

***Topsfield Conservation Commission***  
**Meeting of Wednesday, April 14, 2010**  
**Topsfield Library Meeting Room**

In the absence of the Chair, Mr. Luther, with a quorum present, called the meeting to order at 7:08 p.m. Conservation Commissioners Present: Holger Luther, Acting Chair; Jim MacDougall; Jud Pratt Mark Erickson; Jennie Merrill  
Not Present: George Hall  
Also present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary; Selectman Dick Gandt, Liaison

Abbreviations used:

TCC – Topsfield Conservation Commission	BOS – Board of Selectmen
DEP – Department of Environmental Protection	OoC – Order of Conditions
NoI – Notice of Intent	EO – Enforcement Order
CoC – Certificate of Compliance	BVW – Bordering Vegetated Wetland
ORAD – Order of Resource Area Delineation	

Public Information: Agenda

**OPEN MEETING:**

TCC signed bills, authorizations and time sheets.

**HEARINGS:**

**NOI 307: 22 Evergreen Lane/Lot 18 and 5 Hickory Land/Open Space Parcel**, (Map 50, Lots 32 and 39), George Jedlin, Meetingway Corp./Beals Associates – *Request to continue to April 28<sup>th</sup> received 4/9/10.*

Mr. Luther reported the file is not available and deferred the hearing to the next meeting on April 28<sup>th</sup>.

**ENFORCEMENT, APPEAL REPORTS, UPDATES:**

**2nd Amended Enforcement Order #4: 215 Washington Street**, (Map 46, Lot 7), Galka – Update  
Ms. Spillman reported she received a phone message from Ron Stelline today and the case is going to the DEP Regional Enforcement Committee; this committee will give him direction.

**SORAD 307-0640: 57 Candlewood Drive & 109R Perkins Row**, (Map 43, Lot 7), Skeffington – Update

Ms. Spillman reported that the Final SORAD decision was issued, confirming that Cow Pen Brook is a perennial stream and not making a determination about the Mean Annual High Water boundary of the stream.

**REQUESTS:**

**CoC 307-0582: 59 Main Street**, (Map 41, Lot 25), LeClair

Ms. Spillman reported that work under this OoC was not begun.

*Mr. Erickson made a motion to issue the CoC, under the Act and the Bylaw, noting the work has not been done.*

*Ms. Merrill seconded and the motion carried by unanimous vote.*

**CoC 307-0575: 53 Main Street**, (Map 41, Lot 28), Qirjaz – *Request to continue to April 28<sup>th</sup> to allow the vegetation to fill in.*

*Ms. Merrill made a motion to continue the review as requested to April 28<sup>th</sup>. Mr. Erickson seconded and the motion carried by unanimous vote.*

**Extension OoC 307-0522: 3 Beech Place/Lot 23**, (Map 50, Lot 37) George Jedlin, Meetingway Corp./Beals Associates – *Request to continue to April 28<sup>th</sup> received 4/9/10.*  
*Mr. Erickson made a motion to continue to April 28<sup>th</sup> as requested. Mr. Pratt seconded and the motion carried by unanimous vote.*

**MEETING MINUTES:**

*Mr. Pratt made a motion to accept the minutes of **July 22, 2009, March 24, 2010, and March 24, 2010 Executive Session** as amended and corrected. Ms. Merrill seconded and the motion carried by unanimous vote.*

**EMERGENCY CERTIFICATIONS:**

**Emergency Cert. 2010-02: 14 Surrey Lane**, (Map 31, Lot 46), Gillberg  
This is for the removal of several large storm-damaged trees near the BVW.

**Emergency Cert. 2010-03: 20 Aaron Drive**, (Map 12, Lot 8), Peacock  
Removal of a large storm-damaged white pine near BVW and Howlett Brook.

**Emergency Cert. 2010-04: 106 High Street**, (Map 49, Lot 55), Topsfield Highway Dept.  
Replacement of damaged culvert under driveway, causing overtopping during large storms.

*Mr. Erickson made a motion to ratify the Emergency Certificates for 14 Surrey Lane, 20 Aaron Drive, and 106 High Street. Mr. MacDougall seconded and the motion carried by unanimous vote.*

**Emergency Cert. 2010-05: 117-87 Perkins Row**, (Map 51, Lots 11&21), Topsfield Highway Dept.  
Replacement of two blocked/collapsing culverts under Perkins Row (danger of road collapse), with three culverts to allow same flow. A follow-up NOI filing for the work is required by April 28<sup>th</sup>.  
*Mr. Erickson made a motion to ratify the Emergency Certificate. Mr. MacDougall seconded and the motion carried by unanimous vote with Ms. Merrill abstaining.*

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

**19 and 19R Pheasant Lane**, (Map 6, Lot 23 and Map 11, Lot 2), – Follow-up and discussion  
The proposal for a survey sought from Donohoe and Parkhurst is \$3200 (vs. \$2780 proposal from The Neve-Morin Group that the O’Malley’s obtained) to survey the boundary in question.

Present: Mr. O’Malley

Ms. Spillman reported that Paul Donohoe indicated that this boundary would be difficult to survey. Mr. MacDougall, for the purpose of disclosure, identified that he has worked for Donohoe and Parkhurst.

TCC asked Ms. Spillman to get the details of the survey. This was postponed to the next meeting.

**South Main Street/Salem Road culvert (37 River Road)**, (Map 48, Lot 13), – discussion  
Mr. Hall researched laws and regulations relevant to this culvert. In the absence of Mr. Hall, this was deferred to the next meeting

**12 Boston Street/English Commons**, (Map 81, Lot 1) – update

Mr. Luther reported that although there have been surprises on the construction site, they are minor and the general observation is they are proceeding along as planned. Mr. Luther and Mr. MacDougall will continue to monitor.

Ms. Spillman added that Alan Berry has been very responsive.

**207 Boston Street, Topsfield Fairgrounds** –Follow-up – Parking letter

Ms. Spillman reported that work continues to draft a list of property owners in the fairground area who are using their property for parking as they are in the river and floodplain area and BVW. The concern is damage to wetlands. A letter is being drafted to be sent to the relevant property owners

regarding this issue.

**Conservation Properties** – Schedule site visits

The site visit of 255 High Street was postponed.

**Greenscapes 2010** – materials fee

Ms. Spillman reported that Essex County Agricultural Society (Topsfield Fair) is donating the \$1500 basic fee again this year (3<sup>rd</sup> year!) for Greenscapes. The Highway Department, Water Department, and the TCC split the material fee.

*Ms. Merrill made a motion to fund \$116.68 (1/3 of fee) from the Bylaw Revolving Fund for the materials fee. Mr. Pratt seconded and the motion carried by unanimous vote.*

**STORMWATER AND DRAINAGE CONCERNS:**

**72 Hill Street**, (Map 69, Lot 16), **AmOoC TCC 2006-01**, and **80 Hill Street**

Present: Scott Malinowski, homeowner

Mr. Luther reported on a site visit saying that there is a lot of washout behind the house that ended up in the ditch and got washed into the far end, where there is sedimentation built up.

The Malinowskis are requesting to dig out the dirt that washed away and use it to fill in the areas near the leaching system area where erosion occurred. His plan is to loam and seed the hill for stabilization as soon as possible. Mr. Pratt observed that a steep hill at Ferncroft Country Club has been stabilized nicely with the use of rye seed and a lot of hay.

The TCC stressed the need for a plan, noting the Stormwater local Bylaw under the Planning Board applies. Mr. Malinowski confirmed the plan to start planting and report back at the May 12 meeting, as previously agreed. TCC suggested that silt fence be used and asked that Mr. Gordie Rogerson of Hayes Engineering attend the next meeting.

**93 and 95 River Road**, (Map 48, Lot 1 and Map 47, Lot 31) – drainage concerns, discussion

Present: Kindra Clineff, 95 River Road; Sandra Runion, 93 River Road

Also present was Planning Board Chair Bob Winthrop, who participated in the discussion at the request of the TCC.

Mr. Luther reported on his site visit saying sheets of water were cascading down the hill. A neighbor above the properties has recently installed a polo field, which may have contributed by eliminating the vegetation on the drumlin.

Ms. Clineff provided photos of the properties showing the change over the years in the topography with the addition of clearing of land, paddocks and roads on abutting properties. They went on to talk about the damage done to their property including the flooding of their homes during the recent rainfall. Ms. Clineff went into detail regarding the culverts and drainage installed by a neighbor she suspects is contributing to the water flow.

The Planning Board will look into the jurisdiction of this issue and report the findings to the TCC. The board of photos that Ms. Clineff submitted, labeled “Chronological Aerials of 85 River Road Delivered to TCC 4/14/2010,” was left in the library storage room for the Planning Board’s reference.

**50 Prospect Street**, (Map 48, Lot 12), **OoC 307-0652**

Present: Mike Crowe, property owner

Ms. Spillman reported on her site visit and provided photos of silt being washed into the wetland. She noted that the silt fencing was not adequate during the large rain events (for future reference) and Mr. Crowe was asked to reinforce the sedimentation control lines.

