

Topsfield Zoning Board of Appeals

October 27, 2009

Chairman Moriarty called the meeting to order at 8:00 PM. Board members present were Bob Moriarty, Kristin Palace, 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.

30 Main Street Special Permit: At 8:00PM, Chairman Moriarty called to order the public hearing to consider the application of Glendale Partners Inc. represented by Peter Rakip for premises located at 30 Main 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 4.12D Restaurant, Snack & Non-Alcoholic Beverages to allow the operation of a restaurant within the existing premises.

Peter Rakip reviewed his business plan with the Board. The unit to be leased within the Village Shopping Center is located next to Curves and is approximately 600 sq. feet in size.

- The menu includes but is not limited to: ice cream, ice cream products, steamed hot dogs, sandwiches, soups served in crock pots, soda, coffee, tea, candies, baked goods, chips, popcorn. There would be no cooking or baking within the premises.
- The plan would also include balloons and party goods as accessory sale items.
- Mr. Rakip requested the ability to change and enlarge the menu with approval of Board of Health and Code Enforcement Officer.
- Hours of operation: 11:00 AM to 9:00 PM, Monday thru Sunday.
- Number of employees not to exceed two per shift.
- Seating for approximately 10 patrons (7or 8 inside stools, and outside table in corner).

Chairman Moriarty noted that the business plan seemed reasonable for the restaurant category. However, for the Board to issue a special permit when dealing with a change in existing use, a parking plan is required. When asked by the Chair, Mr. Rakip acknowledged that the rental agreement did not provide designated parking spots in the Village Shopping Center parking area. Chairman Moriarty noted that a parking plan is a requirement for a restaurant special permit, and reminded Mr. Rakip that he had provided a plan with his previous application for the business located at Topsfield Station.

The Zoning Board approved the request to continue the public hearing to the November 24, 2009 meeting.

Topsfield Station Status Update: At this time, Brian Woodland, owner of Topsfield Station came before the Board to discuss the current status of the parking lot and access area which are located in the Village Shopping Center's parking lot over the septic system and leaching field. Designated access is controlled by an easement agreement which is in full force according to Mr. Woodland.

Mr. Woodland noted that the electrical transformers for the operation of the system have been installed and the septic system has been tested and is working. The current pressing issue is that the grades established by the original approved site plan for Topsfield Station and those in the approved septic plan do not match due to extensive field changes that occurred during the installation of the system.

Selectmen Morrison informed the Board that the Board of Health is requiring that the system be covered, and pavement is a requirement for parking and access over this area. However, the paving needs to be at specific grades with the proper amount of base in order that the system is not damaged.

Upon conclusion of the discussion, Chairman Moriarty informed Mr. Woodland that the Board would require a filing for a modification of the site plan and parking plan. These plans must be provided and also informed Mr. Woodland that if he proceeded with any grading or paving in the absence of these plans, it would be at risk.

Mr. Woodland noted that it was his intention to get the plans completed for Board of Health and Zoning Board approvals as soon as possible so that a base paving coat could be installed before the asphalt plants closed for the winter. However, he did not believe that this could be accomplished by the November meeting. It was the consensus of the Board that Mr. Woodland report back to the Board as to the status of the project at the next meeting.

The meeting was adjourned at 9:45 PM.

Respectively submitted,

Roberta M. Knight
Community Development Coordinator