

# ***Topsfield Conservation Commission***

## **Meeting of Wednesday, July 22, 2009**

Topsfield Library Meeting Room

7:10 PM - With a quorum present, Luther opened the meeting.

Present: George Hall, Chair (7:12pm); Holger Luther, Vice-Chair; Mark Erickson; Jennie Merrill; Jim MacDougall; Jud Pratt

Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary

### Abbreviations used:

TCC – Topsfield Conservation Commission

BoS – Board of Selectmen

DEP – Department of Environmental Protection

NoI – Notice of Intent

OoC – Order of Conditions

CoC – Certificate of Compliance

EO – Enforcement Order

ORAD – Order of Resource Area Delineation

BVW – Bordering Vegetated Wetland

RDNI – Request for Determination of Negligible Impact

### **OPEN MEETING:**

TCC signed bills, authorizations, and time sheets.

### **RDNI REQUESTS:**

**RDNI 2009-05: 131 Haverhill Road**, (Map 5, Lot 15), Topsfield Beach Association

The request is for replacement of railroad tie steps and trimming of shrubs to provide visibility to the point/boat launch area.

*Erickson made a motion to issue a Determination of Negligible Impact. The motion was seconded and carried by unanimous vote.*

7:12 PM – George Hall arrived.

**RDNI 2009-06: 30 Coppermine Road**, (Map 74, Lot 3), Roselli

The request is for cutting four trees and grinding the stumps, approximately 50 feet from BVW.

Three trees would shade the pool about to be installed; one tree was hit by lightning and split.

*Pratt made a motion to issue a Determination of Negligible Impact. The motion was seconded and carried by unanimous vote.*

### **HEARINGS:**

**Continuation, NoI 307-0643: 30 Wildes Road**, (Map 8, Lot 5), Iovanella/Wetlands & Land Management, Inc.

Present: Frank Iovanella, owner; Bill Manuel, Wetlands & Land Management, Inc.; Michael McCarron, attorney for the applicant; Jim McDowell, Eastern Land Survey; Luke Boucher, Beals and Thomas.

Boucher reviewed the peer review with the TCC, referencing the July 7th comment letter; final plans have been submitted. Requested waivers were reviewed and the Wetlands General Bylaw and Wetlands Rules and Regulations Section R: 10-25 Stormwater Management and Drainage from construction projects was referenced during this discussion. McDowell explained that there are three areas of incursion into the Buffer Zone – building units 1 and 2 and part of a storage basin/detention area, and the outflow of the pipe storage system. McCarron stated that there is a proposed restriction on development rights, an Open Land Preservation Restriction.

There was no public comment.

*Luther made a motion to close the public hearing and issue an Order of Conditions with Special Conditions under the Act and the Bylaw, referencing the plan dated September 2, 2008 revised*

*through July 9, 2009, 14 sheets, stamped by Christopher R. Mello and Clayton E. Morin, P.E.s, substantially in compliance with the Bylaw and Act. Erickson seconded and the motion carried by unanimous vote.*

Frank Iovanella signed a twenty-one day extension form, allowing additional time for issuance of the Order of Conditions.

**Amended OoC 307-0625: 30 Wildes Road, (Map 80, Lot 5), Iovanella.**

Present: Frank Iovanella, applicant; Bill Manuel, Wetlands & Land Management, Inc.; Attorney Michael McCarron; Jim McDowell, Eastern Land Survey; Luke Boucher, Beals and Thomas  
Proof of abutter notification was submitted collected and legal ad read previously.

The proposal is for inclusion of an irrigation suction line replacement in the proposed work. Revised plans were submitted with the request to amend. McDowell discussed the proposed pipe removal and replacement.

*Luther made a motion to close the hearing. Pratt seconded and the motion carried by unanimous vote. Erickson made a motion to issue an Amended Order of Conditions for file No. 307-0625 for 30 Wildes Road to include the addition of excavation and re-piping of a supply line for water for irrigation. Luther seconded and the motion carried by unanimous vote.*

Iovanella signed a form allowing a twenty-one day extension for issuance of the Amended Order of Conditions.

**RDA 2009-10: 5 Porter Meadow Road, (Map 40, Lot 58), Bryson**

Present: Peter Bryson, homeowner/applicant

The proposal is for cutting four large, mature trees that could fall and potentially cause damage and/or injury and to build a shed on a platform and support beams in the rear yard, all within Buffer Zone of a Bordering Vegetated Wetland containing an Intermittent Stream.

*Luther made a motion to issue a Negative Determination of Applicability. Erickson seconded and the motion carried by unanimous vote.*

**ENFORCEMENT, APPEAL REPORTS, UPDATES:**

**2<sup>nd</sup> Amended Enforcement Order #4: 215 Washington Street, (Map 46, Lot 7), Galka – update**

There is no update. Galka has not communicated with the TCC. Luther will follow up with Galka for an update.

**Enforcement Order #3, Violation Notice & Bylaw Ticket #2007-11: 270 Boston Street, (Map 41, Lot 87), Bear Albright – update**

Boulders have not been placed in the Intermittent Stream as required by the TCC. Albright communicated that he would have them in place by mid-August, citing various reasons.

**MEETING MINUTES:**

Approve Executive Session minutes of **March 25, 2009**

*Luther made a motion to accept the Executive Session minutes of March 25, 2009 as amended, with the correction of the spelling of Jennie Merrill. The motion was seconded and carried by unanimous vote.*

**REQUESTS:**

**Emergency Certification #09-02, 34 Towne Lane, (Map 33, Lot 60), Hutt – ratification**

This is for a replacement of a failed septic system; the Health Agent declared a public health emergency with the system sitting in groundwater. A follow-up NoI has been filed through Hayes Engineering.

*Luther made a motion vote to ratify and sign the document. Merrill seconded and the motion carried by unanimous vote.*

**NoI 307-0629: 12 Boston Street, English Commons at Topsfield**, (Map 81, Lot 1), English Commons, LLC – Alan J. Berry/Beals Associates, Inc. – request for waiver of portion of Bylaw filing fees.

(See item on agenda below, old business, etc.).

**CoC 307-0265: 22 High Ridge Road**, (Map 64, Lot 17), Parke

This is for finalizing an old file and to release the old Order from the deed.

*Luther made a motion to issue a Certificate of Compliance for 22 High Ridge Road with Continuing Conditions under the Act and the Bylaw. Pratt seconded and the motion carried by unanimous vote.*

**Extension OoC 307-0576, Ipswich River Wildlife Sanctuary**, (Map 51, Lot 21), Decker/MA Audubon

TCC referred to a MA Audubon letter requesting a two-year extension of an OoC to allow resurfacing of the Waterfowl Pond Trail. The previous Order did not address maintenance.

*Luther made a motion to issue a two-year extension to Order of Conditions #307-0576, to expire on 12/22/2011. Pratt seconded and the motion carried by majority vote with Merrill abstaining.*

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

**Release of remaining funds for 12 Boston Street/English Commons Peer Review**

The TCC discussed the release of the remaining funds for 12 Boston Street/English Commons Peer Review. There are unused funds deposited for the BSC review pursuant to M.G.L. Ch. 44, § 53G.

TCC also discussed the applicant's request for a waiver of part of the Bylaw fees totaling \$4000 - \$5000. The request is to reduce the fee by 50%, to \$2000; \$500 has been paid.

*Hall made a motion to reduce the permitting fee to \$2,000, so another \$1,500 is due. Pratt seconded and the motion carried by unanimous vote.*

*Luther made a motion pursuant to M.G.L. Ch. 44, § 53G to release funds from the Special Revolving Account in the amount of \$2,597.73 to English Commons LLC. Erickson seconded and the motion carried by unanimous vote.*

**Cross Street** – there was no update.

**57 Candlewood/109R Perkins Row**

Attorney Decoulos filed a complaint with Superior Court.

**ADMINISTRATOR'S REPORT:**

Spillman suggested the TCC discuss an expanded RDNI proposal, to reduce costs to applicants, citing the increase in legal fees and newspaper ads. The proposed expanded RDNI could include certain other minor activities, e.g.: deck on an existing structure at least 50 feet from wetland/100 feet from perennial stream with sono tubes, and all work to be done by hand (no heavy equipment); cutting a few mature trees, but not clear-cutting, at least 50 feet from wetland/100 feet from perennial stream, no stump removal (grinding O.K.); shed of less than 10 feet x 12 feet, at least 50 feet from wetland/100 feet from perennial stream, in current "lawn"/cleared area. An increase in the fee would require a Bylaw Regulation revision.

The TCC talked about a general permit for residential, non-impact work in a Buffer Zone, for routine maintenance of residential properties as long as certain conditions are met. Residents would still be required to contact the TCC office prior to work. A \$50 fee was suggested as an appropriate fee for the work necessary. The TCC will further discuss the conditions for a general permit.

A workshop meeting was planned for the August 12<sup>th</sup> meeting the Commission. They will not

address permits, applications or hearings and there will be no regulatory business. A proposed general permit will be discussed at that time.

Procedures during the Administrator's vacation time: Luther has agreed to take care of site visits, building permit signoffs, etc. and came to the office today to review procedures and forms. MacDougall and Pratt also will be available.

Spillman informed the TCC of various pay inequities that have occurred within Town Hall; the BOS is addressing this issue.

9:39 PM – Merrill made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley

*Accepted at the TCC meeting on April 14, 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.