

Topsfield Zoning Board of Appeals

November 25, 2008

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. See attendance sheets for specific public hearings.

53 Main Street: At 8:00PM, Chairman Moriarty called to order the continued public hearing to consider the application of Foti Qirjazi, Trustee of the 53 Main Street Realty Trust, for premises located at 53 Main Street requesting (1.) a finding pursuant to Article III, Section 3.05 of the Zoning By-Law to permit the alteration of a non-conforming building for construction of a second floor apartment over restaurant with side entry, and access to roof; and (2.) a special permit pursuant to Article IV, Section 4.12B to reduce the required on-site parking requirement.

Attorney Daniel Butler representing Mr. Qirjazi made a brief presentation to the Board summarizing the proposed project to add a second floor apartment with outside access and accompanying parking plan; all of which had been discussed at length during the October 28th initial hearing. Individual members noted their respective concerns and objections relative to the proposed project. It was the consensus of the Board that the proposal was unreasonable based on the following:

- Inadequate parking
- Increase in intensity of use
- Side spiral staircase impact on street scape
- Staircase and deck over hanging on lot line

Moreover, Chairman Moriarty noted that the Board had granted waivers for the original proposal that was adjudicated by the Board in 2006. At that time, Mr. Qirjazi had assured the Board that there would be only storage and a private office for the restaurant on the second floor.

At this time, Attorney Butler requested that the Board approve a withdrawal of the application without prejudice. Chairman Moriarty made the motion to approve said withdrawal without prejudice; seconded by Member Lisa Taylor; so voted 5-0.

Minutes: Member Scott Dow made the motion to approve the minutes of October 28, 2008 as written: seconded by Member Kristin Palace; so voted 5-0.

4 North Common Street: At 9:00PM, Chairman Moriarty called to order the public hearing to consider the application of Frank Martino for premises, known as “The

Commons 1854 Inc.”, located at 4 North Common Street requesting a finding pursuant to Article III, Section 3.05 of the Zoning By-Law relative to (1.) the replacement of one first floor window on Main Street side and Howlett Street side of premises with French Doors on both sides; and (2.) the installation of an outside walk-in cooler refrigeration unit on rear patio.

(1.) Side Doors: Frank Martino noted that he had been before the Historical Commission with his plans for the exterior alteration of the building. The Historical Commission gave approval for single doors on each side noting that the single doors matched the architecture of the building rather than the French doors. He also noted that the reason for doors on each side was symmetry for the inside room. Both doors would replace existing windows. The Main Street side entrance would allow guests to enter the lawn area without having to exit through the front door to enter the side lawn area. The Howlett Street exit was a cause of concern relative to public safety with limited site distance at the corner and its proximity to Howlett Street. After a lengthy discussion, it was the consensus of the Board to allow the exit only as a handicapped and emergency exit.

Member Kristin Palace made the motion to approve a finding of no substantial detriment to the neighborhood for the installation of two side doors with the following conditions:

- The type of doors to be historically accurate as determined by the Historical Commission.
- Howlett Street Door designated for handicapped access and emergency exit only with appropriate signage; panic bar to be installed.
- Main Street Door to be used as entrance and exit to side lawn area.
- No fencing on Howlett Street side.

Seconded by Member Scott Dow; so voted 5-0.

(2.) Refrigeration Unit: Mr. Martino noted that the purpose of the walk-in refrigeration unit was to eliminate the use of refrigeration trucks parked for extended periods of time on the Howlett Street side. This was an issue noted by the neighboring residents during the conference and event facility permitting process. There is no room in the kitchen area to install the unit within the building. With the installation of the unit, there would only be short term use of trucks for loading and unloading. The trucks once unloaded would be parked in the reserved parking area away from the building.

Member Kristin Palace made the motion to approve a finding of no substantial detriment to the neighborhood for the installation of the walk-out refrigeration unit as proposed subject to the following conditions:

- Elimination of two windows located on Howlett Street rear side to be replaced with clapboards and painted to match building

- Approval of walk-in refrigeration unit (10'x12'x7'6") as per attachment to application
- Outside exterior of bump-out for refrigeration unit located on Howlett Street rear side to be finished with clapboards and painted to match building; rubber roof for bump-out with no structures allowed above said roof
- Compressor unit to be located two feet above ground to the left of the bump-out as viewed from Howlett Street along the side of the existing building within in a few feet of the refrigeration unit between said unit and new side door; stainless steel roof to be painted white

Seconded by Chairman Bob Moriarty; so voted 5-0.

The meeting was adjourned at 10:09 PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator