

**Minutes
Topsfield Zoning Board of Appeals
Virtual Meeting
April 27, 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: Town Administrator Kevin Harutunian, Select Board members: Lynne Bermudez, Dick Gandt, Boyd Jackson and Marshall Hook, applicant Michael Larkin, Patrick Larkin, Cameron Beauport, Perkins Landing LLC and Scott Cameron, Morin Cameron Group, Boxford Cable Access TV and many others. Total participants were 76.

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 / Meeting of April 27, 2021 Documents (blue tab) and A 40B Project-Perkins Landing (blue tab).

Chairman Bob Moriarty called the meeting to order at 7: 04 pm.

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?”, Select Board member Dick Gandt stated he would be recording.

Public Hearing: *Continued*

371 Boston Street – Sabino/The Morin-Cameron Group, Inc: Chairman Bob Moriarty made a motion to continue the hearing until May 25th, seconded by Dave Moniz; motion carried with a roll call vote as follows:

Chairman Bob Moriarty-yes

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Clerk Dave Merrill-yes
Member Gregor Smith-yes
Member Dave Moniz-yes
Member Jody Clineff-yes
Alternate Member Kristin Palace-yes

Public Hearing:

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

Dave Merrill read the Legal Notice to open the Public Hearing. Chairman Moriarty announced that this is the initial hearing for a Chapter 40B project located at 57 Perkins Row, this is the first of many meetings for this project. The Zoning Board of Appeals (ZBA) was required to open the hearing within 30 days of receipt of the application, and we have done that. Chairman Moriarty asked for the Board members to provide a brief introduction of themselves, each member provided their name and tenure on the Board, and if they had any experience with a 40B project. Chairman Moriarty requested a member of the applicant to introduce themselves, along with other members of the project team. Michael Larkin introduced himself, along with Cameron Beauport, Patrick Larkin of Perkins Landing, LLC and the chief engineer on the project, Scott Cameron of the Morin Cameron Group. Chairman Moriarty explained generally how the process of this hearing would be executed, stating that there would be presentations along with questions from the Board regarding different aspects of the development, along with clarification from the applicant. After process completed, the hearing would be opened up to the public to express their concerns or ask questions which would assist the board in making their decisions. Complications during this type of hearing is that there will be more experts that will testify or provide information to the Board than is typical. To help the ZBA with this process Massachusetts Housing Partnership (MHP) provides through a Grant, assistance with a consultant. The Town has applied and was awarded that assistance, however, a consultant has yet to be appointed. There was a conflict with the first consultant and we are waiting for another one to be appointed from MHP. This expert, who has experience in Chapter 40B projects, would assist with the technical expertise and advise the Board. In addition, the Board would obtain a Peer Review consultant. Much of the Review process will be technical in nature and specific to this 40B development, there will be a lot of expert advice and guidance which will be made to the members and the public. Chairman Moriarty explained that the public input would be received, however, it will not be tonight, or next meeting. He urged citizens to continue to be attentive as the Board moves through the hearing and strongly urges citizens to present any concerns and or information in writing, so it would become part of the hearing process and part of the public record. The Chairman recognized Donna Rich, who was introduced and she directed the citizens to send comments and/or concerns to the zoning@topsfield-ma.gov via email or mailed to Zoning Board of Appeals, 8 West Common Street, Topsfield.

Chairman Moriarty reviewed the mechanics, which would include the hiring a Peer Review consultant to review the materials that have been submitted. Chairman Moriarty quoted items listed in the October 9, 2019 letter of Eligibility from Mass Housing Finance Agency to Perkins Landing, LLC that would warrant peer review, they are as follows:

- Requires compliance with all state and federal environmental laws, regulations, and standards applicable to existing conditions and to the proposed use related to floodplain management, wetland protection, river and wildlife habitable/conservation areas, stormwater management, wastewater collection treatment, hazardous waste safety, and public water supply.
- Given the site's location relative to the Ipswich River, protection and mitigation strategies should be reviewed to discuss compliance with all applicable state and federal environmental laws, regulation and standards
- Must comply with all conditions contained in any Order of Conditions issued by the Conservation Commission.
- Must comply with Title V regulations regarding the design and construction of individual wells, septic systems and wastewater treatment plants.
- A landscape plan should detail the planting plan as well as paving, lighting, and signage details, location of outdoor dumpsters or other waste receptacles.
- Provide detailed information relative to proposed water use, potential impact on existing capacity, and appropriate mitigation.
- Provide a detailed traffic study which should assess potential impacts of the project on the area roadways, including traffic volumes, crash rates, and the safety level of service of area intersections, and identifying appropriate traffic mitigation in compliance with all applicable state and local requirements governing site design
- Review of traffic study inside of the project, which should address proposed on-site circulation and parking to ensure compliance with public safety standards and good design practice relative to drive-aisle widths, turning radii and sight distances along the Site drive and the parking areas through which it passes.
- An architectural review, civil engineer that has all these capacities, that we look civil

Mr. Larkin asked if it was the pleasure of the Board to coordinate with one Peer Review consultant for the other noted departments that would also require a Peer Review. Chairman noted that would be acceptable, funnel all needs through the Peer Review consultant and the MHP consultant. Mr. Larkin agreed with this concept.

Chairman noted that the process to locate and secure a Peer Review Consultant would be informal and set up prior to the next meeting. Mr. Larkin agreed. Mr. Larkin explained that once the Consultants are on board a schedule can be agreed upon so everyone is aware of the proposed topics for each meeting.

Chairman requested Mr. Larkin provide a short explanation to the project and a brief historical review of where we are today.

Mr. Michael Larkin first explained that Mr. John Smoluk would not be representing the project due to time constraints on his part. Mr. Larkin briefly described the legal process that had been followed to date to obtain the letter of eligibility from Mass Housing Finance, dated October 9, 2019. The site at 57 Perkins Row was explained to be redeveloped from a single dwelling to a 40-unit 2 family dwelling development. The site has 159 square feet of frontage along Perkins Row and is bound to the south by the Zoning Board of Appeals Minutes

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Ipswich River, and residential lots to the east and west. The project obtain eligibility for a 44-home ownership, however during design and developmental it had been reduced to 40 units after review of the site topo and to address the Towns comments received. The proposed development includes 20 dwelling units with a private road along Perkins Row, comprehensive stormwater management system, on site sanitary disposal system, new utilities and shared outdoor amity space. Further explained was the existing original dwelling was built in 1952, the driveway then was constructed over a linear wetland. Back in 2015 a 5-lot definitive subdivision was filed with Planning Board and a Notice of Intent with the Conservation Commission. The Planning Board filing was withdrawn in 2018 as a result due to the inability to obtain an Orders of Conditions for the road construction from the Conservation Commission under the local bylaws. An Order of Conditions, number 307-0724, was issued on December 18, 2015 under the Wetland Protection Act, extended to be valid until December 18, 2021. There is wetland resource area and jurisdictional buffer zone which are noted on the existing plan. The Ipswich River is a bound to the south, also noted was wetland boundaries. Proposing a total of 40 dwellings, 20-unit dwellings which was described in detail as noted in the application. Roadway width with sidewalks, along with stormwater construction was also described. The cluster development will contain 10 dwellings, 25% of the development, restricted to affordable, 70% would be preference for Topsfield residents. Mr. Larkin noted that the project would begin construction in the Fall of 2021 and is projected to take 2 years to complete.

Chairman stated that this is a complex project which is going to require a significant amount of time to review and draft a decision. The project can be approved or denied. Denying is extremely difficult to uphold, so the focus on the Board and Consultants would be to establish a Decision with conditions that would be added to the Decision. The conditions contained in the Decision would adequately address the concerns established over the past few years noted by the Town and the abutters. Concerns would be those that were noted in the Mass Housing letter of October 9, 2019. Chairman stated the Board is aware of the issues that the town has expressed during the process and the Board will address them to the extent that the 40B process allows. Noted that due to the Town's inability to reach a Safe Harbor level of affordable housing, the applicant has a letter of eligibility therefore the approval process will continue.

Chairman Moriarty made a motion to continue the Public Hearing until May 25, 2021 at 7pm, seconded Dave 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

Alternate Member Kristin Palace-yes

Minutes: Dave Moniz made a motion to approve the February 23, 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

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Member Gregor Smith-yes
Member Dave Moniz-yes
Member Jody Clineff-yes
Alternate Member Kristin Palace-yes

At 8:12pm Dave Moniz 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
Member Gregor Smith-yes
Member Dave Moniz-yes
Member Jody Clineff-yes
Alternate Member Jody Kristin Palace-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 February 23, 2021
3. Application for a Comprehensive Permit for Perkins Landing LLC, 57 Perkins Row

Approved as written at the May 25, 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.
