

## **Topsfield Planning Board**

October 13, 2015

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

**Visitors:** Nancy McCann, Scott Cameron, Thomas Shank, Richard Kosian, Mark Cote, Kristin Major, Bruce Major, Chris Sparages, Peter Dempsey, Betsy Dempsey, Natalie Meyfarth, George Meyfarth, Thomas McAndrew, Lucille Annis, George Annis, Kristin Yannetti, Mark Yannetti, Kathy Yannetti, Jim Wilkinson, Debra DiBenedetto, Jim DeBenedetto, Paul Nowak, Randy Sabino, Maureen Sabino, Paul Johnson, John Guinee, Stephen Langmuir, Francee Langmuir, Paul Harder, Martha Sanders, Larry Beals, John Morin.

**19 Evergreen Lane:** At 8:00PM, Chairman Morrison called to order the public hearing to consider the application of George Annis 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.

Chairman Morrison requested Richard Kosian, the peer review engineer, to give a status report on the project. Mr. Kosian noted that the original plan had some issues; however he is satisfied by the responses submitted with a revised plan by the project engineer Beals Associates. He noted that he received today an additional plan submittal for winter stabilization which was reviewed. Mr. Kosian stated that he was satisfied with this plan. The two administrative issues noted in the initial review letter have been also addressed to Beals & Thomas' satisfaction.

Project Engineer Larry Beals then reviewed the winterization plan for the lot noting that every option has been spelled out to give the contractor options to address different conditions. The leveling course of compacted sand would be put in place first and erosion control would follow.

A discussion followed concerning the construction of the wall along the property line in order to construct the driveway for 19 Evergreen. Questions were answered to the satisfaction of the Board and the abutter's engineer.

Member Jeanine Cunniff moved to endorse a Storm Water Management And Erosion Control Plan entitled "Stormwater Management Plan for a 5-Bedroom Dwelling At Lot 20 19 Evergreen Lane Topsfield MA" Dated: August 21, 2015; Revised October 13, 2015; Prepared by: Beals Associates, Inc.; Prepared for: George Annis; Owned by: George E. Annis Jr. and Lucille A. Annis; showing the stormwater and erosion control engineering design for managing the stormwater run-off seconded by Clerk Steven Hall; so voted 5-0.

**CLURPA Letter:** Chairman Morrison thanked the members for their input and distributed for signature the final composite letters to be forwarded to the state representatives. Member Joseph Geller made the motion to forward the letters to Rep. Hill and Senator Lovely relative to Senate Bill 122; seconded by Clerk Steven Hall; so voted 5-0.

**Minutes:**

Clerk Steven Hall made the motion to approve the minutes of September 1, 2015 as amended; seconded by Member Jeanine Cunniff; so voted 5-0.

Member Jeanine Cunniff made the motion to approve the minutes of September 15, 2015 as written; seconded by Clerk Steven Hall; so voted 5-0.

**51 Wenham Road:** At 8:30PM, Chairman Morrison called to order the public hearing to consider the application of Mark & Kristin Yannetti for premises located at 51 Wenham Road requesting a special permit pursuant to Article VII, Section 7.03 of the Zoning By-law for the construction of a temporary accessory apartment.

Mr. Mark Yannetti reviewed the plans with the Board and explained the building project which included the demolition of the stone barn, the building of the addition that would include the in-law apartment which met the square footage requirements of the Bylaw.

Ms. Knight noted that 5 Bedroom Count Deed Restriction had not as yet been recorded and Mr. Yannetti acknowledge such and stated that it would be recorded once the appeal process was completed and the permit issued. Ms. Knight was directed to make the recording of the deed restriction a condition of the permit.

Upon the review of the application, plan and documentation, the Board made the appropriate finding to grant a special permit. Clerk Steven Hall made the motion to grant a special permit to Mark and Kristin Yannetti the owners of the property located at 51 Wenham Road, in accordance with a deed to them recorded at the Essex County South Registry of Deeds: Book 33138, Page 98, for the construction of a Family Accessory Apartment as permitted in accordance with the provisions of Article VII, Section 7.03 of the Zoning By-laws of the Town of Topsfield; seconded by Member Stephen Silveri: so voted 5-0.

**136 Ipswich Road:** Project Engineer John Morin of the Morin-Cameron Group, representing the owners Maureen and Randy Sabino reviewed the ANR Plan with the Board. Mr. Morin noted that the 3 acre lot (Lot 4 Parcel A) was being divided to create two separate lots. 136 Ipswich Road including house and all accessory structures would become Lot 4A as a conforming buildable lot within the IRA district. The back area of

the lot would become Parcel D, a non-conforming parcel which abuts 377 Boston Street, owned by the Sabino's.

The members reviewed the checklist, and made a determination that this plan was not subject to the Subdivision Control Act and Member Stephen Silveri made the motion to endorse as "Approval Not Required" a Plan entitled "Plan of Land in Topsfield, MA Land Prepared for Maureen & Randy Sabino 136 Ipswich Road" Dated: October 3, 2015;  
Prepared by: The Morin-Cameron Group, Inc.; Owned by: Maureen & Randy Sabino;  
Showing the division of land on Maps 19 & 26, Lot 19 in the Town of Topsfield, Essex County, Massachusetts into two (2) lots shown on said plan as Lot 4A and Parcel A with the following notations made on said plan: Subdivide the property known as "Lot 4 Parcel A" into Lot 4A and Parcel D; seconded by Member Joseph Geller; so voted 5-0.

**57 Perkins Row:** At 9:00PM, Chairman Morrison called to order the continued public hearing to consider the applications of New Meadows Development LLC pursuant to the provisions of Massachusetts General Laws, Chapter 41, Section 81 for a Definitive Subdivision Plan of Land at 57 Perkins Row in the Town of Topsfield, Massachusetts; and requesting a Stormwater Management Permit pursuant to the provisions of Chapter LI, the Topsfield Stormwater Management and Erosion Control Bylaw.

After introducing Jeff Garber and Thomas Schank, the developers, and Project Engineer Scott Cameron, Attorney Nancy McCann updated the Committee as to the status of the project since it had been some time since the last public hearing discussion. Ms. McCann noted that they were proceeding with the review by the Conservation Committee, and have made headway in addressing general issues and comments; and have submitted responses to Beals & Thomas for peer review comments. They should have a second set of comments from Beals & Thomas for the next meeting.

Ms. McCann then stated that at the end of the last Conservation meeting which was attended by Member Jeanine Cunniff, Ms. Cunniff brought up the joint concerns of each jurisdictional entity relative to Planning Board waivers and Conservation Commission waivers which are integrated and would have AN impact on each board's jurisdictional decisions. Ms. McCann then went on to say that she had suggested at that time that it might be beneficial for all concerned parties to schedule a joint meeting of both boards to review the requested waiver issues. Further, Attorney McCann noted that she understood that the Planning Board Chair declined holding a joint meeting.

Chairman Morrison then clarified that she did not decline a joint meeting for all time, but did not see the need for the Planning members to sit through a meeting while the Conservation members dealt with a number of issues including the replication and the pocket wetland. Ms. Morrison noted that the Planning Board would consider a joint meeting after the Conservation Commission deals with all their issues. Mr. Cameron interjected that most of the issues have been resolved and they were waiting for a Beals & Thomas response for the October 28<sup>th</sup> Conservation meeting.

Attorney McCann then requested if the Board would consider allowing Beals & Thomas to commence the Planning Board review. It was the consensus of the Board that they had no issue with the commencement of the Planning Board review; however, they would respect Richard Kosian's position on the matter and would ask for his input if it would be appropriate to commence the process at this time.

Member Jeanine Cunniff then queried as to the approach that would be used for engineering the stormwater management requirements. Only individual lots have been before the Board since she has become a member and she was concerned that that the stormwater would be managed in a piecemeal approach.

Chairman Morrison then interjected that early on in the process there was a discussion that the Board had urged the developers to use a comprehensive approach which is highly recommended instead of coming back for each lot. This is now the current requirement under the Bylaw, but was not the case when the plan was filed.

Mr. Cameron responded that the lot development and the infrastructure were part of the stormwater plan. The baseline stormwater system took into account for adjustments in individual changes for the development of the lots.

Member Jeanine Cunniff then made the motion to continue the public hearing for 57 Perkins Row to November 17, 2015 at 8:00PM; seconded by Clerk Steven Hall; so voted 5-0.

Chairman Morrison asked if there were any additional comments by anyone. Ms. Kim Sherwood asked for clarification of the joint concern relative to the road width. Chairman Morrison noted that the regulation road width is 26 feet and any reduction waiver under the regulations would be based on the public interest. The Conservation Commission's concern is the impact of the road width on the pocket wetland relative to drainage.

The next question by Ms. Sherwood concerned the jurisdictional issues relative to stormwater management. Chairman Morrison responded that stormwater management and erosion control were under the jurisdiction of the Planning Board; however, portions of the property are under the jurisdiction of the Conservation Commission for stormwater and wetland impact which would be governed by the issuance of an Order of Conditions. The Planning Board would add to the Order and issue a permit.

**116-120 Hill Street:** Attorney Nancy McCann, representative for the developers, New Meadows Development LLC opened the presentation relative to the preliminary plan for the proposed subdivision at 116-120 Hill Street which is a 67 acre property. The preliminary plan has been designed as an Open Space Plan which the developers believe would be the best plan for the property providing permanent open space conservation land.

Chairman Morrison at this time stated that she had talked to Attorney McCann concerning the preliminary plan filing that comprised of a 15 page Open Space Plan and a 1 page Conventional Plan. Ms. Morrison went on to say that she was very disappointed as to what the Board had received in terms of the product presented which according to the regulation should be done “with care”. Ms. Morrison then read for the record the comments made by Highway Superintendent David Bond. See attachment. Both plans do not meet the town’s standards and both plans are unacceptable since neither plan could actually be constructed. The Planning Board regulations require a conventional plan that meets the subdivision standards and can be actually constructed in order to determine the number of lots for an Open Space Plan.

Attorney McCann responded that a preliminary plan was being used as a planning tool and is not required to be filed for a residential subdivision. It is being used in this case for planning purposes and to work out the development issues. She further stated that according to the Bylaw, the requirement for an open space plan was that the site had to be a minimum of 10 acres and located in the ORA or IRA districts.

The members of the Planning Board agreed with Chairman Morrison’s position that a conventional standard plan is required under the Subdivision Control Regulations for the determination of the number of lots that can be created on a road that can be built.

Member Jeanine Cunniff referred to the Hickory Beech Subdivision as an example of close proximity of impervious surface (homes, driveways, and other structures) on poorly draining soil which has created major stormwater issues for the development.

It was suggested that Project Engineer Scott Cameron meet with David Bond to get direction from the Superintendent. Attorney McCann agreed. Chairman Morrison noted that Mr. Cameron should be prepared to hear that the design with two roads running together could be a problem and possibly create a cul-d-sac.

Mr. Cameron noted that the open space design which he has worked on after reviewing many alternatives is a far superior design than a conventional plan; and that he had reviewed the 2007 and 2010 Open Space Plan and believed this subdivision plan preserves the rural character of the area and meets the objectives of the two open space town plans.

Attorney McCann queried Member Joseph Geller who also chaired the Open Space Committee during the development of said plans as to his opinion. Mr. Geller responded that a conventional plan was needed for the lot determination. He would look to the character of neighborhood which has various sized lots and questioned whether putting smaller lots would be in keeping with the neighborhood.

Member Jeanine Cunniff made the motion to continue the preliminary plan discussion for 116-120 Hill Street to the meeting of November 17, 2015; seconded by Clerk Steven Hall; so voted 5-0.

The meeting was adjourned at 9:42 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator

Per the Open Meeting Law, the documents that were either distributed to the THBC before the meeting in a packet, or at the meeting were:

1. Agenda
2. Email memo from David Bond, dated October 13, 2015
3. 57 Perkins Definitive Plan, revision date October 6, 2015
4. 116-120 Hill Street Preliminary Plan, dated September 10, 2015
5. 116-120 Hill Street Open Space Plan, Sheet 16B, revised date October 12, 2015

*Approved as written at the \_\_\_\_\_ 2015 Planning Board meeting.*

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Committee constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Committee as to the completeness or accuracy of such statements.