

Topsfield Planning Board

November 5, 2008

Chairman Winship called the meeting to order at 7:55 PM. Board members present were Robert Winship, Janice Ablon, Gregor Smith. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectmen Martha Morrison and Dick Gandt; Library Director Jaclyn White, and David Johnson.

Library HVAC Project: At this time, Library Director Jaclyn White and Building Project Committeeman David Johnson provided the Board with a status update concerning the installation of an outside condenser unit as part of the proposed HVAC upgrade and repair project. The matter of concern for the Library Trustees is the decibel level expected to be generated at ground level by the proposed condenser unit to be installed on the east side of the Library building. It is estimated that the nearest property line is approximately 50 feet from the unit. A sound and vibrations chart was provided to the Board. See attached letter and chart for specific details. The Trustees have requested a waiver from ZA1-3.7 of the Zoning By-law relative to the noise level of the unit.

Ms. White also informed the Board that the Historical Commission has requested that a natural material privacy fence be constructed around the unit. The direct abutters have been informed of the project. Ms. White noted that she has met with Mr. Michael Mahoney to discuss the project, and he has no problems with the installation of the outside condenser. The Latimer's have been informed, but have not contacted the Library in regard to the project.

After a discussion of this issue, it was the consensus of the Board members that the decibel level of the condenser was not a major issue and the addition of the unit would be a minor modification and would not require a public hearing for a modification of the original approved site plan. Member Gregor Smith made the motion that the Planning Board considers the addition of the mechanical equipment a minor modification to the original site plan with the condition that upon one year after the installation of the unit the Planning Board would revisit the matter relative to the Zoning By-law guidelines; seconded by Member Janice Ablon; so voted 3-0.

New Business:

English Commons Community Integration & Affordable Housing: At the October 15th public hearing, Selectman Gandt first raised the issues of an affordable housing component for the development and the integration of the new residents into the community as considerations for the Planning Board as part of the special permitting process. At this time, the members discussed these two issues with Selectman Gandt and Selectman Morrison. It was the consensus of the Board members that the Planning Board

could not under the Zoning By-law request an affordable housing component. The members further agreed that it was inappropriate for the Board to enter into any side discussions on these two issues with the developer during the special permitting process.

The Board also discussed the structure of the open space by easement or restriction and the agricultural component; both of which would be under review as part of the special permit process.

English Commons Peer Review: The Board then discussed at length the matter of Attorney Latham's letter concerning the peer review process for the English Commons project. The members discussed each point as listed by Attorney Latham:

- Commencement
- Stormwater Management
- Meetings
- Fair Communications
- Timing
- Local Regulations

It was the consensus of the Board to draft a letter of response to Attorney Latham relative to the terms of the peer review process. Refer to specific letters for details.

Fee Waiver for Main Street Project: The Board reviewed the letter of request from Kim Philpot for the Topsfield Main Street Foundation, Inc. requesting a waiver for the Scenic Road Special Permit fee for the Main Street Beautification Project. Member Gregor Smith made the motion to waive the permitting fee for the Foundation; seconded by Clerk Janice Ablon; so voted 3-0.

Planning Board Plates: Chairman Winship informed the Board that he had reviewed the plates in the Rules & Regulations with Highway Superintendent David Bond. The plates in the Rules & Regulations are fine; however, the problem is that some of the plates have not been recorded and the drawings are not dated. Peter Giabbai did the original drawings for the Board, and Dave Bond plans to contact Mr. Giabbai to see if he can find the originals in his office.

Zoning Clerical Error: Chairman Winship informed the Board that a clerical error had been made in the recommendation for Article 31 in the May Town Meeting Warrant and in the information forwarded to the Attorney General's office, noting a reference to Article III, Section 3.16 instead of Article II, Section 2.10 as denoted in the warrant article approved and submitted by the Board. Ms. Knight noted that upon notification by the Town Clerk of the reference in the recommendation, she discussed the matter with the

Town Administrator, and was directed to request a legal opinion from Town Counsel on the matter.

Old Business:

Restaurant Use Category & Definition: Member Gregor Smith stated that he would have a recommendation with draft language for review and discussion for the next meeting.

Downtown Initiative: Member Janice Ablon volunteered to pull a group together to do strategic planning for the downtown that would tie into the Community Development Strategy and master planning under the purview of the Planning Board.

The meeting was adjourned at 10:35 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator