

Topsfield Planning Board

August 5, 2014

Chairman Morrison called the meeting to order at 8:00 PM at the Town Library. Board members present were Martha Morrison, Jeanine Cunniff, Ian De Buy Wenniger and Steven Hall. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Cheryl Jolley, George Annis, Lucille Annis, David Bond, Heidi Vass Gudaulk, Mark Gudaitis, Gary Patch, Joanne Harder, Paul Harder, Ziad Shahin.

18 & 20 Hickory Lane (Lots 7 & 8) Stormwater Issues: Chairman Morrison initiated the discussion relative to the stormwater/drainage issues concerning lots 7 & 8 located in the Hickory Beech Subdivision by requesting an update from Stormwater Coordinator/Highway Superintendent David Bond. Mr. Bond informed the Board that he had visited and walked the property with the owner early last week noting the site had been washed-out due to the last rain event and then last Thursday with Gary Patch and directed Mr. Patch to re-construct the swale (bordering Lot 6) and other changes including re-seeding the lot. He had inspected the site today and the swale had been reconstructed, the lot has been reseeded and straw is down. He then noted that the seed needs to germinate to stabilize the site and this takes time, and further stated that we would not know if the constructed stormwater plan would work until the site is stabilized and another event occurs. Member Ian De Buy Wenniger suggested that mesh mats be used to insure the stabilization of the site during the germination of the seed.

At this time, Chairman Morrison asked George and Lucille Annis to address the issues concerning their lot. Mr. Annis stated that their lot has had significant damage that had nothing to do with the re-constructed swale. He noted that he had additional stormwater site work done on his lot along his driveway and the lot line with Lot 7. He presented pictures of the area which has currently been washed out that showed normal drainage activity and discussed the water flow of the undeveloped lot and the current directional flow since the lot has been developed. The area had remained dry until Lot 7 was developed. Now, the area and swale is full of silt and the water is not draining and flowing properly in the front swales and in lot 8's constructed swale along the driveway. He showed pictures showing the site as it currently exists. Water is still coming onto lot 8 from lot 7. The issue according to Mr. Annis is if this is the finished product it is not working. Either the plan is not designed correctly or the work was not constructed correctly. The Board also discussed the location and directional water flow of several pipes located on Lot 7.

Further discussion followed relative to the status of the street's stormwater drainage infrastructure which has been negatively impacted in the interim. Mr. Bond noted the storm septic at the end of the cul-de-sac needs to be fixed and Mr. Patch is aware that it is his responsibility to correct. It was the consensus of the Board that the stormwater system on Lot 7 needs to function properly and the Board would require further

engineering and construction work, if it is determined, that once the lot is stabilized the drainage system is not functioning properly.

Hickory Beech Street Acceptance: Chairman Morrison initiated the discussion on the street acceptance process for the Hickory Beech Subdivision for town meeting action in May of 2015. The Board reviewed the letter drafted by Town Counsel addressed to TD Banknorth requesting the release of the Tri-Partite funds to cover the costs for the peer review of the infrastructure and the open space boundaries. Ms. Knight noted that the current peer review proposal does not include the open space boundaries. The Board directed Ms. Knight to obtain an updated proposal from Beals & Thomas before forwarding the letter to the Bank. Ms. Knight also recommended that the letter be signed by the Chairman rather than herself as the Coordinator. The Board agreed. See page 5 for continued discussion.

116 Boston Street: At 8:45PM, Chairman opened the continued hearing to consider the application of Pierce Farm LLC by Sean Ward pursuant to the Topsfield General By-laws, Chapter 51, Stormwater Management and Erosion Control for a stormwater management permit for the construction of a parking lot. Ms. Morrison noted that Ms. Knight had forwarded the Beals & Thomas peer review letter and the maintenance to the members and queried the members if they had any questions or were satisfied with the review process conducted by the Zoning Board of Appeals. The members stated that they were satisfied with the information provided to them and Member Ian De Buy Wenniger then moved to endorse a Storm Water Management And Erosion Control Plan entitled "Site Plan, Syllogistic Conference Center, 116 Newburyport Tnpk. (Boston St.), Topsfield, Mass. 01983" ; Dated: Final Revision February 12, 2014; Prepared by: Hayes Engineering; Prepared for: Peirce Farm LLC; Owned by: Peirce Farm LLC; showing the Stormwater and erosion control engineering design for managing the stormwater run-off . The Planning Board's grant of said special permit is subject to the following conditions:

1. Subject to compliance with the recommendations referenced in items 2, 5, 13 and 17 of the Beals & Thomas Supplemental Peer Review letter for Syllogistic Conference Center, Topsfield, Massachusetts, dated January 28, 2014.
2. Inspections by Stormwater Coordinator David Bond during the grading and construction of the parking lot requiring a 3:1 slope, infiltration basin, spreader and other devices per the final site plan dated February 12, 2014.
3. Subject to compliance with the Operation & Maintenance Plan for the property set forth in the Stormwater Management & Erosion Control Report dated December 17, 2013 submitted with the application.

Seconded by Member Jeanine Cunniff; so voted 4-0.

47 Central Street ANR: At 9:00PM, Mr. Ziad Shahin, the resident of 21 Summer Street, presented the Board with an ANR Plan to sub-divide the 47 Central Street lot with two principal structures into two non-conforming lots. Chairman Morrison informed the Board that zoning relief had been granted by the Zoning Board of Appeals for lot area and depth requirements. The Board members reviewed the checklist and noted that the previous zoning decisions were not listed as well as notation of owners for easement access area. Ms. Knight made notations on plan as to the missing items. Since under state statute the Planning Board has only 21 days to act on an ANR application, Chairman Morrison recommended that the Board approve the plan subject to the required revisions. Member Jeanine Cunniff made the motion to approve the ANR Plan for 47 Central Street subject to the required revisions; seconded by Clerk Steven Hall; so voted 4-0. The Board would sign the plan once the mylar is updated.

124 Hill Street Stormwater Issues: At this time, Chairman Morrison updated the Board as to the stormwater event in July that affected 124 Hill Street. The stormwater run-off from the property was significant and impacted the lots at 121 and 125 Hill Street which are across the street and at a lower elevation. The water that historically ran across the property as part of 120 Hill Street and then down along Hill Street to the stream was now directed down the driveway, crossed the street onto 121 Hill Street and finally collected in the back of the Longmuir property in the pond. The water flow caused significant damage to the driveway and yard at 121 Hill Street and also caused water damage at 125 Hill Street. Chairman Morrison further stated that she was called to the site by the homeowners and had obtained both videos and pictures taken during the event. She met with the owner Frank Iovanella and his engineer James MacDowell later that day. It is her understanding that Mr. Iovanella had already contracted Peter Ogren at Hayes Engineering to review the stormwater plan that was approved relative to the design and the actual work product. Ms. Morrison noted that if the plan does not work, the Board pursuant to the Bylaw can require the work to be fixed.

The Board members had a general discussion relative to process for the failure of stormwater plans. Member Jeanine Cunniff stated her concern regarding the failure of plans and damage to neighboring properties. Member Ian De Buy Wenniger responded that if property is damaged claims would be made against the property causing the damage. Further, he noted that as steeper property is developed such as this lot and those at Hickory Beech, the Board needs to look at the permitting process. He recommended that performance bonds be incorporated into the regulations as part of the permitting process and not released until the plan is completed and there is verification that it is working as designed.

At this time, Chairman Morrison recognized Paul and Joanne Harder, owners of 125 Hill Street. Mr. Harder informed the Board that the drainage swale running in the front of his property has been filled at least seven (7) times. During the event, the carpeting in his basement got wet from stormwater. The swale was supposed to be cleaned out by the developer at 124 Hill and this has not yet occurred. There is approximately 10-15 yards of material to be taken out.

Mr. Bond informed the Board and the Harder's that the swale will be cleaned out. The house is for sale and has a scheduled closing date. The Town has the opportunity to get the situation rectified since an occupancy permit cannot be issued until he signs off on the stormwater. Mr. Bond also noted that the water coming from the cornfield now runs unabated. Prior to the development of the property, the lot was part of the cornfield and there was a stone wall which directed the flow of water. The stone wall has been removed and a driveway constructed in the same location such that the water now sheets down the driveway.

Chairman Morrison then pointed out that the stormwater calculations for the design needed to have taken into account the pre-development run-off from the cornfield.

Joanne Harder stated that the situation is a frustrating problem. They have had a dry basement for 15 years. Mrs. Harder questioned as to how we would know that the systems it working. She also noted the water from the driveway at 128 Hill is flowing into their driveway.

Paul Harder stated the Town needs to install a storm drain to stop what is happening now. He further stated that what is happening now is what they had feared with the development of 120 Hill.

Chairman Morrison responded that the Town (Planning Board) has no authority to say that one cannot build a house on a piece of property. If an ANR lot meets the acreage and frontage requirements, the Board must approve the lot by state statute.

Dave Bond stated that he did not like the presented As-built for the property and is waiting to hear from Peter Ogren on his findings. He suggested that the Board may need to have a peer review. He stated once again that the cornfield was a significant contributor and without the stone wall the water flows down the driveway from the field.

Paul Harder noted that the soils shown in red on the Town Soils Map in that area acerbate the development problem. The construction started in December with frozen soil. He recommended that the Planning Board should be able to gives dates for development such as a time of year for the red soil areas.

Joanne Harder queried as to whose responsibility it would be if the re-engineered plan does not work since no one will know if it works until another event. The Board responded that there is an O&M plan and it would be the responsibility of the new owner. She was concerned as to how information concerning the history of the area and recent events would be related to the new owner.

The Board directed Roberta Knight to contact Beals & Thomas to obtain a proposal for a peer review and also contact Peter Ogren as to when his report would be completed with an updated As-built. Chairman Morrison noted that Dave Bond would ensure that the culvert was cleaned out.

Schedule of Values/Hickory Beech Escrow Funds: The discussion continued after the scheduled appointments were completed concerning the funds held by TDBank North, the escrow agent and party to the Tri-Partite Agreement for Hickory Beech Subdivision relative to the release of said funds for the Planning Board's use for a peer review of the As-Built plans for street acceptance. Member Ian De Buy Wenniger made the motion to approve the letter and the attached escrow agreement in the revised amount of \$4,995.00 to include the review of the open space boundaries; seconded by Member Jeanine Cunniff; so voted 4-0.

The meeting was adjourned at 10:00 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator