

TOPSFIELD PLANNING BOARD MEETING

Minutes of Wednesday, March 20, 2024

7:00 PM

Virtual over ZOOM

Board members participating were Chairman Martha Morrison, Clerk Steve Hall and members Josh Rowd and Jennie Merrill. Member Greg Mellinger was not present. Also present was Planning and Zoning Board Sr. Admin. Assistant Lynne Bermudez.

Attendees included Representative Kristin Kassner, Moderator Jamie Belsito, Finance Committee member Heidi Fox, Conservation Agent Heidi Gaffney, Master Plan Committee members Gary Bergmann, Michelle Link and Rosalee DiScipio, Dawn Soriento, Nicholas Richardson, Neil Zolot – Ipswich News, Sarah Friedman, Jeff Turpel, Ms. Nahiman-Sillari, Jay Alberts 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 7:02 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.

ZONING ARTICLES – Public Hearing

Chairman Morrison reviewed the requirement to conduct a public hearing for all zoning articles that will be presented for a vote at the Annual Town Meeting (ATM). At the ATM the Planning Board will make a recommendation to the town (to approve or to not approve) for each article. She then opened the public hearing and Lynne Bermudez read the following legal notice which was published in the Salem News on March 4th and March 11th of 2024:

Notice is hereby given that the Topsfield Planning Board will hold a public hearing during a ZOOM Planning Board Meeting on Wednesday, March 20, 2024 at 7:00 PM (instructions will be on the posted agenda at <https://www.topsfield-ma.gov/planning-board> on how to join the meeting via ZOOM) to discuss and make recommendations on the following proposed amendments to the Topsfield Zoning Bylaw to be considered at the May, 2024 Annual Town Meeting:

Add Article XVIII - MBTA Communities Multi-Family Overlay District to the Town's Zoning By-Laws, and amend Article II 2.01 Classes of Districts, Article II 2.08 Zoning Map, Article III 3.02 Permitted Uses, and Article III 3.04 Table of Use Regulations to adopt an MBTA Multi-Family District Overlay Zone, as required by General Laws Chapter 40A, Section 3A, in which multi-family housing is a use allowed by right. This new Overlay District is proposed to be located over a portion of the existing Business Highway District.

Amend Article III of the Town's Zoning By-Laws to add "Section 3.17 – Two Family and Multi-family Dwellings," to allow for the construction of more than one Two-Family or Multi-Family structure on lots located in zoning districts that currently only allow construction of one such structure (i.e., Business Highway, Business Highway North, and Business Park). This amendment would also allow for the conversion/addition of a second story to commercial properties in these districts to accommodate dwelling units.

Amend Article I 1.12 - Buildable Area and Article IV 4.08 - Minimum Buildable Area of the Town's Zoning By-Laws to clarify and adopt a single definition of the term "Buildable Area."

Amend Article IV 4.12 of the Town's Zoning By-Law to allow for pervious surfacing in parking areas as an alternative to impervious surfacing or pavement. This amendment responds to one of the requirements of the Town's Municipal Separate Storm Sewer (MS4) Permit.

Amend Article VI 6.02 - Flood Plan District of the Town's Zoning By-Laws to incorporate updates to the Essex County Flood Insurance Rate Map panel numbers and plan dates issued by FEMA.

Amend Article III 3.02 Permitted Uses and Article III 3.04 Table of Use Regulations of the Town's Zoning By-Laws to prohibit the retail sale of motor vehicles in the Business Highway District.

Amend Article I 1.86 Professional Offices, Article III 3.02 Permitted Uses, Article III 3.04 Table of Use Regulations, and Article III 3.06 Uses in Business Park District of the Town's Zoning By-Laws to consolidate existing uses into a new "Professional Offices" use, eliminate the need for special permits for low-impact businesses and allow mixed uses in the Business Park zoning district.

A copy of the text for the proposed amendments and the zoning map are available for inspection, prior to the public hearing, through the Town Clerk's Office, Town Hall, 8 West Common Street, Topsfield, MA, during normal business hours.

*Martha A. Morrison, Chair
Topsfield Planning Board*

The Chairman proceeded to explain each of the seven zoning articles. After each explanation she asked if the public had any questions or comments. For the first article, regarding creation of a new MBTA Communities Multi-family Overlay District, resident Nicholas Richardson had two questions regarding permitted uses in the Business Highway District and projected density of multi-family housing in the proposed overlay district in light of septic and wetlands restrictions. Chairman Morrison directed Mr. Richardson to the town website for a full list of permitted uses in the Business Highway District. The Chairman noted that all current uses in the Business Highway District would continue to be permitted in the new MBTA Multi-family Overlay District. She stated that while the Planning Board does not know the exact number of dwelling units that could be built on each of the lots in the Overlay District (as the Board is unaware of how each lot would perk) it is anticipated that it would be less than 15 units per acre. Former State Representative and current Town Moderator Jamie Belsito reinforced the comments of the

Chairman by stating that the new multi-family housing legislature is a zoning requirement, not a building requirement. She also stated that the MA Congress had listened to feedback from smaller towns with septic and wetlands issues and agreed to reduce the density requirements.

For each of the remaining six articles there were no questions from the public. One letter had been received from a resident who was opposed to the creation of a new Overlay District. This letter can be found on the Planning Board website under “MBTA Multi-Family Housing District”.

Jennie Merrill made a motion to close the public hearing. The motion was seconded by Josh Rownd and the motion carried unanimously with a roll call vote as follows:

Chairman Martha Morrison	yes
Clerk Steve Hall	yes
Member Josh Rownd	yes
Member Jennie Merrill	yes

Jennie Merrill made a motion for the Board to recommend all seven articles for approval at the Annual Town Meeting. The motion was seconded by Josh Rownd and the motion carried unanimously with a roll call vote as follows:

Chairman Martha Morrison	yes
Clerk Steve Hall	yes
Member Josh Rownd	yes
Member Jennie Merrill	yes

The Board then determined who would present each of the zoning articles at the Annual Town Meeting.

- Article 34: MBTA Multi-family housing – Chairman Morrison
- Article 35: Two family and multi-family housing – Clerk Steve Hall
- Article 36: Buildable Area – Jennie Merrill with Josh Rownd as a backup (if Jennie must attend another ATM for a client)
- Article 37: Impervious Parking – Josh Rownd
- Article 38: Floodplain – Josh Rownd
- Article 39: Sale of Motor Vehicles – Greg Mellinger
- Article 40: Use Regulations and Table of Uses – Steve Hall

A brief discussion was held with Finance Committee liaison to the Planning Board, Heidi Fox, concerning the origin of the various articles (the elimination of the sale of motor vehicles was suggested by the Town Administrator and the elimination of special permits for various uses in the Business Park was suggested by the ZBA) and on the Chairman coming to the Finance Committee meeting on 3/25/24 to answer any questions the Committee may have before they vote on their recommendation for each of the zoning articles.

279 BOSTON STREET – Stormwater Special Permit

Chairman Morrison reviewed that the Zoning Board of Appeals (ZBA) had conducted the Public Hearing for Site Plan Review for the Water Storage Tank Project at 279 Boston Street. During that review the ZBA approved the request for a Stormwater Management special permit. As the Planning Board is the permitting authority for issuing Stormwater special permits, the Board has been requested to vote tonight to issue the special permit.

Clerk Steve Hall made a motion to approve the issuance of a Stormwater Management special permit for 279 Boston Street. The motion was seconded by Jennie Merrill and the motion carried unanimously with a roll call vote as follows:

Chairman Martha Morrison	yes
Clerk Steve Hall	yes
Member Josh Rownd	yes
Member Jennie Merrill	yes

MASTER PLAN - Discussion

Chairman Morrison reviewed that the Master Plan Steering Committee will be presenting the final draft of the Master Plan to the Planning Board for approval in early April and that a copy of the Implementation Matrix, which has not yet been made public, was provided to the Board for review/input. Board members provided input and the matrix was edited to better identify the departments and committees which would take lead and support positions for implementing the various strategies.

Chairman Morrison also discussed two strategy recommendations. The first was regarding strategy 3.C2 “Develop and communicate clear and standardized guidelines and procedures for prospective entrepreneurs, including a point-person to speak with at the Town and user-friendly website interfaces (contingent on additional Town capacity).” The Implementation Matrix assigned this strategy to the Town Administrator and the ECDC. The Chairman’s recommendation was to update and put back onto the website, a document entitled “How to Start a Business in Topsfield” as it provided all the guidance and contact information for anyone who needed direction. In addition, there has been a process in place for years that worked well. The Zoning Enforcement Officer/Building Inspector is the first port of call because that official is the authority on what can and cannot take place, what building code issues might exist, what permits are necessary, etc. When lay people who do not know zoning and building codes get involved in providing information, applicants can be misled and get frustrated. The Board believes the town does not need another “point person” because we already have one. The Chairman suggested, and the board agreed, that this strategy should be changed to “Update and put on the website under “Doing Business,” a revised “How to Start a Business in Topsfield” or similar guidance that directs potential entrepreneurs to the Building Inspector.

The Chairman’s second recommendation was to add strategy 4.B6 “Regularly update the Town website so that it has current information about bylaws, board and committee membership and news.” Much of strategy four (communication) deals with social media. That’s fine for advertising specific events, but the Town website is essentially the only major form of communication that the Town has. Our social media does not provide answers to frequent questions from the public, information for potential businesses or new residents, or any of the basic information that people interested in Topsfield seek. The town website is not well maintained. The data on committees and committee members, bylaw changes and upcoming

events has not been kept up to date. The search function is also awkward to use. It is essential that a person(s) be assigned to maintain the website. This could be the Communications Director or employees in individual departments who are trained to maintain their own pages.

Lynne Bermudez will send Gregor Smith, Chair of the Master Plan Steering Committee, the Board's strategy recommendations and edited Implementation Matrix.

MINUTES

Clerk Steve Hall made a motion to approve the minutes as presented. The motion was seconded by Jennie Merrill and the motion carried unanimously with a roll call vote as follows:

Chairman Martha Morrison	yes
Clerk Steve Hall	yes
Member Josh Rownd	yes
Member Jennie Merrill	yes

ADJOURNMENT

At 8:16 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 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 for the 2024 Annual Town Meeting
3. 279 Boston St. Stormwater Management Special Permit Application
4. Edited Master Plan Implementation Matrix - 3/18/24
5. Draft Meeting Minutes of 3/6/24

Approved at the 4-3-24 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.
