

Topsfield Planning Board

March 18, 2008

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

Visitors: Present as well were Joseph Geller, Gregg Demers, Alan Berry, developer of 12 Boston Street EHD proposal, Frank Iovanella, developer of the New Meadows Golf Course EHD proposal, their respective representatives, interested residents and Town officials. See attached attendance sheets.

Rail Trail Endorsement: Joseph Geller, Chairman of the Rail Trail Committee and member Gregg Demers joined the Board to discuss the Committee's request for an endorsement by the Planning Board relative to the Committee's efforts to develop the rail trail in Topsfield, and specifically moving forward with Phase 1 from Washington Street to Main Street. The Board agreed to endorse the efforts of the Rail Trail Committee.

Chairman Martha Morrison made the following motion:

“Whereas the Rail Trail has figured in the plans of the Town of Topsfield as described in the Community Development Strategy, the E014 Transportation and Open Space Elements, and the Open Space Plan approved by the Department of Conservation and Recreation, and the use of the rail bed, a publicly owned recreational facility, is permitted in all districts under Article III, Section 3.02, 2.6 of the Topsfield Zoning By-Laws,

We (the Topsfield Planning Board) endorse the efforts of the Rail Trail Committee to identify the elements of and investigate the myriad issues associated with developing the Rail Trail.

Further, we endorse the development of a pedestrian walkway and bicycle path from Washington Street to Main Street in the interest of public safety for access to school grounds and recreation area in Topsfield.

This endorsement is contingent upon proper consideration of abutter and citizen group concerns relative to the development of the rail trail. We encourage efforts to conduct a dialogue with interested parties so that their concerns will be addressed to the greatest extent as phases of the Rail Trail are developed.”

Seconded by member Robert Winship; so voted 5-0.

PUBLIC HEARING 2008 ELDERLY HOUSING DISTRICT ZONING ARTICLES

At 8:20 PM, Chairman Morrison called the public hearing to order to consider the following proposed amendments to the Topsfield Zoning By-law for the May 6, 2008 Annual Town Meeting:

Amend Article II, Section 2.10 as follows:

1. insertion of "A. Great Hill" before the current legal description for the Elderly Housing Overlay District for said property,
2. insertion of "B. South Meadows at Topsfield" expanding the Elderly Housing Overlay District to include property located at 12 Boston Street commonly known as the "Page Estate", and further amend the Zoning Map accordingly,
3. insertion of "C. New Meadows Golf Course" expanding the Elderly Housing Overly District to include the New Meadows Golf Course property located at 16 and 30 Wildes Road, and further amend the Zoning Map accordingly.

Amend Article II, Sections 3.16 A.1. And 3.16 C.1.c.: the insertion of language that allows for condominium ownership within an elderly housing development in the EHOD.

Amend Article II, Section 3.16 F 3: the addition of this new sub-section requires that any elderly housing development application within the EHOD must be filed within two (2) years of the date of approval by town meeting approving the Elderly Housing Overlay District.

Clerk Janice Ablon read the legal notice for the record. See attached handout for specific language for the warrant articles.

New Meadows Golf Course Elderly Housing District

Attorney Michael McCarron, representing developer Frank Iovanella, made the formal presentation to the Board. Attorney McCarron noted that the senior housing development would be centered and clustered within the golf course; however, the remaining land within the parcel will be restricted in perpetuity as open space with a reservation of rights for use as a golf course. Development rights for the entire parcel, as an elderly housing district would be restricted to the 24 units presented in the concept plan that is presently before the Board. Architect Wayne Hunt reviewed the architectural plans and landscaping. Engineer James McDowell reviewed the septic and drainage.

Review of Concept Plan:

- Site configuration has changed since information meeting in February due to a wetland resource area. Configuration still consists of six buildings: four along drive and two on first fairway. The first building has been pulled back from

Wildes Road and the building previously sited at the top of the hill is now sited on the first fairway.

- Percs are not completed, but have shown sufficient evidence that a septic system could be designed to meet BOH requirements
- Conservation application has been filed. Storm water controls will be designed for recharge/ reuse of water.
- Golf course entrance has been narrowed
- Development road narrowed with landscaping
- Building 1 moved from 30 feet to 75 feet back and a portion of the building about 40 sq. ft. is still in the buffer zone
- A landscaped area consisting of shrubs and trees would be placed along Wildes Road to provide a 20 to 25 foot wide screening area along the street
- Screened area will also provide an area for water infiltration from paved parking lot for golf course
- 55 feet between buildings, no shared driveways (may have to be tightened)
- Development's roadway: 24 feet wide, 90 foot diameter for turnaround and 450 feet from street

In answer to questions concerning the land if it ceases to be used as a golf course, Attorney McCarron stated that a permanent restriction would be placed on the land to remain "open and un-built" upon if golf course ceases operation. The reason for the development is to provide a revenue stream to preserve the golf course. A restriction on the deed in perpetuity will be given to the Town.

Ten acres will be dedicated to the senior housing development. The golf course would remain in the LLC. Cross easement agreements would be drafted to permit interchange of use (drainage, utilities, stray balls, parking).

A discussion ensued relative to the question posed by Heidi Fox of 31 Wildes Road as to what would happen when the dense senior development was no longer viable. Conversion to unrestricted housing may be a possibility for the future, however, at this time no one can predict.

Financial Impact: In answer to the Chair's question concerning the project's impact, Attorney McCarron stated that the Town would receive \$4K net in real estate taxes for each unit for a total revenue stream upon completion of \$96K.

A discussion then followed concerning the total number of senior units with the inclusion of the two new proposed developments as a percentage of the Town's housing stock. In total, the senior housing stock would then comprise over 10% of all housing within the Town.

Member Gregor Smith questioned as to who would hold the stewardship for the natural land (open space). Attorney McCarron responded that it would be an amenity to the Town with implied public use. Selectman Clark noted that there is no mandate that the

open space must be used by the public. Chairman Morrison noted that the terms of any stewardship of the open space, if the golf course operation ceases would be determined as part of the special permitting process.

South Meadows at Topsfield Elderly Housing District

At this time, Chairman Morrison recused herself from the proceedings due to a potential conflict of interest since she is an employee of Boston College who is the owner of the property. Ms. Morrison turned the chairmanship of the hearing over to Clerk Jan Ablon.

Alan Berry, the developer made the formal presentation to the Board. He noted that the request to the Town for the senior housing development at 12 Boston Street is to place the entire parcel in the overlay district. Second, that the development be allowed condominium ownership, and third that it is his intentions that the open space portions of the parcel would be place under a permanent conservation restriction in perpetuity with walking trails. He also stated that it was his intentions to change the name of the development / district designation due to its similarity with “New Meadows” Golf Course district designation.

Review of Concept Plan:

- Conservation issues have been addressed with the completion of the ANRAD process. The Conservation Commission has approved and fagged the wetlands.
- The front setback for the project from Route 1 is 300feet, and the leach field for the development is sited within the 300 feet set back.
- The housing would be located on the ridge at the crest of the hill
- Development within the 100-foot buffer zone is only for local drainage. All buildings would be outside of the buffer zone
- The reserve septic system would be located in the middle of the development
- The development would consist of 52 units; the parcel consists of 68.5 acres such that each unit would have the equivalency of 1.3 acres
- Townhouse units would be duplexes or triplexes with 2 car attached garages and sited at least 100 feet from all property lines
- 50 acres of open space which is approximately 70% of the parcel

Financial Impact: Mr. Berry then addressed the financial impact that the project would have on the community.

- When completed a total revenue of approximately \$468K in real estate taxes
- One time building permit fee of \$130K
- Limited Town services since there would be no school children
- Maintenance of road, utilities, trees, landscape and trash by Association
- Low maintenance homes

Other Positives:

- Provides permanent open space
- Low impact development relative to the septic system and treatments; bio-retention system that puts clean water back into the ground and improves the life of the leaching fields. It would slow down rate of run off so usable during low flow rate time of year.

In response to questions, Mr. Berry noted that

- 22 of the 50 open space acres are wetlands
- The water connection would be from Rowley Bridge Road and piping would be directionally bored horizontally under the wetlands, and this method has been approved by the Conservation Commission
- Conservation restriction would be owned and maintained by the Association or owned by the Town; Town can control restriction owned by the Association

The public hearing was closed on a motion by Member Robert Winship; seconded by Member Gregor Smith; so voted 4-0.

Chairman Morrison returned for deliberation and votes.

Deliberation And Vote of the Board:

The Board members first reviewed the two warrant articles that addressed the condominium ownership and the expiration limit for the elderly housing district application. The members were in agreement that these two articles first addressed the request of the developers for condominium ownership. Secondly, the term limitation for the application process would address the Board's concerns that given the present housing situation, the applications for developments within the elderly housing district would be processed in a timely fashion. Moreover, the concept plan for each project requesting "elderly housing district" status and as described by the respective developers at this zoning public hearing and as presented to town meeting would also be tied to the filing of the respective applications within this timely period.

Article to amend Zoning Bylaw, Sections 3.16 A 1. And 3.16 C.1.c.: Member Gregor Smith made the motion to recommend to Town Meeting that these sections be presented by the Planning Board for approval; seconded by Clerk Janice Ablon; so voted 5-0.

Article to amend Zoning Bylaw, Section 3.16 F, Expiration for Filing: Member Gregor Smith made the motion to recommend to Town Meeting the adoption of this new section that requires the application for the special permit be filed within two years of elderly housing district approval by Town Meeting; seconded by Member Robert Winship; so voted 5-0.

Article to amend Zoning Bylaw, Section 2.10, Insertion of “A. Great Hill: Member Gregor Smith made the motion to recommend to Town Meeting this clarifying amendment by inserting the language “A. Great Hill”; seconded by Member Robert Winship; so voted 5-0.

Creation of “New Meadows Golf Course” Elderly Housing District:

The Board members then discussed the creation of “New Meadows Golf Course” elderly housing development noting both the positives and negatives. Clerk Jan Ablon noted that a positive would be that the golf course land would be protected. The change in configuration of the buildings and landscaping along Wildes Road indicated that the developer was responsive to the comments of the abutters made at the informational meeting in February.

Member Gregor Smith noted his reservations that the developing entity did not have a track record and had concerns relative to the contractual arrangements for the cross easements and possible post use after golf course. These issues would need to be addressed as part of the special permitting process. Mr. Smith stated that although he has concerns he would be willing to support the project.

Member Robert Winship stated that this proposal as a dense housing open space development mitigates the development within the parcel.

Article to amend Zoning Bylaw, Creation of “New Meadows Golf Course” Elderly Housing District: Member Ian deBuy Wenniger made the motion to recommend to Town Meeting positive action; seconded by Clerk Janice Ablon; so voted 5-0.

Member Robert Winship volunteered to address Town Meeting relative to the creation of “New Meadows Golf Course” Elderly Housing District. Further, it was the consensus of the Board that both the positives and negatives of the project would be noted in the presentation of the recommendation at Town Meeting. In addition, Mr. Winship would also present the introduction to the zoning articles.

Creation of “South Meadows at Topsfield” Elderly Housing District:

At this time, Chairman Morrison again recused herself from the proceedings due to a potential conflict of interest since she is an employee of Boston College who is the owner of the property. Ms. Morrison turned the chairmanship of the meeting over to Clerk Jan Ablon.

The Board members then proceeded to discuss the creation of “South Meadows at Topsfield” elderly housing development noting as well both the positives and negatives.

Member Gregor Smith noted that this was a much easier decision in that C.P. Berry was a “seasoned team” with a successful track record. The percs have been completed, septic system designed and wetlands have been delineated. As for the negatives, it is a larger development in an isolated location at the south end of Town. Clerk Janice Ablon noted that the scenic aspect of Route 1 would be maintained as well as agricultural fields within the open space. Due diligence has been completed by the developer. The major negative was the isolation of the development. She also noted that neither development had an affordable housing component. As a result, the Town fell behind in reaching the State’s required percentage of affordable units.

Article to amend Zoning Bylaw, Creation of “South Meadows at Topsfield” Elderly Housing District: Member Robert Winship made the motion to recommend to Town Meeting positive action; seconded by Member Gregor Smith; so voted 4-0.

Member Gregor Smith volunteered to make the presentation at Town Meeting. Further, it was the consensus of the Board that both the positives and negatives of the project would be noted in the presentation of the recommendation at Town Meeting.

At this time, Ms. Knight noted that upon her review of the language of the various warrant article amendments pertaining to the Elderly Housing District under Sections 2.10 and 3.16, there appears to be an inconsistency in phrasing. “Elderly Housing District” and “Elderly Housing Overlay District” have been used interchangeably within the wording of these articles. The Board directed Ms. Knight to correct the language in the amendments such that it is consistent with the wording currently used within these sections of the Zoning Bylaw.

The meeting was adjourned at 11:15 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator