

**Minutes
Topsfield Zoning Board of Appeals
Virtual Meeting
June 22, 2021**

Chairman Bob Moriarty called the meeting to order at 7:03PM. Board members present included Chairman Moriarty, David Merrill, Gregor Smith, Alternate, Kristin Palace, Jody Clineff and Dave Moniz. Donna Rich, Community Development Coordinator, was also present.

Visitors names on screen via zoom: Mass Housing Partnership consultant Paul Haverty, Select Board member: Dick Gandt, applicant Michael & Patrick Larkin, Cameron Beauport, Perkins Landing LLC, Ann Marton, LEC Environmental Consultants, Scott Cameron, John Morin and Will Schkuta, Morin Cameron Group, Conservation Agent Heidi Gaffney, Boxford Cable Access TV and many others.

GOVERNOR’S ORDER

Chairman Bob Moriarty stated “Pursuant to Governor Baker’s March 12, 2020 order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Zoning Board of Appeals will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Topsfield website at www.topsfield-ma.gov For this meeting, 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 permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means”.

Chairman Bob Moriarty continued by stating documents for the meeting can be found on the Town website: www.topsfield-ma.gov / Zoning Board / A 40B Project-Perkins Landing (blue tab).

Chairman Bob Moriarty read the following Announcement: “The meeting is being recorded via ZOOM and it will be available on the Topsfield website Cable Video on Demand page. Is there anyone else present who wishes to record the meeting?”, hearing none, the meeting was called to order at 7:07pm.

Public Hearing: *Continued*

371 Boston Street – Sabino/The Morin-Cameron Group, Inc: Chairman Bob Moriarty recognized John Morin, Morin Cameron Group, who introduced himself as the representative of Randy and Maureen Sabino for the property at 371 Boston St. Morin was apologetic for the lapse of time which was primarily due to COVID-19. Morin showed the schematic design of what was proposed and explained that after consideration of the ZBA’s suggestion the clock tower was removed from the design. The third floor of

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that building would now contain a dormer. Morin further explained that at the request of the Conservation Commission the impervious surface had been reduced. There was also a discussion of two parking spaces that had been relocated out of the buffer zone and moved to another location, with no change in the total number of parking spaces.

Moriarty asked for a status on the Conservation Commission review. Morin explained that they are meeting and expect to continue the discussion through the next couple of Conservation Commission meetings. Gregor Smith commented that the architectural revision was a substantial improvement over what had previously been submitted. Moriarty asked if there was any members of the Board or public who wished to comment, none were received.

Bob Moriarty made a motion to continue the hearing until July 27th at 7pm, seconded by Dave Moniz; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes

Clerk David Merrill-yes

Member Gregor Smith-yes

Member Dave Moniz-yes

Member Jody Clineff-yes

Public Hearing: *continued*

57 Perkins Row – Perkins Landing LLC / The Morin-Cameron Group, Inc.

Chairman Moriarty asked for a review from the Peer Review subcommittee. Gregor Smith stated that Weston & Sampson was the preferred firm and that once a proposal for a traffic review was received and a break down of the fees the proposal would be able to proceed. An architectural review was noted that SAAM Architecture's proposal was still valid and would be part of the Peer Review process.

Michael Larkin requested that there be a document protocol be set up to avoid last minute distribution of material/documents. Moriarty stated that a week in advanced for submission of documents would be acceptable moving forward. Moriarty added that a schedule of discussion points would be set up once a peer review consultant was on board with the project.

Larkin introduced Ann Marton, LEC Environmental Consultants, who would present on the wetlands. Marton noted that her comments are based on receiving documents 2 weeks ago, along with Heidi Gaffney's letter of April 21, 2021. Marton shared a plan displaying color coded wetland information: Green-Order of Resource Area Delineation (DEP# 307-0720)/Order of Conditions (DEP# 307-0724), Pink-Order of Resource Area Delineation dated 7/31/2018, revised 10/23/2018, Orange-Wetland Flags delineated 2/2020, Blue-approximate MAHW (medium high-water area) as shown on Order of Conditions (DEP# 307-0724), Turquoise-200-foot Riverfront Area shown on Order of Conditions (DEP# 307-0724). Marton stated she would provide clarity of the delineation of the wetlands. Marton reported that LEC was asked to review the area of a wetland system believed to be a certifiable vernal pool. Wetland scientist Brian Madden from LEC went out on June 11th and observed tadpoles for wood frogs and spotted salamanders, 2 species indicative of a vernal pool. Marton claimed that this data would be sufficient to have the vernal pool certified. Marton noted that she had not reviewed the plan that was submitted for the project and therefore would not be prepared to provide her opinion tonight. She commented that regarding the riverfront area more field assessment was required and hopes to have a written document available for the next hearing. Marton commented on

items contained within Heidi Gaffney's letter of 4/26/21, agreeing that a Notice of Intent would be required to be filed under the Wetland Protection Act. Chairman Moriarty recognized Heidi Gaffney to provide general comments to Ms. Marton. Gaffney reported that the ZBA would be responsible for the General Wetland Bylaw and that her comments would be in reference to that. Gaffney noted that she would first like to correct the misrepresentation that the riverfront was approved under the Order of Conditions under the Act. Gaffney went on to display the approved plan of the Order of Resource Area Delineation issued in 2015, stating that the riverfront line that the applicant was showing as confirmed had not been and pointed out the line that had been. Gaffney then described other areas that had not been reviewed or confirmed under the Bylaw, stating there are additional resource areas that need to be delineated. Gaffney quoted section 11 of the Order of Conditions, which was relevant to the delineation of the riverfront. Marton noted that to further delineate the riverfront she would require access to the adjacent property through an access authorization letter and would proceed with that. Moriarty noted that the request of an ANRAD had not been submitted, however without that information it would make it difficult to move the project forward. Larkin commented that he would discuss this with his consultants. Larkin stated that there should be no issue filing the Notice of Intent concurrently. Gaffney made note that the existing waivers are not acceptable in their current format. Moriarty confirmed, stating that requesting a waiver of the Topsfield Wetlands Bylaw in its entirety would probably not be granted. Larkin reported that the revised list was being drafted and would be submitted by the next hearing date.

Chairman Moriarty made a motion to continue the Public Hearing until July 27, 2021 at 7:15pm, seconded David Merrill; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes

Clerk Dave Merrill-yes

Member Gregor Smith-yes

Member Dave Moniz-yes

Member Jody Clineff-yes

Minutes: Jody Clineff made a motion to approve the May 25, 2021 minutes as written, seconded by Gregor Smith; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes

Clerk Dave Merrill-yes

Member Gregor Smith-yes

Member Dave Moniz-yes

Member Jody Clineff-yes

The Board discussed the preference of the meetings being via ZOOM vs. in person. Jody Clineff stated that there appears to be more citizen accessibility, especially for the 40B project. The other members concurred with this assessment.

At 8:09pm David Merrill made a motion to adjourn, seconded by Jody Clineff; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes

Clerk Dave Merrill-yes

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Member Gregor Smith-yes
Member Dave Moniz-yes
Member Jody Clineff-yes

Respectfully submitted,

Donna C. Rich
Community Development Coordinator

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

1. Agenda
2. Minutes of May 25, 2021

Approved as written at the July 27, 2021 Zoning Board of Appeals 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.