

## **Topsfield Planning Board**

January 12, 2012

Chairman Morrison called the meeting to order at 7:44 PM at the Town Hall. Board members present were Martha Morrison, Janice Ablon, Steven Hall, Gregor Smith and Ian DeBuy Wenniger. Roberta Knight, Community Development Coordinator was also present.

**Visitors:** Selectman Dick Gandt; Ron Shaw, Daniel McNamara, Forrest McNamara, Maureen McNamara, Richard Marra, Chris Nash and David Rimmer

**Minutes:** Member Steven Hall made the motion to approve the minutes of December 6, 2011 as amended; seconded by Clerk Janice Ablon; so voted.

**Special Permit Form A Application:** Clerk Janice Ablon made the motion to approve the Special Permit Form A Application as written; seconded by Member Steven Hall; so voted 3-0.

**Slope By-laws:** Chairman Morrison initiated the discussion on the incorporation of slope standards into the Topsfield Zoning By-laws. Ms. Morrison noted that she had reviewed various by-laws which address slope area. Some communities address slope in terms of land above a certain slope cannot be included in the calculation for required lot area thereby increasing the size of the lots; and other communities do not allow slope as part of the calculation for the buildable area on a lot. The Board would need to decide on a definition for slope if it chooses to move forward and present a "Slope By-law" for town meeting action. Ian noted that he had reviewed several by-laws and would draft an initial report for the members to review.

**15 Perkins Circle:** At 8:07PM, Chairman Morrison called to order the public hearing to consider the application of Daniel and Lynn McNamara for premises located at 15 Perkins Circle requesting a special permit pursuant to Article VII, Section 7.03 of the Zoning By-law for the construction of a temporary accessory apartment.

Builder Ron Shaw reviewed the plans with the Board. The proposal is to build an accessory temporary apartment consisting of 720.6 sq. ft. in the basement level behind the garage. It is a walk-out basement with an exit to a walkway. The Board also reviewed the application as to its completeness and found all was in order. Daniel McNamara provided the Board with the recorded Title 5 Bedroom Deed Restriction.

Abutter Richard Marra of 19 Perkins Circle addressed the Board raising his concerns regarding the application for the apartment, specifically citing Section 3.6 of the By-law. He stated that in his opinion, he did not believe that the applications met the requirements of this section. Ms. Morrison noted that the intent of the By-law was to allow for multi-

generational families to live together She noted that the temporary accessory units, commonly known as in-law apartments, have been permitted in a number houses throughout the community. Typically, the “grandparent” generation is preparing for that time when they will need living assistance. In the meantime, they assist with the care of the grandchildren. The other members reiterated this position. All agreed that the application fell within the intent of the By-law in that the applicant indicated that child care would be provided by the residents of the in-law apartment.

Mr. Marra questioned the Board as to how long the permit was valid and what may happen to the apartment once the need no longer exists. Ms. Morrison noted that the permit was valid for three years and would have to be renewed. The permit runs with the applicants and not with the property. New owners would have to re-apply, if they wish to keep the apartment. In regard to the dismantling the apartment, the enforcement for said action is under the jurisdiction of the Inspector of Buildings. Most likely the kitchen facilities would need to be removed.

Chairman Morrison requested a motion to close the public hearing. Clerk Janice Ablon made the motion to close the hearing; seconded by Member Ian DeBuy Wenniger; so voted 4-0.

At this time, Member Ian DeBuy Wenniger made the motion to approve the special permit application of Daniel & Lynn McNamara for a temporary accessory apartment at 15 Perkins Circle for the purpose of allowing David McNamara’s parents to live in the accessory apartment to provide care for the senior McNamara’s, who in turn would assist in the care of the minor children and each other; and further, said application satisfies the intent of the By-law; seconded by Member Steven Hall; so voted 4-0.

**29, 41-43 Cross Street:** At 8:40PM, Chairman Morrison commenced the preliminary discussion regarding a common driveway special permit for the three ANR lots that comprise the property commonly known as Meredith Farm with owner Chris Nash, and David Rimmer of the Essex County Greenbelt Association. Mr. Nash noted that the Board approved in 2008 an ANR plan that moved a lot line relative to Lot 8A and created two other lots, Lot 9B for the main house and Lot 9C, a 20 acre lot for the cottage; however, the plan has never been recorded and the special permit for the common driveway noted on the plan was never permitted.

Mr. Nash noted that the plan was reviewed by Greenbelt and he worked closely with Greenbelt to work out the layout of the plan to preserve the Conservation Restriction. All the utilities have been installed underground; the cottage has been torn down; a smaller foundation is in place; an approved septic system has not been installed.

Mr. Rimmer confirmed Mr. Nash’s summary of events and noted that there are two envelopes for the property: the main house and the cottage. The footprint for the two structures may be doubled within the envelopes.

The Board saw no problem with the proposed plan for the common driveway since it would be confirming what has existed in the past prior to the subdivision of the original lot. Mr. Nash noted that he would submit an application for a common driveway subdivision for the next Planning Board meeting on February 7, 2012.

**Slope Discussion continued:** The Board members continued their discussion relative to the various methods that could be used to achieve the Board's objectives. The members agreed to speak to John Coulon relative to Title 5 and also Ms. Morrison suggested that both Holger Luther and Jim MacDougall be contacted as well.

**Planning Board Rules & Regulations for Form A:** Clerk Janice Ablon made the motion to approve the Rules & Regulations for Form A Applications for the Planning Board as submitted; seconded by Member Steven Hall; so voted 4-0.

The meeting was adjourned at 10:17 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator