

# **Topsfield Conservation Commission**

## **Meeting of Wednesday, February 11, 2009**

Topsfield Library Meeting Room ~ 7 PM

The meeting was called to order by the Chair at 7:02 p.m. with a quorum present: Holger Luther, Acting Chair; Jud Pratt; Jim MacDougall; Mark Erickson; Jennie Merrill  
Also present Lana Spillman TCC Administrator; Catherine Tinsley, Minutes Secretary  
Not Present: George Hall

### Abbreviations used:

|  |                           |
|--|---------------------------|
| TCC – Topsfield Conservation Commission                      | OoC – Order of Conditions |
| ANRAD – Abbreviated Notice of Resource Area Delineation      | NoI – Notice of Intent    |
| DEP – Department of Environmental Protection                 | EO – Enforcement Order    |
| CoC – Certificate of Compliance                              |                           |
| EOEEA – Executive Office of Energy and Environmental Affairs |                           |

### **OPEN MEETING:**

TCC signed bills, authorizations, and time sheets.

### **MONTHLY OUTREACH INFORMATION SESSION:**

#### **Meeting with members of the Open Space Committee and Rail Trail Committee**

Present: Joe Geller, John Beck, Dave Merrill

The TCC discussed with the Open Space Committee how the Committees could support each other, noting that the Town must have a current Open Space Plan on file with the State in order to receive grants from the State. This plan must be updated by the end of July 2009 and submitted to the EOEEA. An Open Space Survey will be mailed to each residential address. A draft of this survey was provided to the TCC for comments by March 16, 2009; the TCC will submit comments about the draft Open Space Plan through Holger Luther by May 1, 2009. Spillman noted that the TCC by statute (Conservation Commission Act) is responsible for planning, acquiring, and managing open space and should, therefore, work closely with the Open Space Committee in preparation of the Open Space Plan.

An informal discussion of understanding followed including differences in understanding of the term “open space.”

MacDougall will send a data layer of trails to the Open Space Committee.

Rail Trail - Phase I: Geller identified that there is a RFP out to receive bids for construction on Phase I of the trail through the center of Town, including through the Buffer Zone near Washington Street (current NoI). Due to the presence of numerous wet areas along the proposed trail route, TCC explained that NoI submission(s) would be needed. Geller explained how other local communities are approaching the construction of the Rail Trail with their local Conservation Commissions. TCC concluded that there should be a filing before a site visit takes place and questioned as a matter of policy if a site visit should be done outside of the Commission’s review period specified in the Bylaw Regulations, starting April 15. MacDougall commented that Mike DeRosa is drafting a proposed trail maintenance plan for Topsfield. Geller submitted three plans showing proposed phases (Phase II, Phase IIIA, Phase IIIB) of the Rail Trail to the TCC.

**Continuation NoI 307-\_\_\_\_: 35 Howlett Street, (Map 33, Lot 24), MacKinnon**

Spillman reported that the DEP has no record of receiving the check for the filing fee, adding that MacKinnon said he would write another check if necessary.

*MacDougall made a motion to continue the hearing under the Act and the Bylaw to February 25<sup>th</sup> in order to receive the DEP comment sheet with file number. The motion was seconded and carried by unanimous vote.*

**Continuation, NoI 307-0643: 30 Wildes Road**, (Map 8, Lot 5), Iovanella, New Meadows Enterprises, LLC/Wetlands & Land Management, Inc.

Present: Frank Iovanella; Bill Manuell, Wetlands and Land Management, Inc.; Michael McCarron, Attorney for New Meadows Golf Course; Jim MacDowell, Eastern Land Survey Company; Dana Williamson, New Meadows Golf Course Superintendent.

The Legal ad was read; proof of abutter notification was submitted.

The proposal is to develop cluster housing consisting of six buildings/twenty-four units in the center of the property; the golf course is to be preserved. A brief overview of the history was given by Attorney McCarron.

Manuell reviewed the features of the site and identified that a retaining wall, portions of two of the housing units, and part of an infiltration structure are proposed in the Buffer Zone. He explained that mulch sock and silt fencing/hay bales would be used for erosion control, 50 acres would be preserved as golf course. The nearest area of work to a wetland is an outfall, about 15 feet away; he reported that it has to be there in order for grades to be met. He added that the plan is compliant with DEP Stormwater Management requirements and the development is outside of the 100-year floodplain.

Construction would be phased and a maintenance plan has been included for all the structures.

Manuell explained that the onsite wetlands are typical Essex County wetlands, that the B-series originates from a dug pond, with a shrub/swamp wetland nearby, and that a vernal pool has been identified on the property near Route 1.

