

***Topsfield Conservation Commission
Minutes of Wednesday, March 12, 2014
Topsfield Library Meeting Room***

Present: Jennie Merrill, Chairperson; Cheryl Jolley, Vice Chairperson; Holger Luther; Jim MacDougall; Jim Carroll; Lana Spillman, Conservation Administrator; and MaryAnn Tuxbury, Minutes Secretary.

Absent: None

Other Attendees: Chuck Johnson, C. G. Johnson Engineering, Inc.; John Duffy; John Morin, The Morin-Cameron Group; Shane Steffens; Greg St. Louis, Beals Associates, Inc.; and Selectman Dick Gandt.

The meeting was called to Order at 7:00 p.m.

HEARINGS:

Continued NoI #307-0711: 13 Pond Street, (Map 02, Lot 004), Anderson Cook & Acheson/C.G. Johnson Engineering, Inc.

Chuck Johnson, from C. G. Johnson Engineering, Inc., was present and represented the owner for this continued public hearing. John Duffy, the prospective new owner, was also present. Johnson reviewed the site plan. The septic tank and treatment unit are going to be in the front yard, and will go over to a bottomless sand filter tucked behind the garage. There is no change in grade proposed. The pink line on the site plan is the 100-year flood elevation.

Merrill asked if any of the Commission members had any questions in regards to this application. Luther asked about the nitrate loading and the nitrification information. Johnson replied that the treatment system has both nitrification and de-nitrification; there is air within the treatment unit for the nitrification, and they do have recycling capability from that treatment unit back to the septic tank for de-nitrification. Johnson also stated that the existing well will be staying and that there will be a water filtration system put in.

Luther recalled that previously there was some discussion on the well. Johnson replied that it was a discussion on three (3) options they were looking at for taking care of the water service – do they keep the existing well; do they drill a new well; or do they tie in to the Ipswich water system on Boxford Road? They presented the three (3) options to the Board of Health, along with the pricing, and the Board of Health was comfortable with keeping the existing well and having a water filtration system.

MacDougall wanted to know with that type of water treatment whether there would be any by-product that has to be taken away. Johnson replied that there is a discharge from it, which can be put right onto the grass.

Merrill asked if anyone else had questions, comments, or anything else to say in regards to this application. There was no one.

A motion was made and seconded (Luther/Jolley) to close the public hearing. So voted unanimously.

A motion was made and seconded (Luther/Jolley) to issue the OoC, under the Act and the Bylaw, for the installation of the septic system, as shown on the plan dated February 10, 2014, with the usual conditions in place. So voted unanimously.

Continued NoI # 307 -0712: 11 Kinsman Lane, (Map 31, Lot 079), Murley

The Murleys were not present. The letter from National Heritage states that “the activities proposed would not occur within Estimated Habitat of Rare Wildlife or Priority Habitat.”

MacDougall asked what the fee reduction was that is mentioned in the Administrator’s report to the Commission. Spillman stated that a written request was filed with the NoI asking that the Bylaw fee be reduced to \$150, and that this is consistent with previous similar NOI filings for filling in in-ground pools.

A motion was made and seconded (Luther/MacDougall) to close the public hearing. So voted unanimously.

A motion was made and seconded (Luther/Jolley) to issue an OoC under the Act and the Bylaw to allow the filling in of an in-ground pool, subject to the usual terms and conditions; and to grant the waiver allowing a Bylaw fee reduction down to \$150. So voted unanimously.

Jolley asked what the rationale was for reducing the Bylaw fee. Spillman replied that it’s for filling in an in-ground swimming pool and that there were two (2) previous cases that were similar; it’s an activity within the Buffer Zone in which they are improving the area by filling in the pool and vegetating the area with native plant species. Spillman stated that this application is particularly important because it’s in the Buffer Zone of a BVW and a certified Vernal Pool. Jolley stated that she wants to make sure that the rationale for reducing the Bylaw fee is included in the minutes. The Commission asked that the importance of this project in restoring habitat area of the Vernal Pool be included as a finding in the Order.

NoI # 307 -0713: 46 South Main Street, (Map 41, Lot 130), Steffens/The Morin-Cameron Group, Inc.

John Morin, from The Morin Cameron Group, Inc., was present and represented the owner for this public hearing. Shane Steffens, the owner, was also present.

Morin submitted proof of abutter notification. Jolley read the legal notice aloud.

Morin explained the site plan. The property is approximately 19,000 s.f. and has two (2) structures on it. There is an existing dwelling in the front near the street, and the second structure is located on the rear portion of the property. Across the street are a Bordering Vegetated Wetland and Mean Annual High Water of a stream, known as Cleveland Brook. On the USGS maps, it’s intermittent, but under the Bylaw it’s perennial. A majority of the work to be done is within the outer 100 to 200 feet of the Riverfront Area. The Steffens will be doing several projects all at

once on the site; the biggest project is removal of the existing structure on the rear of the property, and replacement with construction of a proposed carriage house with a porch on the side of it. The proposed structure is a smaller than the existing structure. Another major project is the reconstruction of the existing patio on the rear of the house. There is an existing brick patio out back, and they are looking to increase that by a couple hundred square feet. It is also proposed to construct a stone-step walkway from the existing patio to the proposed carriage house. They will also be removing a large amount of pavement that is located in the Buffer Zone, and the area will be re-vegetated with plants. It is also proposed to construct and rebuild the front entrance, with no increase in its size.

Morin then spoke in regards to the Riverfront Area. He stated that there is approximately 11,000 s.f. of Riverfront Area on the lot. They are proposing 1,945 s.f. of alteration or 17%, but since this lot was created prior to 1996, the Commission has the ability to allow alterations of up to 5,000 s.f. or 10%, whichever is greater.

Morin stated that they did go before the Zoning Board of Appeals, because it is an existing non-conforming lot, and the ZBA approved the proposed carriage house.

Luther asked if they would be going to the Planning Board for stormwater mitigation. Morin replied that they don't exceed criteria to trip the threshold for the Stormwater Bylaw.

MacDougall asked if the Commission had received any DEP BVW delineation forms for the wetland lines. Morin stated he would have to look in the NOI, and that the wetlands are driven by the slope. Morin looked through his copy of the paperwork and could locate no DEP delineation forms. Spillman looked through the folder for this application and could find no DEP delineation forms for the wetland lines.

MacDougall and Spillman will visit the site with Greg Hochmuth to review the methodology that was used to place the BVW and Mean Annual High Water flags of Cleaveland Brook.

A motion was made and seconded (Luther/Carroll) to continue this public hearing to the March 26, 2014 meeting. So voted unanimously.

OTHER:

OoCs 307-0507, Discussion on Turtle Nesting Area Mitigation – Cul-de-sac in Hickory Beech Subdivision

Greg St. Louis, from Beals Associates, was present for this discussion. As part of the review of the subdivision for CoCs, the status of the required turtle nesting area was questioned. St. Louis stated that at the southern cul-de-sac, in front of Lot 19, was identified as ideal turtle habitat during the NOI review. He doesn't believe any turtles were spotted in the area. A question arose concerning that there is no maintenance of the turtle habitat required in the OoCs. If they reconstruct the area, there would be additional work in the Buffer Zone of a certified Vernal Pool.

Some evergreens were planted at the upper boundary of the area, without authorization by the Commission. They are encroaching on and shading the turtle nesting area. There was no maintenance requirement for the turtle nesting area found in the Orders of Conditions. The Commission decided that since it was constructed, to just leave it and not require maintenance.

Greenscapes 2014

Spillman stated that she thinks this is a worthy cause, and suggested that the members could look at the “rubber ducky” public service announcement on the Town’s website. She recommends that the Commission participate again this year, and pay the usual 1/3 of the fee - \$600 for this year, sharing the costs with the Highway and Water Departments.

A motion was made and seconded (Luther/Jolley) to participate in Greenscapes for 2014, and to pay 1/3 of the fee, which would be \$600, to be taken out of the Commission’s Bylaw revolving fund. So voted unanimously.

MEETING MINUTES:

A motion was made and seconded (Luther/Jolley) to approve the **February 12, 2014** meeting minutes and the **February 26, 2014** minutes, both as amended. So voted unanimously.

ADJOURNMENT:

There being no further business to come before the Commission, a motion was made and seconded (Luther/Carroll) that the meeting be adjourned. So voted unanimously.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

MaryAnn Tuxbury,
Minutes Secretary

Minutes approved at the TCC meeting on March 26, 2014

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.