

***Topsfield Conservation Commission
Minutes of Wednesday, May 14, 2014
Topsfield Library Meeting Room***

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

Absent: Jennie Merrill, Chairperson

Other Attendees: Greg St. Louis, Beals Associates; Jim McDowell, Eastern Land Survey; Frank Iovanella; Gordon Rogerson, Hayes Engineering; Glenn Ritter; and Selectman Dick Gandt.

The meeting was called to Order at 7:03 p.m.

HEARINGS:

3rd Amended OoC Act #307-0522: 3 Beech Place (Lot 23), Hickory Beech Subdivision (Map 50, Lot 037), Patch Development LLC/Beals Associates, Inc.

Greg St. Louis, Beals Associates, was present and represented the Applicant.

Luther read the legal notice aloud. The Applicant is requesting a third amendment to the Orders of Conditions issued separately under the Act and Bylaw, to accept revised plans showing only the lower portion of the proposed wall and other modifications in place and not shown on the Plans of Record.

St. Louis explained that the plan changes include a revised as-built plan showing a different location for a driveway, and removal of a stone wall that was shown on the plans but not constructed; the stone wall was not removed from any of the subsequent plans. He referred to the most recent plan and pointed to an area that is now a rip-rap slope and a loamed and seeded area. He informed the Commission that the contractor has installed the silt fence and is proceeding with the installation of the stone wall from the guardrail to the limit-of-work area.

Jolley stated that she, Luther, and Spillman had gone out to the site recently to do an inspection.

St. Louis added that he has requested a waiver from the local Bylaw fee, which is \$100. A motion was made and seconded (Luther/MacDougall) to waive the Bylaw fee of \$100 for this application. So voted unanimously.

Spillman asked if the trees had been removed yet, because if so, then the limit-of-work line needs to be revised. St. Louis replied that he is not sure if the tree work has been done yet.

Spillman informed the members that the Applicant has made contact with Bill Manuell to be the wetlands scientist for the plantings and monitoring of the site.

A motion was made and seconded (Luther/MacDougall) to accept the amended plan, dated April 22, 2014, showing the rip-rap along the causeway instead of the stone wall, and to issue third amended OoCs, under the Act, and under the Bylaw. So voted unanimously.

REQUESTS:

RDNI #2014-02: 35 Main Street Rear, (Map 41, Lot 133), Iovanella/Eastern Land Survey – continuation of review

Jim MacDowell, from Eastern Land Survey, and Attorney Carmen Fratterolli, from Salem, MA, were present and represented the Owner, Frank Iovanella, who was also present.

MacDowell stated that Mr. Iovanella would like to put a small 40B project on this site, but the first thing they need to do is soil and perc testing. He added that upon completion of the testing, the holes would be backfilled and the area seeded. He informed the members that he and Spillman had done a site visit this past Monday.

Spillman showed the members photos of the site that show the proposed access path to the site, and some old test holes that were done outside of the Riverfront Area; these holes were never filled back in and she doesn't know when they were done.

Luther stated that he believes there to be a problem with frontage to a public way and therefore access to the lot. Fratterolli replied that even though School Avenue terminates at the bridge, egregious use over decades has turned the rest into a public way giving his client frontage and access. Luther then suggested that the TCC state that permission to conduct perc tests should not constitute approval of lot access. Fratterolli responded that it would be better not to make any statement relative to accessibility. Luther agreed

A motion was made and seconded (Luther/Carroll) to allow the soil testing to be done on the property with the condition that the test holes be filled back in after testing, and that the Conservation Commission take no position on the question of access to the site. So voted unanimously.

HEARINGS: (Cont.)

ANRAD #307-0714: High Street @ Perkins Row (Map 58, Lot ??/2 Perkins Row, ANR lot), Finocchio/Hayes Engineering

Gordon Rogerson, from Hayes Engineering, was present and represented the Owner. Luther read the legal notice aloud. The application is a request for verification of a BVW boundary.

Rogerson stated that Mrs. Finocchio still owns the property next door. This lot is a new building lot that was approved by the Planning Board as an ANR plan, which has been recorded with the Registry of Deeds. He stated that he had gone out onsite with Spillman to review the wetland line; two (2) flags were eliminated and two (2) were moved downslope, in accordance with the delineation criteria of the Topsfield General Wetlands Bylaw Regulations. He also stated that they did some soil testing in compliance with the BOH Regulations. All the pits passed; the perc rates were under 20 minutes/inch.

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

A motion was made and seconded (Luther/MacDougall) to accept the following flags as shown on the plan dated May 12, 2014; flags WF#1, WF#2, WF#3A, WF#4A, WF#7 thru WF#15, and WF#18 thru WF#21. So voted unanimously.

REQUESTS: (Cont.)

RDNI #2014-06: 1 South Common Street, (Map 33, Lot 038), Town of Topsfield, Town Library
There was no one present to represent the Town Library, so Spillman explained that the proposed project is for the installation of a concrete pad in the Buffer Zone/Riverfront Area of School Brook for a natural gas emergency generator.

Luther moved, seconded by MacDougall, to issue a Determination of Negligible Impact for the installation of a concrete pad in the Buffer Zone/Riverfront Area of School Brook for a natural gas emergency generator. So voted unanimously.

RDNI #2014-07: 22 Central Street, (Map 41, Lot 043), Lindsay

There was no one present to represent the applicant.

Spillman explained that when she arrived at the site today, the tree company was removing large chunks of trees by lifting them over the house next door at 20 Central Street, under a previously issued DNI. The recent storm caused one (1) tree to twist and crack; two (2) other trees were leaning toward houses and had to be removed for safety concerns. She presented photos of the trees and showed them to the Commission members. This request is after the fact, for the removal of a mature, threatening willow at 22 Central Street.

Luther moved, seconded by Carroll, to issue a Determination of Negligible Impact for the removal of the tree in the rear yard, Buffer Zone, and Riverfront Area of School Brook. So voted unanimously.

OTHER:

120 High Street, Hickory Beech Subdivision:

- **15 Evergreen Lane, (Map 50, Lot 035), Major, drainage concerns – discussion**

There was no one present to represent the Owner.

Luther reported on what he saw last week onsite with Mr. Major (property owner), Jolley, and Spillman. He explained that there now is a shallow pond behind the house; there is a walk-out basement, grading for which resulted in a depressed grade rather than a natural grade, and this causes a pan there. At the northwest end of this pan, there is a huge erosion crack where water had come in from an Intermittent Stream and filled the rear yard with enough water for a skating pond. He determined that the water naturally gravitated onto the abutters' land to the south (owned by the Annises) into what would eventually become a vernal pool.

Mr. Annis, an abutter, stated that his concern is that the original site plan, approved by the Planning Board, showed the house in the front yard and the septic system in the back. Mr. Major decided to re-arrange things and has the house in the back and the septic system out front. Annis stated that he owns the abutting lot, and if/when he develops that lot, it would come up to grade to a certain degree. If Mr. Major had developed his lot the way it was originally designed to be, the grade would have been different. In his opinion, when you construct a walkout basement and you remove soil where there is hardpan, the water will settle there.

Luther summarized that he told Mr. Major that the only recourse he has is to talk with the engineer who designed the lot. He added that this is really out of the Commission's jurisdiction and that the ponded area on the lot owned by the Annises likely is going to turn into a vernal pool.

Mr. Annis responded that he is not going to let Major drain water onto his lot, and that as long as he owns the lot, he is not going to allow it to turn into a vernal pool. Luther stated that the problem is that there is a major Intermittent Stream, which has a branch that flows onto Major's property and then into the "vernal pool" on the Annises' property. Mr. Major needs to find out if the water is affecting his property and if it is, he needs to take care of it.

- **8 Evergreen Lane, (Map 50, Lot 028), Simoes, Violation Notice 2014-02 – discussion**

Jorge Simeos, the property owner, was present for this discussion. The Violation Notice is for unauthorized removal of two (2) large white pine trees, at least six (6) small to medium trees, and understory shrubs in the Buffer Zone. Simeos stated he was not aware that there is an OoC on the property.

Luther stated that he wants to see plantings at the limit of activity line within the Buffer Zone to clearly mark the area beyond it as an area where nothing is to happen.

Spillman suggested to Simeos that he hire a supervisor such as a wetlands scientist to oversee the plantings and monitoring of the site. Spillman recommended that the restoration be

complete and sufficiently established prior to the property being considered for a CoC for the current OoC. Members agree.

- **Strawberry Festival**

Spillman stated that she was not sure if the Commission is interested in having a table and some students manning it. The cost of a table is \$12. Luther commented that one time they did it and it didn't receive much traffic. Spillman explained that it was very successful when an interested high school student was active in assisting with organizing and obtaining volunteers for the event. Jolley suggested passing on it this year, and the members agreed.

- **Summer Intern**

Spillman requested support for a summer intern. Last year, the amount allotted for a summer intern was \$600; this year she is requesting \$650.

A motion was made and seconded (Luther/MacDougall) to allot \$650 for a summer intern, not to exceed 75 hours, with a pay rate of \$8.85 hour. So voted unanimously. The wages will be coming from the Bylaw Revolving Fund.

ADMINISTRATOR'S REPORT:

- **DoA #2013-11 & Violation Notice #2014-01, 124 Hill Street, (Map 68, Lot 049) - update**

Glenn Ritter was present for this discussion, and reported on the progress made on the site. The property has been loamed and seeded, and they put hay over it over the weekend; he hopes to have grass growing soon. The landscaping plan has been done, but it needs to be approved by the Owner, Iovanella.

Luther stated that one thing left is fixing Mr. Harder's ditch. Ritter stated that he had spoken to Harder, who had told him that he would like the ditch to go in one (1) direction and not two (2).

Spillman asked if they are going to prepare an as-built plan for the Planning Board, showing the topography for the stormwater, and if so, could he provide the Conservation Commission with a copy of it. Ritter replied that they would be doing such an as-built plan and said that he would give a copy to the Conservation Commission.

- **222 Boston Street**

Spillman stated that the owner wants to pave their driveway, but the driveway is in the floodplain. She had suggested to the owner that they use a pervious material, such as pavers. She also had suggested to the owner that they talk to the engineer and come before the Commission with a proposal of what they would like to do.

MEETING MINUTES:

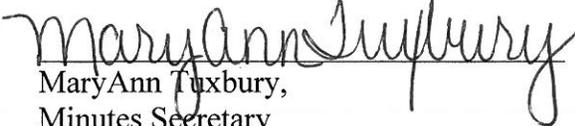
A motion was made and seconded (Luther/Carroll) to approve the **March 26, 2014** meeting minutes and the **April 9, 2014** meeting minutes, as amended. So voted unanimously.

ADJOURNMENT:

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

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,


MaryAnn Tuxbury,
Minutes Secretary

Minutes approved at the TCC meeting on June 25, 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.