

Topsfield Zoning Board of Appeals

March 16, 2015

Chairman Moriarty called the meeting to order at 8:00 PM at the Town Library. Board members present were Robert Moriarty, Jody Clineff, David Moniz and Gregor Smith. 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 Richard Gandt, Martha Morrison; Mary Bandereck, Christopher Bandereck, Nancy Luther, Heidi Fox.

38 Main Street: At 8:00PM, Chairman Moriarty called to order the public hearing PM to consider the application of Topsfield Bakeshop by Mary and Christopher Bandereck for premises located at 38 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.

The Board reviewed the application, business plan, and the previously approved site development plan submitted by the Applicant for the premises at 46R Main Street. Christopher and Mary Bandereck submitted to the Board an updated floor plan for the extension of the Topsfield Bakeshop into Unit #2 at 38 Main Street in addition to the operation located at 46R where the bakeshop is currently located. The 38 Main Street unit would house a retail operation for the sale of baked goods, specialty food items, coffee and non-alcoholic beverages. There would be seating for ten at five tables. The retail space would include wet and dry showcases and coffee equipment. The facility would not contain a kitchen but would have an oven for fresh baked items and sink area to wash hands. The production/commissary space to prepare food for the retail space would remain at the current facility located at 46R Main Street which is the back building on the commercial lot. The hosting space for the bridal cake tastings and client meetings for event ordering will be located either in the front area of 46R Main Street or the back area of 38 Main Street with clients entering from the back of the building using the shared spaces for the front building and customer spaces for the rear building.

The Board then reviewed the previously approved site plan relative to parking spaces for the operation and found that there was sufficient parking for the retail operation and noted that the space has been used as a retail space in the past.

Brian Woodland, owner of the property, was present and informed the Board that he supported the retail operation for a “coffee shop” in the front building.

The Board made the appropriate findings relative to the required zoning relief. Member Jody Clineff made the motion to grant 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; seconded by Member David Moniz; so voted 4-0.

Review of Warrant Article Amendments: At this time, Planning Board Chairman Martha Morrison referred to the Handout entitled “2015 Warrant Articles” dated March 16, 2015.

- Non-conforming Uses: Language as drafted and approved at the February 3, 2015 joint meeting.
- Off-Street Parking: Reviewed at the joint meeting with no revisions to language.

Ms. Morrison then informed the Zoning Board that pursuant to Chapter 40A, Section 5, there have been two zoning revisions requested by owners of property that have standing under the zoning statute. Letters of said requests were presented to the Zoning Board.

The first requested zoning amendment is to allow the use of a commercial kennel in Business Highway North District. This article is a zoning proposal requested by Stephen E. Knowles, Trustee of 374 Boston Road Realty Trust, a party who owns land that would be affected by the proposal, and would revise the Table of Use Regulations to allow the use of Commercial Kennels by special permit in the Business District Highway North. The Topsfield Zoning By-law at this time does not allow the use of Commercial Kennels in this district.

A lengthy discussion followed concerning the merits of the zoning request. Chairman Morrison noted that the district is comprised of 8 properties and when the Planning Board created the district there was input from the residential abutters regarding the uses for this district. The Planning Board proposed uses that were compatible with the abutting residential neighborhoods. It was the consensus of the Zoning Board members that they were not in favor of this zoning change.

The second request is to allow parking in residential districts during the period of the annual Essex Agricultural Fair. Chairman Morrison noted that this article arose from a zoning proposal requested by Richardson Green Inc., a party who owns land that would be affected by the proposal. The Essex Agricultural Society is interested in acquiring the Richardson property in order to provide additional parking only for the period of the annual Essex Agricultural Fair. This proposal would modify the existing bylaw relative to residential districts to allow for parking on that property during the Fair. This amendment does not negate the conditions of the Essex Agricultural Fair’s special permit. The Planning Board has added the phrase “with the approval of the Chief of Police.” The second section is a Planning Board zoning proposal which would revise the existing bylaw relative to commercial districts and would apply to the parking of automobiles for which a direct or indirect charge is made in all commercial districts for the period of the Essex Agricultural Fair. This amendment would make the two bylaws consistent with each other.

Moreover, the Essex Agricultural Society intends to keep the agricultural component of the 23 acres which will keep the open space preservation of the land from future development. In the future, the Society would like to develop an educational facility on

the property. They would only use the area where land use regulations would allow parking and only for the period of the Fair.

It was the consensus of the Zoning Board members that they would endorse this zoning amendment.

The meeting was adjourned at 9:15 PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator