

## **Topsfield Planning Board**

April 10, 2012

Chairman Morrison called the meeting to order at 7:54 PM at the Town Hall. Board members present were Martha Morrison, Janice Ablon, Gregor Smith and Ian De Buy Wenniger. Roberta Knight, Community Development Coordinator was also present.

**Visitors:** Stephen Franciosa, Thomas Mannelta, Peter Hebert

### **Minutes:**

Member Gregor Smith made the motion to approve the minutes of February 21, 2012 as written; seconded by Clerk Janice Ablon; so voted 3-0.

Clerk Janice Ablon made the motion to approve the minutes of March 6, 2012 as amended; seconded by Gregor Smith; so voted 3-0.

Member Gregor Smith made the motion to approve the minutes of March 20, 2012 as amended; seconded by Clerk Janice Ablon; so voted 4-0.

## **PUBLIC HEARING**

### **Zoning Amendment Articles for the May 1, 2012 Annual Town Meeting**

At 8:11PM, Chairman Morrison opened the public hearing to consider the following proposed amendments to the Topsfield Zoning By-law for the May 1, 2012 Annual Town Meeting. Clerk Janice Ablon read the legal notice for the record.

1. **Article II Establishment And Description of Districts:** amends certain sections as follows:
  - a. **Section 2.01 Classes of Districts** adds the following four sections:
    - I. Major Wireless Telecommunications Facilities Geographic Area**
    - J. Scenic Overlay District**
    - K. Groundwater Protection Overlay District**
    - L. Flood Plain District**
  - b. **Section 2.05 Central Residential District:** amends to correct legal description of said district
  - c. **Section 2.06 b. and Section 2.06 f. Outlying Residential and Agricultural District:** amends to correct the legal description of said district
  - d. **Section 2.08 Zoning Map:** amends the Zoning Map's approval date to May 1, 2012 based on town meeting approval of revisions to district descriptions
  - e. **Section 2.09 Business Park District:** amends to correct the legal description for said district

- f. **Section 2.12 Major Wireless Telecommunications Facilities Geographical Area:** inserts legal description of said previously approved area as referenced in Article XII of the Bylaw
  - g. **Section 2.13 Scenic Overlay Zone:** inserts legal description of said previously approved zone as referenced in Article XIV of the Bylaw
  - h. **Section 2.14 Groundwater Protection District:** inserts legal description of said previously approved district as referenced in Article XI of the Bylaw
  - i. **Section 2.15 Flood Plain District:** inserts legal description of said previously approved district as referenced in Article VI of the Bylaw
2. **Article III, Section 3.02:** insert previously approved Scenic Overlay Zone into Table of Use Regulations Overlay District category
  3. **Article VI Flood Plain District** delete Article VI and replace with new Article VI to be in compliance with the National Flood Insurance Program

The Board reviewed the following zoning amendments:

- **Article II Establishment And Description of Districts:** amends certain sections as described above
- **Article III, Section 3.02:** inserts previously approved Scenic Overlay Zone into Table of Use Regulations Overlay District category
- **Article VI Flood Plain District:** deletes Article VI and replaces with new Article VI which is in compliance with the National Flood Insurance Program

Chairman Morrison made a summary presentation of the proposed zoning amendments. Ms. Morrison noted that these amendments were incorporated into two warrant articles. The first warrant article would address Article VI Flood Plain District of the Topsfield Zoning By-laws. This amendment reformats the current Flood Plain District bylaw by the addition of categories designating purpose, description and uses in the district. Further, it amends the date of the Topsfield Flood Insurance Study referenced in Section 6.02 of this Zoning Bylaw to July 2, 2012 which is the new, official date of the latest federal flood elevation determination for the Town of Topsfield as approved by the Federal Emergency Management Agency and as shown on the Flood Insurance Rate Map (FIRM) panels and incorporated herein. Other required revisions have also been incorporated within Article VI as a condition of continued eligibility in the National Flood Insurance Program (NFIP). Lastly, it changes the words, "Flood Plain" to the single word, "Floodplain" throughout the article.

Chairman Morrison noted that the second warrant article for town meeting action is a housekeeping article. The amendment to Article II of the Zoning Bylaw first corrects the legal description of previously approved zoning districts specifically the Central Residential District (CR), the Outlying Residential and Agricultural District (ORA) and

the Business Park District (BP). In addition, three previously approved overlay zoning districts are added to the Classes of Districts, and the legal descriptions for these districts are inserted within the article. Further, the Zoning Map's approval date is amended to May 1, 2012 based on town meeting approval of revisions to district descriptions as amended by this article. In Article III, the previously approved Scenic Overlay Zone is inserted into the Table of Use Regulations Overlay District category.

For specific details refer to the attached Public Hearing Proposed Zoning Document dated April 10, 2012.

At 8:24PM, Member Ian De Buy Wenniger made the motion to close the public hearing: seconded by Member Gregor Smith; so voted 4-0.

### **Deliberation And Vote of the Board:**

**Warrant Article Thirty-Second: Article VI Flood Plain District:** Member Gregor Smith made the motion to recommend and approve the zoning warrant article amendment for Article VI Flood Plain District as written; seconded by Clerk Janice Ablon; so voted 4-0.

**Warrant Article Thirty-Third: Amend Zoning Bylaw – Description of Districts:** Member Ian DeBuy Wenniger made the motion to recommend and approve the warrant article to amend description of districts by modifying Sections 2.02, 2.05, 2.06, 2.07, 2.08, 2.09; inserting sections 2.12, 2.13, 2.14; and inserting Scenic Overlay Zone into Article III, Table of Use Regulations; seconded by Clerk Janice Ablon; so voted 4-0.

**103 Wenham Road:** At 8:30, Chairman Morrison called to order the public hearing to consider the special permit application of Peter Hebert in accordance with M.G.L.c.40, § 15C to remove 15 feet of stonewall in order to construct a 12 foot wide driveway for a new single family home and place the stones in the existing opening to replicate the wall on the same lot located at 103 Wenham Road, a designated scenic road.

Upon review of the application and documentation, the Board made the appropriate finding to grant a special permit. Clerk Janice Ablon made the motion to close the public hearing and approve a scenic road permit for 103 Wenham Road as presented; seconded by Member Gregor Smith; so voted 4-0.

**107 Wenham Road:** At 8:45PM, Chairman Morrison called to order the public hearing to consider the application of Peter Hebert for 107 Wenham Road pursuant to the Topsfield General By-laws, Chapter 51, Storm Water Management And Erosion Control for a stormwater management permit for the construction of a single family dwelling, septic system and driveway.

Engineer Thomas Manna reviewed the plan with the Board. Ms. Knight noted that Highway Superintendent David Bond acting in his capacity as the Board's Stormwater Coordinator has provided written comments to the Board in which he has approved the plan with the condition that he would inspect the rain garden during its construction. The Board agreed with Mr. Bond's position.

Clerk Janice Ablon made the motion to approve a Stormwater Management & Erosion Control Permit for 107 Wenham Road as shown on plan entitled "Drainage Site Plan 107 Wenham Road"; Dated: April 1, 2012; Prepared by: Thomas Manna, Inc.; Prepared for: Peter D. Hebert; Owned by: by Peter D. Hebert and M. H. Aspesi, Trustees of 95 Wenham Road Trust subject to the following conditions:

1. The approval of the septic system by the Topsfield Board of Health as shown on said plan entitled "Drainage Site Plan 107 Wenham Road", dated April 1, 2012.
2. Inspection of the proposed rain garden during construction by Highway Superintendent/Stormwater Coordinator David Bond.

Seconded by Member Gregor Smith; so voted 4-0.

The meeting was adjourned at 9:12 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator