

## **Topsfield Planning Board**

December 15, 2009

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

**Visitors:** Selectman Martha Morrison, Jody Clineff, Steven Hall, John Dick.

**Minutes:** Clerk Janice Ablon made the motion to approve the minutes of December 1, 2009 as written; seconded by Member Gregor Smith; so voted 4-0.

**193 Perkins Row Accessory Apartment:** Chairman Winship initiated a discussion relative to the permitted non-conforming accessory apartment at 193 Perkins Row. Ms. Knight explained that she had a discussion on the issue with Inspector of Buildings Glenn Clohecy. During the amnesty period, the Planning Board under the newly approved Temporary Accessory Apartment Bylaw permitted the non-conforming pre-existing apartment whose footprint is greater than the maximum 750 sq. ft. permitted by the Bylaw. The house was destroyed in a fire this past spring, and the owner has now applied for a building permit to reconstruct the house and the accessory apartment with the same non-conforming footprint. The same parties as when permitted would be living in the structure. After a short discussion, it was the consensus of the members to allow the reconstruction of the non-conforming accessory apartment.

**Zoning Amendments:** The Board discussed various issues that it may address as amendments to the Zoning Bylaw at the 2010 Annual Town Meeting. The members discussed the Scenic Road Bylaw and noted the need to tighten the application and notifications process which did not require town meeting action. Chairman Winship volunteered to research wood fire boilers and floodplain regulations. Member Jonathan Young volunteered to research Wind Turbine bylaws and adult entertainment zones.

**86 Salem Road Scenic Road Permit:** At 8:00PM, Chairman Winship called to order the public hearing to consider the Special Permit application of Steven Hall & Jody Clineff for the removal and replacement of a portion of the stone wall located at 86 Salem Road, a designated scenic road.

The Applicants explained that approximately a ten foot portion of the stone wall needed to be temporarily removed to allow equipment access to the property for the installation of a residential septic system. The final grading and seeding would not take place until the spring of 2010 at which time the stone wall would be replaced with the original stones replicating the existing wall. Member Gregor Smith made the motion to approve the Scenic Road permit; seconded by Clerk Janice Ablon; so voted 4-0.

**50 Prospect Street Stormwater Management Permit:** At 8:10PM, Chairman Winship opened the discussion relative to the application under Section 5B of the Stormwater Management and Erosion Control Regulations. He noted that the Board had to decide whether to (1) accept the Conservation Commission's findings and issue the permit based on the Order of Conditions; or (2) implement a full review under the Stormwater Management and Erosion Control Bylaw. Wetland Scientist John Dick of Hancock Engineering represented the Applicant.

The Board discussed the issues and specifically noted that the flooding problem that abutter Joseph Geller had described relative to his property was related to sub-service groundwater issues rather than surface run-off from 50 Prospect Street. Moreover, the proposed septic system that may exacerbate this problem is under the jurisdiction of the Board of Health. Since the Conservation Commission required a complete review of stormwater flows and erosion control for the entire site, it was the consensus of the Board members to issue the special permit based on the Conservation Commission's review process and issued Order of Conditions.

The Board further discussed Selectman Morrison's recommendation to tie the permit to the site plan relative to the location and size of the dwelling, driveway and septic system.

Clerk Janice Ablon made the motion to approve the Stormwater Management Permit for 50 Prospect Street subject to the following conditions:

1. Storm water management under this permit must comply with all the provisions set forth under the Order of Conditions dated November 4, 2009 as issued by the Topsfield Conservation Commission.
2. This permit endorses a storm water management plan entitled "Site Plan and Erosion Control Plan", dated August 4, 2009 and revised October 6, 2009; prepared by Hancock Engineering, Inc. for TriTown Homes Realty Trust. Any re-location within the lot or changes in size to the footprint of the dwelling unit, accessory structures, the septic system and or driveway denoted in said plan shall nullify this permit and require the filing of a new application under the By-law.
3. This permit shall expire within in three (3) years from date of issuance.

Seconded by Member Jonathan Young; so voted 4-0.

**Non-Criminal Disposition:** The Board discussed the inclusion of non-criminal disposition into various Town bylaws with Selectman Morrison. As long as this language is included in a bylaw, the courts would more likely enforce the non-criminal disposition for fees and penalties.

The meeting was adjourned at 9:10PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator