

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

Chairman Bob Moriarty called the meeting to order at 8:21PM. Board members present included Chairman Moriarty, David Merrill, Gregor Smith, Jody Clineff and Kristin Palace. Dave Moniz was absent. Donna Rich, Community Development Coordinator, was also present.

Visitors: Ken & Alex Evans, Mike Kippenberger, Fred Capobianco, Rob & Laurene Skeffington, Stephanie Andrews, Andrea McCarthy, Julian, Mary & Chris Bandereck, Melissa Tzanoudakas, Nancy & Holger Luther.

Announcement of Recordings:

“A recording device is being used by the Recording Clerk for record-keeping”.

Public Hearing:

426B Boston Street-Mary & Chris Bandereck – Clerk David Merrill read the Legal Notice to open the Hearing. Chairman Moriarty recognized Bake Shop owner, Chris Bandereck, who explained that their intent was to move the Bake Shop production and minimal retail to 426B Boston Street from 46R Main Street. Hours of operation for production were requested to be Sunday - Saturday 6am-10pm, depending on business demands. Deliveries would be received Thursday and Friday between the hours of 9am-5pm, utilizing the rear loading area. Retail was explained to be limited to coffee and pastry items and less than 20 seats. A proposed floor plan was distributed to the members.

Chairman Moriarty asked if there were anyone in the audience that wished to speak. Rob Skeffington, North Street, wanted to ensure that the business park Special Permit hours of operation were being adhered to, 7am-7pm, and in addition that the noise level would be minimal in the back-loading area, which can be heard from his property. Chris Bandereck repeated that deliveries would occur between the hours of 9am-5pm, Thursday and Friday. He noted that there is only one shift of workers. Mike Kippenberger stated his concerns regarding the hours of trash collection. Laurene Skeffington raised her concerns about noise and requested a business plan be submitted. Chairman Moriarty noted that a business plan would not be necessary because the Board is familiar with the Bake Shop business model as they have been before the Board on at least two other occasions and have been in business in Topsfield for over 15 years. Laurene Skeffington stated her concerns regarding rodents due to the nature of the business, Chris Bandereck noted that a pest control program would be in place, as it is on Main Street. Hearing no further comments, Jody Clineff made a motion to close the hearing, seconded by Gregor Smith; so voted: 5-0.

Jody Clineff made a motion to grant a Special Permit pursuant to Article III, Section 4.12D, Restaurant, Snack & Non-Alcoholic Beverage, 4.12E, Retail Specialty Foods and 4.34, Catering subject to the following Conditions: Hours of Retail Operation will be 8am-6pm, with access through Boston Street, Hours of Production Operation will be

6am-10pm, conducted with minimal noise that may emanate from the back toward the abutting residential neighborhood, Deliveries will be allowed between the hours of 6:30am-8pm through the rear loading area, seconded by Dave Merrill; so voted: 5-0.

Public Hearing:

Adoption of Comprehensive Permit Regulations - Clerk David Merrill read the Legal Notice to open the Hearing. Chairman Moriarty explained that the Town has no local Regulations for a 40B submission. The Interim Town Administrator had engaged KP Law to review a suggested version of Comprehensive Permit Rules. That draft was reviewed by the Board. Comments from Holger Luther were received relative to CMR 760 CMR 56:00. Kristin Palace presented a list of comments. Chairman Moriarty suggested that each member review the draft Rules, submit comments to Donna Rich who will compile them and forward to the Chairman. Chairman Moriarty stated he would then have a conversation with KP Law to review the Boards comments as a whole. Gregor Smith made a motion to continue the Public Hearing until December 17, 2019 at 8pm, seconded by Dave Merrill; so voted: 5-0.

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Dave Merrill made a motion to approve the minutes of June 25, 2019, as amended, seconded by Gregor Smith; so voted: 5-0.

At 9:35 pm Jody Clineff made a motion to adjourn, seconded by Gregor Smith; so voted: 5-0.

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 June 25, 2019
3. Application for 426B Boston St
4. Draft Comprehensive Permit Rules

Approved as amended at the January 28, 2020 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