

Topsfield Conservation Commission

Meeting of Wednesday, June 9, 2010~ 7 PM

Music Room, Proctor School

With a quorum present, in the absence of the Chair, Mr. Luther opened the meeting at 7:12 p.m.

Topsfield Conservation Commissioners Present: George Hall, Chair (7:12 pm); Holger Luther; Jennie Merrill; Mark Erickson; James MacDougall

Not Present: Jud Pratt

Also Present: Lana Spillman, Administrator; Catherine Tinsley, Minutes Secretary; Dick Gandt, BoS Liaison

Abbreviations used:

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

NoI – Notice of Intent

CoC – Certificate of Compliance

BVW – Bordering Vegetated Wetland

BOS – Board of Selectmen

OoC – Order of Conditions

EO – Enforcement Order

Public information:

Agenda (taken out of order)

OPEN MEETING:

TCC signed bills, authorizations, and time sheets.

HEARINGS:

8:55 PM - **Continuation 2nd Amended OoC TCC 2006 – 01, 72 Hill Street**, (Map 69, Lot 16), Malinowski/Hayes Engineering

Present: Scott Malinowski; Gordon Rogerson, Hayes Engineering; Ken Stowe, 80 Hill Street (abutter)

The TCC had previously mandated Mr. Malinowski to further develop an engineered plan to stabilize the site. Mr. Malinowski told the TCC that he feels the site is stabilizing. He reported that in his observation the surface water has been minimized but he has not cleared sediment from behind the hay bale check dams because he could not get a machine in. The TCC recognized that the grades are tough, but that the grades of the trench need to be finished. Mr. Malinowski offered that with proper vegetation the surface water will be reduced. It was the TCC's concern that ground water will contribute to the flow of water and erosion. Mr. Rogerson reiterated that the vegetation will develop in the trenches and will slow the velocity of water down, relieving the downslope abutter. The use of stones as a check dams was offered as a solution to slow the water down. Mr. Rogerson referenced a plan to install a check dams to minimize the amount of water that runs off the property.

Mr. Stowe reported to the TCC that he has spent a lot of money cleaning up from tremendous amounts of sand allegedly from 72 Hill Street during four storms, and said he is frustrated that this continues with no solution being satisfactory addressed.

Mr. Hall responded that the TCC has limited jurisdiction and that the TCC's primary concern is to get a finished design that replicates the prior surface water flow as best as can be done.

Rogerson explained that the original amendment of the Order was a change in grade in the back yard behind the proposed house. The grade was lowered by four feet from the original plan submitted by Beals Associates, to reduce the velocity coming from the property.

Discussion followed on the best solution and it was agreed that ongoing maintenance of removing sand from the trench until the vegetation has grown will continue.

Mr. Hall reiterated that impacts to abutting properties not in wetlands are not within the jurisdiction of the TCC. He noted that the velocity of the water through the trench has the potential to wash the plants away and velocity reducers will help.

Mr. Malinowski agreed to address the steepest grade of the slope and will consider the concept of building a wall/weir of pressure-treated wood keyed into the trench 6-12 inches, with rock behind it, where the highest velocity of water is.

The TCC agreed to continue the hearing one more time.

Mr. Luther made a motion to continue the hearing to June 23, 2010 to approve the grade change, require Malinowski to remove sediment by hand until the trench is demonstrably stable, and implement permanent stabilization, and continue to maintain by hand. Ms. Merrill seconded and the motion carried by unanimous vote.

7:15 p.m. - **NoI 307 - 198 Central Street**, (Map 50, Lot 1), McCarthy, North Shore Heritage Associates

Ms. Merrill read the legal ad.

Present: Rick Clarke, Representative for North Shore Heritage Associates; Jerry McCarthy of North Shore Heritage Associates

The proposed project is the construction of a single-family ranch style house to be used as a group home for disabled individuals, entirely within the Buffer Zone. The septic system and driveway are outside the Buffer Zone. A plan dated November 30, 2005 with February 8, 2008 revisions was referenced. It was noted that the prior owner got approval for the plan before North Shore Heritage purchased the property. The original NoI was issued in 2005 with a two-year extension granted in 2008 and expired in May 2010. Mr. Clarke reviewed the plan as originally submitted. The existing dwelling has been demolished; the footprint on the new plan is larger than the original dwelling. Mr. Hall opened the meeting for public comment. Pam Jefferies of 205 Central Street noted her concern that the project will increase flooding in the area. Mr. Clarke responded that no brush around the tree line will be cleared and the plan is over designed at approximately 2.5 times what it needs to be and should improve the drainage.

The TCC questioned if the Storm Water Bylaw would apply and it was noted that this is addressed by the Planning Board.

Lorraine Flynn of 201 Central Street reiterated the concern of the flooding, adding that there are no catch basins in the area. Mr. Clarke explained that water from Central Street would go into the bioretention area and then into the wetland.

Mr. MacDougall noted that the map and lot number are incorrect on the plan.

The TCC requested additional information on design of the Bioretention Area in a form

sufficient to guide a contractor. The cleanup of debris is to be overseen by the Administrator. The wetland is mostly overgrown invasive plants. The Administrator will draft an Order of Conditions, and look into if the Storm Water Bylaw applies.

Mr. Luther made a motion to continue the hearing to June 23, 2010. Ms. Merrill seconded and the motion carried by unanimous vote.

Corrected OoC 307-0658 22 Evergreen Lane/Lot18 and Open Space Parcel at Hickory Beech Subdivision. (Map 10, lot 3 and Map 10, Lot 39). George Jedlin. Meetingway Corp./Beals Associates

Present: Larry Beals, Beals Associates

Mr. Beals addressed the TCC saying that he had concerns with the details of the OoC, and he referenced the letter he sent to the TCC Administrator. He referred to the plan on the back of the OoC noting a lot of information was added to their plan without notation or references and requested that Beals Associates be allowed to redraw the plan. He added that the plans presented at the hearing were exhibit plans to give the overview but became part of the record. Mr. Beals acknowledged that they are deficient with no erosion control for the cart path. He also questioned that the way the documents read, Beals Associates was giving the land to the Town and it is not his to give. Mr. Beals added that Joe Falzone's intention is to build paths through the wetland including boardwalks and bridges for mitigation for Buffer Zone Resource Area alterations at Lot 18.

Administrator Spillman explained that she was very careful in writing the OoC and went back and listened to the recording of the hearing prior to finalizing it. Also, she asked Mr. Luther to read and review the OoC prior to issuing it, which he did.

TCC agreed that a request to amend the OoC would be appropriate.

Mr. Beals will redo the plan and submit it. They would like to do the work in July and August.

RDA 2010-04: 139 Ipswich Road, (Map 26, Lot 34), Shannon

Ms. Merrill read the legal ad. The proposed project is installation of an aboveground pool in Buffer Zone and Riverfront Area of Mile Brook.

Present: Bill Shannon

Mr. Shannon stated that there will be minimum disturbance; sod will be removed and earth on the high side will be moved to the low side on established lawn. The pool is 12 feet in diameter.

Mr. Luther made a motion to close the hearing; Ms. Merrill seconded and the motion carried by unanimous vote.

Mr. Luther made a motion to issue a Negative Determination with Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried by unanimous vote.

REQUESTS:

CoC 198 Central Street. (Map 50, Lot 1). McCarthy. North Shore Heritage Associates

Ms. Spillman reported that the OoC expired on May 18. Some work was done, e.g. demolition of home and removal of debris and invasive vegetation. The property is in

compliance with the OoC.

The TCC questioned if the cesspool was crushed.

Mr. Luther made a motion to issue the CoC with findings. Ms. Merrill seconded and the motion carried by unanimous vote.

21 Forest Road, (Map 39, Lot57), Becker

Mr. Luther made a motion to issue CoC with the usual Continuing Conditions under the Act and Bylaw. Ms. Merrill seconded and the motion carried by unanimous vote.

MINUTES - April 28, 2010

Mr. Luther made a motion to accept the April 28, 2010 minutes as corrected and amended. Mr. MacDougall seconded and the motion carried by unanimous vote.

OLD/OTHER BUSINESS:

Tree Committee Candidates

The Tree Committee was established as a subcommittee of the TCC.

Present: Dan Peabody, Andrew Keys, Bill Highgas

Mr. Peabody talked about the committee's responsibility, saying that they plant a tree on the grounds at Steward School every year on Arbor Day and hand out seedlings.

Mr. Peabody said the committee would like to start a plant inventory along the scenic roads in Topsfield. He also reported that the Tree Committee would like to get back on the Tree City list; additional members will help with this.

Mr. Luther made a motion to appoint Andrew Keys and Bill Highgas to the Tree Committee. Mr. Erickson seconded and the motion carried by unanimous vote.

279 High Street, (Map 71, Lot 26) Crocker -update

Mr. Haskell has hired a fence person and expects to have the fence moved within the next couple of weeks. He will start hauling the manure pile to Brick Ends Farm.

Ipswich Road Project, #307-0510

Mr. Luther reported that the project looks good, although the Pine Street outflow has not been addressed. It currently appears to be washing sediment. The DPW will be asked to stabilize the site with sod and seed. Mr. Luther will ask to meet with the DPW Director at the site and communicate the concern.

Rail Trail

Ms. Spillman reported that the TCC office received a NOI for Summer Street South to the Wenham Line – approximately 2 miles, and she recommended that the TCC do site visits on areas worked. TCC scheduled this for Saturday, June 19th.

12 Boston Street/ English Commons

Luther and MacDougall reported that the last regular inspection was done. The pond is full of water; the detention pond is working and greening up; hydro-seeded areas are also growing. The resource areas are also sprouting.

The next inspection will be done the end of July after the fish are released.

30 Wildes Road/New Meadows, (Map 8, Lot 5), OoC 307-0643

The TCC will review the DEP report.

Water Quality Monitoring, School Brook

The water is high and the monitoring has not begun. Mr. MacDougall provided a map of the center of town with School Brook and Cleaveland Brook highlighted. The TCC will consider testing sites.

207 Boston Street, Topsfield Fair Grounds – parking letter

There was no update.

Beaver Policy

Ms. Merrill talked about the policy that was provided, which restates the law. She proposed additions and revisions and questioned if it will become more confusing and complicated.

The Beaver Policy includes other departments: Board of Health, Highway Department, and Water Department. Mr. Hall commented that all departments need to work together toward common goals.

Mr. MacDougall suggested that areas in town be identified where beaver trapping should be allowed, e.g. where public water supplies would be affected.

Mr. Hall suggested that this become a Fact Sheet, rather than a policy, which would help residents understand it.

Ms. Merrill will modify the policy to make this into a Fact Sheet.

Summer Meeting Schedule

The meeting schedule will be maintained.

Designees to the: Soil Removal Board, Stormwater Management Committee, Surface & Groundwater Study Committee, Local Emergency Planning Committee

Mr. Luther made a motion to designate Jennie Merrill to the Soil Removal Board. Mr. MacDougall seconded and the motion carried by unanimous vote.

Ms. Merrill made a motion to designate Luther Holger to the Stormwater Management Committee. Mr. Erickson seconded and the motion carried by unanimous vote.

Surface & Groundwater Study Committee TCC held off on recommendations for this ad hoc committee.

Mr. Luther made a motion to designate Jim MacDougall to the Local Emergency Planning Committee. Ms. Merrill seconded and the motion carried by unanimous vote.

Contract for Pheasant Lane Survey

The TCC signed the contract for the Town.

ADMINISTRATOR'S REPORT:**TCCAP 2010-05: 7-9 Normandy Row. (Map 24, Lots 73 & 72)**

The project is removal of a storm-damaged large willow tree.

Summer Volunteer Intern – Alexandra Frisch

Ms. Frisch will work as a volunteer for about 10 hours a week as part of her college requirements. She is entering her senior year at Colby-Sawyer College.

ENFORCEMENT, APPEAL REPORTS: – Updates

The TCC acknowledged two photo updates for 270 Boston Street from Mike DeRosa.

EXECUTIVE SESSION (ES) - Potential Litigation – updates

Cross Street

Mr. Luther made a motion to enter into ES to discuss strategy with respect to litigation when an open meeting may have a detrimental effect on the litigating position of the governmental body and that the TCC adjourn directly from ES.

Ms. Merrill seconded the motion and it was voted unanimously by roll call vote to enter into ES.

At 10:42 p.m., the meeting adjourned following a motion that was seconded and passed unanimously with a roll call vote.

Respectfully Submitted,

Catherine Tinsley, Minutes Secretary

Accepted at the TCC meeting on November 17, 2010.

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.