

Topsfield Planning Board

November 5, 2014

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

Visitors: Selectman Dick Gandt; Stephen Silveri, Dennis Rich, Jean Rich, David Surette, Maureen Surette, Daniel Butler, Jud Pratt, Kathy Hughes, Mary Rossi and Jeff Krugman.

189 Rowley Bridge Road: At 8:00PM, Chairman Morrison called to order the public hearing to consider in accordance with M.G.L. c.40, § 15C the Special Permit application of Dennis & Jean Rich to remove 9 feet of stonewall in order to construct an opening with gate for a landscaping access at 189 Rowley Bridge Road, a designated scenic road.

Mr. Rich informed the Board that this opening would allow landscape equipment to be brought onto the property. The stones would be used to repair other areas of the wall. A wood gate based on the presented design will be installed within the opening. Mr. Rich noted that grass would remain and that they had no intention of paving a drive.

Member Joseph Geller made the motion to approve the petition for a special permit from the requirements of the Town Code, Chapter LV, Topsfield Scenic Road Bylaw and M.G.L. c.40, § 15C so as to permit the removal of 9 feet of stonewall in order to construct an opening with gate for a landscaping access in accordance with the applicant's submitted photos and design drawing; seconded by Member Jeanine Cunniff; so voted 4-0.

27 Averill Street: At 8:15PM, Chairman Morrison called to order the public hearing to consider in accordance with M.G.L. c.40, § 15C the Special Permit application of David and Maureen Surette to remove 20 feet of stonewall in order to construct a second driveway entrance to tie into current driveway at 27 Averill Street, a designated scenic road.

Mr. Surette reviewed the application and presented pictures to the Board as to where the opening for a second driveway entrance would be located. Mr. Surette explained that it is very difficult to access the current driveway. Vehicles must move to the opposite lane in order to make the turn. He also noted that he had reviewed the location of the proposed opening with Highway Superintendent David Bond who had approved the location.

At this time, abutter Daniel Butler spoke to the Board noting his concern that the installation of a second entrance and driveway would increase the flow of water onto his property located a 23 Averill Street. Currently, there is a small amount of water that flows onto his property.

Chairman Morrison noted that the Planning Board has no jurisdiction on the construction of a driveway. The Board's purview under this Bylaw is to make sure that the removal of stones from an existing stonewall on a scenic road is not detrimental.

The members requested that Mr. Surette provide a plan showing the exact location of the driveway and that he also mark the area of the property's frontage where the entrance would be located so that the members upon visiting the site could see the exact location.

At this time, Member Jeanine Cunniff made the motion to continue the public hearing to December 2, 2014 at 8:00PM; seconded by Member Ian De Buy Wenniger; so voted 4-0.

142 High Street: At 8:30PM, Chairman Morrison call to order the continued public hearing to consider the application of Michael McNiff, Trustee, for 142 High Street 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 for the lot.

The Board reviewed the Operation & Maintenance Plan dated October 25, 2014 that had been submitted by Hayes Engineering Inc. as previously requested by Board. The members noted that the plan was deficient on several items: (1) need for permanent marker for location of each cultec access covers; (2) inspection of cultec chambers in accordance with manufacturers specification; (3) clean out of debris. Member Jeanine Cunniff drafted the revisions to the document based on the Board's discussion.

Member Joseph Geller proceeded with the motion to endorse a Storm Water Management And Erosion Control Plan entitled "Storm Water O & M Plan, #142 High Street, Map 58, Parcel 16, Topsfield, Mass 01983"; Dated: April 22, 2014, final revision October 21, 2014; Prepared by: Hayes Engineering Inc.; Prepared for: Michael McNiff, Trustee
Owned by: Rosamond Finnochio, Trustee; showing the stormwater and erosion control engineering design for managing the stormwater run-off; and further to approve the special permit with the incorporation of the revised Operations & Maintenance Plan as drafted by Member Jeanine Cunniff and dated November 5, 2014; seconded by Member Ian De Buy Wenniger; so voted 4-0.

27 East Street ANR: Owner Jud Pratt reviewed the proposed ANR plan with the Board. Mr. Pratt explained that the intent is to sell Lot 1 and move to the smaller house on Lot 2.

Ms. Knight noted that the Zoning Board had given zoning relief to allow the subdivision into two non-conforming lots based on the determination that it is a grandfathered lot that had pre-dated the State's Zoning Act. Said decision was presented to the Board.

Chairman Morrison upon review of the plan noted that easements for both water and septic lines were not addressed on the plan. Mr. Pratt noted that his attorney advised that the easements would be incorporated in the deed upon closing of the sale of Lot 1.

Member De Buy Wenniger stated that he was hesitant to approve the plan until the easement language was drafted and he understood the reasoning of the lot design. Mr. Pratt reviewed the premise for the lot design.

The members discussed the lot design and agreed that they were OK in principle with the plan, but would require an easement document describing the various required easements before the Board would approve the plan.

Mr. Pratt agreed at this time to grant an extension to the December 2, 2014 meeting. Prior to said meeting he would provide easement language for the Board's comments.

Planning Action Items: The Board had a minor discussion relative to the recommendations made by Town Counsel John Goldrosen in regards to the Stormwater Bylaw and its Rules & Regulations and the recommendations made by Member De Buy Wenniger. The Board also discussed current parking requirements per the Zoning Bylaw for the Village District.

The meeting was adjourned at 10:10 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator