

## **Topsfield Planning Board**

January 20, 2009

Chairman Winship called the meeting to order at 7:30 PM. Board members present were Robert Winship, Janice Ablon, Gregor Smith, Ian deBuy Wenniger and Jonathan Young. Roberta Knight, Community Development Coordinator was also present.

**Visitors:** Attorney James Kroesser, Frank Powers, Deborah Kilburn, Alan Berry, Attorney Bradford Latham, Larry Beals, David Varga

**Rainbow Seafood Inc.:** At this time, Attorney Kroesser addressed the Board in regards to the Planning Board's letter dated January 15, 2008 in which Rainbow Seafood was directed to file an application for a Planning Board special permit or file a request for a building permit which, if denied, could be appealed to the Zoning Board of Appeals. He noted that he had not been present at the January 14<sup>th</sup> special meeting and queried as to what had changed from the discussion on January 6<sup>th</sup> at which time the Board stated that it would render a decision at the January 20<sup>th</sup> meeting. Chairman Winship noted that the Board had done extensive research on the matter and that the Board had determined that although there is a comprehensive special permit issued for the construction of the Topsfield Business Park, individual unit owners have been required to apply for special permits in order to operate businesses within the facility. Moreover, the letter was issued based on the recommendation from Town Counsel.

**English Commons Elderly Housing District Continued Hearing:** At 8:00 PM, Chairman Winship called to order the continued public hearing to consider the applications of English Commons LLC for premises of approximately 68 acres located at 12 Boston Street (Route 1), Topsfield, MA requesting an Elderly Housing Special Permit pursuant to Article III, Section 3.16 of the Topsfield Zoning By-Law, requesting Site Plan Review pursuant to Article IX, Section 9.01 *et seq* of the Topsfield Zoning By-Law including the design standards for the Scenic Overlay Zone pursuant to Article XIV, Section 14.1 *et seq* of the Topsfield Zoning By-Law, and requesting a Stormwater & Erosion Control Permit pursuant to the Topsfield Stormwater Management and Erosion Control By-Law, all to allow the creation of 50 units of multiple-family residences for the elderly at the premises and related appurtenances.

Attorney Latham representing the applicant English Commons LLC thanked the Board for its cooperation relative to its review and revision of the costs for the consulting services, and then requested that the peer review not commence until a determination has been made by MEPA on the revised ENF submission. He also requested that the engineer share information with the applicant and his engineer and a copy of any reports for the Board be forwarded as well.

The Chairman with the assent of the other members responded that the Planning Board had no problem with the request; however, Mr. Winship informed Attorney Latham and developer Alan Berry that the BSC consulting engineer could not make any decisions for

the Board. The consulting engineer's role is to only advise and make recommendations to the Board.

Chairman Winship then signed the BSC Group Proposal for Peer Review Services as amended and approved by the Board at its January 14<sup>th</sup> meeting.

The Board and English Commons LLC by Alan Berry then executed an Outside Consultant Agreement to fund the BSC contract in the amount of \$11,470.00. Clerk Janice Ablon made the motion to approve the Outside Consultant Escrow Agreement in accordance with M.G.L. Chapter 44, Section 53G in the amount of \$11,470 between the Planning Board and English Commons LLC; seconded by Member Gregor Smith; so voted 5-0.

The applicant's Environmental Engineer Larry Beals reviewed the revised Environmental Notification Form (ENF) application filing for the Board. He noted that they are awaiting MEPA's decision and that DEP did not attend the MEPA meeting. However, he has had separate discussions and meetings with DEP relative to the DEP's initial response to the original ENF application filing. The DEP now has an understanding as to which wetlands are under state jurisdiction and those that are under the Topsfield Conservation Commission, and that the pond was man-made for farming purposes and not a natural resource area. Hopefully, DEP will not have any negative responses on the revised filing.

The Board and the applicant's team reviewed the following issues:

- Buffer with tree line as requirement for Scenic Overlay District
- Water Department memo of no impact on water system
- Stonewalls in relation to the acceleration and deceleration lanes proposed for Route 1 access and under the Scenic Overlay Bylaw
- Local Preference Procedures as contract or condition of special permit
- Master Deed
- Condo Association Bylaws
- Conservation Restriction

The Board noted that the last four items would require legal review by Town Counsel. Ms. Knight noted that a separate Outside Consultant Agreement would need to be executed for the legal review.

The applicant then presented the Board with a written request that the public hearing be continued until March 3, 2009 such that MEPA would have made a determination (expected to be by February 10<sup>th</sup>) and the Board's consulting engineer would have sufficient time to review all submitted materials. Member Gregor Smith made the motion to continue the public hearing to the meeting of March 3, 2009; seconded by Member Ian deBuy Wenniger; so voted 5-0.

**Restaurant Definitions:** Member Gregor Smith noted that he had made revisions to the definitions based on last week's meeting and will forward to the Board members for discussion at next week's meeting.

The meeting was adjourned at 10:30 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator