

Topsfield Planning Board

December 2, 2008

Chairman Winship called the meeting to order at 7:30 PM. Board members present were Robert Winship, Janice Ablon, Gregor Smith, Ian deBuy Wenniger and Jonathan Young. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectmen Martha Morrison and Dick Gandt, Paul Donohoe, Peter Hebert.

95 Wenham Road ANR: At 800PM, the Board conducted a review of the ANR plan for 95 Wenham Road that sub-divides the original lot into four lots. Paul Donohoe from Donohoe & Parkhurst, Inc. represented the owner-applicant the 95 Wenham Road Trust.

Chairman Winship informed the members that upon his earlier review of the plan, it was noted that lot 4 contains property in both Danvers and Topsfield and further that the Topsfield portion is only 1.7 acres that is less than the 2.0 acres required for the ORA district in Topsfield. However the total acreage for the lot is 5.46 acres. The lot meets the required frontage. Prior to the meeting a legal opinion had been requested from Town Counsel relative to whether the 2.0 acre requirement must be in the Topsfield portion or could it pertain to the entire lot. Town Counsel replied by email that the only requirement that must be met for an ANR lot approval is frontage, despite the fact that the lot may be “unbuildable” under local zoning regulations. Chairman Winship further noted that he queried ZBA Chairman Bob Moriarty on the matter. Bob Moriarty researched case law and found a judicial decision that would support using the entire lot relative to the ORA acreage requirement since the Topsfield Zoning By-law does not specifically note that the acreage must be in Topsfield.

Upon review of the ANR Checklist and finding all in order, Member Gregor Smith made the motion to endorse as “Approval Not Required” a Plan entitled “Plan of Land in Topsfield & Danvers MA, Dated revised December 2, 2008, Prepared by Donohoe & Parkhurst Inc., Owned by the Peter D. Hebert & Mary H. Aspesi, Trustees, Showing the division of land on 95 Wenham Road, Assessors Map 71, Lot 1 in the Town of Topsfield, and Map 2, Lot 11 in the Town of Danvers, MA, Essex County, Massachusetts into four lots shown on said plan as Lots 1, 2, 3 & 4. This endorsement assumes Lot 4 consists of a single lot containing property in both Danvers and Topsfield”; seconded by Clerk Janice Ablon; so voted 5-0.

Minutes:

Clerk Janice Ablon made the motion to approve the minutes of October 15, 2008 as corrected; seconded by Gregor Smith; so voted 5-0.

Member Gregor Smith made the motion to approve the minutes of November 5, 2008 as written; seconded by Clerk Janice Ablon; so voted 3-0.

English Commons EHD: At this time, Chairman Winship initiated a discussion concerning the English Commons development project. Attorney Brad Latham has forwarded a letter of request to the Board for a continuation of the public hearing to the January 20, 2009 meeting. The request has been made to enable the Applicant to revise plans in accordance with the requests made by the DEP. Chairman Winship then noted that he had concerns related to the proposed fees for specific items as listed in the BSC Peer Review Proposal for the project, specifically the review of the existing By-laws and the traffic study. It was the consensus of the Board that Chairman Winship would contact Dave Varga to resubmit the proposal and explain the basis for the proposed fees.

Member Gregor Smith then made the motion to approve the request to extend the public hearing for the English Commons EHD Project to the January 20, 2009 meeting; seconded by Member Ian deBuy Wenniger; so voted 5-0.

Selectman Martha Morrison addressed the Board relative to her concerns that Topsfield citizens have been approaching Alan Berry, the project's developer, relative to enhancements and community integration as two examples. It was her understanding that the Town Administrator has had a conversation with Town Counsel relative to outside conversations with the developer by other Town officials and residents. It has been advised that the Planning Board should forward a letter to Mr. Berry informing him that these communications have not been authorized by the Planning Board and would have no bearing on the permitting process. Chairman Winship volunteered to draft said letter for the Board.

Hickory Beech Request for Snowplowing: The Board discussed the query for an opinion by Highway Superintendent David Bond. The members agreed that it was not a Planning Board issue, stating that, the members were in agreement with standing Town policy of not plowing an unaccepted street in a new development until residents were living on the street.

Downtown Strategic Initiative: Clerk Janice Ablon made a brief status update report relative to organizing the Committee for this undertaking. She noted that she has contacted several residents including Ben Nutter, Janet Kmetz and Heidi Fox who would be willing to serve. The members suggested that business owners in the downtown should also be contacted and presented Ms. Ablon with potential names. Ms. Ablon noted that it would be the Planning Board's purview to set the direction as to what would be the appropriate issues for the Committee to study. Ms. Ablon suggested the following for the Board to consider:

- Riverfront density waivers relative to School Brook
- Septic System repairs utilizing new technology (BOH would like to participate)
- Review of setbacks and other zoning relief for non-conforming lots

Member Ian deBuy Wenniger suggested that the Board develop a vision for the downtown and then move from that premise. A short discussion followed.

Restaurant Use Definition: Member Gregor Smith presented the Board with an updated draft for various definitions. The members would review for a discussion at a future meeting. The definitions include the following use categories:

- Catering Service
- Restaurant, Full Service
- Restaurant, Limited Service
- Restaurant, Formula Fast Food
- Specialty Foods

The meeting was adjourned at 10:03 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator