

Topsfield Conservation Commission
MINUTES of June 8, 2011
Proctor School Library

Present: George Hall (Chair), Luther, Cheryl Jolley; Mark Erickson; Jim MacDougall; Jud Pratt; Lana Spillman, Conservation Administrator; Kathy Eramo, Commission Secretary

Absent: Jennie Merrill

Acronyms:

ADA – Americans with Disabilities Act

BoS – Board of Selectmen

BVW – Bordering Vegetated Wetland

CoC – Certificate of Compliance

CR – Conservation Restriction

DEP – Department of Environmental Protection

DoA – Determination of Applicability

EO – Enforcement Order

NoI – Notice of Intent

OoC – Order of Conditions

ORAD – Order of Resource Area Delineation

TCC – Topsfield Conservation Commission

With a quorum present, the meeting was called to order at 7:15 PM.

PUBLIC HEARINGS:

NoI: 307-0675: 95 Wenham Road, (Map 7, Lot 1), Hebert

Peter Hebert presented. Jolley read the legal notice. Hebert talked about the Notice of Intent area as outlined in a yellow box on the plan (approx. 1000 square feet). The property was bought by his parents in 1948 at a time when there was no trash pickup. So his dad decided to dispose of trash on the property. It has not been used for the last 40 years as trash dumping site. He has some heavier metal items and building materials to be disposed of.

Erickson asked how big the pile is. Hebert said it is about 2 feet high. They need to clear some of the site to allow access and will have a path wide enough to move a tractor through it. They will hand load materials to be trashed. Hebert believes that there is nothing hazardous on the site. Once trailers are loaded, there will be a container in the driveway at the main house, which the loaded materials will be dumped into. Pearson is providing a container and they will take it to a company called Thomson Brothers in North Andover where they will recycle materials if possible. Once work is done, the area will be reseeded.

Jolley asked if there is a wood road. Hebert responded that the area is open field with some trees and he is going to go around the trees.

Spillman had comments. She has been to the site, and in addition to the main area where there is trash, there are other areas along the bank in the wetland area where there is scattered debris. Hebert explained that there are some tires and other debris. He believes that they can be taken out without disturbing the area. Spillman suggested a Commission site visit.

When is the work to be done? Hebert's answer: when he gets the green light. The Commission discussed with Spillman her reasons for suggesting a site visit. Hebert revealed he has no plan to dig down two feet. He wants to get things around the wetlands but will not dig down deep. Spillman stated that 90% of the trash materials are in wetland, Riverfront Area, and floodplain, along with other resources areas.

Jolley asked if the area was designated and flagged. The wetland line is flagged from a previous filing resulting in an ORAD at least three years ago. The ORAD has been extended under the State Permit Extension Act. Bill Manuel flagged it. There was discussion about the nature of the perennial stream, which is shown on the USGS map as perennial and Spillman has never observed it not flowing. Luther suggested removal of debris that is offensive and visible and to let Mother Nature take advantage of the rest. A pathway will be cut through bittersweet about 35 feet. Hall opened the meeting up to public comment and there was none.

Luther moved for closure of the hearing. The motion was seconded and passed unanimously.

Luther moved that the Commission issue an Order of Conditions to remove and remediate the site as discussed by Hebert in his presentation, subject to the usual protocol and Conditions. The motion was seconded.

Erickson moved to amend the motion, saying that if there are some harmful products found that represent potential hazardous threats, the administrator is to be contacted immediately and a determination will be issued as to what to do next.

Hall's concern is that this isn't a response to an Enforcement Order from the Conservation Commission directing them to remediate the site. This is a voluntary remediation project. The Commission wants to be clear that by approving this, they are not agreeing that the scope of work proposed is sufficient to remediate any prior violations of anything that may have occurred to the site. As far as the quest to inspect it, if the Commission were then going to be bound to say Hebert has done everything he needed to do, then he would agree the Commission ought to go to check and make sure that there is not anything else more that needs to be done. But, the property owners are voluntarily saying they want to remove certain material. Hall suggested language in the OoC that this is a voluntary project. TCC is approving the removal of the material as proposed and subject to the Conditions. This does not necessarily constitute all necessary remediation.

Hebert stated that the land is under subdivision. He explained that there are house lots for sale and as a previous condition on the ORAD it was noted that the site needs to be cleaned up and had to be cleaned up before any building permit would be issued. Hebert asked that if land was cleaned up to TCC's satisfaction, would TCC put in writing that it is okay to build?

The Commission stated that it is up to Hebert to clean up the site adequately so that buyers will not have a problem. Buyers will have to get approval from the Conservation Commission to build a home. Hebert asked if the Commission would make a site visit after cleanup to give approval of the site for building homes.

Hall explained that the Commission will be happy to look at the site to see if they can identify matters of concern to the Conservation Commission. It is up to Hebert to clean up the property the proper way. If the Commission learns something they currently don't know in the future that may put property at risk of being buildable.

TCC and/or Spillman will inspect site when work is complete. Hall does not have a problem writing a letter saying Commissioners are or are not satisfied with the scope of the cleanup of the property. Some limitations are based on what TCC is able to see. Hall suggested to him that before he requests a CoC, Herbert arrange a site visit to see if there is more to do and, if so, he can continue with the work. There are two special conditions to be in the Order:

1. A condition requiring notification to the Commission in the event that any material requiring special handling such as hazardous waste and any material requiring special disposal is found, and

2. A provision stating that Hebert may request an inspection for the Commission to determine compliance with the OoC and the ORAD.

Luther seconded the motion for the Amendment. The motion carried with all in favor.

The main motion was voted and unanimously favored.

OTHER:

Continuation RDNI 2011-05: Essex Agricultural Society/Fairgrounds – request for Fireworks Display at 167 High Street, (Map 58, Lot 6), and **11/19/2010 Enforcement Order** – update and discussion

This was a discussion about the status of the Nov 19th Enforcement Order. Kate Connelly with Murtha Cullina, Greg Hochmuth of The Neve-Morin Group, and Fair Manager, James O'Brien, were present. Greg spoke first. They have been working on satisfying the Enforcement Order and have been working with Dan Lenthall of NRCS to put together a farm plan for the fields surrounding the Fair. He will submit a NOI for all future plans. The parking issue will be addressed. He has all the information at this point and is shooting for the end of June's filing deadline, to be on agenda in July to start the process.

Hall stated TCC wants an update because they have been waiting for the issues of the EO to be resolved. Hochmuth explained that he has incorporated all of Lenthall's ideas into his conservation plan. Hall stated that the Conservation Commission is eager to get started on review of the plan to satisfy the EO.

Concerning the request for permission to have fireworks, *Luther moved to issue a Determination of Negligible Impact, for the activities as stated in the request. Cheryl seconded. There was a unanimous vote in favor.*

Pheasant Lane Land Swap, 19 (Map 6, Lot 23) **and 19R** (Map 11, Lot 2) **Pheasant Lane** – update
Hall summarized that nothing further needs to be done by TCC at this point. TCC assumes the Selectmen are talking with the State. Speliotis has all the information and it is now his job to petition the General Court. Jim asked if it was worth the Commission's time to write a letter in support. Luther thought it was a good idea. He would like to meet with Speliotis. Jim suggested TCC involve Senator Bruce Tarr. Protocol indicates that the Commission needs to go through Senator Berry rather than Tarr. Luther will follow up. Hall is willing to attend the hearing.

EPA 08/24/2010 Administrative Order, Cross Street, (Map 62, Lot 2), Nash/Wetlands and Land Management – update

Nash did not submit the required restoration plan by the deadline. TCC will continue to observe what does or does not occur in next few weeks.

Ipswich River Recreation Project Report – Peter Sacco

Peter distributed two different packets showing completion of kiosks. Peter lead the creation of six kiosks – two in Middleton, three in Topsfield and one in Boxford. The project is complete and involved 809 hours of work. There were 19 scouts involved, 29 Masco students, and 4 adult leaders on the project, which created double-sided informational kiosks at all sites. One side has conservation information and other recreation. There are Lexan panels which are durable. Six AP environmental researchers at Masco researched the conservation information on each kiosk. There are six themes researched – birds, fish, wetland plants, story of the Great Wenham Swamp, and how water is used on the river. 23 graphic art students did design work. The website for the project is

www.ipswichriverrecreation.weebly.com The website will be up indefinitely. Hall suggested TCC provide a link to the webpage from the Conservation Commission webpage. Hall made a proposal that the Commission send a letter to Peter acknowledging and congratulating him on his conservation and recreation efforts on behalf of the Ipswich River. He suggested putting the letter on the Commission's webpage along with the link.

Luther moved to accept the above two suggestions. MacDougall seconded. It was a unanimous vote in favor.

Tree Planting Committee reappointments

Luther made motion to re-appoint Dan Peabody, Grace Peabody, and Andrew Keys to one-year re-appointments to the Tree Planting Committee, with terms to expire on June 30, 2012. Erickson seconded. It was a unanimous vote in favor.

Commissioner reappointments

Luther is willing to be reappointed. Hall will accept reappointment. MacDougall publicly thanked Luther and Hall.

Vote taken: Motion to authorize any one of the signatories to sign payroll. *Luther made the motion. MacDougall seconded. It was a unanimous vote in favor.*

Stream Crossing Inventory Training, June 23 MacDougall explained that he is bringing out someone from Westfield to do the training, 5-9 in the Topsfield Library meeting room. Training then will proceed to the School Brook Stream crossing at Route 97. Erickson will try to attend. Jolley, Spillman, and Luther will be attending, along with the Commission intern Heather Darrah.

Canoe Landing

MacDougall informed TCC that there is a corporation that will offer to allow people to adopt the landing; they will appropriate funds to do work. The corporation wants a budget. The contractor in Middleton cannot do it because he does not have insurance.

Concerning ADA compliance, the Public Access Board is going to look at the site. The MA Dept. of Fisheries and Game may provide funding. They are waiting to find out if they can get a waiver from the ADA compliance because of the steepness, etc.

Change July Meeting Dates?

Luther suggested TCC keep the July 13th meeting date. Hall recommended that the first meeting in August be cancelled. There will still be two meetings in July and just one in August – no meeting August 10th.

ADMINISTRATOR'S REPORT:

255 High Street Conservation Property

Intern Heather Darrah spoke about visiting the site with Administrator Spillman. It is not accessible to the public across the entrance on High Ridge Road, but it is accessible via the easement near the front of the Morningside Subdivision. There appears to be an intermittent stream that flows down the path at that second location. A vernal pool was found and they returned to gather information for certification of it on this past Monday. They found an old water heater on the property. Heather is working on getting the pool certified.

Limited access: Spillman suggested communication be initiated with abutting owners about understanding that the property belongs to the Town as a Conservation land.

MacDougall offered that MA DCR has a trail grant application available now.

Minutes Secretary

Spillman explained that she has interviewed three persons and expects a new secretary to be at the June 22nd meeting.

307-0583, Ferncroft Country Club, DeRosa Environmental

Spillman is arranging a follow up site visit.

Employee Evaluations – due to Ginna by June 20

Town-wide Invasive Species Control, especially along roadways –

Spillman talked with Russ Hopping over weekend and learned about a project in Concord. A major problem is the Japanese Knotweed growing along the roads. Concord has a project ongoing to get rid of it. Peter Alden is the person who started project in Concord. Spillman thought it might be worth calling him to see if someone will come to talk with the town. Hall asked her to call to see if she can get someone to talk with TCC.

MACC Erosion Control Workshop, Beverly, Monday, June 13

Luther explained that the MACC workshop meeting may not happen – not enough people signing up. Jolley is thinking of going also.

At 8:58 p.m., *Luther moved to adjourn. Pratt seconded. It was a unanimous vote to do so.*

Respectfully submitted,



Kathy Eramo
Commission Secretary

Accepted at the TCC meeting on July13, 2011

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 action 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 is not certification, express or implied, is made the Commission as to the completeness or accuracy of such statements.