

**Minutes
Topsfield Planning Board
Town Library Meeting Room
January 19, 2016**

Chairman Morrison called the meeting to order at 7:35PM. Board members present, in addition to Chairman Martha Morrison, were Jeanine Cunniff, Joseph Geller and Steven Hall. Roberta Knight, Community Development Coordinator was also present. Of the Planning Board staff Community Development Coordinator Donna Rich was in attendance. Other persons present during all or part of the meeting were Conservation Commission member Holger Luther and Cheryl Jolley, Jillayne Stutz and Janice Rinne, McCann & McCann, PC representative Nancy McCann, residents Josh Rownd, Colleen Wells, Tony Silva, Michael Denis, Kelly & Charles Nason, Debra, James & Jim DiBenedetto, Katie Kiaunis, Jaclin Degan, Karen Johnson, Kim Sherwood, Dan Shugrue, Dick Gandt, Stephen & Francee Longmuir, Joanne & Paul Harder, Martha Sanders, Mark Liptak, Pam & Tom Warren, David Finn, Daniel Ludmar, Janet Brown, Nicky & David Larson, Thomas McAndrew, Bill Creelman, Martha Rose, Betsy Dempsey, Law Offices of Jeffrey L. Roelofs, P.C., Sarkis Development Company representative John Sarkis, Brown Sardina, Landscape Architect Bill Brown, and MZO Group representative Steve Boudreau.

New Business

FY17 Budget: Clerk Steven Hall made a motion to approve the FY17 Planning Board budget as outlined on printout dated 1/11/16, seconded by Member Jeanine Cunniff; so voted: 4-0.

Annual Report: Clerk Steven Hall made a motion to approve the Planning Board's FY15 Annual Report, as amended, seconded by Member Jeanine Cunniff; so voted: 4-0.

Public Hearings

7:47PM: Accessory Apartment Special Permit at 15 Perkins Circle: Clerk Steven Hall read the Legal Notice. Jillayne Stutz stated their family would be moving to Topsfield, which consisted of three children and Jillayne's mother, Janice Rinne. Chairman Morrison explained that there would be a 20 day appeal period, the permit was valid for 3 years and that a copy of the deed displaying they were owners of the house would have to be delivered to Town Hall after the closing. Member Jeanine Cunniff made a motion to approve the Accessory Apartment Special Permit to Janice Rinne, Chad Stutz and Jillayne Stutz of 15 Perkins Circle, contingent upon sale of the house documents be produced and dropped off at Town Hall, seconded by Clerk Steven Hall; so voted: 4-0.

New Business *continued*

Committee Member Changes: Chairman Morrison announced that Member Stephen Silveri had resigned from the Board due to personal commitments. Chairman Morrison introduced Josh Rownd and recommended that he be appointed by the Board of Selectmen as an Alternate member of the Planning Board. Member Jeanine Cunniff made a motion to request the Board of Selectmen to appoint Josh Rownd as an Alternate Member to the Planning Board for a term to expire May 5, 2016, seconded by Clerk Steven Hall; so voted: 4-0.

Minutes

Minutes of December 1, 2015 were reviewed and member's offered amendments.

Public Hearings

8:00PM: 57 Perkins Row: McCann & McCann, PC representative Nancy McCann presented a request, dated January 15, 2016, asking the Planning Board to continue the Public Hearing on the Definitive Subdivision Plan for 57 Perkins Row until April 5, 2016. Member Jeanine Cunniff made a motion to continue the Hearing for 57 Perkins Row until April 5th at 8PM, seconded by Member Joe Geller; so voted: 4-0.

Minutes continued

Minutes of December 1, 2015 were further reviewed and member's offered additional amendments. Member Joe Geller made a motion to approve the minutes of December 1, 2015, as amended, seconded by Member Jeanine Cunniff; so voted: 4-0.

Miscellaneous Items

2016 Annual Town Meeting Warrant: Chairman Morrison reminded the Board that the 2016 Annual Town Meeting Warrant was opened, and would close on February 22nd. There was a discussion relative to the Planning Board submitting amendments to the following Zoning Bylaws: shared driveways, Open Space, acceptance of Hickory Lane, Beech Place, and Evergreen Lane and the request of the Elderly Housing District proposed for 470 Boston Street.

8:30PM: 116-120 Hill Street Preliminary Subdivision Continuation: Chairman Morrison reviewed the status to date for the proposed preliminary subdivision project at 116-120 Hill Street location. McCann & McCann, PC representative Nancy McCann addressed the Board, stating New Meadows Developing LLC members Tom Shank and Jeff Garber and project engineer Scott Cameron were present. Attorney Nancy McCann reviewed the activities that had taken place since the last meeting, which included a site visit with some Planning Board members walking the entire parcel, a meeting with the Building Inspector who confirmed the requirements had been met, and expressed that they were looking for the Board's approval tonight to move to the next phase, which is either to approve a Definitive or Open Space Sub Division plans be developed. Chairman Morrison noted that the Board would request one plan be moved forward for the purpose of a Definitive Plan. Chairman Morrison reiterated her opinion, that the intent of an Open Space plan was to otherwise protect what is not previously protected, noting that in this area the parcel is already protected via the wetlands that presently exist. In addition, Chairman Morrison stated her preference would be to support a Definitive Plan for a Conventional Subdivision with 2 acre zoning; larger frontage and that would be in keeping with the rural character of this area, Hill Street, Rowley Bridge Road and English Commons. Member Steve Hall expressed his concern for density of the homes displayed on the plan, and expressed his concerns about the roadway access to the development off of Hill Street, using the example of headlights shining into the house directly across the street. Member Joe Geller concurred with what had been stated; expressing his support of a Conventional Plan although added his skepticisms of there being 20 viable lots at this site. Member Jeanine Cunniff expressed her concern about congestion on the parcel with the topography that exists, mentioning that a 200-foot

frontage is more in keeping with the neighborhood, she concurred with Joe as to how effectively this can be built out and believes that a Conventional Plan would be a better fit for the neighborhood. Jeanine further stated her concern with stormwater management and about grading encroaching on the buffer zone. Chairman Morrison encouraged the developer to visit the Conservation Commission, even though the work is not within their jurisdiction at this time. There was a discussion relative to retention vs detention ponds. McCann & McCann, PC representative Nancy McCann stated that the Board has expressed their opinion regarding the requirements under Open Space Bylaw 4.09 for an issuance of an Open Space Plan approval and that this plan does not meet the requirements, due to neighborhood impact. Ms. McCann further commented that they understand there are criteria above and beyond the Subdivision Control Law for the Open Space and the developer is fully aware of this and the Board has to make findings under this section of the Bylaw. Chairman Morrison opened the discussion up to the audience. Attorney Jeffrey L. Roelofs, P.C introduced himself as representing several neighbors and presented a letter stating their concerns on why the Board should deny the preliminary sub-division plans as submitted to date. Resident Tom Warren was recognized and stated his concerns regarding stormwater. Resident of English Commons Thomas McAndrew was recognized and offered a letter of concerns from the residence of English Commons. There was then a discussion regarding previous water issues on Hill Street.

Member Jeanine Cunniff made a motion to approve New Meadows Developing LLC to continue with the development of a Conventional Plan for the Definitive Plan that would address all manners of traffic, stormwater management and all other requirements of the Topsfield Sub Division Control and Rules & Regulations and the Zoning Bylaw of the Town of Topsfield and Stormwater and Erosion Bylaw of the Town of Topsfield and further that New Meadows Developing LLC pursue a meeting with the Conservation Commission relative to any grading and stormwater management under their jurisdiction, seconded by Member Steve Hall; so voted: 4-0.

Point of Order noted by Attorney Jeffrey L. Roelofs to the Board regarding Procedures for the Submission and Approval of Plans under 4.2.4 of the Sub-Division Control Rules & Regulations that this is a non-binding decision. There was a brief discussion of clarification of process.

Member Steve Hall expressed his opinion that of the 6 objectives noted in the Open Space Plan Bylaw the applicant has justified #'s 1 & 6, and all other issues are only partial or applicable, #'s 2, 3, 4, & 5.

McCann & McCann, PC representative Nancy McCann requested that the Board reach out to Beals & Thomas for an estimate on a Peer Review for this Sub-Division.

9:34PM: 470 Boston Street Proposed Elderly Housing District: Sarkis Development Company representative John Sarkis came forward. Mr. Sarkis reviewed recent meetings he had attended with the Board of Selectmen and Conservation Commission. Mr. Sarkis noted that the Conservation Commission suggested that the development stay out of the Buffer Zone, which the plan was able to achieve. Then Mr. Sarkis explained the

Conservation Commissions concern with Public Benefit and Secondary Access of Egress. Mr. Sarkis noted that a pedestrian foot path connecting this parcel with Willowdale could be considered and explained how that could be accomplished. Regarding the requirement of a Secondary Access of Egress Mr. Sarkis reported that he had reached out to the Office Park and North Street and had not received any call backs. He explained pursuing requesting a waiver of this requirement and also the potential secondary access of egress onto Route 1 through an existing gravel driveway to an existing structure. Mr. Sarkis reached out to the Fire Department that reported their reluctance to comment informally. Mr. Sarkis introduced Brown Sardina, Landscape Architect Bill Brown who explained the landscape plan for the proposed development at this location. The MZO Group representative Steve Boudreau explained the process followed to determine the primary access route to the development and the legal requirements that describe the compliance of the roadway. Chairman Morrison expressed concerns of the development of a secondary access of egress. Chairman Morrison explained that the 2016 Annual Town Meeting Warrant was opened and that Mr. Sarkis was advised to determine the plan that would be presented at Town Meeting to the citizens, with the number of units and other items discussed tonight. Member Joe Geller mentioned parking at the proposed development which generated a discussion relative to the issue. Mr. Sarkis presented a project description to the Board and reviewed the details. Details included, but not limited to are the presentation of 32 Units with most likely a final plan of no less than 30 units. Residents would be for ages 55 and older, duplex's style with some with one bedroom. A community building would be included, with storage off the back. The targeted price would be \$500,000 with one bedroom units \$400,000. Chairman Morrison described the process of moving the project to Town Meeting, which would include a Public Hearing and the request for language for the Warrant Article. There was a discussion relative to the financial impact of the project to the Town, positively and negatively. Chairman Morrison recognized abutters Nicki and David Larson, 109 North Street. Mr. Larson expressed his concern on the density of the proposed project and also described the existing line of hardwood trees that should try to be preserved. Ms. Larson presented photos of the existing property and how their property line abuts the parcel being developed. There was a discussion relative to the proposed boardwalk presented and potential detrimental aspects of it being created, such as parking, wild-life and actual use it might receive.

At 10:45 PM, Member Jeanine Cunniff made a motion to adjourn and Member Geller seconded the motion; so voted: 4-0.

Respectfully submitted,

Donna C. Rich
Community Development Coordinator

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

1. Agenda
2. McCann & McCann, PC representative Nancy McCann letter requesting a continuance of 57 Perkins Row Definitive Plan discussion to the April 5, 2016 meeting
3. Letter dated January 6, 2016 from Conservation Commission relative to 57 Perkins Row
4. Neighbor Comment letter dated January 19, 2016, authored by Jeffrey L. Roelofs, P.C.
5. English Commons letter dated January 19, 2016
6. Board of Health's comment on Preliminary Conventional Subdivision Application at 116-120 Hill Street
7. Revised information from Mr. Sarkis regarding 470 Boston Street; project description
8. Photos of the property at 470 Boston Street submitted by Nicki Larson

Approved as amended at the March 15, 2016 Planning Board 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.

