

Topsfield Planning Board

October 6, 2009

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

Visitors: Selectmen Martha Morrison and Dick Gandt; Frank Iovanella, Attorney Michael McCarron, Heidi Fox, Alan Berry, Larry Beals, Attorney Brad Latham.

49 Rowley Road: The Board reviewed the Stormwater As-Built Plan for 49 Rowley Road. It was the consensus of the Board to request Superintendent David Bond, as the Board's agent for stormwater enforcement, to review the As-Built and visit the site to determine compliance with the plan. The Board directed Ms. Knight to forward an acknowledgement of receipt of plan upon Mr. Bond's completing a plan review and site visit.

Minutes:

Member Gregor Smith made the motion to approve the minutes of September 1, 2009 as amended; seconded by Clerk Janice Ablon; so voted 5-0.

Clerk Janice Ablon made the motion to approve the minutes of September 15, 2009 as amended; seconded by Member Ian deBuy Wenniger; so voted 5-0.

New Meadows EHD Special Permit: The Board reviewed the EHD special permit with revisions and edits dated as of October 5, 2009 with the Applicant Frank Iovanella and Attorney Michael McCarron. See attached document for specific details.

Major points of discussion:

- Term "Final Plans" was clarified.
- Under Environmental Conditions, language needs to be drafted to incorporate Scenic Road Permit and also compliance with Landscape Plan.
- Discussed Condition #20 concerning language related to Amendment to special permit by notice for additional time to commence construction. Language currently deleted from permit. Need to check with Town Counsel if allowable under the Bylaw.
- No reference to Tri-Partite Agreement in Condition #25. Language states "alternative security satisfactory to the Board".

- Condition #26 relative to bond amount to secure the stabilization and re-vegetation of disturbed areas of the site in the event the project is not completed. It was agreed that the bond amount would be \$50,000.
- Condominium Association Documents need to reference the special permits.
- Condition #32 is to be repeated in the SWEC permit.
- Applicant's Attorney needs to initiate discussion again with Town Counsel relative to the Open Space Preservation Restriction as a condition of the EHD special permit. Chairman Winship noted the revised language in the draft permit that the final form of the Preservation Restriction is subject to the approval of Town Counsel. The Board noted that this issue needs to be addressed expeditiously.

New Meadows SWEC Permit: The Board reviewed the Stormwater and Erosion Control permit with the Applicant and his attorney. Chairman Winship reviewed in detail his proposed edits to the original permit draft.

- Finding #4 added additional language referencing also "structural stormwater components"
- Condition #6 added language noting construction monitoring by Board's designee is "at Applicant's expense"; and that the as-built plans be submitted before the certificate of occupancy is issued for "any unit in the final building".
- Condition #7 would be added repeating the language in Condition #32 of the special permit.

The continuation of the review of documents and special permit drafts was continued to the October 20th meeting.

English Commons EHD Project Continued Hearing: At 9:12PM, Chairman Winship called to order the continued public hearing for the English Commons EHD Development Project.

BSC Peer Review Report: Project Engineer Larry Beals addressed the BSC's review comments. He informed the Board that Mass Highway upon reviewing the latest submitted plan for the entrance has approved the entrance design with a few minor modifications. Sheet 19 of the plans have been modified to reflect the MHD requested change for the deceleration taper. The BSC peer review was limited in scope to the grading along Route 1 and along the stonewall that runs below the reconstructed pond; all

of which, are covered in Dave Varga's report under items 1, 2 & 3 that found the modifications to be acceptable. Mr. Beals stated that he and the Applicant are not in agreement with BSC's recommendation for a 10-foot wide embankment top for the pond in order to provide maintenance access to the emergency spillway and the low stage discharge pipe. He noted that access is available from Unit #2's driveway as well as from the development's roadway that would allow access for equipment vehicles to address maintenance and repair issues if and when they may occur. The Board agreed with this assessment. Chairman Winship noted that he would contact Dave Varga.

Septic System Review: Mr. Beals informed the Board that the BOH's peer review by Weston & Sampson Engineers Inc. has been completed. The report noted that the groundwater mounding's methodology was appropriate and no additional testing or calculations would be required. The report noted some housekeeping issues, but no design changes would be required.

EHD Special Permit: The Board reviewed the EHD special permit with revisions and edits dated as of October 2, 2009 with the Applicant Alan Berry and Attorney Brad Latham. See attached document for specific details.

- Review of revision edits; Final Plans will note revised date of October 6, 2009
- Scenic Overlay: Member Ian deBuy Wenniger noted that the special permit needed to address the development standards for the scenic overlay as a finding incorporated as part of the site plan review process for the project. Attorney Brad Latham noted that he would draft language for the special permit regarding said standards.

English Commons SWEC Permit: The Board reviewed the Stormwater and Erosion Control permit with the Applicant and his attorney. Chairman Winship reviewed in detail his proposed edits to the original permit draft.

- Finding #4 added additional language referencing also "structural stormwater components"
- Condition #6 added language noting construction monitoring by Board's designee is "at Applicant's expense; and that the as-built plans be submitted before the certificate of occupancy is issued for "the last building".
- Condition #7 would be added repeating the language in Condition #19 of the special permit.

Member Gregor Smith made the motion to continue the public hearing to October 20, 2009; seconded by Member Janice Ablon; so voted 5-0.

The meeting was adjourned at 10:51 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator