

**Minutes of the
Topsfield Planning Board
Town Library Meeting Room
January 9, 2018**

Chairman Morrison called the meeting to order at 7:31PM.

Board members present: Chairman Martha Morrison, Jeanine Cunniff, Joseph Geller, Josh Rownd and Steven Hall. Planning Board staff Community Development Coordinator Donna Rich was in attendance.

Visitors: Joan & Jeff Garber, New Meadows Development, Paul & Craig Marchionda.

Residents: Rob Skeffington, Brad Bolnick, Thomas & Michelle Schank, Harry & Barbara Reifel, Ian deBuy Wenniger, David Chelsea, Larry Frost, Mike Gilfeather, and Dick Gandt.

Public Hearings:

7:31PM - 57 Perkins Row-continuance-Jeff Garber approached the Board stating that with the inability to obtain the necessary Conservation Commission Order of Conditions for the roadway construction they wish to withdraw their subdivision application in order to pursue a Comprehensive Permit that would consist of 36 units, 18 duplex, 2 bedroom, 9 of which would be affordable. Mr. Garber reported that they expected to be before the Zoning Board of Appeals in a year's time. Chairman Morrison briefly explained the process that would be followed, which includes, but not limited to, the Town's ability to submit comments to the State regarding the proposed development. Abutters commented on the narrowness of Perkins Row and the stress a development as described would impose on the water supply a development as described would be. Chairman Morrison stated that by law no developer can be denied because of lack of water supply. Member Jeanine Cunniff made a motion to release the balance remaining in the peer review account to New Meadows Development, LLC in the amount of \$933.32, seconded by Member Steve Hall; so voted: 5-0. Member Jeanine Cunniff made a motion to close the Public Hearing, seconded by Member Josh Rownd; so voted: 5-0.

7:45PM - 303 & 333 Perkins Row-continuance – Chairman Morrison announced that the applicant, Burhani, LLC, had request a continuance until February 6th. Member Jeanine Cunniff made a motion to continue the Public Hearing until February 6 at 7:30pm, seconded by Member Josh Rownd; so voted: 5-0.

Minutes: Member Josh Rownd made a motion to approve the minutes of December 5, 2017 as amended, seconded by Member Jeanine Cunniff; so voted: 5-0.

Discussion: 2018 Warrant Articles: Chairman Morrison reported that Hamilton had requested that Topsfield amend the Town's Groundwater Protection District as shown on maps provided in a letter dated 12/7/17. The Board expressed some concern regarding the location of the homes that are in close proximity to the requested amendment. Chairman Morrison relayed that Water Superintendent Greg Krom had been requested to review and submit his comments. Next item was regarding a letter dated 12/5/17 from

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resident and former Selectman, Steve Lais. Chairman Morrison reported that resident Holger Luther had been contacted to review the Sign Bylaw that he had written years before to see if the enforcement element could be “tightened up”, as suggested by the Enforcement Officer, Glenn Clohec. There was a brief discussion relative to the use of internally lit “OPEN” signs, with the option of a “sunset” clause which would in time bring all businesses under the same law. The Board also discussed the use of “A” frame (sandwich) style signage. Chairman Morrison reviewed section G, Temporary Signs, specifically the use of banners and the time constraints written in the Bylaw. Chairman Morrison then distributed a document entitled “What we can do under the new law” regarding Marijuana Bylaws. Chairman Morrison stated that the citizens of Topsfield voted against Marijuana in the State election in 2016 and commented that the Town can only tax retail sales. She noted that there appear to be many misconceptions among resident and that a Public Forum would allow for citizens to give their opinion and learn what changes to the Bylaw would mean for the Town. The Board agreed to hold a Public Forum on February 13th beginning at 7pm with a location to be determined. The Board reviewed the options that were stated on the document distributed.

Public Hearings:

8:45PM - 293 Boston Street- Clerk Steve Hall read the Legal Notice to open the Public Hearing. Paul Marchionda explained the proposed plan which was to create a single buildable lot on 1.93 acres out of the total 106.3 acre parcel originally thought to be fully developable. Paul reported that he had met with Highway Superintendent Dave Bond and Fire Chief Jen Collins-Brown regarding the radius of the proposed turn-around and the stormwater management plan. It was noted that both the Fire Chief and the Highway Superintendent would prefer for the radius of the cul-de-sac and roadway be 24’. When reviewing the requested list of waivers there was discussion on the requested reduction of the roadway to 20’ and the desired 24’ of the Highway Superintendent. Chairman Morrison commented that the Open Space area of 8.27 acres would not be required because there is only one buildable lot. In addition due to the structures, pipes and old foundations of the old Proctor Estate existing on the proposed area the parcel could become a liability to the Town. The intent of the Open Space area would have been to connect it to the Open Space located at Hickory Beech development, providing extensive access to walking paths. There was a brief discussion of the disposition of the remaining property. Owner Rob Skeffington commented that he is open to any options that would off-set the tax burden. The Board discussed the human impact relative to the elevation of a proposed house. Paul noted that the design of the house was unknown at this point. The Board then discussed the proposed rain garden, as part of the stormwater plan. The Board determined that a Peer Review of the Stormwater & Erosion Control would be required. Donna Rich was directed to contact Beals Associates, Inc. to inquire of Larry Beals’ availability. However, the plans displaying the reduction of the required cul-de-sac radius would need to be re-calculated and submitted. Mr. Marchionda agreed to re-submit with the desired increase. Member Jeanine Cunniff expressed her concern of the 10% grade of the roadway onto Perkins Row and the Board had a lengthy discussion. Chairman Morrison asked for public comments, Ian deBuy Wenniger stated his concern of the orientation of the proposed house and respectfully requested that a vegetation screening be included along the abutters property line in the final decision. Larry Frost stated his concerns for potential increase of water running onto Proctor Drive caused by the construction of the proposed house. Chairman Morrison stated that a Peer Review

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would address those concerns. Member Jeanine Cunniff made a motion to continue the Hearing to February 6th at 7:30pm, seconded by Member Josh Rownd; so voted: 5-0.

At 9:50pm, Member Joe Geller made a motion to adjourn and Member Josh Rownd seconded the motion; so voted: 5-0.

Respectfully submitted,

Donna C. Rich
Community Development Coordinator

Per the Open Meeting Law, the documents that were either distributed to the Planning Board before the meeting in a packet, or at the meeting were:

1. Agenda
2. Minutes of December 5, 2017
3. FY19 Planning Board Budget
4. Peirce Farm monthly update to Board of Health
5. 293 Boston Street
6. Letter requesting a continuance for 333 & 303 Perkins Row
7. Letter requesting the release of Peer Review funds held for 57 Perkins Row
8. Distributed at meeting: document entitled “What we can do under the new law” regarding Marijuana Bylaws
9. Letter dated 12/7/17 from the Town Manager of Hamilton, Michael Lombardo
10. Letter dated 12/5/17 from resident J.Stephen Lais regarding his request for amendments to the Sign Bylaw

Approved as amended at the April 3, 2018 Planning Board meeting.

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Committee constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Committee as to the completeness or accuracy of such statements.
