

Topsfield Planning Board

October 4, 2011

Chairman Morrison called the meeting to order at 8:00 PM. Board members present were Martha Morrison, Janice Ablon, Gregor Smith and Ian DeBuy Wenniger. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt;

Minutes: Member Gregor Smith made the motion to approve the minutes of September 20, 2011 as amended; seconded by Clerk Janice Ablon; so voted 3-0-0. Member Ian DeBuy Wenniger abstained.

Hickory Beech Revised Open Space Deed: The Board signed the revised deed which had been previously approved by the Board at the September 20, 2011 meeting.

Review of Revised English Commons Walking Trail Easement: The Board reviewed the comments and revisions made by Town Counsel John Goldrosen in regard to his legal review of the trail easement for English Commons. As noted by Counsel, since part of the trail including the boardwalk is located within the portion of the property under the Conservation Restriction, the language for the trail easement recreational activities should be the same as in the Restriction. As such the Board agreed that there should be no bicycles and no motorized vehicles. Town Counsel added language prohibiting horseback riding; however, since traditionally the Myopia Hunt Club has annually sponsored "hunts" that have run across this property, the Board agreed to delete any reference to horseback riding. It was the consensus of the Board to forward the revised easement to the Conservation Commission for its comments. The Board also requested Ms. Knight to forward the Operations & Maintenance Plan to Town Counsel for review.

New Meadows Information Notice: The Board reviewed and approved the language with minor edits for the informational notice regarding the November 1st meeting with developer Frank Iovanella regarding the scaling back of the size and altering the style design of the six (6) building units.

Antoria Way Street Acceptance: The Board discussed the acceptance of an "Easement Deed" as approved by Town Counsel instead of a "Quitclaim Deed" as proof of title. The language approved by Town Counsel for the warrant article for town meeting acceptance of the street referred to the "acceptance of an easement". The Planning Boards Rules & Regulations for Subdivision Control just refer to a "deed of land". Both Ms. Knight and Principal Assessor Nina Evans have researched prior street acceptance title deeds which over the past fifteen years have been quitclaim deeds. However, since the language in the warrant article specifically referred to an easement deed which was

approved by the town meeting, the Planning Board and Board of Selectmen must decide whether to accept said deed or wait until the 2012 Town Meeting to re-authorize the street acceptance with a quitclaim title deed. Moreover, pursuant to Massachusetts General Laws the deed must be recorded by the end of this month since the 120 day deadline for filing will expire. It was the consensus of the Board since it is a two lot subdivision to recommend to the Selectmen to accept the deed as written.

Chairman Morrison then continued the discussion of street acceptance relative to town roads that are so called “grandfathered” which are roads being maintained by the Town but never have been formally accepted. There are county roads laid-out pre-subdivision control and other roads in town that are post-subdivision that for whatever reason have not been formally accepted. Phil Knowles, Chairman of the Road Commissioners has noted his concern over this issue in the past. Ms. Morrison noted that she would contact Mr. Knowles on the subject, and proposed scheduling a meeting with the Commissioners and Selectmen to establish a procedure to resolve this outstanding issue which is also an issue in other communities in Massachusetts.

FY11 Annual Report: The Board discussed the Annual Report. Member Ian DeBuy Wenniger noted that he thought Bob Winship had only served five years on the Board and that Jonathan Young should also be recognized for his service. Ms. Morrison requested Ms. Knight to resend the report to the members, and if there were any other comments, for the members to forward them to Ms. Knight.

Stormwater Notice: The review of Town Counsel’s opinion relative to notice under the Bylaw was deferred until next month’s meeting.

The meeting was adjourned at 9:42 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator