

**Minutes  
Topsfield Zoning Board of Appeals  
Town Hall  
Board of Selectmen Meeting Room  
October 23, 2018**

Acting-Chairman David Merrill called the meeting to order at 8:01PM. Board members present, in addition Dave Moniz, Gregor Smith, and Jody Clineff were present. Chairman Bob Moriarty was absent. Donna Rich, Community Development Coordinator, was also present. Other persons present during all or part of the meeting included residents John Ingalls, Vicki Blais, Wolfgang Herbel, Maryjane Doorly, Mark Mscisz, Nancy McCann, McCann & McCann, P.C.

**Announcement:** Acting Chair David Merrill announced that the Board would go into Executive session under G.L. c.30A, §21(a) (3) to discuss strategy with respect to litigation in the matter of 3 Kinsman Lane, LLC v. Zoning Board of Appeals, Essex Superior Court No. 1877-CV-00410 which as Acting Chair he declared that discussing the matter at an open meeting may have a detrimental effect on the litigating position of the Board; votes may be taken.

**Public Hearing**

**8:00PM:** 9-11 South Main Street-9-11 South Main Street LLC- David Moniz read the Legal Notice to open the Hearing. Nancy McCann, McCann & McCann, P.C., stated that the applicant wished to request a continuation of the Public Hearing. Member Jody Clineff made a motion to continue the Public Hearing until November 27, 8pm at the Board of Selectmen meeting room at 8 West Common Street, seconded by Member Gregor Smith; so voted 4-0.

**Minutes:** Member David Merrill made a motion to approve the minutes of June 6, 2018, as written, seconded by Member Gregor Smith; so voted: 4-0.

At 8:15pm, Member Dave Moniz made a motion to go into executive session to discuss strategy with respect to litigation in the matter of 3 Kinsman Lane, LLC v. Zoning Board of Appeals, Essex Superior Court No. 1877-CV-00410 which the Acting Chair declared that discussing the matter at an open meeting may have a detrimental effect on the litigating position of the Board, the Board would not return to open session, seconded by Member Jody Clineff.

There was a Roll Call Vote to enter into Executive Session:

Dave Merrill voted yes,

Dave Moniz voted yes,

Jody Clineff voted yes

Gregor Smith voted yes.

So voted 4-0. The Board entered Executive Session at 8:17pm and would not return to Open Session.

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. Draft Minutes June 6, 2018
3. Application for 9-11 South Main Street

*Approved as written at the November 27, 2018 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
--