

**Minutes of the
Topsfield Planning Board
Town Library Meeting Room
May 8, 2018**

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

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

Planning Board Coordinator: Donna Rich

Visitors: John Morin, Cameron-Morin Group, Inc., Paul and Craig Marchionda, Marchionda & Associates, LP, Todd Morey, Beals Associates, Inc.

Residents: Rob Skeffington, James Caffrey, Joy & Paul Nowak, Gary Tardiff, Mark Zink and Dick Gandt.

ANR Request: Lot 1 Newburyport Turnpike-John Morin, Cameron-Morin explained the history of the lot from 1993 to present. John Morin further explained that this Plan, dated 4/2/18, had been prepared to subdivide the property shown as "Lot 1" Newburyport Turnpike into two non-buildable parcels displayed as parcels A & B. Parcel A would be conveyed to the owners of 75 Salem Road (N/F Mark Ciccarelli and Suzanne Leary) and combined with their property located at 75 Salem Road and Parcel B would be retained by Thomas & Nancy Carroll and combined with their property located at 79 Salem Road. Members Jeanine Cunniff and Steve Hall led the Board through the Checklist for ANR. Discussion was suspended to allow for the correction of a name on the plan.

Public Hearing: *continuance*

293 Boston Street-Definitive Subdivision Plan - Chairman Morrison recognized Ian de Buy Wenniger, who had submitted a letter (see attached) relative to concerns stated during the Public Hearing process. Ian reviewed each of his concerns: 1) An underground water pipe that runs downhill from west to east and ending at the edge of the subdivision lot. Stated was the concern that the water gate contains asbestos and if disturbed would become an environmental concern. 2) There had been a request to straighten out the lot line in the eastern end of the rain garden area. 3) Noted was the existence of a number of large white pine trees located near the stormwater management area that he hoped would be preserved. 4) There was concern related to the proposed sewer line from the dwelling to the leach field would cross through a historical wall and it was suggested that the pipe utilize a gap in the wall. 5) Ian suggests that screening be required along the eastern and southern lines of Lot 1. 6) Ian requested that an operation and maintenance (O&M) plan be required for the rain garden. Chairman Morrison opened up the discussion on the concerns noted by Ian de Buy Wenniger. Paul Marchionda stated that there was no plan to disturb the water pipe, and asserted that this would remove the concerns regarding the environmental impact of the pipe which may contain asbestos (#1). Paul Marchionda addressed the straightening out of the lot line (#2), stating that the existing line was to assist with the function of the rain garden, and was placed in this location to preserve the historical structures located nearby. Todd

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Morey agreed that every attempt was explored to readjust the lot line. Paul Marchionda noted that regarding the white pine trees (#3), every attempt to preserve the trees would be taken, and there was no plan to clear cut the lot. However, it was noted that after the permitting process had been completed the lot would be sold and the new owner's plans could change the placement, angle and other details for a proposed home from those noted in the plan presented to the Planning Board. Chairman Morrison stated that the Board would place conditions in the permit to address an O&M Plan and screening on the property. There was discussion relative to the abutter request that the septic pipe (#4) being run under the wall or through an existing gap. It was determined that this would be under the authority of the Board of Health during the septic design process. The Board agreed to place consideration of this request and efforts made to comply with it as a condition of the project.

Chairman Morrison stated that after hearing no further comments from the public or the Board, she would consider a motion to close the hearing. Member Jeanine Cunniff made a motion to close the Public Hearing, seconded by Member Steve Hall; so voted: 4-0.

Member Joe Geller made a motion to approve a Special Permit Approval for Stormwater Management and Erosion Control for 293 Boston Street with the following conditions: 1) The approval of the septic system by the Topsfield Board of Health, 2) Inspection of any proposed interceptor drains, trenches or devices during construction by the Planning Board's appointed Stormwater Coordinator, 3) Subject to the Topsfield Conservation Commission's Order of Conditions, 4) Subject to the requirement that draft language of the easement and maintenance agreement for the drainage on lot 1 is drafted and reviewed prior to the plans being endorsed, seconded by Member Jeanine Cunniff; so voted: 4-0.

Public Hearing: *continuance*

5 Orchard Lane- John Morin, Cameron-Morin Group, reported that the plan dated 4/18/18 had been revised to reflect Beals Associates Inc. April 30, 2018 Peer Review Report. John Morin reviewed some of the changes, which included changes to the drip edge/infiltration trench as suggested by peer reviewer Beals Associates, Inc. John Morin then discussed the existing perforated drain pipe and easement, stating that Beals Associates, Inc. had commented that the pipe location and size should be confirmed prior to construction. John Morin explained that a contingency plan would be developed if the pipe was not where it had been calculated to be. John Morin then explained that a member's comment regarding frozen ground conditions wasn't really appropriate for this type of plan, Todd Morey agreed with this. Abutter Paul Nowak expressed his continued concern for water backing up onto his property because of insufficient draining at the berm that runs along his property. John Morin explained that there was a swale proposed that would ensure that water would flow in a particular manner. There was then a discussion regarding the maintenance and construction of the swale in the northern and eastern section of the property. Chairman Morrison asked Todd Morey if all the comments had been resolved. Todd reported yes, however, they recommend that a condition be added: the contingency plan for the relocation of the drainage pipe within the easement should be prepared prior to the issuance of a Building Permit. The pipe should be relocated if the cover between the top of the pipe and the final ground surface will be less than 90% of the current cover, or 4'-0", whichever is less.

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Chairman Morrison stated that after hearing no further comments for the public or the Board, she would entertain a motion to close the hearing. Member Joe Geller made a motion to close the Public Hearing, seconded by Member Steve Hall; so voted: 4-0.

Member Steve Hall made a motion to approve a Special Permit Approval for Stormwater Management and Erosion Control for 5 Orchard Lane with the following conditions: 1) The approval of the septic system for the residential house lot 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, 3) The contingency plan for the relocation of the drainage pipe within the easement should be prepared prior to the issuance of a Building Permit. The pipe should be relocated if the cover between the top of the pipe and the final ground surface will be less than 90% of the current cover, or 4'-0", whichever is less, seconded by Member Joe Geller; so voted: 4-0.

ANR Request: Discussion resumed relative to **Lot 1 Newburyport Turnpike**-The Board was presented with a corrected Mylar, Member Steve Hall made a motion to approve the ANR for "Plan of Land in Topsfield, Mass. Prepared for Thomas R. & Nancy E. Carroll showing Lot 1 Newburyport Turnpike" dated April 2, 2018, seconded by Member Joe Geller; so voted: 4-0.

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Member Jeanine Cunniff made a motion to approve the minutes of April 3, 2018, as amended, seconded by Member Steve Hall; so voted: 4-0.

Member Jeanine Cunniff made a motion to approve the minutes of April 17, 2018, as amended, seconded by Member Steve Hall; so voted: 4-0.

Member Jeanine Cunniff made a motion to approve the minutes of May 1, 2018, as amended, seconded by Member Steve Hall; so voted: 4-0.

At 9:15pm, Member Jeanine Cunniff made a motion to adjourn and Member Joe Geller 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 April 3 & 17, 2018 and May 1, 2018
3. ANR application request for Lot 1 Newburyport Turnpike, with plans dated 4/2/18
4. Beals Associates Inc Peer Review Report 5 Orchard Lane dated 4/30/18

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5. Revised plans dated 4/18/18 for 5 Orchard Lane for a Stormwater & Erosion Control Permit
6. Letter from Ian and Alexandra de Buy Wenniger regarding 293 Boston Street received 5/8/18

Approved as amended at the June 5, 2018 Planning Board meeting.

<p>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.</p>
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