

Topsfield Zoning Board of Appeals

June 23, 2015

Chairman Moriarty called the meeting to order at 8:05 PM at the Town Library. Board members present were Robert Moriarty, Jody Clineff, David Merrill, 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: Richard Cullinan, Paul Richardson, Peter Richardson, Chris Richardson, Joy Nowak, Paul Nowak, Joe Geller, Chief Evan Haglund, Paula Burke, Dick Gandt, Reggie Lockwood, James O'Brien, Attorney Nancy McCann, Greg Hochmuth, Charles Denault.

239 Boston Street: At 8:05PM, Chairman Moriarty called to order the public hearing to consider the application of Wolfgang Herbel for premises located at 239 Boston Street requesting a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 5 Trades, Wholesale, Transportation and Industrial, Sub-section 5.01 Manufacturing of the Topsfield Zoning Bylaws for a coffee roastery on said premises.

Mr. Wolfgang Herbel, the applicant, presented his business plan to the Board and responded to members' questions. Mr. Herbel explained to the Board that he planned to establish a wholesale roastery which would be a small batch operation roasting no more than 100lbs. per week with batches of 20-30lbs at a time and that the number of batches would also depend on the number of orders at any given time. The coffee product would be shipped to clients. The roast would take no more than 20 minutes depending on flavor. He would use an electrostatic filter that would filter 98% of the fumes from the roaster, and has received Board of Health approval for the operation. He would be leasing 1,000 square feet of space and would only have approximately one to two truck deliveries of coffee beans per every two months.

The Board made the appropriate findings relative to the required zoning relief. Member David Moniz made the motion to grant a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 5 Trades, Wholesale, Transportation and Industrial, Sub-section 5.01 Manufacturing of the Topsfield Zoning Bylaws; seconded by Member Jody Clineff; so voted 5-0.

97 & 111 Boston Street: At 8:20PM, Chairman Moriarty called to order the public hearing to consider the application of the Essex Agricultural Society for premises located at 97 and 111 Boston Street requesting (1) a special permit pursuant to Article V, Section 5.04 and Article III, Section 3.13 Parking of Automobiles, as amended at the May 5, 2015 Annual Town Meeting, to allow the parking of more than 20 automobiles at said location during the period of the Essex Agricultural Fair; and (2) site plan review pursuant to Article IX of the Topsfield Zoning Bylaws.

Attorney Nancy McCann, representative of both the Applicant and Richardson Green Inc., the owner of the property, made a presentation to the Board. Attorney McCann stated that it was the intent of both the Applicant and Richardson Green, Inc. to continue the agricultural use of the property. The Essex Agricultural Society and the owner have executed a purchase and sales agreement. Moreover, it is the mission of the Essex Agricultural Society to promote agriculture. It is the intent of the Society to continue the agricultural operation by haying the fields and maintaining the roadway. The intent is to keep the current site scape. However, the Society will need to create revenue to purchase and maintain the property along Route 1 and as such has filed this request for a special permit to allow parking during the 10 day period of the Fair.

The zoning amendment to Section 3.13 of the Zoning By-laws approved at the May 5, 2015 Annual Town Meeting would allow parking in residential areas for a fee during the 10 day period of the Fair. The Society plans to park automobiles on the existing field, improve the curb cut and improve the farm roadway.

Project Engineer Greg Hochmuth from Williams & Sparages, Inc., followed with a review of the site plan showing the improvements to the property:

1. The existing curb cut extends from 15 to 20 feet wide. The intent with preliminary discussions with DOT would be to file a permit to expand to DOT general standard. There would be a police detail at entrance; no turn around would be allowed; no permanent lights. Doubling of opening with pavement at a minimum of 30 feet off existing pavement.
2. Notice of Intent has been filed with the Conservation Commission although exempt under the Wetlands Bylaw. The road is 35 to 40 feet from the wetland edge. The intent is to improve the roadway to compact the surface with gravel to make a connection to drive around the field and not across.
3. The nine (9) acre field would be maintained and farmed as a hay field.
4. A secondary emergency access would be terraced with a dense stone base.
5. Installation of an infiltration trench along frontage which would stop some water, but would not dry the wetland. Approximately one third of the field drains to the wetland.

Attorney McCann noted that the lot would be used as back-up parking and would be cordoned off and assessed for use on a daily basis based on the conditions of the field. The parking would be at the southern end of the property and would draw-off backed-up traffic from Route 1. Traffic would be directed onto the roadway, and payment would be made at a kiosk sited farther down on the roadway. Shuttle buses would be parked on roadway parallel to Route 1. Five buses would be added to the fleet to service this area.

Attorney McCann noted the following in her review of the operations plan:

1. Relief valve lot for approximately 800 automobiles during Fair hours from 9AM to 11PM.
2. Coordination of operation with Police Chief-----Lot opened based on traffic and evaluation by the Police Chief.
3. No overnight parking will be allowed. Stray cars would be towed after closure.
4. Installation of temporary lighting.
5. Keep thick vegetation buffer along Route 1.
6. Trash would be cleaned daily.
7. All automobiles would exit south onto Route 1.

The discussion continued with a review of the other satellite operations at Masco (300 cars) and North Shore (2,500 cars).

Chairman Moriarty questioned if the use of property for parking would be limited to the week-ends, and this was followed by a question as to possible walkers on Route 1.

Mr. O'Brien responded that he would like to keep the option open for use on a good day during the week. This decision would be made in consult with the Police Chief.

Chief Haglund responded that he saw no major issue relative to walkers. Walking would not be allowed on Route 1 from the lot. There will be a police detail with a minimum of three (3) officers at the site. The use of the lot on any given day would depend on the weather and traffic. He envisioned that it would only be opened on week-ends.

Mr. O'Brien further responded to the issue of lighting. All lighting will be temporary and lights would be installed at the crest of the hill, exit and access points and in other areas within the field.

At this time, Martha Morrison, Chairman of the Planning Board, noted her support of the Society's effort to continue the agricultural component for the property. However, Ms. Morrison noted that Stormwater Coordinator David Bond raised the issue of stormwater management based on his review of the site plan.

Attorney McCann responded that the site comes under the waiver for normal maintenance for agricultural use under the Stormwater Bylaw.

Ms. Morrison then asked if the water will now flow down the paved widened driveway.

The Project Engineer, Greg Hochmuth responded that the maintenance project would not be increasing the water flow. Once the wall is cut, the water would flow into a basin along the perimeter and then to another basin farther down the property. Pavement versus the current packed soil is negligible. The highpoint on the roadway will keep most of the water flow directed to the wetland area. Due to the water table, water moves over

the surface to the wetland. An infiltration trench along the perimeter will also direct water to the wetland. The highpoint in the roadway is the best alternative to decrease water flow onto Route 1. This proposal of work falls under the exemptions of the state Wetlands Act. In meetings with the DOT, the engineers were not concerned with the water flow onto Route 1.

The Board made the appropriate findings relative to the required zoning relief. Member David Moniz made the motion to grant a special permit pursuant to Article V, Section 5.04 and Article III, Section 3.13 Parking of Automobiles, as amended at the May 5, 2015 Annual Town Meeting, to allow the parking of more than 20 automobiles at said location during the period of the Essex Agricultural Fair; and approve the site plan pursuant to Article IX of the Topsfield Zoning Bylaws with conditions placed on the operations plan as listed below:

1. Conditioned on approval by the Attorney General's office of the zoning amendment Article 42 of the May 5, 2015 Annual Town Meeting.
2. Determination to open lot is under the authority of the Topsfield Police Chief
3. Packed gravel farm roadway to be maintained and to be clear of obstructions at all times per Topsfield Fire Chief
4. Appropriate staff at entrance and on field when used for parking; level of staff to be determined by Topsfield Police Chief
5. No pedestrian traffic to and from the Fairgrounds along Route 1
6. Lights to be shut off within 30 minutes after closing
7. Conditioned on obtaining a DOT curb cut
8. Conditioned on obtaining an Order of Conditions under the local bylaw from the Conservation Commission
9. Best effort to repurpose stones from stone wall.
10. Daily trash removal from grounds

Seconded by Member Gregor Smith; so voted 5-0.

The meeting was adjourned at 9:10 PM

Respectively submitted,

Roberta M. Knight, Community Development Coordinator