

## **Topsfield Planning Board**

June 18, 2013

Chairman Morrison called the meeting to order at 7:30 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; Jeffrey Garber, Thomas Schank, Jill Mann, Michael O'Hara, Jill Berube, Dawn Puiatti, Carl Farris, Richard Murphy, Dorothy Murphy, George Annis, Lucille Annis, Jim Wilkinson, Michael Walsh, Gregory St. Louis, Gary Patch.

**9 Gail Circle:** At 8:00 PM, Chairman Morrison called to order the public hearing to consider the application of Jill Berube and Dawn Puiatti for premises located at 9 Gail Circle requesting a special permit pursuant to Article VII, Section 7.03 of the Zoning By-law for a pre-existing temporary accessory apartment.

Upon review of the application and documentation, the Board made the appropriate finding to grant a special permit. Member Joseph Geller made the motion to approve a special permit for a temporary accessory apartment at 9 Gail Circle; seconded by Clerk Steven Hall; so voted 4-0.

**16 Wildes Road/ The Meadows:** Attorney Jill Mann representing the New Meadows Development LLC discussed with the Board minor modifications to the approved EHD special permit as follows: (1) use of slope granite curbing; (2) authorization to remove a paved walking path; (3) final approval of redesigned center island and (4.) release of covenant for all units.

Attorney Mann informed the Board that the developers Jeffrey Garber and Thomas Schank would be taking over the project and are requesting certain minor modifications to the plan which the developers believe would enhance the project. They would like to use sloped granite curbing instead of bituminous concrete and remove the stone dust walking paths.

At this time, Chairman Morrison deferred to Member Ian De Buy Wenniger for input since he is the only current member of the Board who was a Board member during the permitting process for the development. Member De Buy Wenniger stated that he had no problem with the use of the slope granite curbing. However, he stated that there were several discussions during the permitting process relative to the sidewalk requirement and he recalled that the original approved plans called for paved sidewalks in the development.

Mr. Schanks noted the tightness of the development and that the units and buildings were moved towards Wildes Road based on a modification request approved by the Board. To improve the outside landscaping, trees and scrubs have been planted in areas where the sidewalks were designated to be located. Mr. Schank further stated that since it is a private drive, that he did not see the need for walking paths. A discussion ensued. It was the consensus of the Board that walking paths were an integral component of the infrastructure and required under the rules and regulations unless a specific waiver is granted by the Board.

The Board directed that the developers to look at the original plans. Attorney Mann noted that she would request the project engineer James MacDowell to investigate and check out the original surface approved and review the plan to figure out an alternative proposal(s) for paths and materials within the development.

The developer then presented pictures of the circle with landscaping which again required a modification approval since it did not follow the approved plan. The Board directed New Meadows LLC to contact the Fire Chief and request another review and approval that it will meet emergency access standards.

Attorney Mann then discussed the request for a Tri-partite agreement to replace the Release of Covenant for the final release of the remaining units. Ms. Mann noted that there is an outstanding bond in the amount of \$20,000 held for the completion of the stormwater infrastructure by Montana Development. New Meadows LLC would be responsible for the final paving, curbing and any other items needed to complete the project.

Chairman Morrison requested Attorney Mann to draft language for the Agreement for the Board's review.

Ms. Mann also requested an extension for the special permit. However, Ms. Morrison noted that there was no need since the special permit fell within the time parameters established under the State zoning extension acts for special permits.

Board action on the modification requests was deferred to the July 16<sup>th</sup> meeting.

**51 Fox Run Road/Stormwater:** At 8:45PM, Chairman Morrison called to order the continued public hearing to consider the application of Federal Construction & Excavating LLC for 51 Fox Run 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.

Chairman Morrison introduced peer review engineer Richard Kosian of Beals And Thomas Inc. who made a formal report presentation to the Board as part of the stormwater and erosion control permit review process. Mr. Kosian noted that the chief

concern was the water flow over the land above the project site, through the project site and below the project site. The goal is of the plan is to contain the natural flow of the water within the developed site and not cause stormwater drainage problems on abutting properties. Mr. Kosian referred to the report letter dated April 10, 2013 in which recommendations were made to the Board for the special permit under Item No. 19, sections (a) thru (g). He also referred to the report letters dated June 7, 2013 and June 14, 2013. He recommended that the project be done in phases to limit erosion control off and within the site.

Mr. Kosian reviewed the final stormwater and erosion control plan with Board and noted that revisions were made by the developer's engineers to address all the review comments described in the report letters.

Chairman Morrison entertained a motion to close the public hearing. Clerk Steven Hall made the motion to close the public hearing; seconded by Member Ian De Buy Wenniger; so voted 3-0.

Noted for the record, members Martha Morrison, Steven Hall and Ian De Buy Wenniger are the only members who have been present for the entire hearing process and therefore are the only members that may vote on the special permit.

Member Ian De Buy Wenniger made the motion to approve the stormwater and erosion control application in accordance with the plan dated June 14, 2013; to include conditions recommended in the April 10, 2013 report letter and any other conditions referenced in subsequent letters dated June 7, 2013 and June 14, 2013; and amended Operation and Maintenance Plan; seconded by Clerk Steven Hall; so voted 3-0.

**12, 17 & 19 Hickory Lane Stormwater:** At 9:00PM, Chairman Morrison called to order the public hearing to consider the application of Patch Development LLC for 12, 17 & 19 Hickory Lane (Lots 4, 10 & 11) 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 for each lot.

Project Engineer Gregory St. Louis, the Applicant's representative, commenced with an overall summary referring to the development's original stormwater calculations that are the basis for the stormwater management system for the subdivision. Based on these calculations, drainage system as engineered would handle all water flow for the subdivision at full development. He also referenced the Planning Board meeting of December 6, 2011.

**Lot 4 (12 Hickory Lane):** Mr. St. Louis reviewed the plan for Lot 4 with the Board noting that the original location for the house was in the upper end above the detention pond with septic system at lower end of the lot. At this time, Patch Development LLC is proposing the placement of a smaller 4-bedroom house and septic system at the lower end of the lot. Moving the location of the house to the lower area would reduce disturbance

to the lot from 29,600 square feet to 13,700 square feet. The septic system would remain in the same location with the reserve now located in the upper area of the lot.

Chairman Morrison noted that the plan showed no stormwater containment for the house roof run-off and this was very important since there is a major drainage problem in front of the lot within the grading easement along the roadway. Ms. Morrison agreed that it was an issue for the developer of the subdivision; however, the relocation of the house in front of this area would require stormwater containment for the house. It was also confirmed during the discussion that the new septic plan had not yet been submitted to nor reviewed by the Board of Health.

Chairman Morrison summarized the position of the Planning Board that the Board had approved subdivision plans in 2006 and during the course of the construction of the development there have been numerous changes to the original plan by the developer, contractors and individual property owners. By rights, all modifications must go back to the Planning Board for approval. Stormwater issues are now prevalent throughout the entire subdivision whether part of the infrastructure, in individual lots or between lots. Therefore, before the Planning Board can proceed with the permitting process of the undeveloped lots, the developer needs to provide a new plan to the Board showing all modifications to the original plan. Ms. Morrison then clarified to those present that Beals Associates represents in addition to Applicant the original developer of the subdivision Meeting Way Corporation. Further, Ms. Morrison noted that the stormwater controls in place are not working and that is why undeveloped lots must be reviewed under the Bylaw following its requirements. The Board directed Project Engineer Gregory St. Louis to file a complete stormwater and erosion control submission for Lot 4 with an operations and maintenance plan for the individual lot.

Lots 10 and 11 (17 & 19 Hickory Lane): Mr. St. Louis then reviewed the joint application for abutting lots 10 and 11 located at the top of the cul-de-sac. Mr. St. Louis stated that due to the recent delineation of the resource area, the resource line was moved up for both lots. The overall disturbed area for the two abutting lots would be 4,000 square feet less in the new plans. The homes were moved forward with side loaded garages and smaller driveways. The Board again pointed out that the house drainage systems must be shown on the plans and individual operation and maintenance plans be submitted.

Chairman Morrison queried the other members regarding peer review services by Beals And Thomas. The members all agreed that said services were required due to the complexity and sensitivity of the issues. Again Ms. Morrison stated that the overall subdivision plans need to be updated as well as the Operation & Maintenance Plan. Reviews at this stage need clear and accurate documentation.

Member Jeanine Cunniff made the motion to continue the public hearing to July 16, 2013; seconded by Ian De Buy Wenniger; so voted 5-0.

**Peer Review Process:** Ms. Knight reviewed the process to contract for peer review services. After a discussion by the Board, it was agreed that the Chairman would sign contract documents in order to get the peer review in place as soon as possible. Clerk Steven Hall made the motion to authorize the Chair Martha Morrison to sign contract documents for the Planning Board related to the procurement and funding of peer review services for Lots 4, 10 & 11; seconded by Member Joseph Geller; so voted 5-0.

The meeting was adjourned at 10:35 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator