

**Minutes
Topsfield Zoning Board of Appeals
Virtual Meeting
February 22, 2022**

Chairman Bob Moriarty called the meeting to order at 7:03PM. Board members present included Chairman Moriarty, David Merrill, Gregor Smith (arrived 7:07pm), Jody Clineff, Dave Moniz and Kristin Palace, alternate. Donna Rich, Community Development Coordinator, was also present.

Visitors names on screen via zoom: applicant Michael Larkin, Perkins Landing LLC, George Pucci, KP Law, Select Board Members Dick Gandt, Town Administrator Kevin Harutunian, Natalie Whelan, Planning Board Chairman Martha Morrison, Boxford Cable Access TV and many others.

GOVERNOR’S ORDER

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means. Members of the public who wish to access the meeting may do so via the Zoom meeting identification as listed on the agenda. 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. In the event that we are unable to do so, for reasons of economic hardship and despite best efforts, we will post on the Town website: www.topsfield-ma.gov an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Chairman 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?” Select Member Dick Gandt requested and was granted approval.

Annual Report

Chairman Moriarty made a motion to approve the draft FY21 ZBA Annual Report for submission, seconded by Dave Moniz; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Clerk David Merrill-yes
Member Jody Clineff-yes
Member Dave Moniz-yes
Member Gregor Smith-absent

Public Hearing: *continued*

57 Perkins Row – Perkins Landing LLC / Michael Larkin

Chairman Moriarty stated that the applicant had requested a continuation because of a Request for Determination that had been filed with the Conservation Commission by the

neighbor, in addition it was noted that the Conservation Agent would be doing a site walk Wednesday, February 23, 2022 to review their proposed resource line which may address the conservation issue that was before the ZBA board. George Pucci made mention that the Board had requested the applicant to provide evidence of continuing site control as noted in Attorney Hill's letter of January 25, 2022, none had been received to date. Chairman Moriarty made a motion to continue the Public Hearing until March 22, 2022 at 7pm and to extend the 180-days' time-period for the Zoning Board of Appeals to act pursuant to 760 CMR 56.05(3) until July 26, 2022, 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 Jody Clineff-yes
Member Dave Moniz-yes

Public Hearing:

240 Boston Street – Greg Damigella, Gymcore LLC– Clerk David Merrill read the Legal Notice to open the Public Hearing. Chairman Bob Moriarty recognized Mr. Damigella. Damigella explained that his business has been open since 2011 around the corner on Central Street and is primarily a fitness program delivered on an individual basis. Damigella stated Mr. Lawton offered a larger space, 4,000 square feet at 240 Boston St. that was appealing to him. Presently there are 3-4 instructors with up to 10 clients at a time, business hours are 5:30am-10:00am and 4:30pm – 6:30pm Monday – Friday, with clients there for an hour, which fluctuates depending on the hours of the day and time of the year. Chairman Moriarty asked about signage, Damigella noted that he would change the existing signage to his business name. Dave Moniz asked about parking, Damigella stated that he was provided with a dedicated amount of 11 spaces, with 10 other open spaces available. The parking plan that was submitted was reviewed in depth. Chairman Moriarty directed the members through the Site Plan Review Checklist. Chairman asked if there were any comments from the public, none were heard.

Gregor Smith made a motion to close the public hearing, seconded by David Merrill; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Clerk David Merrill-yes
Member Gregor Smith-yes
Member Jody Clineff-yes
Member Dave Moniz-yes

Gregor Smith made a motion to approve Site Plan Review pursuant to Article IX of the Zoning Bylaw and accept the parking plan as submitted, seconded by David Merrill; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Clerk David Merrill-yes

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

Jody Clineff made a motion to approve a Special Permit pursuant to Article III, Section 3.02, Fitness and Recreational Sports Facilities (4.24) of the Zoning Bylaw, seconded by Gregor Smith; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Clerk David Merrill-yes
Member Gregor Smith-yes
Member Jody Clineff-yes
Member Dave Moniz-yes

Public Hearing: *continued*

240 Boston Street – Julia Eatmon, Class II Used Car Dealership –Chairman Bob Moriarty stating that the applicant was not present and made a motion to continue the Public Hearing until March 22, 2022 at 7pm, seconded by David Merrill; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Member David Merrill-yes
Member Gregor Smith-yes
Member Jody Clineff-yes
Member Dave Moniz-yes

Part-Time Planner

Chairman Moriarty recognized Town Administrator Kevin Harutunian who explained that for the past two years he has requested a professional Planner during the budget process and with Donna Rich's retirement there was an opportunity to again advocate for the position. Harutunian explained that it would be a 19-hour position, supporting the Planning Board and Zoning Board of Appeals, along with the Master Plan process, the MBTA Zoning requirements, MS4, the Economic Development Committee, to name a few tasks. Harutunian discussed comparable surrounding communities that have the presence of a planner and number of hours supported. Board members expressed their negative opinion of the position, mostly stating that to date there was not enough information presented. In addition, board members expressed their support for the position stating reasons why Topsfield would benefit from a Planner position. There was acknowledgement that the Board would require administrative support, and there was a discussion relative to the back-up plan if the position was not supported during the budget process. Chairman Moriarty stated that the Board couldn't endorse the position tonight.

At 8:55 pm David Merrill made a motion to adjourn, seconded by Gregor Smith; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes
Member David Merrill-yes
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 January 11 & 25, 2020
3. Continuation Request for 57 Perkins Row
4. 240 Boston Street- Greg Damigella, Gymcore LLC application

Approved as amended at the March 22, 2022 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.
