

Minutes
Topsfield Zoning Board of Appeals
Town Hall
Board of Selectmen Meeting Room
March 26, 2019

Chairman Bob Moriarty called the meeting to order at 8:03PM. Board members present included Chairman Moriarty, Dave Moniz (arrived 8:20), Gregor Smith and Jody Clineff. David Merrill was absent. Donna Rich, Community Development Coordinator, was also present.

Visitors: Michael Goolkasian, Mark & Tucker Mscisz, Nancy McCann, McCann & McCann, P.C., Michael Laham, The Morin-Cameron Group, Inc., Sid Silveira, DMS design, LLC.

Minutes

Gregor Smith made a motion to approve the minutes of February 26, 2019, as amended, seconded by Jody Clineff; so voted: 3-0.

Public Hearing:

374 Boston Street #10–Michael Goolkasian – Owner Michael Goolkasian described his business plan which included the hours of operation to be 10am to 6pm, parking would have the capacity for 22 vehicles and the store would be selling, but not limited to, vitamins, energy drinks vegan snacks, protein powder, some pre-packaged foods and no foods would be made on the premise. In addition, the Board discussed with Mr. Goolkasian about signage and lighting, both of which would be minimal to the front of the store.

Hearing no further comments from members or the audience, Gregor Smith made a motion to close the Public Hearing, seconded by Dave Moniz; so voted: 4-0.

Gregor Smith made a motion to approve the Special Permit for the proposed natural vitamin/food retail establishment, seconded by Dave Moniz; so voted: 4-0.

Public Hearing:

9-11 South Main Street -9-11 South Main Street LLC- Member Gregor Smith read the Legal Notice to open the Public Hearing. Mark Mscisz presented the request of a Finding pursuant to Article III, section 3.05, Site Plan Review, pursuant to Article IX, both of the Zoning Bylaw which would slightly change the project that was approved in December 2018. Mr. Mscisz explained that they are requesting a change on the second level from the previously approved two office spaces to now become two 468 square foot living/apartment spaces. Mr. Mscisz explained that they had obtained approvals from the Historical Commission, with no demolition delay required, and Board of Health with the change from commercial to residential. Michael Laham, The Morin-Cameron Group, Inc. explained the calculations for parking had no change from the previous approved location of the 16 parking spaces. The Board clarified that the living space would be rentals and that there would be appropriate number of egress.

Hearing no further comments from members or from the audience, Gregor Smith made a motion to close the Public Hearing, seconded by Dave Moniz; so voted: 4-0.

Gregor Smith made a motion to approve the conversion from commercial to residential space on the second level, seconded by Dave Moniz; so voted: 4-0.

Jody Clineff made a motion to approve the Site Plan at 9-11 South Main Street as presented, seconded by Gregor Smith; so voted: 4-0.

Potential Warrant Articles for the 2019 Annual Town Meeting - Community
Development Coordinator Donna Rich reviewed the proposed Zoning Bylaw changes and the Citizen's Petition.

At 9:08pm Member Bob Moriarty made a motion to adjourn, seconded by Member Gregor Smith; so voted: 4-0.

Respectfully submitted,

Donna C. Rich
Community Development Coordinator

Per the Open Meeting Law, the documents that were either distributed to the Zoning Board of Appeals before the meeting in a packet, or at the meeting were:

1. Agenda
2. Draft meeting minutes of February 26, 2019
3. Application for 9-11 South Main Street
4. Application for 374 Boston Street #10
5. Language for the Zoning Bylaw Warrant Articles
6. KP Law Defendants Motion for Summary Judgment and other related court documents for 3 Kinsman Lane

Approved as written at the May 28, 2019 Zoning Board of Appeals meeting.

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Committee constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Committee as to the completeness or accuracy of such statements