

**Minutes
Topsfield Zoning Board of Appeals
Virtual Meeting
March 26, 2024**

ZBA Board members present included Chairman Moriarty, Clerk David Merrill (departed at 7:34 pm), Jody Clineff and Gregor Smith. Member Dave Moniz and Alternate Kristin Palace were not present. Lynne Bermudez, Sr. Administrative Assistant, was present.

Visitors named on screen via zoom: Robert McGlaulin, Attorney Roger Smerage, Attorney Stephen Chaplin and Boxford Cable Access TV.

GOVERNOR'S ORDER

Chairman Moriarty read the following:

Pursuant to Chapter 2 of the Acts of 2023, this meeting will be conducted via remote means. Members of the public who wish to access the meeting may do so via the Zoom meeting identification as listed on the agenda. No in-person attendance of members of the public will be available, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, for reasons of economic hardship and despite best efforts, we will post on the Town website: www.topsfield-ma.gov an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

CALL TO ORDER

Chairman Moriarty called the meeting to order at 7:01 pm.

ANNOUNCEMENTS

Chairman Moriarty read the following: *"The meeting is being recorded via ZOOM in the event that the connection is lost at any time during the meeting. Is there anyone else present who wishes to record the meeting?"* No one responded.

18 GLEN ROAD

Lynne Bermudez read the following legal notice that was published in the Salem News on March 11th and March 18th, 2024:

Notice is hereby given that the Topsfield Zoning Board of Appeals will hold a public hearing during a ZOOM Zoning Board of Appeals Meeting Tuesday, March 26, 2024 at 7:00 PM (instructions will be on the posted agenda on how to join the meeting via ZOOM) to consider the application of Robert McGlaulin for premises located at 18 Glen Road requesting a Variance for expansion of the garage and construction of a mudroom.

*Robert J. Moriarty, Jr.
Chairman, Topsfield ZBA*

Chairman Moriarty informed Mr. McGlaulin that four votes are needed to grant a variance, and that since there are only four members present at tonight's meeting he has the option of moving forward with tonight's hearing or continuing the hearing to the April meeting when five members would be present. Mr. McGlaulin stated he would like to proceed. Mr. McGlaulin then explained the work he

has planned regarding expanding his existing garage and adding a mudroom. The corner of the expanded garage would come into his front yard setback. They actually have two front yards because of the layout of their home. The addition would leave 12.8 feet as a front setback vs the required 20 feet. If it were a side setback it would not need a variance. Chairman Moriarty asked if Mr. McGlauflin had talked to any of his neighbors. He stated he had talked to all the people that abut his property and they all were fine with his plans. Chairman Moriarty asked if there was any other way he could have laid out the design without going 2.5 feet into the setback area. Mr. McGlauflin stated they had looked at an option to put the garage at an angle but it would have looked imposing from the street with the garage fully along the setback line. This would be less attractive for the neighbors and it would have made for a difficult layout inside the house. The current design only has a small corner at the setback area. The Chairman asked how tall the garage would be. Mr. McGlauflin stated they designed the roof line to slope down to the first floor so it would not look imposing. The dormer brings the scale down. The Chairman noted that no members of the public were present to ask any questions or provide input.

Chairman Moriarty made a motion to close the hearing. Gregor Smith seconded the motion and it passed unanimously with a roll call vote as follows:

Chairman Bob Moriarty	yes
Clerk David Merrill	yes
Member Jody Clineff	yes
Member Gregor Smith	yes

Chairman Moriarty made a motion to approve the request for a Variance for 18 Glen Road. Jody Clineff seconded the motion and it passed unanimously with a roll call vote as follows:

Chairman Bob Moriarty	yes
Clerk David Merrill	yes
Member Jody Clineff	yes
Member Gregor Smith	yes

207 BOSTON STREET – Public Hearing Continuance

Chairman Moriarty stated the Board had received a request from the attorneys for the Essex Agricultural Society (EAS) at 207 Boston St. for a continuance of their public hearing to the Board's 6/25/24 meeting. The Chairman stated that as the EAS has shown good faith in postponing a number of events that may be in the realm of needing a special permit while they work out a resolution with the town, he is comfortable approving the request.

Chairman Moriarty made a motion to grant the requested continuance for the public hearing on the appeal by the EAS of a determination made by the Building Inspector to the June 25, 2024, ZBA meeting and for the Board's decision to be extended to July 30, 2024. Jody Clineff seconded the motion and it passed unanimously with a roll call vote as follows:

Chairman Bob Moriarty	yes
Clerk David Merrill	yes
Member Jody Clineff	yes
Member Gregor Smith	yes

MINUTES of 2/27/24

Chairman Moriarty made a motion to approve the minutes of 2-27-24 as amended. Gregor Smith seconded the motion and it passed unanimously with a roll call vote as follows:

Chairman Bob Moriarty	yes
Member Jody Clineff	yes
Member Gregor Smith	yes

Chairman Moriarty shared that the ZBA's decision on Connemara Farm had been filed with the Town Clerk. He also updated the board on the Open Meeting Law complaint filed several months ago by a resident. She complained that the ZBA agendas did not contain sufficient information about upcoming issues to be discussed. While the Attorney General (AG) agreed that sufficient information was on the ZBA's website, they agreed with the resident that more information should be included on the agenda. The Chairman asked Lynne to share the decision with other town boards so that they can ensure they are in compliance with the AG's requirements.

ADJOURN

At 8:07 pm Jody Clineff made a motion to adjourn. Gregor Smith seconded the motion and it passed unanimously with a roll call vote as follows:

Chairman Bob Moriarty	yes
Member Jody Clineff	yes
Member Gregor Smith	yes

Respectfully submitted,

Lynne Bermudez
Sr. Administrative Assistant

DOCUMENTS

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

1. Agenda
2. Request for Variance Application – 18 Glen Road
3. Continuance request from Mead, Talerma & Costa LLC for 207 Boston St.
4. Draft Meeting Minutes 2-27-24

Approved at the 4-23-24 ZBA 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.