

Topsfield Zoning Board of Appeals
September 23, 2008

Chairman Moriarty called the meeting to order at 8:00 PM. Board members present were Bob Moriarty, 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. See attendance sheets for specific public hearings.

7 Grove Street, “Station Sweet Shoppe”: At 8:00 PM, Chairman Moriarty called to order the public hearing to consider the application of Peter Rakip for premises located at 7 Grove Street requesting a special permit pursuant to Article IV, Section 4.12B to reduce the required on-site parking spaces for the “Station Sweet Shoppe”. Clerk Lisa Taylor read the legal notice for the record. In conjunction with this application, Chairman Moriarty also called the continued public hearing to order to consider the application of Peter Rakip for premises located at 7 Grove Street requesting a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 4 Retail and Service, Sub-section 4.12 Restaurant to allow the operation of a restaurant, “Station Sweet Shoppe” within the existing premises. Chairman Moriarty stated that both applications were related to the zoning issues that impacted this particular business and would be reviewed together.

At this time, Chairman Moriarty asked the Selectmen and Brian Woodland, the developer of Topsfield Station as to whether an agreement had been reached concerning the easement, the rail trail location and its impact of on the original parking plan as approved by the Zoning Board. The response was that a final agreement has not been reached. However, according to Mr. Woodland there is mutual agreement that the easement is twenty feet in width and the rail trail would be located within said easement. Selectman Morrison stated that there is a number of engineering elements that need to be completed before the location of the rail trail is finalized. Once the location is determined within the easement, the impact on parking can be assessed.

Both Selectmen agreed that the bulk of parking toward Proctor School would be intact. The impact would be on the other end and there is also the question of parallel spaces in front of the building. Selectman Morrison further noted that the Public Safety officials were working together relative to recommendations to address safety concerns that have been raised relative to a rail trail located in front of a building. The public safety comments and recommendation would be forwarded to the engineers who are currently working on the design and the location of the rail trail within the easement. At this time, the Selectmen do not know how the rail trail will actually wind around the building. The actual trail is eight feet wide with two feet on both sides, and an additional one-foot if there is an obstacle within the trail. The paver area is seven to eight feet wide with a grass strip between its edge and the parking that produces an area of about ten feet in width. Beale Associates, the Town’s consulting engineering firm is working on options. The intent is to preserve parking and still construct the trail.

Brian Woodland informed the Board that as originally designed the site has 37 parking spaces. Based on the pre-construction build-out, the building required 32 spaces. Now, based on the post-construction actual leased square footage and common areas, the required number of spaces would be less; however, there are not enough spaces to accommodate the Sweet Shoppe's space in the building for a restaurant use. The space occupied by the Sweet Shoppe if retail would require 4 spaces that would be accommodated within the original parking plan. However, the extra spaces required as a restaurant cannot be accommodated within the total count. The five extra spaces most likely will be needed for the building to make up for potential loss of some spaces due to the location of the rail trail within the site.

Chairman Moriarty then questioned Mr. Woodland as to whether there would be an impact on the site relative to the Topsfield Village Shopping Center's septic system. Mr. Woodland responded that no part of the TVSC's septic system would be on the Topsfield Station site.

Selectman Morrison informed the Board that there is an 18-inch grading disconnect at the boundary line. Beale Associates identified this issue during the engineering design process for the rail trail. Beale has also been contracted by the Town for construction inspection oversight services relative to the installation of the new TVSC septic system. They are working to address this issue in conjunction with the design and the location of the trail on the Topsfield Station property.

Chairman Moriarty informed the Applicant Peter Rakip that there was clearly not enough information to make a decision on his applications. The Board would require recommendations from the Public Safety officials; final plans for the easement, trail and parking for the site. The Board requested that Mr. Woodland provide a detailed list of activities in the building and the number of employees. This would be needed to make a determination on the applications for the Sweet Shoppe as well as any modifications to the original parking plan that may be needed by Mr. Woodland for the Topsfield Station site.

Chairman Moriarty made the motion to approve the request for a continuance of the combined public hearing to the October 28 meeting; seconded by Member Lisa Taylor; so voted 4-0.

Amberwood Farms Development Release: Ms. Knight informed the Board that the developer had not yet received the Certificate of Compliance from the Conservation Commission due to an issue involving the plantings surrounding the detention pond. She would contact Mr. Sanidas as to whether he plans to file for a modification to his comprehensive permit.

The meeting was adjourned at 8:42 PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator