

Topsfield Planning Board

September 4, 2013

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

Visitors: Selectman Dick Gandt; Larry Beals, Jenniffer O'Brien, Daniel O'Brien, Gary Patch, Michael Walsh, Jim Wilkinson, George Annis, Lucille Annis, Richard Kosian, Kathryn Morin.

Minutes:

Member Jeanine Cunniff made the motion to approve the minutes of April 24, 2013 as amended; seconded by Member Joseph Geller; so voted 5-0.

Member Ian De Buy Wenniger made the motion to approve the minutes of May 21, 2013 as written; seconded by Clerk Steven Hall; so voted 5-0.

Member Joseph Geller made the motion to approve the minutes of June 18, 2013 as amended; seconded by Member Jeanine Cunniff; so voted 5-0.

95 Wenham Road: At 8:00PM, Chairman Morrison called to order the public hearing in accordance with M.G.L.c.40, § 15C to consider the Special Permit application of Jenniffer O'Brien to remove 12 feet of stonewall in order to construct a 10 foot wide driveway for the cottage located on the same lot as the residential dwelling at 95 Wenham Road, a designated scenic road.

Applicant Jenniffer O'Brien explained that the grandfathered property had a second residential unit and the 12 foot opening would create an entrance for a new driveway which would service the cottage. Removed stones would be used for the returns and to repair the wall where needed.

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 approve the application to remove 12 feet of stonewall for a driveway as shown on the site plan dated June 25, 2013; seconded by Clerk Steven Hall; so voted 4-0.

Hickory Lane Roadway Update: At this time, Chairman Morrison opened the discussion to consider the proposed roadway modifications to Hickory Lane in front of Lot 4 in order to address the drainage issue which has deteriorated the grass strip and roadway. Project Engineer Larry Beals updated the Board on the proposed plan to stop the erosion. Mr. Beals stated that sod would be placed on the grass strip from Lot 3 to

Lot 8. A contract has been finalized and the work should commence within the next few days. Further, Mr. Beals noted that engineering calculations were done and the spillway moved during construction will function as designed in the current location.

Chairman Morrison questioned Mr. Beals relative to the pipes on Lot 5 relative to the roadway issue and the operation of the detention pond. Mr. Beals responded that the pond has two outlets. If the standing water in the pond stays lower than the lower outlet the pond would operate at capacity. If the water level is above this outlet then there would be a loss of capacity. Ms. Morrison noted the Board's concern relative to the easement document that refers to a plan and the as-built location does not match the plan. This issue needs to get addressed. Mr. Beals responded that Meeting Way Corporation would need to produce an as-built in order to close out the subdivision which will show the exact location of the pond and spillway.

For more detailed information, please refer to the attached email document from Lawrence Beals to Roberta Knight entitled "Hickory Beech Progress Report", dated August 29, 2013 and incorporated herein.

12 Hickory Lane (Lot 4): At 8:30PM, Chairman Morrison called to order the continued public hearing to consider the application of Patch Development LLC for 12 Hickory Lane (Lot 4) 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.

The Board conducted an extensive review of the new site plan for Lot 4 dated August 29, 2013 with Project Engineer Larry Beals and referred to Beals & Thomas Second Supplemental Peer Review Lot 4 Hickory Beech Subdivision. Ms. Morrison noted that in this new plan the house and driveway have been reconfigured and after extensively reviewing the plan, the members did determine the location of the house was outside of all easements as well as in relation to the design location and actual location of the spillway. Mr. Beals noted that the spillway is located within the utility and grading easement. Roof run-off is addressed by drip edges. A swale has been designed along the lot line with Lot 3 to direct water into the roadway swale and away from Lot 3. This was a concern expressed by Mr. Michael Walsh, owner of Lot 3, since there is a grading change of approximately eight (8) feet between the lots and he noted his concern of icing on his driveway due to run-off from Lot 4.

Although the roadway drainage relative to the grass swale between Lots 3 and 8 are the concern of the developer Meeting Way Corporation, the Board spent time reviewing the section of roadway specifically along Lots 4 & 5 since there is an interdependency between the development of Lot 4 and the roadway drainage system. The Board also discussed with Mr. Beals the Schedule of Values and the retainage currently held by the Planning Board for the completion of the infrastructure of the subdivision. Mr. Beals suggested that he and David Bond visit the site to verify all the work completed since 2007 when the Schedule was developed.

Chairman Morrison prior to closing the public hearing queried the attendees as to whether anyone had further comments regarding Lot 4. Mr. Walsh noted that the Home Owners Association needs to review the site plan. Further, that a portion of the 40' rear setback needs to be changed since it is different from the recorded subdivision plan. Ms. Morrison responded that this was an issue for the Inspector of Buildings.

Chairman Morrison entertained a motion to close the public hearing. Clerk Steven Hall made the motion to close the public hearing; seconded by Member Joseph Geller; so voted 5-0.

The Board then reviewed Beals & Thomas recommended conditions for the permit as described in the report entitled "Second Supplemental Peer Review Lot 4 Hickory Beech Subdivision", dated September 3, 2013. It was the consensus of the Board to incorporate conditions 1-7 listed on page 8 as conditions for the permit as well as conditioning the construction of a swale to side property line with Lot 3.

At this time, Chairman Morrison stated that this permit did not preclude the house from being built elsewhere on the lot. A change of plan would be reviewed relatively quick because of all the work done for this permit. The Beals & Thomas peer review has been based on the current proposed location by the developer as shown on the submitted plan dated August 29, 2013, sheets 1-7.

Member Ian De Buy Wenniger made the motion to grant a special permit for Storm Water Management And Erosion Control in accordance with the provisions of Chapter VI of the General By-laws of the Town of Topsfield to Patch Development LLC, the applicant for property located at 12 Hickory Lane (Lot 4), Topsfield, MA, owned by Patch Development LLC in accordance with a deed recorded at the Essex South Registry of Deeds, Book 32331, Page 164, and further VOTED: To endorse a Storm Water Management And Erosion Control Plan entitled "Proposed Subsurface Disposal System For a 4-Bedroom Dwelling at Lot 4 Hickory Lane Topsfield, MA" Dated: August 29, 2013; Prepared by: Beals Associates Inc.; Prepared for: Patch Development LLC; Owned by: Patch Development LLC; subject to the following conditions: (1) approved septic plan by BOH; (2) inspections by Stormwater Coordinator David Bond; (3) conditions 1-7 as set forth in the Beals & Thomas September 3, 2013 review report; (4) construction of swale along side property line with Lot 3; (5) and the approval is conditioned on the commitments (including schedule) made in Lawrence Beals' email dated August 29, 2013 to Roberta Knight: specifically the section entitled "Grass Strip/Roadside Swale, Lot 3 to Lot 8."; seconded by Clerk Steven Hall; so voted 5-0.

125 Boston Street/75 Salem Road Common Driveway: Chairman Morrison called to order the public hearing to consider the application of 77 Salem Road LLC for premises located at 125 Boston Street and 75 Salem Road requesting a special permit pursuant to Article IV, Section 4.07J of the Topsfield Zoning By-law for the use of the existing gravel driveway at 75 Salem Road as a common driveway to access 125 Boston Street

from Salem Road. Chairman Morrison noted that the Board had received a formal written request to withdraw the application without prejudice. Clerk Steven Hall made the motion to approve the request to withdraw the application without prejudice; seconded by Member Joseph Geller; so voted 5-0.

Release of Covenant/ The Meadows: The Board reviewed the release and finding all requirements in order, Member Jeanine Cunniff made the motion to approve the release of units 1 thru 8 and 21 thru 24; seconded by Clerk Steven Hall; so voted 5-0.

English Commons Rail Trail: Member Joseph Geller discussed with the members the current condition of the trail and the need for a loop to tie the development with the Rowley Bridge neighborhood.

The meeting was adjourned at 10:02 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator