

Topsfield Planning Board
September 20, 2011

Chairman Morrison called the meeting to order at 7:41 PM. Board members present were Martha Morrison, Janice Ablon, Steven Hall and Gregor Smith. Roberta Knight, Community Development Coordinator was also present.

Visitors: Dana and Sandra Sanger, Joseph Falzone, Larry Beals and Attorney Kathryn Morin

Minutes: Member Steven Hall made the motion to approve the minutes of September 6, 2011 as amended; seconded by Clerk Janice Ablon; so voted 4-0.

New Meadows Information Notice: Ms. Knight noted that she had a conversation with developer Frank Iovanella at which time she had informed him that the Planning Board had scheduled an appointment at the November 1st meeting to discuss the proposed modifications to the building design; and further that the Board would like to forward an information notice to the abutters. Mr. Iovanella had no problem with the notification process and will have his architect provide the Board with an advance hard copy of the design plan and also in electronic format.

Wind Energy Siting Reform Act “WESRA”: The Board discussed the proposed legislation for the siting of wind turbines within the Commonwealth. Chairman Morrison noted that based on her review of this proposal, the legislation, if enacted, would seriously encroach on home rule, add additional responsibilities on communities without recourse or input. It was the consensus of the Board to draft a letter to the Joint Committee on Telecommunications, Utilities & Energy. Member Steven Hall volunteered to draft the letter.

Subsidized Housing Inventory Biennial Update: Ms. Knight reviewed with the Board the update sheet forwarded by the Department of Housing & Community Development. She noted that there are three group homes in Town and would add the address and number of bedroom units to the schedule. Chairman Morrison noted that Washington Meadows was deleted from the schedule and requested Ms. Knight to inquire if there were still affordable units at the complex.

14 Perkins Row: At 8:00PM, Chairman Morrison called to order the public hearing to consider the application of Michael and Carolyn Sanger for premises located at 14 Perkins Row requesting a special permit pursuant to Article VII, Section 7.03 of the Zoning By-law for a pre-existing temporary accessory apartment. Clerk Janice Ablon read the notice for the record.

Current owners Sandra and Dana Sanger were present and informed the Board that they would be living in the in-law apartment and would be transferring ownership of the main house to their son and daughter-in-law; however, the mortgage company would not move forward on the financing until the special permit was issued.

Noting all was in order, Member Gregor Smith made the motion to approve a special permit pursuant to Article VII, Section 7.03 of the Zoning By-law for a pre-existing temporary accessory apartment located at 14 Perkins Row to Michael and Carolyn Sanger; seconded by Member Steven Hall; so voted 4-0.

Hickory Beech Revised Open Space Deed and Lot 18 Easement: At this time, developer Joe Falzone, engineer Larry Beals and Attorney Kathryn Morin came before the Board to discuss revisions to the Open Space deed and the proposed easement on Lot 18 for a newly proposed cart path as mitigation for grading in the buffer zone. The Board reviewed the proposed plan that provided access from Evergreen Circle to both upland areas within the open space portion of the subdivision. The developer agreed to construct the original proposed existing trail as well as constructing the new proposed trail including a second boardwalk over wetlands connecting Lot 18 to the open space area under this easement and as authorized under an amended Order of Conditions as issued by the Conservation Commission for Lot 18 and the Open Space.

The Board reviewed the conditions for the Easement and revised Open Space deed. It was agreed that language for “pedestrian and non-motorized uses” would be incorporated into the easement for Lot 18 which would track with the language in the deed. The Open Space deed would incorporate the easement as well.

Clerk Janice Ablon made the motion that the Planning Board recommends to the Board of Selectmen that the Town accept the easement for Lot 18 of the Hickory Beech Subdivision as shown on plan as revised dated August 29, 2011; seconded by Member Gregor Smith. Chairman Morrison then amended the motion that the easement for Lot 18 will have the same conditions as the Open Space deed and the applicant will approach the Conservation Commission for the second walkway; seconded by Member Steven Hall; so voted 4-0.

Member Steven Hall then made the motion to accept the easement for Lot 18 and the modified quick claim deed for the Open Space that included the easements previously voted; seconded by Member Gregor Smith; so voted 4-0.

Review of FY11 Annual Report: The review was deferred to the October 4th meeting.

Deed for the Acceptance of Antoria Way: Ms. Knight informed the Board that she discussed the matter of the deed for the recording of the acceptance of Antoria Way as an

accepted public street with Town Counsel Vicki Marsh. Attorney Marsh informed her that the language in the Topsfield Rules & Regulations for Subdivision Control is open-ended in that it simply states “a deed to the land” which may be a title quitclaim deed or an easement deed. However, Town Counsel opined that Town Meeting action as to how the street was accepted determines the type of deed. Since the street was accepted by a conveyance of an easement, the recorded deed must be a “Deed of Easement”. If the town prefers a title deed, then street acceptance will require further town meeting action. The Board requested that Ms. Knight confer with Town Counsel as to who would own the land under the easement, and also Chairman Morrison requested that Ms. Knight to speak with Selectman Gandt.

Review of Special Permit Documents: Clerk Janice Ablon informed the Board that she and Ms. Knight had reviewed the current applications, fees and rules and regulations associated with the Accessory Apartment Bylaw, the Scenic Road Bylaw and the Stormwater & Erosion Control Bylaw. Ms. Ablon reviewed the fee schedules, and current requirements for notice and the public hearing process under the respective bylaws. The Board requested that Ms. Knight contact Town Counsel on the notification procedure for a general bylaw public hearing in regards to the Stormwater & Erosion Control Bylaw.

The meeting was adjourned at 10:14 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator