

## **Topsfield Planning Board**

February 17, 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:** John Morin, Frank Powell, Attorney James Kroesser, Becky Kilborn, Frank Iovanella, Attorney Michael McCarron, Wayne Hunt, Heidi Fox, Kevin Fox, Fred Young, Joe Geller, Faye Raynard.

**28 & 30 Rowley Road ANR:** At 7:30PM, the Board conducted a review of the ANR plan for 28 & 30 Rowley Road that creates two new lots 8A and 9A from the previous lot configurations for lots 8 and 9 both owned by the applicant the Spakowski Family Irrevocable Trust. John Morin of The Neve-Morin Group, Inc. represented the owner-applicant.

Upon review of the ANR Checklist and finding all in order, Member Gregor Smith made the motion to endorse as "Approval Not Required" a Plan entitled "Plan of Land in Topsfield, MA Prepared for the Spakowski Family Irrevocable Trust, Dated February 4, 2009, Prepared by The Neve-Morin Group, Owned by the Spakowski Family Irrevocable Trust, Showing the division of land on 28 & 30 Rowley Road in the Town of Topsfield, Essex County, Massachusetts into two lots shown on said plan as Lots 8A and 9A; with the following notations made on said plan: The purpose of this plan is to create Lot 8A & Lot 9A previously shown as Lots 8 & 9 on an open Space Development Plan of "Blueberry Hollow" recorded in the South Essex Registry in Plan Book 300, Plan No. 65 (Sheets 2 & 3 of 8), Dated June 16, 1995;" seconded by Member Ian deBuy Wenniger; so voted 5-0.

**Special Permit for 422A Boston Street:** At 8:00PM, Chairman Winship called to order the public hearing to consider the the application of Frank Powell for premises located at 422 Boston Street, Unit 422A requesting a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 5. Trades, Wholesale, Transportation and Industrial, Sub-section 5.01 Manufacturing to allow said use. Clerk Janice Ablon read the legal notice for the record.

Chairman Winship noted that Attorney Kroesser did not have to make a formal presentation on the application since the matter had been informally under review by the Planning Board and previously discussed by the Board and applicant at the January 20<sup>th</sup> meeting. At that time the Board had informed the applicant that a special permit application would be required to be filed in order for the Planning Board to make a determination on the requested use.

Chairman Winship noted the document denoting the general description of the operation that was incorporated as part of the application and the subsequent letter dated February 11, 2009 by Mr. Powell further explaining the equipment employed for the re-packaging and re-labeling process. He also noted the letter from William Spinali, DFA Consulting Services relative to Board of Health Issues.

Chairman Winship also noted the legal opinion from Town Counsel that the special permit issued in 1984 which allows, among other uses, “offices, light industry, and manufacturing,” governs the application. The other Board members agreed that this would be the basis for the decision.

Mr. Powell explained that throughout the process the frozen fish would remain sealed and that it would be re-labeled and placed in newly labeled boxes for shipment. There would be no waste for disposal affecting the domestic on-site subsurface sewage disposal system. The equipment to be used for the re-packaging would consist of a forklift, stainless steel food grade packing tables, weighing scales, taping equipment, plastic bag sealing equipment. He also noted that he had been in contact with Health Agent John Coulon.

Member Janice Ablon stated that she considered the re-packaging operation of frozen fish to be a warehouse and distribution sub-category use under the category of wholesale trade and not a “light industry” use under the category of manufacturing based on research under the NAICS and SIC codes.

Members Gregor Smith, Ian deBuy Wenniger, and Jonathan Young disagreed. These members noted that they believed that the operation would be considered “light industry” within the manufacturing use designation in that value was added in the re-packaging operation and that they found it not to be onerous. Chairman Winship agreed and noted that the activity occurred within a small portion of the overall space of the unit which would be used by Rainbow Seafood as general office space.

The Board then discussed the conditions for a special permit in the Topsfield Business Park that have been historically incorporated with other individual special permits issued by the Planning Board for uses in said business park.

Member Gregor Smith moved that the Board adopt the foregoing findings and grant a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 5. Trades, Wholesale, Transportation and Industrial, Sub-section 5.01 Manufacturing to allow said use at 422A Boston Street to Frank Powell for Rainbow Seafood, Inc. subject to the Special Conditions for Topsfield Business Park as follows:

- Storage and Process Chemicals  
All chemicals used on the premises shall be stored in the interior of the existing unit on a floor impervious to them and an inventory of said chemicals shall be filed with the Municipal Coordinator under the provisions of the Commonwealth of Massachusetts “Right to Know” laws, as amended, and a

copy of said inventory to be filed with the Department of Environmental Quality Engineering.

- Separation of Domestic Sewer Waste from Process Chemical Wastes  
No Chemicals used shall be disposed of in the domestic on-site subsurface sewage disposal system.
- Deliveries  
All deliveries shall be made only during normal business hours.
- Hours of Operation  
Hours of operation shall be in accordance with the By-laws of the Town of Topsfield.
- Noise And Odors  
No activity shall be permitted which results in the generation of noise or odor which is excessive or offensive to other unit owners, neighbors or abutters, including without limitation dumping of materials in dumpsters; loading or unloading of dumpsters; or deliveries on site between the hours of 8:00 PM and 6:30AM.
- Other – Conditions  
All conditions set forth in Special Permit dated June 19, 1984 and amended August 5, 1986 granted by the Topsfield Planning Board to Michael Tyler, et al, Trustees of TRE Realty Trust and shall be complied with as the same may apply to the use herein.

The motion was seconded by Member Jonathan Young; so voted; 4-1

**New Meadows Elderly Housing District Continued Hearing:** At 8:45 PM, Chairman Winship called to order the continued public hearing to consider the applications of New Meadows Enterprises LLC for premises of approximately 52.2 acres located at 16 & 30 Wildes Road, Topsfield, MA requesting an Elderly Housing Special Permit pursuant to Article III, Section 3.16 of the Topsfield Zoning By-Law, requesting Site Plan Review pursuant to Article IX, Section 9.01 *et seq* of the Topsfield Zoning By-Law, requesting a Scenic Road Special Permit pursuant to Chapter LV, the Topsfield Scenic Road By-Law, and requesting a Stormwater & Erosion Control Permit pursuant to the Topsfield Stormwater Management and Erosion Control By-Law, all to allow the creation of 24 residential units for the elderly at the premises and related appurtenances.

Attorney Michael McCarron representing the applicant New Meadows Enterprises LLC gave the Board a status update of the application process. In summary:

- Filed a Notice of Intent with the Conservation Commission that was reviewed by the Commission at the public hearing on February 12<sup>th</sup>
- Joint RFP for Planning Board and Conservation Commission in process to be issued for peer review engineering services
- Resource Area has been delineated and line has been set
- Conservation Commission has continued its public hearing on NOI to April 22, 2009
- Plans for the radius of the cul de sac have been reviewed with the Fire Department and the Department is requiring the circle to be completely paved and approved the 52 feet radius in lieu of the required 55 feet. See letter from Captain Collins-Brown

Other issues pertaining to the project discussed were the following:

- Local preference language for Condominiums: Exclusive reservation period for local residents for units in each Phase of development; thereafter the Board of Directors will maintain a waiting list of Topsfield residents for re-sale units, and will advertise once per year in local newspaper to update list.
- List of Waivers: a list of anticipated waiver requests were provided and reviewed with the Board that included:
  - 24 foot pavement width in lieu of 28
  - No designated Right of Way width
  - No sidewalks
  - Utility locations as per proposed cross section on Site Plan
  - Right of Way width, pavement width, cul-de-sac radius (52 feet in lieu of 55 feet), property line radius at cul-de-sac (no separate parcel for Right of Way)
  - Preservation of natural features within development area
  - Driveway grade to begin at edge of pavement
  - Driveway grading is not positive pitch at 1 location
  - No shoulders
  - Waive granite curb at Wildes Road intersection
  - Sidewalks
  - Grass Strips
  - Drainage – allow use of H.D.P.E. in lieu of P.C. pipe

Attorney McCarron also noted that the Conservation Commission members considered the development of the site as a benefit to the environment in that it provides an opportunity to address the stormwater drainage for the entire site, and also provides for open space conservation land.

Resident Heidi Fox requested that the developer provide a perspective rendering from the street for the development since it will comprise of very large buildings, close together and close to the street. Architect Wayne Hunt responded that he does not have the

software capability to produce this type of model, but will produce a streetscape for the review process.

Clerk Janice Ablon made the motion to approve the request to continue the meeting until April 21, 2009; seconded by Member Gregor Smith; so voted 5-0.

The meeting was adjourned at 10:30 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator