

## **TOPSFIELD PLANNING BOARD MEETING**

**Minutes of Wednesday, March 6, 2024**

**7:00 PM**

**Topsfield Town Library**

Board members participating were Chairman Martha Morrison, Clerk Steve Hall, Josh Rownd and Jennie Merrill. Member Greg Mellinger was not present. Also present was Planning and Zoning Board Sr. Admin. Assistant Lynne Bermudez.

Attendees included Senator Bruce Tarr, Representative Sally Kerans and Legislative Aide Chloe Mitchell, Marz Pacheco, Judy Matfess, Tom Capano, Peter and Madeleine Cardello, Select Board Chair Marshall Hook and members Boyd Jackson and Rafael McDonald, Finance Committee member Heidi Fox, Topsfield Fair Manager James O'Brien, Dan Gauvin, Lynda and Robert Skory, Jay and Paul Nowak, Violet Powers, Glen Gollrad, Elise Ruggles, Robert Powers, Maureen Donahue, Bill and Bobbi Whiting, Ian Hatfield, Housing Authority Chair Talisa Rafferty, Chris Mahan, Gary and Sue Bergmann, Dawn Soriano, Dick Gandt, Salem News and Boxford Cable.

### **CALL TO ORDER**

Chairman Morrison called to order at 7:05 pm.

### **ANNOUNCEMENTS**

Chairman Morrison made the following announcement:

*"A video recording is being made of this meeting for record keeping purposes by Boxford Cable. Is there anyone else present who wishes to record the meeting?"* Michael McHugh of the Salem News stated he would like to record the meeting.

### **MINUTES**

Chairman Morrison stated that due to a change in venue for this meeting from the Public Hall to Town Library (due to a broken elevator at Town Hall), the Planning Board would reverse the order of agenda items to first address meeting minutes to allow more time for residents to arrive. Clerk Steve Hall made a motion to approve the minutes of 1/23/24, 2/7/24, and 2/21/24 as written. Josh Rowd seconded the motion and the motion carried with a vote of 4-0.

### **MBTA MULTI-FAMILY HOUSING**

Chairman Morrison welcomed all attendees to the Information Session on the new MBTA Multi-Family Overlay District and bylaw which will be presented to residents for a vote at the 2024 Annual Town Meeting. She stated the purpose of tonight's meeting is to explain the Multi-Family legislation that was passed in 2021 and the resulting impact to the 175 communities in MA designated as "MBTA Communities" and specifically the impact to Topsfield.

The Chairman walked through a PowerPoint presentation which is posted on the Planning Board website. The presentation explained the new housing legislation, the proposed MBTA Overlay

District and bylaw developed by the Planning Board to ensure Topsfield's compliance with the new law, and the impact to Topsfield if the new MBTA District and bylaw are not passed at the 2024 Annual Town Meeting.

Chairman Morrison answered several questions from residents concerning how the particular lots in the new district were selected, whether the state requires the town to ensure housing is actually developed, the impact to schools due to this new multi-family bylaw, whether accessory apartments could help contribute to the requirement for the town to create a district to accommodate up to 118 new multi-family dwelling units, the date by which the town must be in compliance with the new multi-family law, and if the wetlands/flood plain in the new district present a problem for building the required number of dwelling units.

The Chairman reiterated that the new legislation does not require anyone to build any houses. It only requires that the town create a district large enough to accommodate the building of 118 multi-family dwelling units by right (i.e. without the need for a special permit). It is entirely up to the owners of the lots in the new MBTA district to determine if they would like to keep their land, sell their land or to develop the land themselves. They can choose to do nothing. Any property owner in the new MBTA Overlay District will still have the right to all permitted uses in their current Business Highway district. Senator Tarr and Town Administrator Harutunian addressed questions concerning whether the town would be involved in purchasing any land in this new district to construct housing and if the town would pursue eminent domain to obtain any of this land. The town has no desire to purchase any land or develop any housing. The Senator explained that the town would need to show a strong public need to take any property ( in or outside the MBTA District) by eminent domain and a "taking" would first need to be voted on at an Annual Town Meeting.

Chairman Morrison concluded the meeting by thanking all who attended and stating if anyone had any additional questions to feel free to reach out to the Planning Board.

## **ADJOURNMENT**

At 8:07 pm Clerk Steve Hall made a motion to adjourn. The motion was seconded by Josh Rowd and the motion carried by a vote of 4-0.

Respectfully submitted,

Lynne Bermudez  
Sr. Administrative Assistant

## **DOCUMENTS**

Per Open Meeting Law, the documents that were either distributed to the Planning Board before the meeting or at the meeting were:

1. Agenda

2. MBTA Multi-Family District presentation
3. Draft Meeting Minutes – 1/23/24, 2/7/24. 2/21/24

*Approved at the 3-20-24 Planning Board 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.
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