

Topsfield Planning Board

December 6, 2011

Chairman Morrison called the meeting to order at 7:30 PM. Board members present were Martha Morrison, Janice Ablon, Steven Hall, Gregor Smith and Ian DeBuy Wenniger. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Alan Berry, Attorney Bradford Latham, Joseph Falzone, Larry Beals, Jeff Rhuda and Roger Hale

Minutes: Member Gregor Smith made the motion to approve the minutes of November 1, 2011 as amended; seconded by Member Steve Hall; so voted 5-0.

New Meadows EHD Minor Modification Request: The Board signed the decision for the minor modification request as approved at the November 1, 2011 meeting. The Board also signed the mylar for the modified version of Sheet No. 5 of the Site Development Permit Plans as prepared by Eastern Land Survey Associates, Inc. revised through October 19, 2011.

Revisions to By-laws: Chairman Morrison noted her concerns regarding the implementation and enforcement of the Stormwater & Erosion Control By-law and specifically as it may pertain to the Hickory Beech Sub-division. Several homes have been completed without the demonstration to the Planning Board that stormwater management and erosion control have met the standards of the By-law. The Board subsequently discussed the incorporation of a “slope by-law” within the existing SWEC By-law and referenced several communities that have adopted a “slope by-law”. Member Ian DeBuy Wenniger recommended that the SWEC By-law be changed to a zoning by-law for enforcement purposes.

English Commons Walking Trail Plan & Easement Documents: At 8PM, the Board met with developer Alan Berry and Attorney Bradford Latham to review a proposed layout for the walking trail from Rowley Bridge Road to Route 1. See Attachment. Chairman Morrison noted that she had walked the proposed trail with Members Gregor Smith and Ian DeBuy Wenniger and asked whether an alternative shorter trail could be devised with a loop turnaround. After a discussion of the possible alternatives, it was the consensus of the Board to keep the proposed layout since as laid out the trail would connect with the Putnam trail across Route 1 and also could connect to the “Myopia” trail on the DiBenedetto property.

The Board then reviewed the revisions suggested by Attorney Latham to the Trail Easement and Covenant that reflect the established trail. The Board agreed to the revisions and Attorney Latham agreed to draft final revised language for the documents and forward to the Board.

Release of Funds for English Commons Tri-Partite Agreement for Restoration and Re-vegetation: Member Steven Hall made the motion to release the \$100,000 surety in the form of a Tri-Partite Agreement between Salem Five, English Commons LLC and the Topsfield Planning Board for the restoration and re-vegetation for the elderly housing development; seconded by Clerk Janice Ablon; so voted 5-0.

Hickory Beech Sub-division Re: Stormwater and Erosion Control: At 8:30PM, the Board met with developer Joseph Falzone, project engineer Larry Beals, and business manager Jeff Rhuda for Symes Home Builders. Chairman Morrison noted that a condition of the special permit issued for the development states that prior to a certificate of occupancy“All slopes on the Lot in question not within the jurisdiction of the Conservation Commission shall be stabilized, and in conformance with the Stormwater and Erosion Control Bylaw.” Further, the Chair noted that the Board has never received the final calculations for the developed lots or the current lots under construction. The Board does not know what actually has happened for pre-development, during development and post-development. The Board does not know whether the individual lots for the sub-division meet the threshold for size and slope.

Mr. Beals and Mr. Rhuda both argued that the individual lots were not subject to the Stormwater & Erosion Control By-law and Mr. Beals further stated that the sub-division went under extensive review for during the permitting process and that the peer review engineer reviewed all the calculations for the infrastructure and drainage over the entire development and approved the plan. Chairman Morrison responded that the Board does not know what actually has happened for pre-development, during development and post-development in regard to drainage and erosion control for the developed lots and those presently under construction if either a lot disturbs more than the threshold or if erosion control is not sufficient and soil enters the resource areas within the development.

Ms. Morrison then noted that the Planning Board has received complaints regarding Lot 8 and Lot 19. In the case of Lot 8, the builder and the Conservation Commission have expressed concerns regarding the flow of water from the back of Lot 5 (owned by Symes) behind the developed Lot 6 over Lot 7 and flowing into Lots 8 and 9. Relative to Lot 19 (owned by Symes) the abutters Roger Hale and Heinz Ito have noted their respective concerns regarding run-off into their backyards. Mr. Hale then addressed the Board noting the increased water level in the vernal pools since the development had begun construction and noted his particular concern regarding run-off from Lot 19 due to the extensive fill for the house and septic system.

After further discussion, it was agreed that Beals Associates would review the previously approved plans, calculations and permits and to certify that the current development plan for the remaining undeveloped lots and those currently under construction are in compliance with the permits and that the run-off rate or volume for the respective lots will not exceed that which was anticipated in the design, and to provide additional erosion control recommendations for each lot. This information would be forwarded to

Ms. Knight, the Community Development Coordinator, in order for future building permits to be issued on said lots. Mr. Beals stated that he would look into the problem with the drainage involving Lots 5, 6, 7, 8 and 9.

Mr. Rhuda agreed to meet with Mr. Hale and Mr. Ito to discuss their mutual concerns regarding the run-off from Lot 19 onto their properties. He also stated that he would install additional erosion control on both Lots 5 and 19.

The Board then agreed to direct the Inspector of Buildings to issue the building permit for Lot 5. All future building permits will require a sign-off for Stormwater by the Planning Board by David Bond, acting in his capacity as the stormwater agent.

The meeting was adjourned at 10:10 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator

List of Documents:

- November 1, 2011 Minutes
- Minor Modification Decision for New Meadows EHD, approved November 1, 2012
- Site Development Permit Plans as prepared by Eastern Land Survey Associates, Inc. revised through October 19, 2011.
- English Common Tail Easement, Covenant and O&M Plan
- Proposed Walking Trail Plan, sketched by Alan Berry
- English Common Tri-partite Agreement for the restoration and re-vegetation of EHD
- Hickory Beech Special Permit

