

AMEND ZONING BY-LAW: ARTICLE I, DEFINITIONS

To see if the Town will vote to amend certain sections of the Town Zoning By-Laws, Article I, Definitions as follows, with the provisions to be added shown in bold italics:

1.95 Special Permit Granting Authority.

The Planning Board, Town of Topsfield, Massachusetts, ***unless otherwise defined herein.***

Or take any other action relative thereto.

This article updates the definition of Special Permit Granting Authority to recognize that other boards also grant Special Permits. This article requires a two-thirds vote for passage.

AMEND ZONING BY-LAW: ARTICLE V, ADMINISTRATION AND ENFORCEMENT

To see if the Town will vote to amend certain sections of the Town Zoning By-Laws, Article V, Administration and Enforcement as follows, with the provisions to be deleted shown in strikethrough and the provisions to be added shown in bold italics:

5.02 Permit Granting Authority and Special Permit Granting Authority.

A. Permit Granting Authority. The Zoning Board of Appeals, hereinafter called "The Board", shall be the Permit Granting Authority pursuant to the Zoning Act.

B. Special Permit Granting Authority. The Topsfield Planning Board shall be the Special Permit Granting Authority ~~pursuant to the Zoning Act. In this capacity the Planning Board shall be~~ responsible for hearing and deciding upon applications for special permits for the following:

~~1. Uses in the Business Park District requiring special permits in accordance with Section 3.06 and the Table of Use Regulations.~~

~~a. The installation and maintenance of wind energy conversion systems.~~

~~1. Special Permit and Site Plan Approval for multifamily residences for the elderly in an Elderly Housing District.~~

1. Special Permit and Site Plan Approval for multifamily residences for the elderly in an Elderly Housing District (Article III, Section 3.16).

2. Special Permit for a Common Driveway (Article IV, Section 4.07 J).

3. Temporary Accessory Apartment Special Permit By-Law (Article ~~IV~~VII, Section 7.03).

3 4. Special Permits for uses and activities in the Groundwater Protection District (Article XI).

4 5. Wind Energy Conversion Systems (Article XV).

5 6. Ground-Mounted Solar Photovoltaic Installations (Article XVI).

~~3.~~ The Board of Selectmen may appoint one town resident as an associate member of the Planning Board for a one year term, who shall be eligible to participate solely in matters in which the Planning Board is acting as the Special Permit Granting Authority, in accordance with M.G.L. Chapter 40A, § 9. The Chairman of the Planning Board, or the Acting Chairman, in the event of the absence of the Chairman, may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board.

C. Special Permit Granting Authority. The Topsfield Board of Selectmen shall be the Special Permit Granting Authority responsible for hearing and deciding upon applications for special permits for the following:

1. Signs (Article XIII).

Or take any other action relative thereto.

This article revises and updates the list of Special Permits for which the Planning Board is responsible. Since 1990 and 2009, the last years in which changes were made to this article, new bylaws designating the Planning Board as the Special Permit Granting Authority were enacted, and Special Permits in the Business Park District were transferred to the Zoning Board of Appeals. Additionally, the Board of Selectmen is responsible for Special Permits under the Sign Bylaw, Article XIII, Sign Regulations. This article requires a two-thirds vote for passage.

CITIZEN PETITION: AMEND ZONING BY-LAW, ARTICLE III, SECTION 3.02 PERMITTED USES

To see if the Town will vote to amend Section 3.02 of the Topsfield Zoning Bylaw entitled “Permitted Uses” by striking out the “S” (Special Permit) in the Table of Use Regulation, as shown in red (striked-out) and inserting therefore NP (Not Permitted) in lines 2.14 and 2.16 in the columns CR, BV and BHN as shown in the excerpt of the aforementioned Table seen below:

2. Community Facilities		ORA	IRA	CR	BV	B H	BP	BHN
2.14	Hospital	S	S	NP	NP	S	S	S NP
2.16	Nursing and Community Care Facilities	S	S	S NP	S NP	S	S	S NP

A positive vote will re-instate the 1993 ATM vote to limit the establishment of such facilities in Topsfield to the IRA, ORA, BH, and BP zoning districts that are less densely populated.

This is a citizen petition filed pursuant to G.L. c.39, §10. As a proposed amendment to the Town's Zoning By-Law, this requires a two-thirds vote for passage.