

## **Topsfield Planning Board**

December 1, 2009

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

**Visitors:** Selectmen Martha Morrison and Dick Gandt, Conservation Commission Chair George Hall, Michael Crowe, John Dick, Joe Geller and Mark Taylor.

**Minutes:** Clerk Janice Ablon made the motion to approve the minutes of November 17, 2009 as amended; seconded by Member Gregor Smith; so voted 4-0.

**Bills:** The Board signed the bill list for payment to Kopelman & Paige.

**50 Prospect Street:** The Board reviewed the Stormwater & Erosion Control Management (“SWEC”) Permit application submitted by Applicant Michael Crowe, trustee for Tri-Town Homes Realty Trust for 50 Prospect Street. John Dick, Wetland’s Scientist from Hancock Engineering, represented Mr. Crowe. The project consists of the construction of a single family home, driveway and septic system and would disturb approximately 19,000 square feet of land area on the site. This application was filed under Applicability, Section 5B, of the Stormwater and Erosion Control Regulations which allows for the filing fee to be waived and the issuance of the SWEC permit if the project falls entirely within the jurisdiction of the Conservation Commission. The permit would be based on the Order of Conditions. The 8,000 square feet septic system and part of the deck are located outside the Conservation Commissions jurisdiction.

Chairman Winship initiated the discussion noting that the lot was created in 2001 from a portion of the Coolidge Estate. Over the past eight (8) years, there have been several owners, three (3) Orders of Conditions issued, and one (1) Superceding Order. The Board must determine whether to accept the filing under Section 5B or require a full public hearing process review as required by the Bylaw.

Mr. John Dick of Hancock Engineering reviewed the process used by Hancock to determine the pre and post drainage calculations and develop a stormwater and erosion control plan for the property. As noted there have always been drainage problems on the site. According to Mr. Dick, the plan as submitted and approved by the Conservation Commission would zero out drainage run-off from the property. However, the plan does not resolve the neighborhood’s flooding problem. The pre-existing calculations are based on information extrapolated from the Topsfield topographical database maps developed prior to 2003 disturbance in regards to the driveway. The entire site was reviewed for the development of a mitigation management plan for the entire property to control run-off for the post development site based on the current plans as submitted to both the Conservation Commission and the Planning Board.

At this time, Conservation Commission Chair George Hall addressed the Board. He informed the members that the Conservation Commission instructed the Applicant to demonstrate how the water flowed before any disturbance and mitigation took place prior to 2003 development and create a baseline. The proposed plan should also restore water flow to that pre-existing level and keep and retain as much water as possible on the site. The Commission reviewed the entire site.

Chairman Winship referred to Roy Brown's letter dated November 3, 2003 and Joe Geller's memo dated 2009 both referring to drainage issues on their respective properties. Mr. Geller then explained drainage issues experienced on his abutting property since the initial land disturbance in 2003. It was the consensus of the Board that drainage issues concerning Mr. Geller's property were sub-surface and not in the Planning Board's jurisdiction.

It was the consensus of the Board to defer a decision until the next meeting on December 15<sup>th</sup> in order to review both the Bylaw and the data submitted as part of the application.

**Scenic Road Bylaw:** The Board reviewed the data Clerk Janice Ablon had obtained concerning other town scenic road bylaws. It was the consensus that minor changes in the regulations relative to process and notification would need to be adopted.

The meeting was adjourned at 9:55 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator