

## **Topsfield Planning Board**

April 25, 2011

Chairman Winship called the meeting to order at 7:50 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; Norm Isler, Ben Nutter and Dorothy Wass.

**Minutes:** Member Gregor Smith made the motion to approve the minutes of April 5, 2011 as written; seconded by Member Ian DeBuy Wenniger; so voted 5-0.

**English Commons:** Ms. Knight noted that construction on Phase II was well underway and queried the Board as to what construction oversight by Larry Graham would be required for this phase since the majority of the infrastructure had been constructed in the first phase. The Board requested that Ms. Knight contact Larry Graham to get his input on further monitoring for Phase II.

**Modification to English Commons EHD Special Permit:** Clerk Janice Ablon made the motion to approve the minor modification to the site plan as part of the Elderly Housing Permit for the installation of an entrance gate as described in Certificate of Decision approved April 25, 2011; seconded Member Jonathan Young; so voted 5-0.

**Antoria Way Street Acceptance Plan:** Member Jonathan Young made the motion to accept the Street Acceptance Plan dated March 23, 2010 for Antoria Way; seconded by Member Gregor Smith; so voted 5-0.

## **PUBLIC HEARING**

### **Zoning Amendment Articles for the May 3, 2011 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 3, 2011 Annual Town Meeting. Clerk Janice Ablon read the legal notice for the record.

1. **Article I, Definitions:** amends definitions section by adding definitions for Renewable Energy and Alternative Energy, and related Research and Development Facilities.

2. **Article XVI, Ground-Mounted Solar Photovoltaic Installations:** adoption of new bylaw to establish standards for said installations to the extent allowed under Chapter 40A, the Zoning Act.
3. **Article III, Section 3.02:** amends the Table of use regulations as follows:
  - a. Amends Section 5.10 to read “5.10A” and change use description by deleting “office” and adding “General” to read “Research and Development Facilities, General”;
  - b. Addition of Section 5.10B “Research and Development Facilities for Alternative Energy and Renewable Energy” with the insertion of use for all districts; further, allows said use as a permitted use in the BP which would meet the requirement for “Green Communities” designation;
  - c. Addition of Section 4.37A “Ground- Mounted Solar 500 sq. ft. or less” use for all districts;
  - d. Addition of Section 4.37B “Ground-Mounted Solar over 500 sq. ft.” use for all districts.

The Board then reviewed the following zoning amendments:

- Article I, Definitions: amends definitions section by adding definitions for Renewable Energy and Alternative Energy, and related Research and Development Facilities.
- Article XVI, Ground Mounted Solar Photovoltaic Installations: adoption of new bylaw to establish standards for said installations to the extent allowed under Chapter 40A, the Zoning Act.
- Article III, Section 3.02: amends the Table of use regulations as follows:
  - Amends Section 5.10 to read “5.10A” and change use description by deleting “office” and adding “General” to read “Research and Development Facilities, General”;
  - Addition of Section 5.10B “Research and Development Facilities, Alternative Energy and Renewable Energy” with the insertion of use for all districts; further, allows said use as a permitted use in the BP which would meet the requirement for “Green Communities” designation;
  - Addition of Section 4.37A “Ground-Mounted Solar 500 sq. ft. or less” use for all districts;
  - Addition of Section 4.37B “Ground-Mounted Solar over 500 sq. ft.” use for all districts;

The proposed amendments have been incorporated into three warrant articles for town meeting action. The Board reviewed each warrant article. See attachment entitled "Public Hearing Proposed Zoning Amendments" dated April 25, 2011 for specific language. The members discussed Article XVI Ground-Mounted Solar Photovoltaic Installation relative to the limitation on height at 12 feet. It was the consensus of the Board to put forth an amendment to the Article at town meeting only if the limitation of height became an issue of discussion. The amendment in the form of a waiver clause would read:

"This height requirement may be waived by the Planning Board as it deems appropriate."

The language would be inserted at the end of Section 16.04 E.2.

Also a capitalization typo was noted and Ms. Knight was directed to contact the Moderator John Kinhan on the matter.

At 9:21PM, Member Ian DeBuy Wenniger made the motion to close the public hearing; seconded by Member Gregor Smith; so voted 5-0.

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

**Article Twenty-Seventh: Amend Zoning Bylaw, Article I, Definitions and Article III, Section 3.02 Table of Use Regulations:** Clerk Janice Ablon made the motion to approve the amendment to add the definitions for Alternative Energy and Renewable Energy; and Research and Development Facilities; and further amend Section 5.10 to read 5.10A as Research and Development Facilities, General and add new 5.10B Research and Development Facilities for Alternative Energy and Renewable Energy to the Table of Use Regulations; seconded Member Gregor Smith; so voted 5-0.

**Article Twenty-Eighth: Ground-Mounted Solar Photovoltaic Installations:** Member Ian DeBuy Wenniger made the motion to approve the Ground-Mounted Photovoltaic Installations Bylaw as amended for capitalization typo; seconded by Member Jonathan Young; so voted 5-0.

**Article Twenty-Ninth: Amend Zoning Bylaw, Article III, Section 3.02 Table of Use Regulations:** Member Gregor Smith made the motion to approve the amendment to add Section 4.37A "Ground-Mounted Solar Installations 500 sq. ft. or less use" for all districts and Section 4.38A "Ground-Mounted Solar Installations over 500 sq. ft." for all districts to the Table of Use Regulations; seconded by Member Ian DeBuy Wenniger; so voted 5-0.

The meeting was adjourned at 9:56 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator