TOPSFIELD PLANNING BOARD MEETING

Minutes of Wednesday, January 3, 2024

7:00 PM

Virtual over ZOOM

Board members participating were Chairman Martha Morrison, Clerk Steve Hall and members Greg Mellinger, Josh Rownd and Jennie Merrill. Also present was Planning and Zoning Board Sr. Admin. Assistant Lynne Bermudez.

Attendees included Kevin Harutunian, Dick Gandt, Rafael McDonald (8:10 pm) and Boxford Cable.

**GOVERNOR’S ORDER**

Planning Board Chairman Morrison announced:

*“Pursuant to Chapter 2 of the Acts of 2023, this meeting will be conducted via remote means. Members of the public who wish to watch or listen to the meeting may do so in the following manner: Video conference (see log-in information below.) 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, despite best efforts, we will post on the Topsfield website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.*

**CALL TO ORDER**

Chairman Morrison called to order at 7:01 pm.

**ANNOUNCEMENTS**

Chairman Morrison made the following announcement:

*“A video recording is being made of this meeting for record keeping purposes. Is there anyone else present who wishes to record the meeting?”* No requests were heard.

**PROPOSED ZONING ARTICLES**

Chairman Morrison led a discussion on the latest draft of zoning article modifications for the 2024 Annual Town Meeting. The draft included updates from Chairman Morrison based on comments received from KP’s review of the document. The board was in agreement with the current draft with the following edits:

1. The definition for 1.12 Buildable Area will be modified to include the edits presented by Jennie Merrill as well as the recommendation by Josh Rownd to remove the words  **“in the opinion of the Building Inspector, Special Permit Granting Authority, or Site Plan Review Authority,”.**
2. In the Parking article the following sentence will be underlined and bolded: “The use of pervious surfacing in commercial and industrial developments requires the approval of the DPW Superintendent.”
3. In the Multi-Family Housing article, section B., the words “up to eight” will be removed so there is no cap on the number of multi-family units allowed in a mixed-use structure in the business districts. Greg Mellinger raised the question of whether the Board would consider increasing the height limit of buildings in commercial districts to make the possibility of adding multi-family housing to mixed-use structures more profitable for developers. No decision was reached.

Town Administrator (TA) Kevin Harutunian joined the meeting to present his recommendation that the Sale of Motor Vehicles be removed as a permitted use in the Business Highway. He felt that with the creation of a new Multi-Family Housing Overlay District within the Business Highway District that it would be preferable to have other businesses alongside these homes vs having a number of car dealerships. Currently there are four businesses selling/repairing cars in the Business Highway with a fifth asking for a special permit at the next ZBA meeting. Discussion was held with board members asking if any other types of businesses are looking to set up shop on Rt 1 (none to date), impacts to property owners in the district (reduction of options to lease their property), and possible repercussions of making the use non-conforming. (i.e. would a non-conforming business have the right to change their use to another non-conforming use). If this change were enacted, existing motor sale/repair businesses could continue to operate but would need to appear before the ZBA if they were looking to expand or intensify their non-conforming operation. Generally, town Planning Boards work to bring properties into conformance.

At 7:48 PM the meeting was interrupted by an individual “zoom bombing” with screaming and lewd pictures. Lynne Bermudez ended the meeting, established a waiting room, removed the screen sharing option and texted board members and Town Administrator Harutunian to reenter the meeting. The meeting resumed at 7:53 PM. Discussion continued on TA Harutunian’s recommendation. Lynne Bermudez will contact KP to get their opinion on possible repercussions of making Sale of Motor Vehicles a Not Permitted use. TA Harutunian invited the Planning Board to meet with the Select Board to update them on the zoning articles which will appear on this year’s Town Warrant.

**MINUTES**

Josh Rownd made a motion to approve the minutes of 11/7/23, 12/5/23, 12/12/23 and 12/14/23 as presented. The motion was seconded by Greg Mellinger and the motion carried unanimously with a roll call vote as follows:

Chairman Martha Morrison yes

Clerk Steve Hall yes

Member Greg Mellinger yes

Member Josh Rownd yes

Member Jennie Merrill yes

**ADJOURNMENT**

At 8:44 pm Jennie Merrill made a motion to adjourn. The motion was seconded by Clerk Steve Hall and the motion carried with a roll call vote as follows:

Chairman Martha Morrison yes

Clerk Steve Hall yes

Member Greg Mellinger yes

Member Josh Rownd yes

Member Jennie Merrill yes

Respectfully submitted,

Lynne Bermudez

Sr. Administrative Assistant

**DOCUMENTS**

Per Open Meeting Law, the documents that were either distributed to the Planning Board before the meeting or at the meeting were:

1. Agenda
2. Proposed Zoning Articles 12-26-23
3. Draft Meeting Minutes – 11/7/23, 12/5/23, 12/12/23, 12/14/23

*Approved at the 2-7-24 Planning Board 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.