TCC agreed that a site visit would be scheduled after the snow melts. Prior to then, the deck in the Buffer Zone and the retaining wall will be staked.

The TCC noted their concern that water flow not be increased over Wildes Road.

*Erickson made a motion to continue the hearing to April 22, 2009. The motion was seconded and carried unanimously.*

#### **ENFORCEMENT, APPEAL REPORTS, UPDATES:**

**Amended Enforcement Order and Enforcement Order 12/2/2008: Off Cross Street**, (Map 62, Lot 2), Nash – update

The Administrator and Chair will be meeting with the Board of Selectmen.

#### **MEETING MINUTES: January 21, 2009**

*Merrill made a motion to approve the TCC meeting minutes of January 21, 2009 amended as noted. The motion was seconded and carried unanimously.*

#### **REQUESTS:**

**Continuation CoC 307-0631: 189 Ipswich Road**, (Map 20, Lot 50), Masters

*Pratt made a motion to deny the CoC at this time without prejudice due to some of the requirements not being met yet (post-activity photographs), with reconsideration in the spring when a site inspection could be made and upon receipt of the required photos, and that there be no additional filing fee if a second request is submitted within six months. The motion was seconded and carried by majority vote with MacDougall voting against.*

Spillman will write a letter of explanation to Mr. and Mrs. Masters.

#### **OLD BUSINESS, UPDATES, & MISCELLANEOUS:**

**NoI 307-0639: 103 Salem Road**, (Map 70, Lot 3), Mooney

Vote concerning partial reimbursement of Bylaw Fees

*Pratt made a motion to reimburse \$312.50 of the Bylaw Filing Fee in consideration of the Applicant's redesign to decrease Resource Area impact. The motion was seconded and carried unanimously.*

**Continuation ANRAD 307-0640: 57 Candlewood Drive and 109R Perkins Row**, (Map 43, Lot 7), Skeffington, Jr./Hayes Engineering, Inc. – request for TCC site visit

Libby Wallace of Hayes Engineering had asked if the TCC would like to schedule (again) a site visit.

The TCC identified the Bylaw Regulation R: 10-3, to not perform site visits before April 15 and, therefore, this request was denied. TCC asked Spillman to contact Wallace to inform her that the

Commission will wait until April 15<sup>th</sup> for the site visit and to remind her that the TCC needs additional information before the site visit is held.

**Application Requirements** – A draft is being prepared by George Hall.

**Greenscapes Calendars** – discussion

Spillman explained that each town that participates in the Greenscapes Program pays a participation fee of \$1500 (In Topsfield this has been donated all three years by The Essex Agricultural Society/Topsfield Fairgrounds) plus a per-household fee (minimum this year is \$193, to provide enough calendars to distribute to 30% of the homes in town). The latter, \$193, has been divided – 1/3 of the fee is to be paid by each the TCC, Hwy. Dept., and Water Dept. TCC agreed to pay out of the Bylaw fees fund again.

*It was the consensus of the TCC to order the minimum number of calendars.*

**English Commons Peer Review**

Spillman updated the TCC regarding the English Commons NoI review. She noted the Peer Review has not started yet.

No action on behalf of the TCC is necessary at this time.

**Order of Conditions #307-0636, 102 River Road** – update

Spillman identified that Mr. Esposito has not responded to the January 26<sup>th</sup> letter issued to him requesting that he pick up and record his Order of Conditions. He also owes the TCC for minutes provided to him at his written request prior to the last court hearing date. It was the consensus of the TCC for Mr. Esposito to be served the OoC by the Constable, Fred Glatz.

**ADMINISTRATOR'S REPORT:**

**Proposed Revisions to Bylaw Regulations** – George Hall currently is working on a draft.

**MACC 2009 Annual Environmental Conference** – February 28

Spillman is speaking and leading case study reviews at the Leadership Core Day

**Rain Garden Workshop** – update

Topsfield may join/combine with the Greenscapes Program workshop to be held at the Fairgrounds in April. Erickson and Merrill expressed interest in helping promote these workshops as public outreach for the TCC.

**FY 2010 Budget** – update

Spillman discussed the proposed turn back of \$5,862 (unused secretary funds) to the General Fund and anticipated meeting with the Finance Committee.

*Erickson made a motion to adjourn at 9:10 PM and it was unanimous to do so.*

*Respectfully submitted,*

*Catherine Tinsley*

*Accepted at the TCC meeting on March 11, 2009.*

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Commission 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 Commission as to the completeness or accuracy of such statements.