

Topsfield Conservation Commission
Minutes of Wednesday, April 10, 2013
Topsfield Library Meeting Room

Present: Commissioners Mark Erickson (Chair), Jennie Merrill (Vice-Chair), Holger Luther, Jim MacDougall, Cheryl Jolley, and Jim Carroll; Minutes Secretary Debbie Rogers; Selectman Liaison Dick Gandt.

Absent: Administrator Lana Spillman

Also Present: Al Rousseau and Ruth Mott, 40 Gail Street

The meeting was called to order at 7:00 PM with a quorum present.

HEARING:

AOoC: #307-0693, 14 Grove Street, (Map 40, Lot 003), Audette/The Neve-Morin Group

Present: John Morin, The Neve-Morin Group; Scott Audette, property owner; Kathleen Robinson, 16 Grove Street; and Jenifer Collins-Brown, 15 Grove Street.

A Public Hearing was held to consider the request for an Amended Order of Conditions to modify the existing site plan for activities in BZ of BVW and Bylaw Riverfront Area of Cleaveland Brook at 14 Grove Street. Proof of abutter notification was brought to the meeting. John Morin of The Neve-Morin Group explained the proposed removal of the house, other existing structures, and pool, and proposed modification to the approved plan for the construction of a single family home with the septic system located behind the home. The proposed amendment moves the septic system to the front yard and repositions the house behind the septic system. Advantages include the septic system being located further from the river and how the house can act as a barrier and a retaining wall. The front yard has good soil and a better water table. Additionally, this change will eliminate the need for fill in the back yard and in the floodplain area. The OoC restoration area, two tree plantings, and erosion controls included in the initial plan will remain as approved. Kathleen Robinson asked about screening between the two lots and was concerned about potential water runoff from the project. Morin explained how the approved grading will allow the water to continue to flow as it has, and the proposed project is less intrusive than the original project. There was discussion about TCC jurisdiction regarding landscape screening between the two lots. Erickson explained how this issue would not be under the jurisdiction of the TCC as it does not affect a resource area.

Luther made a motion to close the hearing. The motion was seconded by Jolley and passed unanimously.

A motion was made by Luther to issue an Amended Order of Conditions for NoI 307-0693 to permit the activity as shown on the revised Septic System Design Plan prepared by McKenzie Engineering Group, Inc., for 14 Grove Street (Assessor's Map 40, Lot 13), Topsfield, Massachusetts, dated March 25, 2013, with the usual conditions as applied in the original Order of Conditions. Jolley seconded the motion and it passed unanimously.

REQUESTS:

CoC: #307-0460, 68 River Road, (Map 48, Lot 009), McLaughlin

The OoC was recorded, however the work never commenced and the OoC has now expired. Merrill made a motion to issue a CoC for 68 River Road checking the box to indicate the work never commenced and the Order is expired. Luther seconded the motion and it passed unanimously.

OTHER:

230 Boston Street, (Map 49, Lot 045), Violation Notice 2013-01, Bylaw Warning Tickets 2013-01 & -02, discussion with Gideon and Curran

Present: Brian and Cheryl Gideon, property owners; Mark Curran, F/X Tree Service of Dover, New Hampshire

Trees were removed from Riverfront Area without prior authorization and a pile of wood chips was left on the property close to School Brook. There was discussion on the violation and agreement on cleaning the property.

Luther made a motion to ratify the violation notice as written with no fine, with the condition that the wood chip pile be removed within two weeks, or by April 24, 2013. This includes permitting the stumps to be ground and the ground material removed (root systems to remain intact). The motion was seconded by Jolley and passed unanimously.

11 Hickory Lane/Lot 13, (Map 50, Lot 026) – review of revised plan and continuation of discussion with Larry Beals of Beals Associates

Beals requested the discussion be moved to the next meeting. Luther and Beals will plan to visit the site during a rainstorm to observe conditions.

120 High Street/Hickory Beach Subdivision, (Maps 42, 49, 50, & 58) – stormwater management and drainage, annual report

The discussion was postponed to the next meeting.

OTHER:

Revisions to Topsfield Wetlands Bylaw Regulations – discussion on TCC fees and fines

There was discussion on changing the language on fees and fines to make it a more fair system for those who comply with the Bylaw Regulations. An honest contractor who respects the environmental concerns involved may sometimes lose business when the customer is informed of the fees and regulations required for a project. In addition, the penalty for a fine can be less than the fee in some cases. There was further discussion on changing the fines to reflect the equivalent of the fee that would have been collected if the proper paperwork was filed. Luther suggested changing the wording from a fine to a “fee after the fact”, and adjusting fines accordingly. Contractors who abide by the law are adversely affected by those who violate the Bylaws. Merrill will look into updating the Bylaws language to reflect a fee after the fact rather than a fine.

Mass DEP Proposed Revisions to Act Regulations

The DEP is changing regulations and several issues are in the process of being discussed, including dam removal and culvert design. MacDougall explained how information from the 27 culverts studied in Topsfield has been entered into the database at UMass for analysis to help

assess the movement of fish and wildlife. Mass DEP ecological information is in the process of becoming more streamlined and this helps provide a better guideline for future regulations.

OLIVER - MassGIS Online Mapping Tool – demonstration

MacDougall provided a very informative demonstration of OLIVER and how it can be used in various TCC applications. The demonstration included a tutorial of map layering and an explanation of the numerous data layers available. Data of interest to the TCC included wildlife, open space, and conservation areas. Potential and certified vernal pools are identified on the maps. Updated FEMA flood zone maps for Essex County have not been uploaded to OLIVER yet. Overall, it is a valuable tool for researching environmental information for a specific area.

ADJOURNMENT:

A motion was made by Merrill at 8:38 PM to adjourn the meeting. The motion was seconded by Carroll and passed unanimously.

Respectfully submitted,

Debbie Rogers
Minutes Secretary

Accepted at the TCC meeting on April 24, 2013

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.