

Topsfield Planning Board

September 4, 2012

Chairman Morrison called the meeting to order at 7:45 PM at the Town 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 Dick Gandt; Roger Cook, David Ankeles, Michael O'Hara, Frank Iovanella

Minutes: Clerk Janice Ablon made the motion to approve the minutes of August 7, 2012 as amended; seconded by Member Steven Hall; so voted 4-0.

Extension of Permits: The Board discussed the revisions to the Permit Extension Act which redefines the Tolling Period to include the period from August 15, 2008, through August 15, 2012; and increases the extension period from two years to four years. Chairman Morrison noted that this may have an effect when the prevailing conditions change on an extended open permit.

Membership: Chairman Morrison informed the members that Gregor Smith has agreed to become a member of the Zoning Board of Appeals since there is an opening and Gregor's knowledge and expertise would greatly assist the Board. Chip Goudreau has agreed to join the Planning Board. In order to accomplish this change, Ms. Morrison noted that Gregor would need to tender his resignation from the Planning Board and accompanied by a recommendation from the Zoning Board the Selectmen at its next meeting would then consider the appointment of Gregor to the Zoning Board. The Planning Board members would need to attend a joint meeting with the Board of Selectmen to appoint Chip Goudreau to complete the unexpired term until the May 2013 election.

2012-2013 Planning Agenda: Chairman Morrison noted that the Board has no major zoning or subdivision projects before the Board this term other than the occasional ANR plan, scenic road and stormwater special permits. Therefore, at this time, the Board may wish to review the Subdivision Rules And Regulations for minor revisions, and also look to establish a format and correct minor clerical errors in the Zoning Bylaw. In order to make any changes no matter how minor, the Attorney General has ruled that Town Meeting must approve any revisions to the Zoning Bylaws. Selectman Gandt joined the discussion relative to his findings in developing a template for formatting.

101-105-109 Hill Street: At 8:15PM, Chairman Morrison called to order the public hearing in accordance with M.G.L.c.40, § 15C to consider the special permit application of

Elizabeth Mallon to remove thirty (30) feet of stonewall in order to re-construct a driveway at 101 Hill Street; re-use removed stones to close driveway opening in stonewall at 105 Hill Street and make minor alterations to opening for access to the existing historical driveway at 109 Hill Street for use as the main driveway to the residential home located on property at 105 Hill Street, a designated scenic road.

Mr. Roger Cook of K & R Tree and Landscape Co. representing the owner reviewed the landscape plan with the Board and noted the design is to re-construct the driveway at 101 Hill Street, re-use the removed stones to reconstruct the stonewall and remove driveway and re-landscape at 105 Hill Street; and make minor alterations to the opening for access to the existing historical driveway at 109 Hill Street for the residential home.

Upon review of the application and documentation, the Board made the appropriate finding to grant a special permit. Member Ian De Buy Wenniger made the motion to close the public hearing and approve a scenic road permit for 101, 105 and 109 Hill Street as presented; seconded by Member Gregor Smith; so voted 5-0.

103 River Road: Attorney David Ankeles reviewed the proposed ANR plan for 103 River Road with the Board. Owner Michael O'Hara also participated in the discussion. Chairman Morrison summarized the definitive subdivision process that occurred in 2005 that extended Fox Run Road and created new cul-de-sac that the proposed ANR lot would have located frontage. The members reviewed the calculation for the frontage, acreage and shape. Ms. Morrison noted that due to the slope and wetlands that the Stormwater and Erosion Control Bylaw would apply to this proposed lot. The Board proceeded with the checklist review and noted that the abutters listed on the plan would require a correction and the setback lines for the existing house at 103 River Street needed to be added.

The Board also discussed the bulbs on the plan designating the location of the original cul-de-sac which has been physically removed. Attorney Ankeles informed the Board that the bulbs could not be removed on the plan since the Town had not formally abandoned the parcels. Chairman Morrison recommended that the Board notify the abutters as to whether they want the land, and if so, then recommend town meeting action on the matter to the Selectmen.

Upon review it was determined that the plan met the Planning Board requirements and made the determination that this plan was not subject to the Subdivision Control Act. Member Gregor Smith made the motion to endorse as "Approval Not Required" a Plan entitled "Subdivision Plan of Land Located In Topsfield, Mass," Dated: April 20, 2011; Revised September 7, 2012; Prepared by: Eastern Land Survey Associates, Inc.; Owned by: 103 River Road Realty Trust; Showing the division of land on Map 47, Parcel 50 in the Town of Topsfield, Essex County, Massachusetts into **two (2)** lots shown on said plan as Lots 2C & 2D with the following notations made on said plan: Correction to note current abutters and also note on plan the front, side and rear yard setbacks for existing house on Lot 2D. Seconded by Clerk Janice Ablon; so voted 5-0.

488 Boston Street: Owner Frank Iovanella reviewed the proposed ANR plan for 488 Boston Street with the Board. Chairman Morrison noted that the lot qualified for zoning relief as a pre-existing non-conforming lot and that the Zoning Board of Appeals had approved a finding that would allow the subdivision of the lot into two (2) non-conforming lots. Mr. Iovanella noted that all buildings would be demolished and that the Historical Commission has approved the demolition of the structures. He also informed the Board that the two lots would share a common driveway. Chairman Morrison subsequently informed Mr. Iovanella that he would have to return to the Planning Board to request a special permit for the common driveway.

The Board proceeded with the checklist review and noted the following revisions to the plan: note total frontage for lot 1B and dotted lines for existing houses to lot lines; and place note on plan that “all existing buildings on lots 1A & 1B are to be demolished.”

Upon review it was determined that the plan met the Planning Board requirements and made the determination that this plan was not subject to the Subdivision Control Act. Member Steven Hall made the motion to endorse as “Approval Not Required” a Plan entitled “Subdivision Plan of Land Located In Topsfield & Ipswich Mass,” Dated: June 5, 2012; Prepared by: Eastern Land Survey Associates, Inc.; Owned by: Beverly Hills Realty Trust; Showing the division of land on Map 2, Parcel 8; Map 49, Parcel 3C in the Town of Topsfield, Essex County, Massachusetts into **two (2)** lots shown on said plan as **Lots 1A & 1B** with the following notations made on said plan: Total frontage on plan for lot 1B, dotted lines for existing houses to lot lines and note on plan that “all existing buildings on lots 1A & 1B are to be demolished. Seconded by Member Ian De Buy Wenniger; so voted 5-0.

Mr. Iovanella informed the Board that he plans to request a minor modification regarding the street light poles at The Meadows. The landscape plan had called for 4x4 wood post with lantern lights; however, the wood posts do not stand up to weathering and he would like to replace with metal lantern poles. He plans to provide specifications for the Board’s review at a future meeting.

The meeting was adjourned at 9:50 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator