

Topsfield Planning Board

December 6, 2013

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

Visitors: Selectman Dick Gandt; Larry Beals, Gregory St. Louis, Gary Patch, George Annis, Lucille Annis, Richard Kosian, Jim Wilkinson, Kathryn Morin, Frank Iovanella, James Mac Dowell.

Minutes:

Member Jeanine Cunniff made the motion to approve the minutes of July 16, 2013 as amended; seconded by Clerk Steven Hall; so voted 5-0.

Member Joseph Geller made the motion to approve the minutes of August 6, 2013 as amended; seconded by Member Jeanine Cunniff; so voted 5-0.

Member Ian De Buy Wenniger made the motion to approve the minutes of October 1, 2013 as written; seconded by Member Joseph Geller; so voted 5-0.

Member Joseph Geller made the motion to approve the minutes of November 5, 2013 as amended; seconded by Clerk Steven Hall; so voted 5-0.

18 Hickory Lane (Lot 7): At 8:01PM, Chairman Morrison opened the continued public hearing to consider the application of Patch Development LLC for 18 Hickory Lane (Lot 7) 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 each lot.

Project Engineer Gregory St. Louis reviewed the project plan with the Board addressing the issues raised in the Beals and Thomas Peer Review Report for Lot 7 Hickory Beech Subdivision, Topsfield Massachusetts dated November 25, 2013, and provided the Board with a written response dated December 2, 2013.

Chairman Morrison noted that a member from another land use board had raised the issue of a possible fragipan soil layer located on Lot 7 given the high groundwater table existing on the abutting Lot 6. Ms. Morrison queried as to whether the drainage calculations took the subsurface flow into account. Mr. St. Louis noted that the calculation did address this issue. Peer Reviewer Richard Kosian stated that his review of the soil testing calculations showed no evidence of a fragipan layer relative to Lots 6 and 7. Beals Associates testing followed the appropriate standard of care for engineering practices.

Mr. George Annis, abutter and owner of Lot 8, confirmed that the front swale on Lot 7 is currently working. His concern is that it will continue to work once the lot is developed. A discussion on the water flow through the existing swales and proposed swales followed. It was the consensus that the Winter Construction Plan needed to be followed and watched carefully. Special care needed to be taken by the contractor with traffic over the front swale during construction. The Board then discussed that a condition of the permit would be that during winter construction the swale along Lot 8 should be constructed.

Chairman Morrison entertained a motion to close the public hearing. Member Jeanine Cunniff made the motion to close the public hearing; seconded by Clerk Steven Hall; so voted 5-0.

Member Ian De Buy Wenniger made the motion to grant a special permit for Storm Water Management And Erosion Control in accordance with the provisions of Chapter VI of the General By-laws of the Town of Topsfield to Patch Development LLC, the applicant for property located at 18 Hickory Lane (Lot 7), Topsfield, MA, owned by Patch Development LLC in accordance with a deed recorded at the Essex South Registry of Deeds, Book 32331, Page 164, and further to endorse a Storm Water Management And Erosion Control Plan entitled "Proposed Subsurface Disposal System For a 4-Bedroom Dwelling at Lot 7 Hickory Lane Topsfield, MA"; Dated: November 12, 2013; Prepared by: Beals Associates Inc.; Prepared for: Patch Development LLC; Owned by: Patch Development LLC; Showing the Stormwater and erosion control engineering design for managing the stormwater run-off. Said special permit is subject to the conditions: consistent with Lot 10 and 11, recommendations by Beals and Thomas Inc. and standard permit conditions, all of which to be confirmed on the permit itself; seconded by Member Jeanine Cunniff; so voted 5-0.

Hickory Beech Roadway Update: At this time, Larry Beals updated the Board concerning the status of the roadway infrastructure project at Hickory Beech. Mr. Beals noted that the paving is complete and Highway Superintendent David Bond has signed-off. He then proceeded to review the Schedule of Values dated December 3, 2013 and noted that TD Bank has confirmed that the escrow account balance including accumulated interest is currently \$290,355.34.

A discussion followed relative to the Lot 4 easement grasscrete area. The emergency access within the easement has different materials in place according to Chairman Morrison who then stated that surface should all be the same. Some of the areas are dug-up as well. This should be worked out with David Bond.

Ms. Morrison then initiated a discussion concerning the maintenance and cleaning of the drainage system and noted that she had discussed this issue with David Bond. Both she and Mr. Bond agreed that the cleaning of the system was the responsibility of Meeting Way Corporation and not the Homeowners Association since the current state of the

system is a direct result of the stormwater roadway drainage issues and unsatisfactory work by the paving contractor.

Chairman Morrison and members agreed that before any funds would be released the As-built plan would need to be completed and Highway Superintendent would need to approve the Schedule as presented. In summary the grasscrete and lights remain as outstanding issues. The approval of the requested release of funds was postponed until the January 7, 2014 meeting at which time Mr. Beals stated that the As-Built for the infrastructure would be completed.

Ms. Morrison and Ms. Knight discussed the letter from US Pavement received in regards with the release of funds with Attorney Morin and Mr. Beals. It was made clear by Chairman Morrison that the Board would release funds only to Meeting Way Corporation Inc. and how Meeting Way disbursed its funds was not the Town's concern.

New Meadow's Detention Pond Surety Release: Chairman Morrison opened the discussion regarding the request for the final release of the surety bond relative to the infrastructure for the project that remained the responsibility of Montana Development LLC. Project Engineer reviewed the development's drainage system that was directed into the pond. Chairman Morrison noted that Conservation Administrator Lana Spillman and Beals and Thomas Inc. have both forwarded letters of approval.

Clerk Steven Hall made the motion that per the vote of the Board at the December 3, 2013 meeting that the Town Treasurer may reduce the amount it is withholding from the Owner, pursuant to Performance Bond – Secured Deposit Agreement between Montana Development LLC by Frank Iovanella and the Planning Board of the Town of Topsfield dated April 22, 2010 from \$20,000 to \$0 Dollars; seconded by Member Joseph Geller; so voted 5-0

Fiscal 2013 Annual Report: Upon review of the report, Member Ian De Buy Wenniger made the motion to approve the report as submitted with the addition of recognition of years of service for former members Janice Ablon, Gregor Smith and Chip Goudreau; seconded by Member Joseph Geller; so voted 5-0.

Zoning Amendments for May ATM: The Board discussed issues related to possible zoning revisions for town meeting action relative to the definition of buildable area and zoning for medical marijuana treatment centers as it relates to the Attorney General's ruling that it is an "agricultural use.

The meeting was adjourned at 10:30PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator