

***Topsfield Conservation Commission  
Minutes of Wednesday, June 24, 2015  
Topsfield Library Meeting Room***

**Present:** *Cheryl Jolley, Chairperson; Dodds Shamroth, Vice Chairperson; Holger Luther; James Carroll; Lana Spillman, Administrator; Dee Wise, Minutes Secretary*

**Absent:** *Jen DiCarlo*

**Other Attendees:** Dick Gandt, Hannah Smith, Summer Intern; Stephen Shepard, Parks and Recreation; Steven Mscisz, Park Commissioner; Mark Frampton, Margaret Shepard, Jim MacDowell, David Popielski, Toni Hatfield

The meeting was called to Order at 7:08p.m. Cheryl Jolley chaired the meeting.

**HEARINGS:**

**Continuation of NoI 307-07???: 199 Ipswich Road,** (Map 20, Lot 055), DeIulis/Williams and Sparages, LLC. A written request for continuation had been submitted. Luther made a motion to continue the hearing until the July 15, 2015 meeting. Carroll seconded. So Voted Unanimously

**RDA 2015-02: 124 Haverhill Road – Pye Brook Park,** (Map 05, Lot 002), Topsfield Park and Cemetery Department/Shepard. Carroll read the legal notice. This proposal is to fill in a non-functional irrigation pond that was constructed as part of the landfill closure/Pye Brook Community Park development. Shepard stated that the pond did not fulfill its purpose even after several different attempts were made to modify it. Shepard added that if the pond was capped, it could be used as another playing field. It would be capped with blue clay, loam and liner and then filled in. There was a site visit by both Spillman and Jolley. Luther asked if there would be any impact on the Rail Trail and Shepard stated that there would be none. Luther made a motion to close the hearing along with a motion to issue a Negative Determination, as per the plan submitted with the application entitled “Environmental Monitoring Locations Site Plan”, dated March 2012, prepared by Weston & Sampson Engineers, Inc. Carroll Seconded. So Voted Unanimously

**Amended OoC 307-0688: 78 Alderbrook Drive,** (Map 05, Lot 002), J & J Realty/MacDowell. Luther read the legal notice. This is a request for acceptance of a (second) plan showing the proposed location of utilities to be installed for this new single-family house development. Spillman made a site visit over a month ago and stated that the front yard looked to be in the final grades. The original plan showed no utilities except the septic system. MacDowell explained that the utilities would be coming from different places. The telephone and cable would be from the same place, the common drive. However, the gas and electric services would be coming from Alderbrook Drive. Luther moved to close the hearing and issue an Amended OoC accepting the second plan entitled “Plan of Land in Topsfield, Mass. Showing Proposed Utility Information”, stamped by Thomas Winslow, PLS, dated December 18, 2014, with a revision date of June 1, 2015. Carroll seconded. So Voted Unanimously

**REQUESTS:**

**Emergency Certification 2015-01, Perkins Row Bridge,** (Map 35, Lot 004) – Dam breaching, Mile Brook – ratification and discussion. This was a discussion regarding beaver dam breaching just upstream of the Perkins Row Bridge at Mile Brook. Spillman stated that three weeks ago the Water Department created a breach in a part of the beaver dam just above Perkins Row Bridge under the conditions of the Emergency Certification issued June 15<sup>th</sup>. This caused the water to drop immediately. Additional breaching in small intervals is allowed during the 30-day period of the certification. Luther moved to ratify the Emergency Certification. Carroll Seconded. So Voted Unanimously

**RDNI 2015-08: 15 Howlett Street,** (Map 33, Lot 032), Popielski. This is a request for the installation of a 10 foot square play area with equipment, with crushed stone base, and a proposal for the installation of a 21 foot diameter above-ground pool, on a modified, previously existing crushed stone base to the north, all within the Buffer Zone of a narrow BVM in the rear yard. Spillman made a site visit on June 22<sup>nd</sup> and observed the completed area of the play structure and proposed structures. Popielski addressed the Commission members; he stated that there once was a flowerbed in the area of the proposed pool. However, he replanted them in another area of the yard. Luther made a motion to issue a Determination of Negligible Impact with the condition that no pool water be flushed toward the Buffer Zone, to drain outside the Buffer Zone. Carroll seconded. So Voted Unanimously

**RDNI 2015-09: 64 Central Street** (Map 41, Lot 115), Alberts. This is a proposal to install a deck at the rear of the house in Riverfront Area of School Brook. Spillman made a site visit on June 22 and has no concerns. The proposed deck would be outside the Buffer Zone. Luther made a motion to issue a Determination of Negligible Impact; Carroll seconded. So Voted Unanimously

**Continuation of CoC 307-0119: 207 Boston Street, Fairgrounds,** (Map 57, Lot 004), Essex Agricultural Society/William and Sparages. Continued to July 15, 2015

**Continuation of CoC 307-0382: 207 & 233 Boston Street- Fairgrounds,** (Map 57, Lott 004 & Map 49, Lot 082) Essex Agricultural Society/Williams and Sparages. Continued to July 15, 2015

**Continuation CoC 307-0403: 233 Boston Street,** (Map 49, Lot 082), Essex Agricultural Society/Williams and Sparages. Continued to July 15, 2015

**Continuation of CoC 307-0646: 207 Boston Street,** (Map 57, Lot 004), Essex Agricultural Society/William and Sparages. Continued to July 15, 2015

**OTHER:**

**96** (Map 12, Lot 039), **&96** (Map 12, Lot 038), **North Street** – Discussion with the Hatfields. Toni Hatfield presented her concerns. They still would like to install a shed. The Hatfields were not sufficiently informed about the CR when they purchased their house. The Hatfields had intended to build a shed when they found out that their house property is all protected land (within Buffer Zone) and is surrounded by their adjacent property that has a recorded Conservation Restriction on it. The original 2001 CoC was never filed at the Registry of

Deeds by the builder because he had a long punch list to complete. Toni Hatfield stated that even though they had a lawyer at that time, they had no knowledge about the CR on their property. Spillman explained that there is a way to have an amendment of the CR but that it would be a lengthy process. Spillman suggested TCC make a site visit. She added that the corrected original CoC, (File No. 307-0263) needs to be filed with the Registry of Deeds. A shed would need to be on the house property, not on the restricted property. Luther explained the concerns about the proposed soil or crushed stone surface where the shed would be placed in Buffer Zone, and suggested an impermeable membrane instead.

**TCC Office Fee** – Discussion. Spillman stated that the State has recommended fees. At the last TCC meeting there was an increase of two items. The fee per page for a printout was changed from \$.50 to \$.75 and the fee for a PDF went from \$5 to \$8. TCC decided to change the \$.75 fee/page back to the state-authorized \$.50/page.

Luther made a motion to accept the new fees, Carroll seconded. So Voted Unanimously

**General Wetlands Bylaw Regulations** – proposed revisions discussion. Spillman explained that some of the regulations are obsolete or have never been used and need to be revised or deleted. Luther stated that he has not looked at them yet; he suggested that Spillman send a list of what should be removed or modified. Commissioners will submit questions to Spillman.

### Meeting Minutes

Luther moved to accept the **June 10, 2015** minutes as amended; Carroll seconded.

So Voted Unanimously

### Administrator's Report:

- The Commission members met the new Summer Intern, Hannah Smith.
- 57 Perkins Row: a definitive plan will be filed with the Planning Board, NoI expected by July 1, 2015

### ADJOURNMENT:

Luther moved to adjourn the meeting; Carroll Seconded. So Voted Unanimously

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

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Diane Wise,  
Recording Secretary

*Minutes approved at the TCC meeting on August 19, 2015*

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.