

Topsfield Planning Board

June 1, 2010

Chairman Winship called the meeting to order at 7:45 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; Ed Labrecque, Attorney Michael Tucker, Richard Doherty, Ryan Kane, Scott Kornusky, Nicolas Stawasz, Timothy Perkins, Jim Perkins, Robert Hanson, Attorney Gary Evans.

431 Boston Street Continued Public Hearing: At 7:45PM, Chairman Winship called to order the continued hearing to consider the application of Edward N. Labrecque for premises located at 431 Boston Street requesting (1.) a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section Retail and Service, Sub-section 4.24 Fitness and Recreational Sports Facilities for said use; (2.) Site Plan Review pursuant Article IX of the Topsfield Zoning By-laws to allow said change of use for the property; and (3.) waiver pursuant to Article IV, Section 4.12D Parking for existing parking in the front set-back.

At this time, Attorney Tucker presented the Board with a parking plan with designated lined spaces, traffic flow pattern for access and egress, and a floor plan of the karate facility. The Board reviewed the plans and found that the proposed business is compatible with the other businesses in the Business Park district and is distant enough from any residential neighbors so as not to have any detrimental impact on them, and that provided the conditions set forth below are adhered to the granting of the requested permit would not be detrimental. The conditions for the special permit are as follows:

- The special permit is limited to Ipswich Martial Arts/Uechai Karate as long as Edward Labrecque remains as sole proprietor.
- Any transfer of control of ownership of Ipswich Martial Arts/Uechai Karate by Edward Labrecque shall require the prior approval of the Board for the continuance of the special permit, absent which, the special permit would become null and void.
- Exclusive use of seventeen (17) lined parking spaces as designated on plan submitted to Board and dated June 1, 2010.
- One (1) workout area with maximum area limit not too exceed 1,000 square feet.
- Approved traffic flow plan is to access at south end of property from Route 1 and exit property from north end.
- Obtain sign permit.

Member Gregor Smith made the motion to approve a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations, Section 4 Retail and Service, Sub-section 4.24 Fitness and Recreational Sports Facilities Section, site plan review

pursuant to Article IX of the Zoning Bylaw and waiver pursuant to Article IV, Section 4.12D Parking for existing parking in the front set-back; seconded by Clerk Janice Ablon; so voted 4-0-0. Member Ian deBuy Wenniger abstained.

Brady Lane Extension Definitive Plan (7 Bare Hill Road): At 8:10PM, Chairman Winship called to order the public hearing to consider the applications of Timothy Perkins pursuant to the provisions of Massachusetts General Laws, Chapter 41, Section 81 for a Definitive Subdivision Plan, entitled “Brady Lane Extension” in the Town of Topsfield, Massachusetts located at 7 Bare Hill Road in Topsfield, MA; and requesting a Stormwater Management Permit pursuant to the provisions of Chapter LI, the Topsfield Stormwater Management and Erosion Control By-Law to construct a roadway with a cul-de-sac extending from the end of Brady Lane through an easement onto the subject property in order to create frontage for one building lot. Clerk Janice Ablon read the notice for the record.

Engineer Richard Doherty of Hancock Associates Inc. representing the Applicant Timothy Perkins addressed the Board. He reviewed the proposed definitive plan noting that the property is comprised of approximately seven acres with extensive wetlands; much of the property lies within the floodplain. The soil is sandy and is satisfactory for septic and drainage. Perks have been obtained for a septic system for one residential structure. The plan denotes an extension of Brady Lane through an easement extending the road to 750 linear feet. Mr. Doherty understood that the radius of the new cul-de-sac would meet the specification for a fire vehicle. He requested that the Board based on an early discussion with the Fire Chief consider a reduction of the cul-de-sac, road pavement widths and right-of-way widths since they are serving one residential dwelling and bordered by wetlands. Chairman Winship requested that these three waivers be added to the list of waivers even though they are noted on the plans.

There was a discussion concerning the floodplain and elevations in the build-out envelope. Mr. Doherty noted that the envelope area would be graded to meet an elevation of 66 feet and a compensatory drainage area would also be graded on the property.

Chairman Winship informed Mr. Doherty that the Topsfield Zoning By-law under Article VI Flood Plain District does not allow any new building in the floodplain unless the property owner can demonstrate by elevation in Zone A that it is exempt. The Applicant must apply to the Zoning Board of Appeals for a special permit to build in the floodplain.

The Board also informed the Applicant that since a Stormwater Management Permit is also required the Board would need input from the Conservation Commission and would incorporate the issued Order of Conditions as part of the permit.

Direct abutters Scott Kornusky of 8 Brady Lane and Nicolas Stawasz of 7 Brady Lane addressed the Board regarding their concerns that precedents would be set in allowing development in this wetland / floodplain area that would affect not only the character of

the neighborhood but also the character of the Town relative to future development. The easement for the public way extension runs through 7 and 8 Brady Lane, and both properties would be impacted by the proposed subdivision plan.

Chairman Winship noted that the Applicant needed to file with both the Zoning Board of Appeals and the Conservation Commission before the Planning Board would be able to continue its review process. It was the consensus of both the Applicant and the Planning Board that the hearing be continued until the September 7, 2010 meeting.

Antoria Way Partial Release of Covenant: Attorney Gary Evans addressed the Board requesting a partial release regarding Lot 2. Ms. Gangi is in the process of selling the property which is the original existing house. He noted that the Board would still hold the covenant on the new lot and the Town holds a cash surety deposit with a remaining balance of approximately \$10,000. Cammett Engineering is currently working on the As-Built plan.

Chairman Winship noted that the Board does not have any interest in Lot 2, and that there are only minor infrastructure issues that need to be addressed.

Member Ian deBuy Wenniger made the motion to partially release the Covenant in respect to Lot 2, aka 3 Antoria Way as set forth in Release of Covenant set forth by Applicant; seconded by Clerk Janice Ablon; so voted 5-0.

Minutes: Clerk Janice Ablon made the motion to approve as amended the minutes of April 20, 2010; seconded by Member Jonathan Young; so voted 5-0.

The meeting was adjourned at 10:11 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator