

Topsfield Planning Board

April 7, 2009

Chairman Winship called the meeting to order at 7:50 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: Selectmen Martha Morrison and Dick Gandt; David Varga, Larry Beals, Alan Berry, Cindy O'Connell, Attorney Brad Latham

PUBLIC HEARING

Revisions to the Topsfield Planning Board Rules And Regulations

At 7:50PM, Chairman Winship opened the public hearing to consider the following proposed revisions to the Topsfield Planning Board Rules And Regulations Governing The Subdivision of Land In The Town Of Topsfield:

Addition of new Section 4.11, entitled "Submittal Distribution Requirements and Formats," and make appropriate revisions to other related sections of Article 4 (4.2.1; 4.2.2; 4.2.3; 4.3.2).

Clerk Janice Ablon read the legal notice for the record.

The Board members reviewed Article 4, Sections 4.1.1 thru 4.3.2 and new Section 4.11, entitled "Procedures for the Submission and Approval of Plans" dated April 7, 2009. The following changes were made to the proposed revisions during the public hearing:

1. "Section 4.2.2 b, was revised to read: The Applicant shall obtain a receipt from the Town Clerk verifying that submitted plans have been distributed in accordance with section 4.11.1; a copy of which shall be submitted to the Planning Board.
2. Section 4.3.2 n. was revised to read: One electronically formatted version of all of the above in accordance with section 4.11.2 shall be submitted.
3. Section 4.11.1 was revised to read: An applicant shall file with the Town Clerk copies of all required documents in the quantities and forms as outlined below. The Clerk's copy of the required documents shall be kept on file by the Town Clerk for the duration of the permitting process and the remaining copies shall be distributed immediately by the Town Clerk to the following:
4. Distribution List was revised to read: Public Works Department, (Water & Highway) and 1 copy designation added for Whichever of the Planning Board or Board of Appeals is not the Granting Authority.

5. Section 4.11.3 revised to read: An electronic copy of the final plan with same format as in section 4.11.1 above

Deliberation And Vote of the Board:

Member Ian deBuy Wenniger made the motion to approved the revisions as amended; seconded by Member Gregor Smith; so voted 5-0.

For specific details, please review attached document entitled “ Approved Revisions to Rules And Regulations”, dated April 7, 2009.

The hearing was closed at 8:29PM.

PUBLIC HEARING

Zoning Amendment Articles for the May 5, 2009 Annual Town Meeting

At 8:30PM, Chairman Winship opened the public hearing to consider the following proposed amendments to the Topsfield Zoning By-law for the May 5, 2009 Annual Town Meeting:

Article I, Definitions: amends certain zoning definitions as follows:

1. Amends reference to “2002”edition of NAICS to “most recent edition”
2. Adds new definition for “Building Area”
3. Adds new definition for “Catering”
4. Amends definitions for “Drive-in/Drive-through Eating Establishment” and “Drive-in/Drive-through Establishment”
5. Amends definition for “Restaurant” into five use categories: A. Restaurant, Full Service; B. Restaurant, Limited Service; C. Restaurant, Formula Fast Food; D. Restaurant, Snack and Non-Alcoholic Beverage; E. Retail Specialty Foods.

Article III, Section 3.02: amends the Table of Use Regulations as follows:

1. Amends Use Section 3 by deleting Commercial Kennels and Veterinary Hospital from Section 3.9 and amends allowed uses by district; and further, amends Use Section 4 by adding new Section 4.35 Commercial Kennels and new Section 4.36 Veterinary Hospital with the insertion of uses as amended for all districts; and by the addition of note “5” in the District Column for the CR, BV, BH, BHN, BP for Section 3.9 Commercial Stables stating: “limited to lots more than five acres.”
2. Amends Use Section 4 by deleting sub-section 4.12 Restaurant and adding new restaurant use sub-section categories 4.12 A thru E for all districts as noted above in definitions.

Article IV, Section 4.12 C. 5: amends the parking requirements for the various use categories of restaurants within the permitted districts.

Article V, Section 5.02 B. 3: adds the provision for the appointment of one associate member in accordance with M.G.L. c.40A, sec. 9.

Article IX, Sections 9.05 a. and 9.05 b.: amends the administrative document filing requirements for site plan review applications; and amends the schedule for the deposit of funds for granting authority to retain a consultant in accordance with M.G.L. c. 41, sec. 53G.

Various Section Amendments: amends sections 3.16 D, 5.01, 5.04 A.1 and A.2, 6.01G, 7.02, 14.5 B.6 by adding clarifying and administrative housekeeping language, as well as referencing other sections of the Bylaw, Planning Board Rules and Regulations, and Soil Removal Bylaw.

Clerk Janice Ablon read the legal notice for the record.

The Board members reviewed each zoning article and made one revision to Article IV, Section 4.12 C.5. Parking Requirements. The revision was to include sub-section d. Retail Specialty Foods to read as follows:

- “d. Retail Specialty Foods
 - i. The minimum parking requirements applicable to the primary business to which such establishment is related.”

Deliberation And Vote of the Board:

Clerk Janice Ablon made the motion to approve the Zoning Amendment Articles as amended; seconded by Member Gregor Smith; so voted 5-0.

The report of the Planning Board for the respective articles was delegated as follows:

Robert Winship:

Acceptance of M.G.L. Chapter 41, Section 81U Provision (General Bylaw)
Amend Various Section of the Zoning Bylaw

Gregor Smith:

Amend Zoning Bylaw, Article 1, Definitions
Amend Zoning Bylaw, Article IV, Section 4.12 C.5, Parking Requirements

Ian deBuy Wenniger:

Amend Zoning Bylaw, Article III, Section 3.02, Table of Use Regulations

Janice Ablon:

Amend Zoning Bylaw, Article V, Section 5.02B, Associate Member

Jonathan Young:
Amend Zoning Bylaw, Article IX, Section 9.05, Site Plan Review

For specific details, please review the attachment entitled “Approved Zoning Amendment Articles” dated April 7, 2009.

The hearing was closed at 8:57PM.

English Commons Public Hearing Continuance: At 8:57PM, Chairman Winship called to order the continued public hearing for the English Commons EHD Development Project.

The Board first addressed Attorney Latham’s letter dated April 7, 2009 relative to his objection to the review of non-engineering items by David Varga under the peer review process. Member Ian deBuy Wenniger noted that it was very important for himself as a member to get an overview report relative to all components of the special permitting/site review process. Chairman Winship concurred with this assessment as well as members Gregor Smith, Janice Ablon and Jonathan Young.

At this time, Attorney Latham presented the Board with a revised copy of the Local Preference Plan and noted that the duration of the reservation preference period had been increased from 30 to 45 days. He also noted that Mr. Berry would like to commence some test marketing and requested that the Board give its approval of the plan. Chairman Winship requested the members to review the document such that the Board could discuss the plan at its next meeting.

The following is a summary of the Board’s review by item of the initial report entitled “Peer Review for English Commons Elderly Housing Project” performed by David Varga, The BSC Group, dated March 23, 2009:

Basis for review: Zoning Bylaw, General Bylaws, Planning Board Rules & Regulations, Stormwater and Erosion Control Regulations, Local Wetland Bylaw, Local Wetland Regulations, State Wetland CMR, DEP Stormwater Management Standards, BOH Supplemental Regulations and the plans and documents submitted by the Applicant, all as detailed on pages 1 through 3.

Special Permit Application

J. Submission Letter:

1. **Primary Soil Absorption System:** consensus that this item and items 2 & 3 would be addressed under the BOH review of the septic system design relative to treatment effectiveness, breakout, grading & drainage issues and by the Conservation Commission since that area of the proposed system is part of the watershed that drains to the Putnamville reservoir. It was agreed that the septic design would be shown on the forthcoming issues of plans for planning Board use.

2. Emergency Contingency Plan for septic system: to be addressed in the design plan
3. Reserve Soil Absorption System: same issues as item 1 and would be addressed in the design plan for BOH review and permitting.
4. Utility Pans: would update the schematic plans and noted that the gas and electric lines would be installed by the utility per its respective standards.
5. Estimated Habitat Map: non-issue
6. Stormwater Discharges to Zone A: (occurring from the rear half of all of the northeasterly buildings with direct roof runoff toward the Zone A) There was some dispute as to the regulations addressing run-off from asphalt shingle roofs. The Applicant claims that treatment is not required and implied that the design meets regulations. This issue is yet to be resolved.

K. Project Narrative:

1. Municipal Water System: Water Department would record hydrant flow tests while performing hydrant flushing on Rowley Bridge Road within one to two months, and would provide required information.
2. Height of Proposed Buildings: requested that the developer provide dimensions on the Architectural Elevation views relative to compliance with the Zoning definition of “height”.
3. Traffic: Under the purview of Mass Highway. Would forward the supplementary traffic report performed by Vanasse & Associates Inc. Dave Varga had no problem with the general design of the intersection of the driveway and Route 1.
4. Storm Water Management and Erosion Control Bylaw: Review to be included as part of the ConsCom review process. See April 3, 2009 Report from BSC. Planning Board must issue permit.

Waiver Requests from Planning Board Rules & Regulations:

1. Section 4.3.3.g: Since development is on a single private lot, and roadway is considered a “driveway” and not a “street”, the Board indicated that it would agree to waive some of the requirements and requested that the plan be updated to show the locations of the centerline and critical radii sufficient for the construction of the driveway.
2. Section 4.3.3.n: The Board indicated that it would deny the waiver request. The Board would require signature blocks on plan and would endorse plan with member signatures.
3. Section 4.3.3x: Board indicated that it would grant a waiver on survey stakes, and referred back to placing the centerline and radii on plans.
4. Section 4.4.1: Board indicated that it would deny waiver relative to septic plan review, but agreed to secondary role since the BOH is permitting authority. Required applicant to keep Planning Board informed of said permitting process.
5. Section 4.5: Board indicated that it would deny the request to waive surety.
6. Section 5.1.2: Board indicated that it would agree to consider a waiver on the cross sections of road based on a specific design for low impact development. The Applicant would provide a more specific design and would identify the specific features requiring waivers.

7. Section 5.1.2: Board agreed that it would consider a waiver relative to shoulder based on a specific design for low impact development.
8. Sections 5.4.1 & 5.4.2: Board agreed to consider a waiver for the Applicant's proposal of sidewalk with curb on outside rim of loop roadway starting at the first unit's driveway.
9. Section 5.5.2: Board agreed to consider a waiver for slope requirement from 4:1 to 3:1.
10. Sections 5.5.3 & 5.20: Board requested a landscape plan and indicated that it would deny a waiver to provide said plan after construction. It was agreed that the Applicant would provide a landscape plan to address the front area along the scenic corridor and based on said plan the Board would consider waiver relative to the two rows of trees if it has the authority to do so. The Applicant would also provide a "typical landscape plan" for the interior development (in front of each unit) that would vary based on owner requests and final design.
11. Section 5.21: The Board indicated that it would deny the waiver request from the requirement that As-Built plans for the infrastructure be provided.

M. List of Abutters:

1. Non-issue

N. Owners Authorization Letter:

1. Non-issue: Applicant will provide copy of Amendment relative to name change to Board.

O. Letter from the Natural Heritage etc.:

1. Non-issue

P. Order of Resource Area Delineation – Appendix H:

1. Applicant to provide a copy of the referenced plan to BSC.
2. Resource Area Between G23 & G25: Conservation has already requested a modification of plan

Q. Order of Conditions – Water Line Installation:

1. Plan has been approved by Conservation and Applicant will provide a copy of the recorded plan.
2. There was a question as to whether the Plan had been recorded.

R. Notice of Intent Application – Appendix J:

1. DEP Comments relative to:
 - Items (i.) – (x.) Conservation issues: relative to the farm pond, storm water, run-off, drainage under the Local Wetland's Bylaw and Regulations.
 - Item viii: Applicant stated the DEP is OK with discharge into Zone A. Locations of Zones B & C will be added to the plans.
 - Item (xi. & xii.) Conservation issue: that BSC recommends that SWAPP & Long Term Pollution Prevention Plan be included as part of the NOI notice and approval; interrelated elements with the Storm Water & Erosion Control

Bylaw under the Planning Board. Beals acknowledged the need to provide and submit plan and understands that this requirement must be completed. TSS calculations addressing pre-treatment need to be submitted.

2. Item B.1.b. Bordering Vegetated Wetland: Re proposed alteration of 8,120 sq. ft.: Applicant engineer noted that this refers the pond and water line alteration that is under the local bylaw and Conservation considers a positive alteration.
3. Issues 3 – 8: Conservation Issues

K. Environmental Notification Form – Appendix K:

1. Items 1. & 2. Conservation issues related to the pond and swales

Supplemental Materials

A. Elder Housing Special Permit (Application Statements):

1. Section C.1.q.: Landscape Plan: The Board required that a plan be provided for the Route 1 scenic corridor and a typical plan be provided for the interior development
2. Section C.1.r.: Height Restriction of not more than 35 feet: Applicant will provide a cross section for each building.
3. C.2.b (iv.): Landscape Plan issue
4. C.2.b.(v.): Phasing construction for project will be based on market demand: A phasing plan was provided and the Board had no issue with the plan. The peer consultant raised concerns relative infrastructure phasing and erosion control. Applicant will provide an Erosion Control Phasing Plan.
5. Section E.3: Sidewalk issue: Applicant will provide walkways access from units to community building.
6. Section E.4: Two bedroom limit needs to be specified in the Master Deed. Applicant will comply.
7. Section F.1.: Waiver request on construction period to four years. Board would consider a waiver. Applicant will need to provide a project schedule with road and drainage installed within two years and maintenance of erosion control for phasing.

B. Site Plan Review

1. Section 5: Provide all building dimensions: Applicant will provide said dimensions and that of footprint that are presently not on plans.
2. Section 6: Plan Requirements: Applicant will address plans to show all pathways, landscaping, walls and fences. There is no retaining wall.
3. Section 7: Lighting Information: Applicant will provide spec sheet and shop drawing relative to outside lighting to be spaced 150 feet apart on utility plan.
4. Section 8: Proposed Sign: requires approval by Board of Selectmen
5. Section 9: Detailed Septic Plans: Applicant confirmed that plans have been submitted to BOH and have had three meetings with Health Agent. Zone A impacts are so noted and considered in purview of Conservation. Status update from Beals at next meeting.

6. Section 9: Municipal Water: Greg Krom will provide fire flow estimates based on hydrant flow tests on Rowley Bridge Road.
7. Section 10: Mix of Erosion Control & Construction Phasing: Applicant has agreed to provide full phasing plans. Conservation is also impacted by phasing construction and will address report items 7i, ii, iii, and iv.
8. Section 11: FEMA 100-year non-issue; no cuts and fills since water pipe will be installed by directional borings under Zone A (off Rowley Bridge Road).
9. Section 12: Landscaping Plan has been addressed
10. Section 13: Zoning district boundaries: Applicant will add line for Scenic Overlay onto plan.
11. Section 14: Traffic Plans: Planning Board defers to Mass Highway but requires that detailed plan be submitted to the Board.
12. Section 15: Community Center: Applicant will provide building details for Center.
13. Waiver Statement: Board denied statement to be added relative to filings.
14. Section 9.07.2: Trails: a site visit will be scheduled to mark out nature trails; walkways have been previously addressed to be added to plans
15. Section 9.07.2 Limited population: previously addressed with addition of two bedroom limit on master deed.
16. Section ZA:1-3.6: Pollution Control: non-issue, the back-up power supply will use natural gas
17. Section ZA: 1-3.7: Nuisances/Sound levels: non-issue since no noise producing sources have been identified by the Applicant
18. Section ZA:1-3.7: Nuisances/Air quality: non-issue
19. Section ZA: 1-3.7: Nuisances/Exterior lighting: previously addressed

C. Stormwater Management and Erosion Control Bylaw

1. Items 1. thru 4.: relative to discharge conditions and recharge conditions to be reviewed extensively by the Conservation Commission under its review on April 22.

D. Scenic road Overlay Zone

1. Section 14.5.5 Trees (12 inch diameter) Retention: The Board agreed to Beals suggestion to take an inventory and photograph area since the Applicant wishes to retain a natural look and majority of trees. Then a recommendation on what trees would be removed will be made to the Board.
2. Section 14.5.5 Rows of trees: This will be addressed in alternative landscape plan as previously discussed.

E. English Commons Condominium Master Deed

1. Section 13, Open Space: Non-issue
2. Section 25, Special Provisions: two bedroom provision has been addressed
3. Section Exhibit D: non-issue, numbering has been addressed by Fire Department

F. Conservation Restriction

1. Under the jurisdiction of the Conservation Commission and to be reviewed by Town Counsel

G. Local Preference Plan

1. Items 1 & 2 to be reviewed by Town Counsel. Preference period has been increased to 45 days. The Applicant requested an early review of the Plan so that test marketing for the Project can begin.

At the conclusion of the review of BSC's Report dated March 23, 2009, Member Ian deBuy Wenniger noted his objection to the construction of a "Gate House" at the entrance to the development. This would be the first gated community for Topsfield and requested that the members consider whether this is appropriate for the Town. Mr. Berry noted that its use would be as a passive deterrent since it would not be manned, but would give the residents a sense of security and would be used for storage.

Request for Continuance: At this time, the Board reviewed its meeting schedule to determine an available date for the continuance of the public hearing. The next available date would be May 19th. Attorney Latham had presented the Board with a revised local preference plan, and he requested a time for review at the next scheduled meeting as previously discussed earlier. Ms. Knight noted that based on the known agenda for April 21st, the issue would have to be addressed by the Board in the meeting's first half-hour. Member Gregor Smith then made the motion to approve the continuance of the public hearing to May 19, 2009 at 8:00PM; seconded by Clerk Janice Ablon; so voted 5-0.

The meeting was adjourned at 11:54 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator