



TOWN OF TOPSFIELD

ZONING BOARD OF APPEALS

8 West Common Street, Topsfield, Massachusetts 01983

Certificate of Decision
Special Permit pursuant to Article III, Section 3.02
of the Topsfield Zoning By-Law

Property Address: 239 Boston Street, Suite 202, Topsfield, Massachusetts

Applicant: Joseph Dolansky, d/b/a Shohola Kitchens

1. The Application

An application was filed on March 19, 2024 with the Topsfield Town Clerk by Joseph Dolansky, d/b/a Shohola Kitchens for premises at 239 Boston Street, Suite 202 for a Special Permit pursuant to Article III, Section 3.02, Use 5.02 Construction Industry and Supplies in Business Highway District, to open a business for the design and sale of kitchen cabinets.

2. The Hearing

Notice was published in the Salem News on April 8th and 15th, 2024, mailed postage prepaid to all interested parties, including all abutters on the List of Abutters certified by the Assessor's Office and posted in a conspicuous place in the Town Hall for a period of not less than fourteen days before the day of such hearing. Pursuant to the notices, a public hearing was opened and closed on April 23, 2024 via ZOOM, due to Chapter 2 of the Acts of 2023, as stated at the beginning of the meeting.

Present at the hearing from the Zoning Board of Appeals was Robert Moriarty, Chairman; David Merrill, Clerk; Jody Clineff, Member; and David Moniz, Member. Member Gregor Smith and Alternate Kristin Palace were not present. Senior Administrative Assistant Lynne Bermudez read the Legal Notice to open the Public Hearing for a Special Permit pursuant to Article III, Section 3.02 of the Zoning Bylaw.

Chairman Moriarty welcomed Joe Dolansky, owner of Shohola Kitchens, and asked him to discuss what he proposed for his business and discuss his past experience. Mr. Dolansky stated that he has been in the kitchen design business for 25 years and has run his own kitchen business in N. Reading for 12 years. He reviewed how his showroom would be configured for selling cabinetry and where he would work on designs for clients.

There would be no manufacturing. Cabinets would be ordered for clients and shipped either directly to the home being constructed or to the business at 239 Boston St. to be stored, in their original boxes, for a few weeks until the construction site was ready for installation of the cabinets.

In response to Board questions Mr. Dolansky provided the following additional information: The showroom is on the southern end of the Petco building and the loading dock is on the side/rear (southern) of the building. There is sufficient space so that a truck unloading boxes would not block traffic entering or leaving the parking lot. It would be very rare for the shop to need to open one of the boxes, but if they did they would break down the box and put it into the building's exterior dumpster. The only employees are Mr. Dolansky's wife, his son and himself. He estimates there would be a maximum of five people in the showroom at any one time (a client couple, their architect and one to two Shohola Kitchen employees). Mr. Dolansky estimates 3-4 cars would be parked in the parking lot for those people. While there are no designated spaces there is plenty of parking available in the Petco parking lot. Mr. Dolansky does not know if they will add signage for the business, but if they did it would be to list their business on Petco's existing main sign. Clients come into the showroom with scheduled appointments. Hours of operation will primarily be 8 am – 6 pm with the occasional need for 7 am – 8 pm as some clients can only come in before or after work. This does not happen frequently due to more people working from home post covid.

As there were no comments from the public and no further questions from Board members, Chairman Moriarty closed the hearing.

3. The Findings

The Board, pursuant to M.G.L. c. 40A, §10, and after considering the objectives of Article III Section 3.02 of the Topsfield Zoning By-Law, made the following finding. Provided that the business is operated substantially in accordance with the proposal outlined by the Applicant, as set forth above in Section 2, approval of the request by Shohola Kitchens

- Would not be more detrimental or objectionable the neighborhood;
- Would not create undue traffic congestion or impair pedestrian safety;
- Would not overload any public water, drainage, sewer or other municipal system;
- Would not impair the integrity or character of the Business Highway District within which the lot is located; and
- Would not be detrimental to health, safety or welfare of the general public.

4. The Decision

Clerk David Merrill made a motion to approve the request for a Special Permit for 239 Boston St. Suite 202 for a business designing and selling kitchen cabinets with the operation of the business conducted as presented and discussed. The motion was seconded by Jody Clineff and the motion carried unanimously 4-0 as follows:

Moriarty, Chairman	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Merrill, Clerk	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Clineff, Member	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Moniz, Member	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Absent/Abstain
Smith, Member	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Absent/Abstain

The rights granted shall lapse one (1) year from the date of issuance (excluding the period of any appeal of such finding) if a substantial exercise of the rights permitted by the Special Permit have not sooner commenced.

5. Appeals

Appeals of the above decision shall be filed pursuant to M.G.L. 40A, § 17 within 20 days of the date of filing of this certificate with the Topsfield Town Clerk.

6. Validation

This Decision shall be recorded at the Essex Southern District Registry of Deeds and shall not be effective until such time as evidence thereof shall be submitted to the Topsfield Town Clerk and Building Inspector.

Dated: April 29, 2024

Respectfully submitted:



Robert J. Moriarty, Jr.
Chairman