

Topsfield Zoning Board of Appeals

February 24, 2009

Chairman Moriarty called the meeting to order at 8:00 PM. Board members present were Bob Moriarty, Kristin Palace, Tony Penta, Lisa Stern-Taylor and Scott Dow. Roberta Knight, Community Development Coordinator was also present as well as the applicants, their representatives and interested residents.

Visitors: Todd Slocum, Richard Kallman, Selectman Martha Morrison

104 High Street: At 8:00PM, Member Kristin Palace called to order the public hearing to consider the application of Arizona Coyote Capital LLC represented by Todd Slocum for premises located at 104 High Street requesting a finding pursuant to Article III, Section 3.05 of the Zoning By-Law relative to the construction of two-car garage addition to barn that is non-conforming relative to rear and side set back requirements. Clerk Lisa Taylor read the legal notice for the record.

Mr. Todd Slocum explained that he intended to construct the garage addition to the barn which is a non-conforming structure. Given the location of the restored house on the lot and its architectural design attaching the garage was not an option and would take away from the house's period design. The barn's framing and foundation would not allow for its conversion to a garage. His intention would be to continue its use as a workshop. No abutters were present.

Given no objections by the members, Member Lisa Taylor made the motions to approve a finding pursuant to Article III, Section 3.05 of the Zoning Bylaw that the proposed alteration to the barn will not be substantially more detrimental or objectionable to the neighborhood; seconded by Member Scott Dow; so voted 4-0.

Chairman Moriarty was not present for the hearing and arrived at approximately 8:15PM.

Minutes: Member Scott Dow made the motion to approve the minutes of November 25, 2008 as written; seconded by Member Lisa Taylor; so voted 5-0.

6 Central Street: Attorney Richard Kallman, representing the owner Won Choe, came before the Board for a preliminary discussion for a proposed change of use for the property. The property has been on the market for lease for six months and the only offer has been for a sushi bar. The proprietor's business plan would be for take-out by delivery to office parks and walk-in traffic from the downtown.

Member Kristin Palace noted that there would be a problem with this business model. There would be no way to limit the retail take-out for only walkers. Catering alone may be an option; however, there is still a problem with parking.

Member Tony Penta noted that a food service operation would require freezers, compressors, and delivery trucks. Moreover, there would be no way to control the retail portion of a catering operation. Clientele would drive to the site for take-out. Lack of parking is a major concern.

Member Lisa Taylor also noted that a “sushi bar” would not be a viable option based on the proposed business plan.

Chairman Moriarty advised that the proposed business model does not seem to be a viable option for this site based on the member’s individual comments. Moreover, the Board does not want to establish a precedent that would be very difficult to overcome in the future.

The meeting was adjourned at 8:30 PM.

Respectively submitted,

Roberta M. Knight
Community Development Coordinator