

Topsfield Planning Board

December 4, 2012

Chairman Morrison called the meeting to order at 7:30 PM at the Town Library. Board members present were Martha Morrison, Janice Ablon, Steven Hall and Henry Goudreau. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Frank Iovanella, Jim MacDowell, Larry Beals, Scott Henderson, Fred Young, Heidi Fox, Erin Fitzpatrick

16 Wildes Road Street Pole Modification: Developer Frank Iovanella appeared before the Board to discuss Montana Development's request for a modification of the post lamps for the project. He proposed the use of a 70 watt light fixture mounted on an 8 foot high aluminum pole on a base. The finish on both the pole and fixture would be black. The original plan had proposed wooden poles which deteriorate quickly and would impact the sight scape of the development. The Board reviewed the photometric sheets provided in the information packet, and all questions were answered to the Board's satisfaction.

Member Steven Hall made the motion to approve the request for a modification to The Meadows EHD landscape plan for the street light poles along the private driveway, specifically eight (8) foot aluminum black covered coated poles with 70 watt halide lights as shown on the specification sheets; seconded by Member Henry Goudreau 4-0; so voted 4-0.

16 Wildes Road Partial Release of Covenant: At this time, Mr. Iovanella requested that the Board approve a partial release to the covenant of 12 units. He requested that units 9-20 be released for sale. After a brief discussion on the status of the development, Clerk Janice Ablon made the motion that the Planning Board release units 9-20; seconded by Member Steven Hall; so voted 4-0.

Hickory Beech Subdivision Infrastructure: Project Engineer Larry Beals appeared before the Board to discuss the completion of the roadway and repairs to other failing structures. He presented the Board with a copy of a letter to Highway Superintendent David Bond. Mr. Beals informed the Board that the infrastructure would be completed in the spring of 2013 since the development was still an active construction site. He noted that he had walked the site that morning with Highway Superintendent David Bond and Developer Joseph Falzone and identified areas that required immediate attention and marked those areas with white spray paint. He reviewed the items with the Board as listed in his letter to Mr. Bond as follows:

1. Raise and level the pavement in the areas of utility patches in High Street (spring 2013).
2. Clean the outfall of the cross-culvert, excavate a sump/pool at the outfall, and re-establish a level check dam (spring 2013).

3. Remove concrete around settled water gates and patch with sand mix bituminous concrete (immediately).
4. Place sand mix bituminous asphalt plow ramp for all catch basins that have an exposed grate above the grade of the surrounding pavement (immediately).
5. 10'x10' typical cut and patch for full depth at the pavement covered drainage structure (spring 2013).
6. Replace concrete gutter at Lot 2 driveway (spring 2013).
7. Repair 3 water gates by removing broken concrete and paving to grade with a sand mix bituminous concrete (immediately).
8. Repair 1 water gate (same as 7) (immediately).
9. Clean drainage structure; replace manhole cover and catch basin grate (immediately).
10. Repair 1 water gate (same as 7) (immediately).
11. Maintenance of catch basin (immediately).

All above items are as shown on Hickory Beech Exhibit Plan attached to Memo dated December 4, 2012 to David Bond.

Mr. Beals also submitted a contract proposal by Severino Trucking Co. Inc. for \$208,000 as an estimated cost to complete the infrastructure. Ms. Knight confirmed that the Board had a retention balance held under the Tri-Partite Agreement of approximately \$294,000 for the completion of the project.

Mr. Beals confirmed that the boardwalk leading to the open space area had been completed; the construction / repairs to swale on Lot 5 would be completed in the spring and the Conservation Commission had approved the RAD for this repair; six lots are still for sale.

The temporary work would be completed within the next two weeks.

14 Grove Street: Project Engineer Scott Henderson of McKenzie Engineering Group, Inc., the applicant's representative, appeared before the Board to discuss the proposed site improvement plan for 14 Grove Street and requested an exemption for the Stormwater Component based on Section 51-5.b.11 for redevelopment projects that result in a 40% or greater reduction in total impervious cover. This project would represent a 55% reduction compared to existing conditions. Furthermore, the project was subject to review by the Conservation Commission as it is located within the riverfront resource area associated with Cleveland Brook. An Order of Conditions will be forthcoming from the Commission. The septic system has been reviewed and approved by the Board of Health.

Chairman Morrison addressed the exemption issue. She noted that the Bylaw was revised at the May 2012 Town Meeting and that there was a change in the definition for redevelopment and further there was no longer an exemption for reduction of impervious cover. The Board checked the latest version of the Bylaw which verified this position. However, the Chair noted that the project was eligible for an exemption since the location

was under the jurisdiction of the Conservation Commission. Ms. Morrison requested that the applicant file the appropriate application for a stormwater management permit and said application would be acted on under this exemption at the next Planning Board meeting in January.

Approved Permit Signatures: At this time, the members signed the Stormwater Permits for 19 Orchard Lane and 67 Washington Street; and the Scenic Road Permit for 5-25 Wildes Road which had been previously approved by the Board at the November 20, 2012 meeting.

Wildes Road Tree Removal: At this time, Chairman Morrison informed the Board that resident Fred Young had contacted her and requested to address the Board on the issue of the public trees to be removed along Wildes Road. Further, Ms. Morrison noted this is a non-agenda posted item, and as such, if the Board chose to modify its previous decision, a new public hearing would have to be scheduled and legal notice posted and forwarded to abutters. The Chair acknowledged the email, dated December 4, 2012, from Tree Warden David Bond, a copy of which was handed to the members. In his email, Mr. Bond noted that he had re-visited the site with Mr. Young and National Grid arborist Seth Bernatchez after the last meeting. Mr. Young proposed the moving of poles and trimming of other trees on private property in order to reduce the trees removed in the right of way by one. It is Mr. Bond's opinion that the plan that was approved at the joint meeting is the best option and should stand on its own merits.

Mr. Young followed with a presentation in which he stated that position of the Tree Warden was substantially at odds with the demonstrated facts. He reviewed his proposed plan as summarized above with the members and submitted documentation and pictures to the Board.

After a lengthy discussion, the Board members individually noted that they were not going to modify the approved decision.

Ms. Heidi Fox and Ms. Erin Fitzgerald, residents of Wildes Road also submitted documentation to the Board for the record.

Zoning Amendments Re: Medical Marijuana: Chairman Morrison made a presentation to the members concerning the background and current status of the approved state referendum concerning the sale of medical marijuana in Massachusetts effective January 1, 2013. Each county will be allowed five (5) facilities to sell and dispense the substance. The State is currently developing rules and regulations on this matter. Ms. Morrison noted that she had requested the Town Administrator to ask Kopelman & Paige if they would be formulating an advisory to its clients, if not, then provide guidance as to how to proceed relative to the Town's Zoning Bylaw.

The Tri-Town Council, according to Ms. Morrison, has already approach the Board of Selectmen relative to its concern of the possible sale within Topsfield.

The members then discussed the Town's Bylaw relative to the NAICS code which is the basis for the Bylaws Table of Uses and the possible "hospital use" as a dispensing facility; all of which would need further review and discussion.

The meeting was adjourned at 9:37PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator