

Topsfield Zoning Board of Appeals

March 19, 2012

Chairman Moriarty called the meeting to order at 8:00 PM at the Town Library. Board members present were Robert Moriarty, Kristin Palace, Jody Clineff, David Merrill 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; Attorney Alan Grenier, Foti Qirjazi, Brent Roeder, Gerard MacDonald, Mary Bandereck, Chris Bandereck, Alicia Hart, Johannah O'Brien, Leslie Eckholdt, Thomas Manna, Beth Doherty, Attorney Brad Latham, Christopher Latham, Ben Nutter, Charles Nutter, Charles Wear, Robert Sheetz, Michael Jones, Nancy Luther.

53 Main Street: At 8:00PM, Chairman Moriarty called to order the continued public hearing to consider the application of Foti Qirjazi for premises located at 53 Main Street for a change in use of the second floor storage area to a one bedroom apartment over a first floor limited service restaurant, construction of an emergency egress for second floor within setback, and the addition of two parking spaces requesting: (1) a special permit modification pursuant to Article V, Section 5.04 and Article III, Section 3.09; (2) a finding pursuant to Article III, Section 3.05 and Article IV, Section 4.12 C of the Zoning By-Law; (3) a variance modification pursuant to Article IV, Section 4.02; (4) site plan review pursuant to Article IX of the Zoning Bylaw.

The Board reviewed the revised site plan with Attorney Grenier and Engineer Gerald MacDonald of Graham Associates Inc. of Ipswich MA. Mr. MacDonald reviewed the specific revisions and notes to the site plan dated March 6, 2012 which had been requested by the members at the February 28, 2012 meeting. The Applicant then proposed an additional revision to the plan. Mr. Qirjazi proposed that the second handicapped space be re-located opposite the Topsfield Cleaner's entrance resulting in an additional parking space along Mr. Roeder's building. This revised plan referred to as "Option B" was approved by the Board.

The Board also reviewed the Easement & Maintenance Agreement and conditioned its approval of the Agreement on the inclusion of book and page reference of property deeds, owner's names and specific plan reference. The executed Trustee Certificate must be resubmitted to Ms. Knight as well as recorded.

Chairman Moriarty made the motion to approve the "Option B" site plan subject to the recording of the revised Easement & Maintenance Agreement and Trustee Certificate as a requirement for the issuance of a building permit; seconded by Kristin Palace; so voted 5-0.

46R Main Street: At 8:15PM, Chairman Moriarty called to order the continued public hearing to consider the application of Mary Bandereck for premises located at 46R Main Street requesting site plan review pursuant to Article IX of the Zoning Bylaw for the production and retail sale of bake goods and prepared foods at said location. Thomas Mannelta, the project engineer, reviewed the specific elements of the site development plan entitled “The Topsfield Bake Shop Site Plan at 44 Main Street in Topsfield MA”, dated February 6, 2012 with the Board which included the location of parking spaces, the traffic circulation flow and signage for the site. Mr. Mannelta noted that three parking spaces were being proposed along the right side of the building, and three spaces were being proposed in the rear, two of which, would be for employee parking and the third space for deliveries and/or temporary parking. Traffic would access the site from the Main Street driveway and circulate around the building and egress from the same driveway. Parking signage would be against the building. The dumpster for both commercial buildings would be located in the rear of the Bake Shop building. The plan also proposed to construct a landscaping berm on the left side to direct traffic away from the building on the corner turn and also to protect the gas service.

Clerk Kristin Palace followed by reading for the record the letter from the Topsfield Fire Department relative to the development of an organized traffic pattern for the site and its recommendation that the unprotected gas service should have barriers installed since the service would be directly in the traffic pattern.

Chairman Moriarty noted his concern with the density in the immediate area specifically in the front of the building where vehicles would be passing to exit the site in the same area where customers would be entering and exiting the building. The Board also discussed the pedestrian traffic pattern on the site and the abutting properties, specifically, the Proctor School students. Mr. Frank Iovanella and Mr. Brent Roeder both longtime residents of the Town noted their support for the plan. Mr. Iovanella also stated that as a kid he and many others navigated the area.

Property trustee Leslie Eckholdt presented the Board members with her own version of a site plan for parking and traffic flow; however, the two other trustees informed the Board that they supported Mary Bandereck’s business plan and the site development plan as presented. Ms. Bandereck then presented the Board with a letter from Richard Thompson, trustee of the abutting property which was read for the record. Mr. Thompson stated that he had reviewed the plan dated February 6, 2012 and had no issues with the plan as drawn.

In summary, the Board requested several revisions to the plan as drawn which include the following elements:

1. Bollards installed in front of the gas service
2. Rail ties added to landscape plan
3. No parking in front of building
4. A striped walkway constructed in front of building approximately 8’ wide with planters placed within the walkway

5. Stripe parking spaces behind the Main Street building
6. Directional arrows placed on driveway pavement
7. Stripe or sign for direction of one-way traffic around the building

Clerk Kristin Palace made the motion to close the comment portion of the public hearing and continued the public hearing to April 24, 2012 at 8:00PM to review the revised plan; seconded by Member David Moniz; so voted 5-0.

5-15 Main Street: At 9:05PM, Chairman Moriarty called to order the continued public hearing to consider the application of the Institution For Savings for premises located at 5-15 Main Street for exterior alterations to the structure at 5 Main Street to (1) construct a handicap ramp and vestibule on the south side of structure; (2) install a wheel chair lift in an addition on north side of structure; (3) construct a drive through and ATM under a canopy on rear of structure; and (4) construct a front vestibule. The Applicant is requesting (1) special permits pursuant to Article V, Section 5.04; Article III, Table of Use Regulations Section 4. Retail and Service, Sub-sections 4.17, Exterior Automatic Teller Machines and 4.19 Drive-in and drive-through establishment; Section 3.08 Uses of Public Address Systems or Loudspeakers; Section 3.09c Buffer Strips in Business Village District; special permits pursuant to Article IV, Section 4.05A Buffer Strips and Section 4.12B Parking; (2) finding pursuant to Article III, Sections 3.05 Nonconforming Uses and 3.09c Buffer Strips; finding pursuant to Article 4, Section 4.02 Table of Dimensional and Density Regulations relative to Sections 4.05 Buffer Strips, 4.07C Corner Lot Dimensions and 4.12B Off Street Parking; (3) variances pursuant to Article III, Section 3.09c Buffer Strips; variances pursuant to Article IV, Sections 4.01, 4.02 Table of Dimensional and Density Regulations relative to Sections 4.05 Buffer Strips, 4.07C Corner Lot Dimensions and 4.07D Through Lot Dimensions; and (4) Site Plan Review pursuant to Article IX of the Topsfield Zoning By-law.

Chairman Moriarty read for the record the following correspondence addressed to the Zoning Board relative to this application: Planning Board letter dated March 14, 2012, Historic Commission letter dated March 15, 2012, Board of Selectmen letter dated March 19, 2012 and Latham Law Office LLC letter dated March 16, 2012.

At this time, Attorney Brad Latham addressed the Board relative to the application and comment from the various boards and departments. He noted that the Bank's objective is to work with the Town. The Bank and its representatives have met with the Historic Commission, Rail Trail Committee and Board of Selectmen.

Further, Attorney Latham noted that based on the comments and input from the various Town boards and officials, the Bank would like to propose the following changes to the submitted application:

1. Elimination of the wall and maintain the fence on Bank property;
2. Installation of a bench(s) in the open area at the corner of Main & Park Street;

3. Elimination of all circular windows and replacement with 6 x 6 double hung windows;
4. Replication of the side door detail on the foyer entrance;
5. Reduction of the cupola's size by 20%;
6. Widening of site distance at Main Street driveway access;
7. Re-design of walkway with a gradual slope.

Project Engineer Charles Wear followed with a review of a proposed revised site plan and presented the Board with a letter of response with attachments dated March 19, 2012 to Highway Superintendent's comments dated February 28, 2012. Mr. Wear noted that the site development plan proposes a fence around the property, a gradual sloped walkway, fence around the dumpster, and the position of the handicapped space and dumpster has been flipped.

Mr. Wear then addressed the Main Street access, traffic flow and signage. He stated that the traffic assessment determined that presently approximately 25% of the vehicles exit the site from the Main Street driveway. He further stated that exiting onto Main Street would be safer since the vehicles would be traveling at a slower rate and would have time and site distance to address pedestrian sidewalk traffic as well as vehicular traffic on Main Street. To address public safety issues, the revised plan proposes that

1. A 20 foot open site distance on each side of the driveway's entrance by moving the parking spaces down 5 feet towards Park Street and removing the parking space to the right of the entrance in front of 15 Main Street;
2. Signage on Main Street would include a "No Parking" sign and a "DO Not Enter" sign at the driveway's entrance;
3. Limit traffic on Park Street by making access into site "One Way";
4. Stripe traffic lanes for queuing of vehicles for drive-ups that would include one window and one tube at 5 Main Street and the ATM drive-up at 15 Main which will remain in place when People's Bank vacates ;
5. Painting of traffic arrows on pavement for traffic flow;
6. Provides an 11 foot travel lane in lot.

Clerk Kristin Palace noted her concern that there would be sufficient space for the rear parking spaces to back-out with vehicles queued in the drive-up lanes. Another issue of concern put forth by Member Moniz was the possible back-up of vehicles in line for the People's Bank ATM that would prevent vehicles from accessing the driveway to exit onto Main Street. Mr. Wear responded that there was sufficient space to back-out; at most, there would be four cars in line at any given time and further, the waiting time would be minimal at approximately three minutes.

Project Architect Charles Nutter followed with a review of the architectural plans noting specific element revisions:

1. Replication of molding on the front of the building;
2. Front foyer has been moved 16 inches farther back from the property line (now 9 feet from sidewalk);
3. Elimination of circular windows and replaced with 6 x 6 framed windows;
4. Picket fence would extend around the perimeter of property and extend in front of 15 Main Street and would be moved back 8' to 10' onto property;
5. Benches would be placed in open area at corner of Main and Park Streets;
6. Trim to match existing south elevation on all four new doors and door casing will be replicated;
7. Cupola would be reduced to 9' - 4" from roofline to top.

Selectman Morrison applauded the Bank for its coherent approach; however, Ms. Morrison suggested that the clock tower be placed on the larger building at 15 Main Street or as a separate structure as in Newburyport. A discussion followed concerning the size and location of the "cupola" on the site. Attorney Latham requested that the Board accept the 20% reduction in the context of the other concessions. Chairman Moriarty stated that he understood the significance of the cupola to the Bank. The members noted their respective acceptance of the cupola at the 20% reduction scale.

The Board then listed a number of items that would be required on the site plan and/or on the architectural drawings:

1. Detail of door casing;
2. Paint and material schedule
3. Site plan to include painted arrows, signs, front foyer set back, painted lanes
4. Address lighting relative to wall sconces
5. Elimination of lighting for flag pole
6. Planting Plan

Attorney Latham then offered to draft a preliminary decision for the Board to review. Chairman Moriarty agreed to allow Attorney Latham to do so and noted that the draft should tie in the parking lot extension plan.

Chairman Moriarty made the motion to close the public comment portion of the public hearing; seconded by Clerk Kristin Palace and approved the continuance to the April 24, 2012 meeting at 8:15PM.

488 Boston Street: Developer Alan Berry came before the Board for a preliminary discussion concerning the property located at 488 Boston Street. He informed the members that he was representing a close friend John Lucy who was considering purchasing the property. Mr. Lucy's proposal would include demolishing all the structures and cleaning the site to construct a barn to house a private classic and antique car collection. The building would be approximately 3,000 sq. ft. housing 6 or 7 vehicles for his personal use.

The members reviewed various sections of the Zoning Bylaw; but did not find any section that would allow the use as a principal structure at this location.

The meeting was adjourned at 11:48 PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator

