

## **Topsfield Planning Board**

June 12, 2012

Chairman Morrison called the meeting to order at 7:47 PM at the Proctor School Library. Board members present were Martha Morrison, Janice Ablon, Steven Hall, Gregor Smith and Ian De Buy Wenniger. Roberta Knight, Community Development Coordinator was also present.

**Visitors:** Selectman Eldon Goodhue; Michael Kippenberger, Laurene Skeffington, Robert Skeffington, Christina MacDougall, Ben Nutter, Jim MacDougall, Paul Donohoe, Christopher Latham, Charles Wear, Michael Jones, Kim Rock, Joe Geller and Frank Powell.

**Minutes:** Member Gregor Smith made the motion to approve the minutes of May 15, 2012 as amended; seconded by Member Steven Hall; so voted 4-0.

### **Reorganization:**

Member Gregor Smith made the motion to nominate Martha Morrison as Chairman; seconded by Clerk Janice Ablon; so voted 4-0-1. Ms. Morrison abstained.

Member Ian De Buy Wenniger made the motion to nominate Janice Ablon as Clerk; seconded by Member Gregor Smith; so voted 4-0-1. Ms. Ablon abstained.

**Liaison / Designee Assignments:** The Board approved as listed the new assignments for the May 2012 – May 2013 Term:

|                     |   |
|---------------------|---|
| Steven Hall         | Stormwater Committee /<br>Mapping Committee |
| Janice Ablon        | Main Street Foundation, Inc.                |
| Gregor Smith        | Rail Trail                                  |
| Ian De Buy Wenniger | Soil Removal Board                          |

**Fiscal 2013 Meeting Schedule:** It was the consensus of the board members, that commencing in August, 2012, the Planning Board would meet once a month on the first Tuesday: August 7<sup>th</sup>, September 4<sup>th</sup>, October 2<sup>th</sup>, November 6<sup>th</sup> and December 4<sup>th</sup>.

**Park Street Parking Lot:** At 8:00PM, Chairman Morrison called to order the public hearing to consider the application of Town of Topsfield for 8 Summer Street, Topsfield, Massachusetts, commonly known as the “Park Street Parking Lot” pursuant to the Topsfield General By-laws, Chapter 51, Storm Water Management And Erosion Control for a stormwater management permit for the alteration of approximately 14,060 square feet, for construction and extension of the existing parking lot appurtenant to the rail-trail

by 18 parking spaces by paving the non-paved area abutting rail-trail and collecting, treating and recharging stormwater.

Attorney Christopher Latham and Project Engineer Charles Wear made the presentation to the Board on behalf of the Town and the Institution For Savings. Mr. Wear reviewed the pre and post run-off conditions for the lot and noted that the conditions would be the same and that the stormwater management plan took into account the revisions made to the parking lot at the request of the Board of Selectmen. Infiltration would be the treatment for both the short and long term maintenance of the parking lot.

He also informed the Board that he had met with Highway Superintendent David Bond who had reviewed the plans. Chairman Morrison noted that Mr. Bond had informed her that he found no problems with the stormwater management revised dated of June 8, 2012.

Member Ian De Buy Wenniger made the motion to approve the application for a Stormwater Management Permit as submitted on May 22, 2012; related Stormwater Report dated May 20, 2012; plan sheets 1-3 dated May 31, 2012, revised June 8, 2012 prepared by Meridian Associates; and post construction and main plan in report; seconded by Member Steven Hall; so voted 5-0.

**178-182 Ipswich Road/Nutter Family Farm:** Surveyor Paul Donohoe represented the Applicant, the Nutter Farm Realty Trust and reviewed the ANR plan which was a reconfiguration of the lot lines and created (4) four reconfigured lots. He presented the members with an outlined plan of the current lots and a separate outline plan of the property with the reconfigured lots in which Lot 2 was eliminated and Lot 4 was created. The Board reviewed the check list and finding all requirements in place made the determination that the plan as submitted was not subjected to the Subdivision Control Act.

Member Gregor Smith made the motion to endorse as “Approval Not Required” a Plan entitled “Plan of Land in Topsfield, MA, Property of Nutter Farm Realty Trust, Benjamin C. Nutter, Harriot P. Nutter And James S. MacDougall & Christina Nutter MacDougall,” ; Dated: May 17, 2012; Prepared by: Donohoe And Parkhurst; Owned by: Nutter Farm Realty Trust, Benjamin C. Nutter, Harriot P. Nutter And James S. MacDougall & Christina Nutter MacDougall; Showing the division of land on Map 20, Lots 2, 5, 6 & 7 in the Town of Topsfield, Essex County, Massachusetts into (4) four reconfigured lots shown on said plan as Lots 4, 5, 6 & 7, with the following notations made on said plan: Change of lot lines”; seconded by Member Steven Hall; so voted 5-0.

**Topsfield Business Park:** At 8:46PM, Association President Frank Powell and Association Member Joseph Geller discussed informally with the Board a proposed modification to the 1984 special permit relative to the enclosure requirement for the dumpsters on site. Mr. Geller noted that the fencing had been removed during the

repaving of the parking lot. The Association would be asking for relief from the enclosure condition. He explained that due to new technology, the premise in the special permit that the fencing would prevent dispersion of refuse “during to and from the container” is no longer an issue.

Chairman Morrison noted that the site plan review guideline standards typically require enclosures for dumpsters to provide screening for abutters, abatement for noise issues and for esthetics. Further, any application for a modification of a special permit would be reviewed under the current zoning guideline standards. The question before the Board is whether this proposed modification request would be considered a minor request or a major request that would require a public hearing. Chairman Morrison then queried the members for a sense of the Board. The members responded that enclosing dumpsters for screening purposes was the usual practice for commercial and industrial sites and none of the members spoke in favor of eliminating the fencing.

At this time, abutter Robert Skeffington stated the he would prefer that the dumpsters would be enclosed. Also, abutter Michael Kippenberger stated that he would prefer that the dumpsters be enclosed. The abutters noted that there were other issues relative to violations to the special permit such as noise emanating from dumpster refuse removal prior to permitted hours, loud music in early morning hours ( approximately 5:30 AM) from condo rental unit, loss of vegetation in buffer zone, lights shining onto abutter’s property.

Laurene Skeffington then informed the Board that she had received a letter from the Inspector of Buildings as well as a telephone call relative to her written complaint. Mr. Geller responded that the Association Directors had met with Inspector of Buildings Glen Clohecy to discuss the matters listed in the complaint. New lights will be put in place. The owner of the unit will be contacted by the Association concerning the tenant’s actions. They would be checking into the viability of one waste removal contract for all the units in the Business Park and possibly specific sites for the dumpsters for each building. He and Mr. Powell then approached the Board as to whether fencing of the back buffer area would alleviate the requirement for the dumpster enclosures. A discussion followed relative to the current conditions of the buffer zone.

Chairman Morrison then summarized the discussion and noted that if the Association and the abutters can reach a viable solution with vegetation or combination with fencing in the buffer strip area with modifications for the dumpsters in a mutual agreement, then the enclosures will not be enforced.

The meeting was adjourned at 9:41 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator