

## **Topsfield Planning Board**

March 16, 2010

Chairman Winship called the meeting to order at 7:30 PM. Board members present were Robert Winship, Janice Ablon, Gregor Smith, Ian deBuy Wenniger and Jonathan Young. Roberta Knight, Community Development Coordinator was also present.

**Visitors:** Selectmen Martha Morrison and Dick Gandt; Jody Clineff, Steve Hall, Don Stokes.

**Minutes:** Clerk Janice Ablon made the motion to approve the minutes of March 2, 2010 as written; seconded by Member Gregor Smith; so voted 4-0.

**Stormwater Management & Erosion Control Certificate of Compliance:** Member Jonathan Young made the motion to approve the Certificate of Compliance Form as drafted; seconded by Clerk Janice Ablon; so voted 4-0.

### **PUBLIC HEARING**

#### **Zoning Amendment Articles for the May 4, 2010 Annual Town Meeting**

At 8:00PM, Chairman Winship opened the public hearing to consider the following proposed amendments to the Topsfield Zoning By-law for the May 4, 2010 Annual Town Meeting:

**Article I, Definitions:** adds the definition for “wood boilers (outdoors)”.

**Article III, Section 3.10:** inserts numeral “A” before current prohibited use and adds new section “B” that prohibits outdoor wood boilers in all districts.

**Article IV, Section 4.11:** deletes this section called “Installation and Maintenance of Wind Energy Conversion Systems”.

**Article XV: Small Wind Energy Conversion Facilities (“SWECEF”):** adds a new updated by-law to regulate small systems in all districts.

**Article III, Section 3.02:** amends the Table of Use Regulations sub-section 4.32 Installation of WECS to Small Wind Energy Conversion Facilities which use is allowed in all districts by special permit.

**Article XVI: Utility Scale Wind Energy Conversion Facilities:** adds a new by-law to regulate utility scale systems which are restricted to the Wind Energy Overlay District.

**Article II, Section 2.12:** adds new section that creates a Wind Energy Overlay District.

**Article III, Section 3.17:** adds new section that establishes the uses in the Wind Energy Overlay District.

Clerk Janice Ablon read the legal notice for the record.

Chairman Winship then noted that the Planning Board plans to take no action on several proposed zoning amendments as published in the legal notice and formally withdraw said amendments at the close of the public hearing. The zoning amendments concerning outdoor wood boilers (**Article I, Definitions, Article III, Section 3.10**) have been forwarded to the Board of Health for regulatory action based on the recommendation by Town Counsel since federal and state regulations give said authority to Boards of Health. The zoning amendments concerning utility scale wind energy conversion systems (**Article XVI, Article II, Section 2.12, Article II, Section 2.12**) have been deferred for action until the Renewable Energy Committee has made an assessment study relative to the feasibility of a utility scale system's energy producing viability at the Public Work's site.

The Board reviewed the following zoning amendments:

- **Article IV, Section 4.11:** deletes this section called "Installation and Maintenance of Wind Energy Conversion Systems".
- **Article XV:** Small Wind Energy Conversion Facilities ("SWEFCF"): adds a new updated by-law to regulate small systems in all districts.
- **Article III, Section 3.02:** amends the Table of Use Regulations sub-section 4.32 Installation of WECS to Small Wind Energy Conversion Facilities which use is allowed in all districts by special permit.

These amendments were incorporated into two warrant articles. Previous to the public hearing, the Board made revisions to the proposed zoning bylaw for wind conversion energy systems including re-naming the bylaw as "Wind Energy Conversion System-Small Scale, to be known as "WECS-SS". The Board members reviewed each zoning article and made further revisions to the proposed by-law. For specific details refer to the attached Public Hearing Warrant Document dated March 16, 2010 and the final revision of the Article XV, Wind Energy Conversion System-Small Scale By-law issued on March 29, 2010 as Attachment B to the 2010 ATM Warrant.

At 10:10PM, Member Gregor Smith made the motion to close the public hearing; seconded by Clerk Janice Ablon; so voted 5-0.

#### **Deliberation And Vote of the Board:**

**Warrant Article: Wind Energy Conversion System – Small Scale:** Member Gregor Smith made the motion to approve the zoning warrant article amendment as written and

adopt the language for the WECS-SS By-law as amended; seconded by Clerk Janice Ablon; so voted 5-0.

**Warrant Article: Amend Zoning Bylaw, Article III, Section 3.02 Table of Use Regulations:** Member Gregor Smith made the motion to approve the zoning warrant article amendment as presented; seconded by Member Ian deBuy Wenniger; so voted 5-0.

**Withdrawal of Articles:** Clerk Janice Ablon made the motion to withdraw the remaining zoning amendments that appeared in the legal notice; seconded by Member Jonathan Young; so voted 5-0.

**General By-laws:** The Board then reviewed the language in the General By-law Amendments. Clerk Janice Ablon made the motion to approve the warrant articles concerning the addition of “non-criminal disposition” language to the Scenic Road By-law, the Stormwater Management & Erosion Control By-law and the Soil Removal By-law as amended; seconded by Member Ian deBuy Wenniger; so voted 5-0.

The meeting was adjourned at 10: 57 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator