

Topsfield Planning Board

May 21, 2013

Chairman Morrison called the meeting to order at 7:42 PM at the Town Library. Board members present were Martha Morrison, Jeanine Cunniff, Joseph Geller, Steven Hall and Ian De Buy Wenniger. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Karen Gallagher, Suzanne Gallagher, John Morin, Mary Jane Doorly, Suzanne Leary, Mark Ciccarelli, Thomas Carroll, Sam Bruno, Deborah Bruno, Anthony Sillari, Katherine Sillari, David Finn, James DiBenedetto, Debra DiBenedetto, Gerard McDonald, George Annis, Lucille Annis, Michael Walsh, Gordon Rogerson, Daniel Ludmar.

Letter of Authorization: Member Joseph Geller made the motion to endorse the authorization of signatures for bills for the current membership; seconded by Member Jeanine Cunniff; so voted 4-0.

Reorganization:

Member Joseph Geller made the motion to nominate Martha Morrison as Chairman; seconded by Member Ian De Buy Wenniger; so voted 4-0-1. Ms. Morrison abstained.

Member Jeanine Cunniff made the motion to nominate Steven Hall as Clerk; seconded by Member Ian De Buy Wenniger; so voted 4-0-1. Mr. Hall abstained.

Liaison / Designee Assignments: The Board approved as listed the new assignments for the May 2013 – May 2014 Term:

Steven Hall	Stormwater Committee
Joseph Geller	Mapping Committee
Ian De Buy Wenniger	Soil Removal Board

19 Normandy Row Re: Lot Release: Attorney Karen Gallagher, representing Suzanne and William Gallagher, the owners of 19 Normandy Row, reviewed the matter with the Board. Ms. Gallagher explained that a title exam was conducted in conjunction with the current sale of the property, which established that the Release of Covenant for Lot 6, Plan Book 101, Page 78, now known as 19 Normandy Row, Topsfield, MA was never recorded at the Essex South Registry of Deeds. Consequently, in order to perfect the title of the Property, the Owners are requesting that the Planning Board provide them with sufficient documentation, to be recorded at the Registry of Deeds, acknowledging the previous Release of the Property from the Covenant, specifically Lot 6.

After a review of the facts, Clerk Steven Hall made the motion to approve a Release of Covenant by Normandy Realty Trust in regards to Lot 6, Book 101, Page 78 dated July 29, 1964 using current form; seconded by Member Joseph Geller; so voted 5-0.

125 Boston Street/75 Salem Road: At 8:04PM, Chairman Morrison called to order the public hearing to consider the application of 77 Salem Road LLC for premises located at 125 Boston Street and 75 Salem Road requesting a special permit pursuant to Article IV, Section 4.07J of the Topsfield Zoning By-law for the use of the existing gravel driveway at 75 Salem Road as a common driveway to access 125 Boston Street from Salem Road.

Project Engineer John Morin of Neve-Morin Associates, the Applicant's representative reviewed the plans and application with the Board. Mr. Morin first reviewed the initial ANR Plan dated May 25, 1993 which created Lot 1 and Lot 2 with the remaining land as Lot 3. Lot 1 is owned by 77 Salem Road LLC (Mary Jane Doorly, Principal) and Ms. Doorly previously owned Lot 2, 75 Salem Road. Lot 2 was recently sold to new owners with an access and utility easement for Lot 1. Lot 1 has its entire frontage on Route 1 with an over grown access on Route 1 referred to as the "old wood driveway". Lot 2 also has frontage on Route 1 with a small portion on Salem Road at which location the current access and driveway to the property, 75 Salem Road, is located. Although there is frontage and access on Route 1, the grading for a driveway to the proposed location of the house on Lot 1 would all be within the resource area.

Mr. Morin then reviewed the Proposed Common Driveway Plan dated April 4, 2013. He also reviewed the plan to the requirements under Section 4.07J for a common driveway and in summary stated that the proposed gravel driveway met all the required criteria. He reviewed the grading of existing gravel driveway access and drive noting that the gravel easement varies in width from 12 to 19 feet. The maintenance agreement for the easement drive is referred to in the deed and does not relate to the access for Lot 3, which is not used on a daily basis since Lot 3 has its own separate driveway.

Chairman Morrison then pointed out that a common driveway under the current standards requires a minimum width of 18 feet of pavement and referred Mr. Morin to the Subdivision Rules & Regulations for the standards. Common driveways must adhere to Subdivision standards. Ms. Morrison then queried as to whether the police and fire department have reviewed and signed-off on the drive. Mr. Morin stated that he did not know that he needed to contact police and fire and would do so to get their respective input. Mr. Morin responded to further questions from the Board members relative to the easement deed, maintenance agreement, access to Lot 3.

The Board then entertained questions from the public. Dr. Thomas Carroll owner of Lot 3 explained that in 1993 when he subdivided his lot and created the three lots, the Planning Board at the time was adamant that access for Lot 1 be located on Route 1. He initially kept Lot 1 as a privacy lot and later sold the lot to the Doorly's. He also stated that he uses the access easement on a daily basis.

Suzanne Leary and Mark Ciccarelli, the new owners of Lot 2, 75 Salem Road, expressed their concern of the use of the access during construction. They noted that the septic system pipe for Lot 2 runs under the easement and the pipe could potentially be damaged due to the weight of the construction truck traffic. The discussion then turned to the existing conditions of the gravel driveway noting the low spot in drive where flooding occurred during heavy rainstorms. This was also verified by Dr. Carroll.

Chairman Morrison noted that the Board had major concerns relative to public safety in converting this gravel access easement into a common driveway which would require further information that included:

- Flooding relative to stormwater and erosion control
- Impact on tree removal and other vegetation to widen driveway
- Dips in drive easement for vehicular traffic, more specifically, for access by emergency vehicles

Mr. Morin was directed to investigate access from Route 1 relative to a curb cut by the state and also getting input from the Topsfield Police and Fire departments relative to emergency access.

The public hearing was continued to the June 18, 2013 meeting at 8:30PM.

120 Hill Street, Lot 2 Scenic Road: At 8:45 PM, Chairman Morrison called to order the public hearing in accordance with M.G.L.c.40, § 15C to consider the special permit application of David and Meegan Finn to widen the existing stonewall opening from 11 feet to 20 feet in order to construct a driveway for a new single family home on Lot 2 at 120 Hill Street, a designated scenic road.

Project Engineer Gerard MacDonald of HL Graham Associates Inc., the Applicant's representative reviewed the plan and application with the Board to widen the existing opening in order to construct a driveway for a single family home. No tree would be removed. Member Ian De Buy Wenniger noted that the applicant was not the owner. Mr. James DiBenedetto, the owner, noted his consent.

Upon review of the application and documentation, the Board made the appropriate finding to grant a special permit. Clerk Steven Hall made the motion approve the application to widen the opening from 11feet to 20 feet for a driveway; seconded by Member Joseph Geller. Clerk Steven Hall then amended motion to read "to widen dry laid stonewall opening"; seconded by Member Joseph Geller as amended; so voted 5-0.

120 Hill Street, Lot 2 Scenic Road: At 8:45 PM, Chairman Morrison called to order the public hearing to consider the application of David and Meegan Finn for 120 Hill Street, Lot 2 (128 Hill Street) 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.

Project Engineer Gerard MacDonald of HL Graham Associates Inc., the Applicant's representative, reviewed the plan and application with the Board. Mr. MacDonald noted that due to the contours and the flow of water toward Lot 3, a basin and berm would be constructed to catch the drainage run-off from the driveway and run-off from the structure. The groundwater on the lot is very high and only two (2) feet below grade. Approximately 2,000 yards of fill will be required. House will sit on grade. After reviewing the plan, the Board made the determination that the proposed footing drain pipe should empty into the grassed shallow stormwater basin (swale) as a condition of the permit.

Upon review of the application and documentation, the Board made the appropriate finding to grant a stormwater management permit. Clerk Steven Hall made the motion to close the public hearing and approve a Stormwater Management & Erosion Control Permit for 120 Hill Street, Lot 2 as shown on plan entitled "Subsurface Sewage Disposal System Plan Prepared for David Finn, Hill Street, (Lot 2) Topsfield, MA 01983"; Dated April 29, 2013; Prepared by: Graham Associates, Inc.; Owned by: James & Debra DiBenedetto of 120 Hill Street; showing the: stormwater and erosion control engineering design for managing the stormwater run-off and subject to the following conditions;

1. The approval of the septic system by the Topsfield Board of Health as shown on said plan entitled "Subsurface Sewage Disposal System Plan Prepared for David Finn, Hill Street, (Lot 2) Topsfield, MA 01983"
2. Inspection of any proposed interceptor drains, trenches, swales or devices during construction by Highway Superintendent/Stormwater Coordinator David Bond.
3. Subject to proposed footing drain pipe to empty into the grassed shallow stormwater basin (swale).

Seconded by Member Joseph Geller; so voted 5-0.

47 Central Street ANR Plan: At this time, Chairman Morrison opened the review of an ANR Application for 47 Central Street. Mr. Gordon Rogerson of Hayes Engineering represented the Applicants Ziad and Carole Shahin. Mr. Rogerson noted that he was asked to attend the meeting for Hayes Engineering, but was unfamiliar with the application. Ms. Morrison informed Mr. Rogerson that the Plan as proposed was creating two non-conforming lots. The Town's policy in situation of non-conformities must be followed. Thus, the owners of the property would need to first seek zoning relief from the Zoning Board of Appeals. If the Zoning Board approves the zoning relief, then the ANR plan can be re-submitted to the Planning Board for action. In addition, Ms. Morrison stated the Board needed an accurate plan that met the Subdivision Rules & Regulations standards. This proposed plan did not meet the submission requirements. Ms. Morrison

recommended that the plan be withdrawn without prejudice. Mr. Rogerson made said request in writing. Clerk Steven Hall then made the motion to accept the withdrawal without prejudice for the 47 central Street ANR application; seconded by Member Jeanine Cunniff; so voted 5-0.

Hickory Beech Subdivision Re Lot 4 and Other: Chairman Morrison acknowledged the presence of residents from the Hickory Beech Subdivision. The residents noted their concerns relative to stormwater, drainage and erosion control issues within the subdivision on both the developed lots, undeveloped lots and the roadway drainage infrastructure.

Ms. Knight informed the Board that she placed Lot 4 and the remaining lots recently purchased by Patch Development LLC (Gary Patch, Principal) on the agenda since the Planning Board had received the standard letters from Beals Associates concerning compliance with Stormwater Rules And Regulations. However, various issues have arisen concerning these remaining lots relative to resource areas and revisions to the plans relative to the placement of residential structures and septic systems on the lots. The current proposal for Lot 4 has both the house and septic on the left side of the lot which is a revision to the original design plan. Both houses in lots 10 and 11 have been repositioned and have been moved forward due to the recent delineation of the resource / wetland areas. It was the consensus of the Board to request the developer to submit Stormwater Management and Erosion Control application to the Board for the individual lots and where lots are adjoining the Board would consider both lots under one application. Based on the updated regulations, by law, the Board cannot simply sign off relative to stormwater and erosion control without a proper application for a permit.

51 Fox Run Road: Chairman Morrison informed the Board that the Applicant has requested a continuance to the next scheduled meeting. Clerk Steven Hall made the motion to continue the public hearing for stormwater and erosion control for 51 Fox run Road to June 18, 2013; seconded by Member Ian De Buy Wenniger; so voted 5-0.

Meeting Schedule: The Board agreed to the proposed summer meeting schedule as follows: June 18, July 16 and August 6, 2013.

New Meadows EHD: Mrs. Knight informed the Board that the development project was now under new ownership and an amendment acknowledging this transfer was in order. In addition, it was her understanding that the new owners would be requesting minor modifications to the plan.

English Commons Walking Trail: Member Joseph Geller raised his concerns relative to the submitted plan for the walking trail and the existing conditions of the trail. It was

the consensus of the Board to request Alan Berry to attend a meeting to discuss issues related to the walking trail and also review the non-executed license agreement.

The meeting was adjourned at 10:25 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator