjazi
Alex's Roast Beef, Pizza & Seafood
53 Main Street
Topsfield, MA 01983

Dear Mr. Qirjazi:

This letter is regarding a decision made by the Topsfield Board of Health at its monthly meeting on January 28, 2010.

Mr. Foti Qirjazi applied to the Board of Health to reclassify the business at 53 Main Street known as Alex's Roast Beef, Pizza & Seafood. This classification is wholly and only with regard to 310 CMR 15.203 (3) also known as Title V, the State Regulation governing on-site wastewater disposal.

Board of Health records reflect this business was originally classified under Title V as "Restaurant" mandating the septic system design flow use a per-seat value of 35 gallons per day.

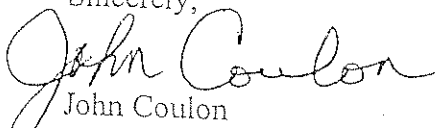
The applicant, Foti Qirjazi, presented to the Board water use records obtained through the town Water Department. The Board of Health Agent reported to the Board his observations of the operation of this establishment.

Title V allows another classification of "Restaurant - Fast Food" which allows for a per seat value of 20 gallons per day. **The Board voted unanimously to grant the applicant's request for reclassification effective immediately upon receipt of revised design plans and as-built plan under the seal of a Professional Engineer or Registered Sanitarian.**

Such revisions should reflect the new classification and per-seat values.

The applicant is reminded that the Board of Health's decision does not constitute changes in regulations of, or mandate decisions for, any other regulatory body within the town of Topsfield.

Sincerely,


John Coulon
Health Agent

01/20/2010

To: The Office of Health Department, Topsfield
Request to Change the Classification of a Business

It has come to our attention that the business Alex's Roast Beef, Pizza & Seafood has since its beginning been classified under the category "Restaurant". Under Sec. 2.03 Title 5, the current allowed design flow of a classified "Restaurant" business is 35 GPD. We are currently asking the board to reconsider the classification of this business as a "Restaurant/ Fast Food", which has a smaller allowed GPD. This change will greatly improve the establishment's daily business based off of the capacity of the existing septic system. Various factors contribute to the indication that this request may be possibly fulfilled.

The nature of our business is one which greatly incorporates quick transactions with customers. Over 65% of our business is Take Out whether it is on site placed orders or orders taken over the phone. Furthermore our business is one, which does not offer waitress or table service; our business has a seating area but the service is self-serve.

Yet another component is our extensive use of paper products, from paper plates to paper take out bags. This leads to yet another circumstance, the fact that we do not have or have any need for a dishwasher. The exclusion of a dishwasher greatly reduces our water use; the use of water is one of the largest distinctions between the two classifications.

The most important factor to consider is the design of our business's water flow. We wish to be classified as a "Restaurant/ Fast Food", which encompasses a design flow of 20 GPD per seat. Throughout two years of successful service, the business's water usage has averaged to about less than half of the GPD our septic system permits. This factor and many others have led us to the conclusion that our establishment can properly be considered a "Restaurant/Fast Food" business.

Based on the various above mentioned circumstances and the guidelines of each classification, we ask for the reconsideration of our current classification. We meet the requirements of a "Restaurant/ Fast Food" service and hope to be classified as such in the future.

Thank You,
Foti Qirjazi

RETURN TO:
Fotaq & Florentina Qirjazi
14 Maple Street
Topsfield, MA 01983

QUITCLAIM DEED

2007071000314 Bk:27008 Pg:102
07/10/2007 12:10:00 TRD Pg 1/2

We, FOTI QIRJAZI (A/K/A FOTAQ QIRJAZI) and FLORENTINA QIRJAZI, both of
Topsfield, Essex County, Massachusetts

for nominal consideration of One and 00/100 (\$1.00) Dollar paid and other good and valuable
consideration

grant to FOTAQ QIRJAZI, TRUSTEE OF THE 53 MAIN STREET REALTY TRUST, u/d/t
of even date and recorded herewith, of Topsfield, Essex County, Massachusetts

with *QUITCLAIM COVENANTS*

The land in Topsfield and as further described as follows:

Beginning at a point on the easterly side of Main Street, Forty-Six (46') feet north of the easterly
side of land now or formerly of the Estate of J. B. Poor, and thence running

WESTERLY: by the easterly side of Main Street, Seventy-two (72') Feet; thence running

NORTHERLY: by a brook (covered) bordering the land now or formerly of one Frederick
Dingle, about Two Hundred, Seventeen (217') feet, thence running

EASTERLY: by a brook bordering land now or formerly of the Town of Topsfield, about
Thirty- Two (32') feet, and thence running

SOUTHERLY: by land now or formerly of the Estate of J. B. Poor on a line bearing N. 63
degrees, 30 minutes westerly about two hundred nine (209') feet to the point
of beginning, and

For title reference, see Deed of Robert A. Wood and Elizabeth Wood as Co-Trustees of the Wood
Realty Trust, dated December 16, 2005 and recorded with the Essex South District Registry of
Deeds in Book 25220, Page 220.

EXECUTED as a Sealed Instrument this ¹⁶ 7 day of June, 2007

Witness (to both)

Foti
FOTI QIRJAZI
Florentina Qirjazi
FLORENTINA QIRJAZI

30x83

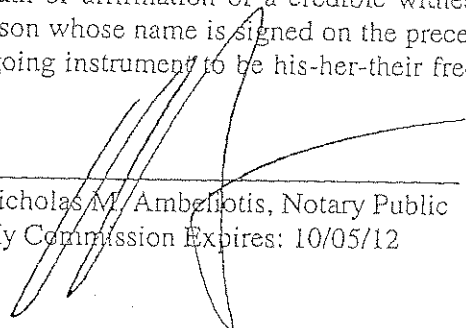
LOCUS: 53 Main Street, Topsfield, MA 01983

2007

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 7th day of June, 2007, before me, the undersigned notary public, personally appeared FOTI QIRJAZI and FLORENTINA QIRJAZI as aforesaid and proved to me through satisfactory evidence of identification, which was Photographic identification with signature issued by a federal or state government agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged the foregoing instrument to be his-her-their free act and deed, before me,



Nicholas M. Ambeliotis, Notary Public
My Commission Expires: 10/05/12



NICHOLAS M. AMBELIOTIS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
October 5, 2012



Town of Topsfield

8 West Common Street
Topsfield, MA 01983

INSPECTIONAL SERVICES
DEPARTMENT

PERMIT DENIAL

NAME: Foti Qirjazi

ADDRESS: 14 Maple Street

LOCATION: 53 Main Street

ZONING DISTRICT: BV

PERMIT REQUESTED FOR: Apartment above Restaurant (Mixed Use)

THIS DENIAL IS BASED ON THE NEED FOR AN APPROVAL FROM THE:

ZONING BOARD OF APPEALS

BOARD OF SELECTMEN

FOR A:

VARIANCE (Modification)

FINDING

SPECIAL PERMIT (Modification)


SITE PLAN REVIEW (Modification)

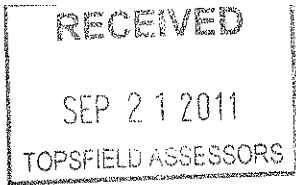
- Lot Area Lot Frontage Building Height Lot Coverage
 Front Yard Side Yard Rear Yard Parking Open Space
 Sign (size, height, location) Expansion of Non-Conforming Use
 Change in Non-Conforming Use Additional Principal Building
 Other Finding required because of non-conforming lot.

ZONING REQUIREMENT:

PROPOSED:

Date Permit Denied 10/13/11


Inspector of Buildings
Zoning Enforcement Officer



TOWN OF TOPSFIELD, MA
ZONING BOARD OF APPEALS

Application Supplement Form B

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

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

Applicant's Name, Mailing Address: Foti Qirjazi 53 MAIN ST.

% Alan L. Groner 435 Newbury St DANVERS

Telephone No. 978-777-7000

Locus: 53 MAIN ST TOPSFIELD

Map	Block	Location	Owner	(If different from location) Mailing Address
41	28	53 MAIN ST	FOTI QIRJAZI	53 MAIN ST.

SEE ATTACHED LIST

If needed, attach additional sheets.

Assessor's Certification

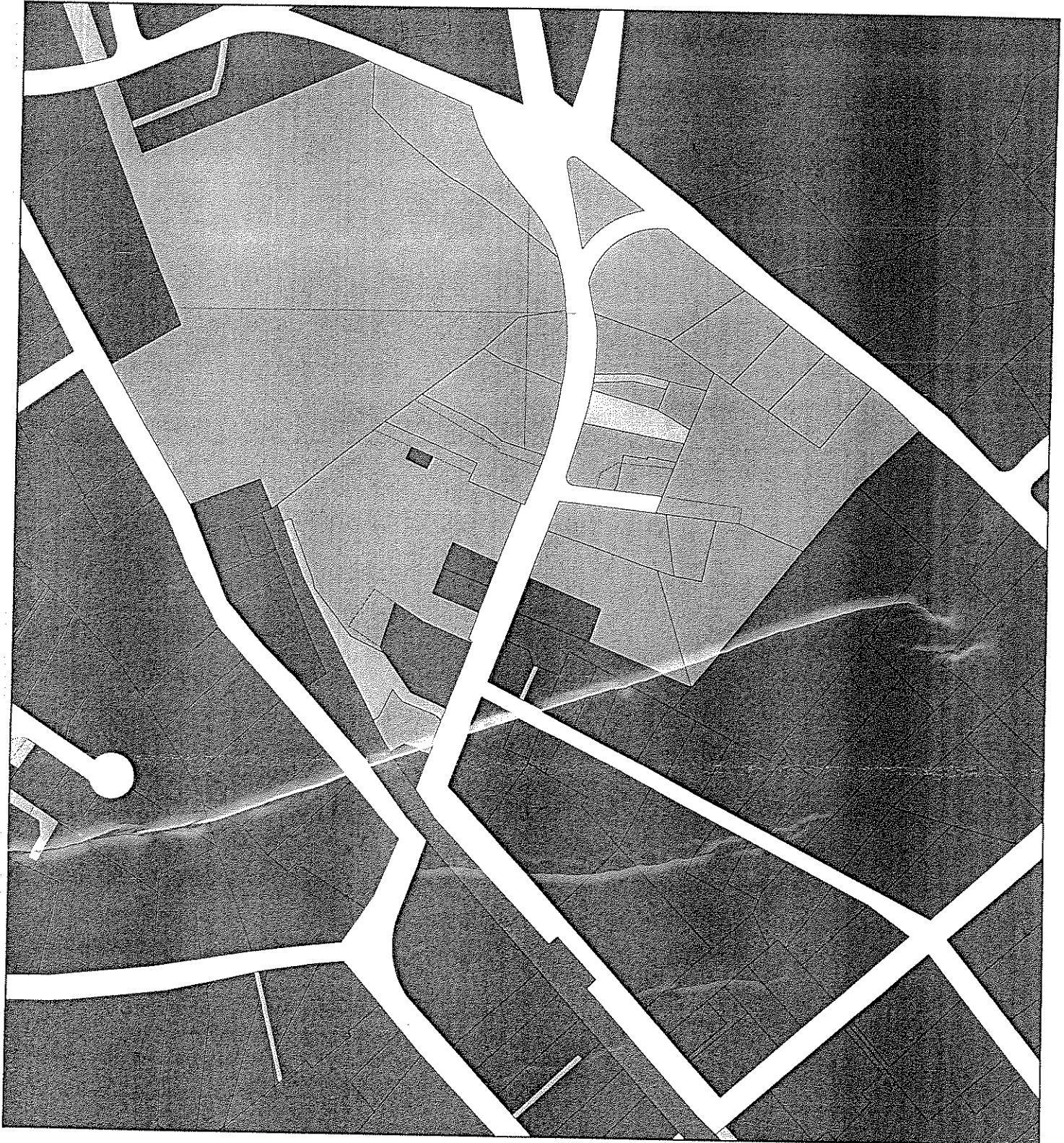
To the Topsfield Zoning Board of Appeals:

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

Authorized Signature
Assessors' Office James M. Graves

Date of Verification 9/22/11

41-28 53 MAIN STREET



H. L. GRAHAM ASSOCIATES, INC.
2 Central Street
Ipswich, MA 01938
978-356-2756

53 Main Street
Topsfield, MA

Wastewater Flow Analysis

Pre-2006

Cleaner	70 gpd
2 apartments 2 bedrooms each 4 bedrooms x 110 gpd	440 gpd
Total	----- 510 gpd

2006

Cleaner	70 gpd
Restaurant 12 seats x 35 gpd	420 gpd
Total	----- 490 gpd

2011

Cleaner (per water use records)	40 gpd
Restaurant 18 seats x 20 gpd	360 gpd
Apartment (proposed) 1 Bedroom	110 gpd
Total	----- 510 gpd

DRIVEWAY EASEMENT

CHARLES B. ROEDER and GERDA J. ROEDER of 49 Main Street, Topsfield, Massachusetts

FOR CONSIDERATION PAID including the agreement by Quirjazi and their heirs to suitably landscape the Northerly and Easterly sides of the building on the Roeder property, for receipt and sufficiency of which is hereby mutually acknowledged.

HEREBY GRANT TO: FORAQ QUIRJAZI and FLORENTINA QUIRJAZI, husband and wife as tenants by the entirety of 53 Main Street, Topsfield, Massachusetts.

AND THEIR HEIRS SUCCESSORS AND ASSIGNS WITH QUITCLAIM COVENANTS:

A permanent easement is shown as "PROPOSED EASEMENT" shown on a plan entitled "Plot Plan 53 main Street Topsfield, MA Prepared for Fotaq and Florentina Qirjazi Scale 1" = 10' October 3rd, 2011 Donohoe and Parkhurst, Inc. 363 Boston Street, Topsfield MA", as recorded herewith.

Said easement is for the purpose of passing and re-passing on foot and with motor vehicles but not for parking as appurtenant to the other land owned by Fotaq and Florentina Qirjazi adjacent thereto. This easement shall be in addition to any other previous easements granted to Fotaq and Florentina Quirjazi by Charles B. Roeder and Gerda J. Roeder

WITNESS our hands and seals this _____ day of _____, 2011.

Charles B. Roeder

Gerda J. Roeder

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

On this _____ day of _____ 2011, before me, the undersigned notary public, personally appeared Charles B. Roeder and Gerda J. Roeder, proved to me through satisfactory evidence of identification, which was/were personal knowledge _____ to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires: