

**ARTICLE THIRTY-FOURTH:**

**AMEND ZONING BYLAW: MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT**

To see if the Town will vote to add Article XVIII, MBTA Communities Multi-family Overlay District, to the Town Zoning By-Laws and amend Article II, Establishment and Descriptions of Districts, and Article III, Use Regulations, as follows with the provisions to be eliminated shown in ~~strike through~~ and the provisions to be added shown in ***bold italics***, or take any other action relative thereto:

Add Article XVIII MBTA Communities Multi-Family Overlay District to the Town Zoning Bylaws as put forth in Attachment B.

Amend Article II, 2.01 Classes of Districts by adding:

***L. MBTA Communities Multi-Family Overly District***

Amend Article II, 2.08 Zoning Map

The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk and the imprinted seal of the Town under the following words: "This is to certify that this is the Zoning Map referred to in Article II of the Zoning ByLaw of the Town of Topsfield, Massachusetts, which was approved by the Town Meeting on May ~~1, 2012~~<sup>7<sup>th</sup></sup>, ***2024***.

Amend Article III, 3.02 Permitted Uses, and 3.04 Table of Use Regulations, Overlay Districts to include MBTA Communities Multi-Family Overlay District as shown below.

Elderly Housing District	Permitted in all zones by Special Permit. See Article III, 3.16
Groundwater Protection District	See Article XI for delineation and permitted uses.
Flood Plain District	See Article VI for delineation and permitted uses.
<b><i>MBTA Communities Multi-Family Overlay District</i></b>	<b><i>See Article XVIII for delineation and permitted uses.</i></b>

Amend Article III, 3.02 Permitted Uses, and 3.04 Table of Use Regulations, to include:

<b><i><u>1.7</u></i></b>	<b><i>MBTA Communities Multi-Family Housing</i></b>	<b><i>See MBTA Communities Multi-Family Overlay District above.</i></b>
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**Recommended the Town vote to amend to the Topsfield Zoning Bylaw, by adding Article XVIII, MBTA Communities Multi-family Overlay District, to the Town Zoning By-Laws and amend Article II, Establishment and Descriptions of Districts, and Article III, Permitted Uses, as set forth in this Article Thirty-Fourth in the warrant.**

*This article would adopt an MBTA Communities Multi-Family Overlay District, as required by the State (MGL c40A, §3A), in which multi-family housing is allowed by right and would add that overlay district to the appropriate locations in Topsfield's zoning bylaw.*

**ARTICLE THIRTY-FIFTH:**

**AMEND ZONING BYLAW: MULTI-FAMILY HOUSING**

To see if the Town will vote to amend the Town Zoning Bylaw by adding Section 3.17 to Article III, as shown below in ***bold italics***, or take any other action relative thereto:

***3.17 Two Family and Multi-family Dwellings***

***A. In the Business Highway, Business Highway North and Business Park districts, multiple structures accommodating two family dwellings and multi-family dwellings are allowed by Special Permit provided that they conform to the density and dimensional standards of Article IV, 4.02 and Board of Health rules and regulations.***

***B. In mixed-use projects, a building may include by Special Permit two or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.***

**Recommended the Town vote to amend the Topsfield Zoning Bylaws, Article III, 3.17 Two Family and Multi-family Dwellings, as set forth in this Article Thirty-Fifth in the warrant.**

*This new section allows for the construction of more than one Two-Family or Multi-Family structure on lots that currently would allow only one such structure. The districts affected by this new section are the Business Highway, Business Highway North and Business Park. In addition, this section would allow for the conversion or addition of a second story to commercial properties.*

**ARTICLE THIRTY-SIXTH:**

**AMEND ZONING BYLAW: BUILDABLE AREA**

To see if the Town will vote to amend Article I, Definitions, 1.12 Buildable Area as follows with the provisions to be eliminated shown in ~~strike through~~ and the provisions to be added shown in ***bold italics***, or take any other action relative thereto:

~~1.12 Buildable Area. That portion of a lot which is composed of ground dry and permeable enough to permit construction of a dwelling and appurtenances thereto including the installation and use of facilities for disposal of sewage. Buildable Area shall not include any area within a Flood Plain District as defined in Article VI.~~ ***That portion of a lot which is composed of soil of sufficient quality to permit the safe construction of structures, appurtenances thereto, and facilities for the disposal of sewage and which does not include any part or whole of a street, watercourse, banks of a watercourse, water body, vernal pool, bordering or isolated vegetated wetland as defined in the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00, et. Seq., or the Topsfield Wetlands General Bylaw, or area within a Flood Plain District as defined in Article VI.***

and to amend Article IV, Density and Dimensions Regulations, 4.08 Minimum Buildable Area, as follows with the provisions to be eliminated shown in ~~strike through~~ and the provisions to be added shown in ***bold italics*** and re-letter accordingly, or take any other action relative thereto:

**4.08 Minimum Buildable Area.**

**A. Each lot in the Outlying Residential and Agricultural and the Inner Residential and Agricultural Districts shall have a minimum of thirty thousand (30,000) contiguous square feet of**

**Buildable Area**, and each lot in the Central Residential District shall have a ~~buildable~~ minimum of twenty thousand (20,000) contiguous square feet of **Buildable Area as defined in Article I, 1.12.** (Art. 18, 5/5/1981)

~~B. Buildable area shall be comprised of acreage not including any part of a street or any part of any watercourse, water body, vernal pool, bank, and bordering or isolated vegetated wetland as defined by the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00, et. Seq., or the Topsfield Wetlands General Bylaw. (Art. 39, 4.08 — B. 5/3/2005)~~

**Recommended the Town vote to amend the Topsfield Zoning Bylaws, Article I, Definitions, 1.12 Buildable Area, and Article IV, Density and Dimensions Regulations, Section 4.08, Minimum Buildable Area, as set forth in this Article Thirty-Sixth in the warrant.**

*The existing Zoning Bylaw currently has two definitions for Buildable Area, one in Article I, Definitions and one in Article IV, 4.08. These amendments place the definition in Article I only and revise Article IV, 4.08 to reflect the change.*

#### **ARTICLE THIRTY-SEVENTH:**

##### **AMEND ZONING BYLAW: PARKING**

To see if the Town will vote to amend Article, IV 4.12 Parking, as follows with the provisions to be eliminated shown in ~~strike through~~ and the provisions to be added shown in ***bold italics***, or take any other action relative thereto:

- A. General Requirements. All off street parking areas and loading areas, other than those provided for dwellings, but including drives and other access ways, shall be treated with bituminous or other impervious surfacing material ***or pervious surfacing materials but not including grass or soil not contained within a paver or other structure*** and shall be provided where necessary with appropriate bumper and wheel guards. ***The use of pervious surfacing in commercial and industrial developments requires the approval of the DPW Superintendent. Parking areas composed of pervious surfaces may be provided to meet all or part of any required parking on a lot unless there are environmental limitations.*** Illuminations shall be so arranged as to deflect light away from adjoining lots and abutting streets; and screening shall be provided where required by this By-Law.

**Recommended the Town vote to amend the Topsfield Zoning Bylaws, Article IV, 4.12 Parking, as set forth in this Article Thirty-Seventh in the warrant.**

*This amendment allows for pervious surfacing in parking areas as an alternative to impervious pavement. Pervious surfaces, which are a feature of low-impact development practices and are encouraged for all land uses and lots, reduce site runoff and help recharge the ground water. This amendment responds to one of the requirements for Topsfield's MS4 Permit (Municipal Septic Storm Sewer System).*

#### **ARTICLE THIRTY-EIGHTH:**

##### **AMEND ZONING BYLAW: FLOOD PLAIN DISTRICT**

To see if the Town will vote to amend Article VI, Flood Plain District, 6.02 Description of District, as follows with the provisions to be eliminated shown in ~~strike through~~ and the provisions to be added shown in ***bold italics***, or take any other action relative thereto:

## 6.02 Description of District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Topsfield designated as Zone A or AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Topsfield are panel numbers 25009C0261~~FG~~, 25009C0262~~FG~~, 25009C0263~~FG~~, 25009C0264~~FG~~, 25009C0266~~FG~~, 25009C0267~~FG~~, 25009C0268~~FG~~, 25009C0269~~FG~~, 25009C0401~~FG~~, 25009C0402~~FG~~, and 25009C0406~~FG~~, dated ~~July 3, 2012~~ **May 26, 2023**. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated ~~July 3, 2012~~ **May 26, 2023**. The FIRM and FIS report are incorporated herein by reference into the Town's Zoning Map approved by the Town Meeting on ~~May 1, 2012~~ **May 7, 2024** and are on file with the Town Clerk.

**Recommended the Town vote to amend the Topsfield Zoning Bylaws, Article VI, Flood Plan District, 6.02 Description of District, as set forth in this Article Thirty-Eighth in the warrant.**

*Effective May 26, 2023, the Federal Emergency Management Agency (FEMA) issued a new Essex County Flood Insurance Rate Map which included modified panels. This amendment simply updates the alpha numeric designations of those panels in the Town's bylaw as well as the related date references.*

### **ARTICLE THIRTY-NINTH:**

#### **AMEND ZONING BYLAW: USE REGULATIONS AND TABLE OF USES**

To see if the Town will vote to amend Article III, 3.02 Permitted Uses and 3.04 Table of Use Regulations in the Business Highway, as follows with the provisions to be eliminated shown in ~~striketrough~~ and the provisions to be added shown in ***bold italics***, or take any other action relative thereto:

<b>4. Retail and Service</b>		<b>BH</b>
4.10	Retail Establishment selling motor vehicles	<b><i>SNP</i></b>

**Recommended the Town vote to amend the Topsfield Zoning Bylaws, Article III, 3.02 Use Regulations and 3.04 Table of Use Regulations in the Business Highway, as set forth in this Article Thirty-Ninth in the warrant.**

*The sale of motor vehicles is currently allowed in the Business Highway District by Special Permit. This article would disallow the sale of motor vehicles in this district and by doing so disallow the sale of motor vehicles altogether in Topsfield. Existing businesses would become non-conforming but would be able to continue in business.*

### **ARTICLE FORTIETH:**

#### **AMEND ZONING BYLAW: USE REGULATIONS AND TABLE OF USES**

To see if the Town will vote to amend Article III, 3.02 Permitted Uses and 3.04 Table of Use Regulations, Article I, Definitions 1.86 Professional, Technical, Scientific and Business Offices and Article III 3.06 Uses in the Business Park as follows with the provisions to be eliminated shown in ~~striketrough~~ and the

provisions to be added shown in ***bold italics***, or take any other action relative thereto:

Amend Article III, 3.02 Use Regulations and 3.04 Table of Use Regulations, In the Business Village ~~Mixed Use Zone mixed~~, ***Business Highway, Business Highway North, and Business Park districts***, mixed uses shall be allowed provided that each principal use is separately allowed in the bylaw for that ~~Business Village~~ district.

Mixed Use	BV=Business Village
	BH= Business District Highway
	BHN= Business District Highway North
	<b><i>BP=Business Park</i></b>
<del>Commercial</del>	<del>BP= Business Park</del>

Amend Article III 3.02 Permitted Uses and 3.04 Table of Use Regulations as followed with provisions to be eliminated shown in ~~striketrough~~ and the provisions to be added shown in ***bold italics*** and renumber accordingly.

<b>4. Retail and Service</b>		<b>ORA</b>	<b>IRA</b>	<b>CR</b>	<b>BV</b>	<b>BH</b>	<b>BP</b>	<b>BHN</b>
4.07	Optical Goods Store	NP	NP	NP	P	<del>S-P</del>	<del>S-P</del>	<del>S-P</del>
4.08	Cosmetics, beauty supply and perfume store	NP	NP	NP	P	<del>S-P</del>	<del>S-P</del>	<del>S-P</del>
4.09	Retail establishment selling hand-crafts	NP	NP	NP	P	<del>S-P</del>	<del>S-P</del>	<del>S-P</del>
4.16	Bank (full service)				P	<del>S-P</del>	<del>S-P</del>	<del>S-P</del>
4.21	<del>Professional, technical, scientific and business offices</del> <b><i>Offices</i></b>	NP	NP	NP	P	<del>S-P</del>	<del>S-P</del>	<del>S-P</del>
4.23	Art Gallery	NP	NP	NP	P	P	<del>S-P</del>	P
4.25	Barber Shops	NP	NP	NP	P	<del>S-P</del>	<del>S-P</del>	<del>S-P</del>
4.26	Beauty Salons	NP	NP	NP	P	<del>S-P</del>	<del>S-P</del>	<del>S-P</del>
4.27	Skin and Nail Care Salons	NP	NP	NP	P	<del>S-P</del>	<del>S-P</del>	<del>S-P</del>
4.28	<del>Medical and Dental Offices</del>	NP	NP	NP	<del>P</del>	<del>P</del>	<del>S</del>	<del>P</del>
4.29	<del>Chiropractors' Offices</del>	NP	NP	NP	<del>P</del>	<del>P</del>	<del>S</del>	<del>P</del>

Amend Article I, Definitions 1.86 as follows with the provisions to be eliminated shown in ~~striketrough~~ and the provisions to be added shown in ***bold italics***, or take any other action relative thereto:

1.86 Professional, ~~Technical, Scientific and Business~~ Offices. ~~Establishments housing office and work space for individuals providing professional, technical, scientific, or business expertise and services for others (without the presence of merchandise).~~ ***Establishments used as a place of business by licensed professionals or persons in other generally recognized professions, which primarily use training or knowledge of a technical, scientific or other academic discipline rather than manual skills, and which does not involve outside storage, fabrication or on-site sale or transfer of merchandise as a primary activity. Examples include accountant, appraiser, architect, consultant, dentist, engineer, insurance agent or broker, medical practitioner, notary public, lawyer, real estate agent or broker, surveyor, investment, marketing, or financial management counselor, photographer, surveyor or investigator.***

Amend Article III, 3.06 Uses in the Business Park as follows with the provisions to be added shown in ***bold italics***, or take any other action relative thereto:

### 3.06 Uses in Business Park District.

In addition to those uses permitted in the Business Park District in the Table of Use Regulations, all uses permitted in the Outlying Residential and Agricultural District shall be permitted in the Business Park District either by right or by special permit as such uses are permitted in the Outlying Residential and Agricultural District, and all provisions of this By-Law governing ORA uses, including the dimensional and density requirements of Article IV hereof, shall apply to any such ORA uses in the Business Park District. ***Mixed uses shall be allowed in structures in the Business Park District provided that each principal use is separately allowed in the Table of uses for the Business Park District.***

**Recommended the Town vote to amend the Topsfield Zoning Bylaws, Article III, 3.02 Use Regulations, 3.04 Table of Use Regulations and 3.06 Uses in the Business Park, and Article I, Definitions, 1.86 Professional Offices, as set forth in this Article Fortieth in the warrant.**

*These amendments extend mixed-use development to the Business Park District, combine similar uses in Business Districts into a new use, i.e. Professional Offices, and allow certain uses by right rather than by Special Permit. These changes would make uses in all of the business districts consistent, expand Professional Offices to include many recognized professional services, and eliminate the Special Permit permitting process for low-impact businesses.*