

**Minutes of the
Topsfield Planning Board
Town Library Meeting Room
March 6, 2018**

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

Board members present: Chairman Martha Morrison, Jeanine Cunniff, Josh Rownd and Steven Hall. Joseph Geller was absent.

Planning Board Coordinator: Donna Rich

Visitors: Scott Cameron, The Morin-Cameron Group, Inc., Nancy McCann, McCann & McCann P.C., Todd Morey, Beals Associates, Inc., Riyaz & Fatema Esmail, Sahin Shain, owners of 333 Perkins Row, and Bill Alley.

Resident: Christopher Pulick

Chairman Morrison announced that the meeting would be recorded to allow a member that was absent the ability to listen and partake in future Public Hearing discussions.

Public Hearing:

28 Wenham Road – Member Steve Hall read the Legal Notice to open the Public Hearing. Chairman Morrison reported that the repair/rebuilding of the stone wall directly in the front of the house with a small opening to enter the front door had already been completed. Member Steve Hall recused himself due to being an abutter of the property. Chairman Morrison noted that the permit requires four (4) signatures. Member Steve Hall stated he had no financial benefit to the project or conflict with the owner. Christopher Pulick stated he had no conflict with Steve Hall. Member Josh Rownd made a motion to waive any conflicts of Member Steve Hall, seconded by Member Jeanine Cunniff; so voted: 3-0-1. Member Steve Hall abstained. Chairman Morrison described the property as being part of the Peabody Estate, and of historical significance. Member Josh Rownd made a motion to approve the Special Permit pursuant to Chapter LV, Topsfield Scenic Road Bylaw for the repair/rebuilding of the stone wall directly in the front of the house with a small opening to enter the front door, seconded by Member Jeanine Cunniff; so voted: 4-0.

Public Hearing:

303 & 333 Perkins Row-continuance– Nancy McCann, McCann & McCann P.C. clarified that Members Steve Hall and Josh Rownd had signed an affidavit stating they had listened to the audio recording of the February 6, 2018 Planning Board meeting. Nancy reviewed the timeframe of the project for the two (2) streets, Pearl Street and Ruby Circle, subdivision located at 303 & 333 Perkins Row. Nancy reviewed the request is for a Definitive Subdivision, Stormwater Management and Erosion Control Permit and a Special Permit for a Scenic Road. Nancy looked to the Board for any questions. Todd Morey, Beals Associates, Inc., reported that the mounding analysis and watershed issues have been resolved and the recommendation would be to leave as many trees as possible. There was a discussion relative to the trees and species suggested for the entrance of

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Pearl Street. Scott Cameron, The Morin-Cameron Group, Inc., directed the Board to page 8 and 12 of the revised plans dated 3/1/18. Scott stated that no clear-cutting would occur, however the house locations and accessory buildings were unknown at this point. Scott reiterated that the plan would be to retain the large meadow area. Chairman Morrison reviewed the next steps, Schedule of Values, Conveyance then the Tripartite Agreement. The Board stated their opinion of the Pearl Street name, stating “street” implies continuation. The owner reported that they had no strong opinion.

Scenic Road Permit:

Member Jeanine Cunniff made a motion to approve the Special Permit pursuant to Chapter LV, Topsfield Scenic Road Bylaw for the 14 acres proposed development of an eleven (11) lot residential subdivision, and one (1) lot with frontage on Perkins Row for a total of 12 lots, seconded by Member Josh Rownd; so voted: 4-0.

Waivers:

Member Steve Hall made a motion to grant waivers as applied for by Riverwood Estates, section 5.12.3.E and section 5.3, as noted in the Definitive Subdivision Plan, seconded by Member Josh Rownd; so voted: 4-0.

Member Jeanine Cunniff made a motion to grant a waiver for section 7.0.B.8.g relative to the land use remaining a meadow and not woods, seconded by Member Josh Rownd; so voted: 4-0.

Stormwater:

Member Jeanine Cunniff made a motion to approve a Special Permit for Stormwater Management and Erosion Control in accordance with the provisions of Chapter VI with the following conditions: 1) approval of the septic systems for the residential house lots by the Topsfield Board of Health, 2) Inspection of any proposed interceptor drains, trenches or devices during construction by the Planning Board appointed Stormwater Coordinator, 3) Subject to the Topsfield Conservation Commission’s Order of Conditions, as applicable, 4) Operation and Maintenance Plan to be the responsibility of the established Riverwood Estates Homeowners Association, seconded by Member Steve Hall; so voted: 4-0.

The owner stated that Pearl Street, as stated earlier, would be changed to Pearl Way.

Definitive Subdivision Approval:

Member Josh Rownd made a motion to approve the subdivision known as Riverwood Estates, being a portion of the property located at 303 and 333 Perkins Row, Topsfield, MA (Assessors Map 20, Lot 43, and Map 27, Lot 43, respectively), consisting of 11 residential house lots shown as Lots 1-11 inclusive, in accordance with the “Riverwood Estates Definitive Subdivision at 303 and 333 Perkins Row, Topsfield MA prepared for Burhani, LLC by The Morin-Cameron Group, Inc. of Danvers Ma, seconded by Member Jeanine Cunniff; so voted: 4-0.

Member Jeanine Cunniff made a motion to close the Public Hearing, seconded by Member Josh Rownd; so voted: 4-0.

Public Hearings:

8:45PM - 293 Boston Street-continuance- Member Jeanine Cunniff made a motion to continue the Public Hearing to April 3rd at 7:30pm, seconded by Member Steve Hall; so voted: 4-0.

Discussion: Letter of Support for Congregational Church Request – Chairman Morrison explained that the Congregational Church would be applying for a grant
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through the Massachusetts Historic Commission for repairs to the Meetinghouse and they are seeking a Letter of Support from the Planning Board. Several members of the Board disclosed that they are members of the Congregational Church. Member Jeanine Cunniff noted that the members would have no impact on the awarding of the Grant request, in addition, the building is on the Historic Registry and is in need of repairs. Chairman Morrison stated that under the Rule of Necessity the discussion would proceed. Member Steve Hall made a motion to invoke the Rule of Necessity in order to proceed, seconded by Member Josh Rownd; so voted: 4-0. Member Josh made a motion to endorse a Letter of Support, dated March 5, 2018, for the Congregational Church to apply for a grant through the Massachusetts Historic Commission for repairs to the Meetinghouse, seconded by Member Steve Hall; so voted: 4-0.

Discussion: Proposed 2018 Warrant Articles –

Groundwater Protection District, Zone II: Chairman Morrison stated that Water Superintendent Greg Krom doesn't support moving forward with the request made by the Town of Hamilton relative to amending Article XI, Groundwater Protection District, Zone II to include a recharged area in the Topsfield District.

Sign Regulations: Chairman Morrison explained that the changes for Article XII, Sign Regulations had been vetted by Building Inspector Glenn Clohec, enforcement officer. The Board briefly discussed the implications of adding an enforcement section to the Zoning By-law when enforcement already exists under the General By-law Article 5. Chairman Morrison noted that she would discuss the issue with KP Law to ensure the Planning Board acts in the appropriate manner, for enforcement.

Medical Marijuana Overlay District: Chairman Morrison lead the discussion on the article to amend Articles I, II, III and VI which would establish a Medical Marijuana Overlay District. The request had been submitted by the property owner, the Patton Family. It was suggested that the Board review what was presented, keeping in mind that this overlay district should mirror what the Town has for the Elderly Housing District Overlay By-law, with acreage size not mentioned. Chairman Morrison noted the Planning Board's focus should be on the by-law language and what would be acceptable to the Town for this type of overlay district.

At 10pm, Member Jeanine Cunniff made a motion to adjourn and Member Josh Rownd seconded the motion; so voted: 4-0.

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 January 9, 2018
3. 28 Wenham Application for Scenic Road Special Permit

4. The Morin-Cameron Group, Inc. submission for Riverwood Estates Definitive Subdivision 303 & 333 Perkins Row, Peer Review Report dated 3/1/18, with Plans revised date of 3/1/18, Fire Apparatus Turning Analysis dated 10/16/18, and Plan to accompany Scenic Road Special Permit, revised 3/1/18.
5. Draft of a Letter of Support for the Congregational Church
6. Legal Notice of the March 20, 2018 Public Hearing
7. Distributed at meeting: Beals Associates Inc. submission for Riverwood Estates Definitive Subdivision 303 & 333 Perkins Row, Peer Review Report #3 dated 3/6/18,

Approved as amended at the April 17, 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.