At the request of the TCC, Mr. Crowe gave an update of the status of the sedimentation controls and the construction in general saying hay has been laid down to stabilize the site. The foundation was poured Monday, April 12<sup>th</sup>. He noted that the soil material is gravel. He will make further efforts to stabilize the site after the backfilling. Mr. Crowe provided photos of the site dated April 14, 2010.

**120 High Street/Hickory Beach Subdivision**, (Map 49, Lot 56), **OoCs 307-0507** – discussion

Present: Tom Patenaude, the Builder; Joseph Falzone, former owner/trustee of relevant properties;

Todd Lobo, engineer of Beals Associates.

Ms. Spillman explained that she first found out about the problems when she made a site visit following requested sign-offs for building permits. She reported on her site visits and showed photographs taken – large areas of bare soil, mostly with no sedimentation/erosion controls resulted in significant Resource Area alterations during the recent large storms. Large amounts of sediment traveled into BVW, Intermittent Streams, and beyond. DEP observed the problems and has asked for corrective actions.

Mr. Patenaude reported that he stabilized the site, but with the amount of rain the hay, hay bales, and fencing were not enough to prevent silt from being washed into the wetlands; 100 hay bales are now onsite in the event of another rainstorm of the same magnitude. He also stated there is a hay blower onsite for use to stabilize the site. Larry Beals has been consulted.

Spillman cautioned that when working on a drumlin, as in this case, with bare soil and a major storm event predicted, the site should be stabilized, e.g. with sufficient sedimentation and erosion controls, and work should stop.

Mr. Crowe (50 Prospect Street owner) offered his observation that on the uphill side of sites such as this during the large storm the water was cascading off the drumlin and over silt fence and toward wetland, indicating the importance of especially stabilizing upslope areas.

### **Slough Brook**

Town repair of water main break.

Ms. Spillman talked about the area saying that there was sediment in Slough Brook as a result of a water main break repair at Washington Street. Heavy sediment was observed as far as River Road, and it is possible the sediment went into the Ipswich River. Photos were referenced.

The TCC asked Spillman to get details of the repair from the Water and Highway Departments. They also talked about mitigation and if standard procedures for sediment control were used.

The TCC talked about recommending siltation socks to the Town instead of the constant purchase of hay bales.

### **Ipswich Road Project – discussion**

There are continued concerns in the area of Pine Street that the site is not stabilized. The addition of crushed stone was observed along the roadside down from Great Hill.

### **Arrowhead/Washington Street – discussion**

Present: Dave and Patty Meaney, 6 Arrowhead Street; Mark Farmer, 43 Washington Street

Mr. Meaney talked about the flooding near their property, suggesting it is due to a blockage in a stream of a man-made pond at 43 Washington Street. Mr. Farmer reported the pond is only 4 inches deep. He has been at this property for fifteen years and confirmed this pond dries up in the summer. He has previously cleared the stream and stated that there is no intentional blockage of the stream and feels he has done what is needed to keep the water flowing, saying it is a flat piece of land and the water flows slowly. He questioned clearing of lots and trees on Arrowhead Road as contributing to the flooding.

The TCC asked Spillman to request that Dave Bond check the culverts on Washington Street.

### **Rail Trail – update**

Progress report/ request – to add fill to the rail bed

Present: Joe Geller

Mr. Geller stated that after the rainstorm, work was done to clean out drainage along Summer Street and Route 1, but in some locations between the ties water is flowing across the tracks due to blocked drainage ditches and Iron Horse has offered to put in crushed rock or stone dust in areas that need it. He noted Danvers has allowed this on the trail.

The TCC talked about not wanting a lot of fines in the stone, to avoid it running off into the wetlands.

The TCC requested a plan and that Iron Horse attend the meeting and give a report.

Mr. MacDougall reported on his flagging, saying he has one more stretch to do around the crossing and the course from Summer Street to the Wenham Line will be completed. He asked for permission

from Pemberton Road homeowners to access the trail for flagging.

**ADMINISTRATOR'S REPORT:**

**TCCAP 2010-01: 27 Howlett Street**

Ms. Spillman reported that the TCC office issued the first Administrator Permit last week, mostly for removal of invasive plants from Buffer Zone of a Vernal Pool.

**Staff schedule for April**

Ms. Spillman reported that Mr. Luther Holger will be monitoring phone calls and addressing any emergencies.

*9:28 pm – Mr. Erickson made a motion to adjourn and it was unanimous to do so.*

Respectfully submitted,

Catherine Tinsley, Minutes Secretary

*Accepted at the TCC meeting on April 28, 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.*