

Topsfield Conservation Commission

Meeting of Wednesday, August 26, 2009

Topsfield Library Meeting Room~ 7PM

The meeting was called to order at 7:40 p.m. with a quorum present: George Hall, Chair (7:24 PM); Holger Luther; Jim MacDougall; Jennie Merrill
Not Present: Jud Pratt and Mark Erickson
Also present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary

Abbreviations used:

TCC – Topsfield Conservation Commission
DEP – Department of Environmental Protection
NoI – Notice of Intent
CoC – Certificate of Compliance
ORAD – Order of Resource Area Delineation
MACC – Massachusetts Association of Conservation Commissions
BOS – Board of Selectmen
OoC – Order of Conditions
EO – Enforcement Order
BVW – Bordering Vegetated Wetland

TCC signed bills, authorizations and time sheets.

Prior to the opening of the meeting there was a discussion:

Ipswich Road Project – discussion with Dave Bond, Bayside Engineers, & MA Highway

Present: Michael Rizzo, Bayside Engineering and Steve Tyler, Environmental Manager for Bayside Engineering; Steve Eriksen, Norse Environmental Services; Bill Murphy, Mass Highway; Mike Rygiel, J. Tropeano, Inc.; and Dave Bond, Topsfield Highway Superintendent.

Noting recent heavy rains, the TCC questioned where the muddy water is going within the drainage system, whether construction is within the DEP Storm Water Guidelines, and if stormwater is flowing directly into wetlands.

Mr. Bond responded that this is an old project and predates the Stormwater Bylaw. The size of the drainage pipes was not increased. Old catch basins were removed and replaced with deep sump catch basins. Mr. Tyler explained that the project proposed used the existing drainage; there is no new stormwater separation to remove petroleum products.

Steve Erikson, the Environmental Monitor, reported that he does weekly inspections and after ½ inch (or greater) rainfall. He stated that there was only one incident that he was aware of and he was not surprised considering the size of the project. He added that the erosion controls are in place and any necessary repairs have been made.

The TCC was presented with photos of the site. The TCC will be forwarded Mr. Eriksen's reports.

7:40 PM – With a quorum present, Mr. Hall opened the meeting.

RDA 2009-11: 84 Hill Street, (Map 68, Lot 35), Limone

Leah Limone and her representative, Mary Rimmer, were present. Mr. MacDougall recused himself, leaving no quorum to hold the hearing.

Mr. Luther made a motion to continue the hearing for 84 Hill Street to September 9, 2009. Ms. Merrill seconded and the motion carried by unanimous vote.

RDNI REQUEST:

RDNI 2009-07: 167 Haverhill Road, (Map 2, Lot 9), Cassidy

The proposal is to pour a concrete slab/crushed stone in Buffer Zone of BVW and Hood's Pond for placement of equipment (generator).

Mr. Luther made a motion to issue a Determination of Negligible Impact. Mr. MacDougall seconded and the motion carried by unanimous vote.

HEARINGS:

NoI 307-0650: 34 Towne Lane, (Map 33, Lot 60), Hutt

Present: Gordon Rogerson, Hayes Engineering

Proof of abutter notification was submitted; Ms. Merrill read legal ad.

The project is replacement of a failed septic system in Buffer Zone to BVW and an Intermittent Stream.

An Emergency Certification for the work was issued July 20th and now has expired.

The old system will be abandoned and the new system located in the front of the property; no state waivers are needed. Local variances from the BOH will be sought. No mounding is necessary.

The TCC required that the drainage pipe that runs across the front yard near the proposed system be clearly marked for the contractor; this will be a condition in the Order.

There were no public comments or questions.

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 an Order of Conditions with Special Conditions under the Act and the Bylaw and field location of the drainage line. Ms Merrill seconded and the motion carried by unanimous vote.

NoI 307-0651: 46 South Main Street, (Map 41, Lot 130), Gallo

Peter Gallo was present.

Proof of abutter notification was submitted; Merrill read the legal ad

The project is removal of a 1,000 sq. ft. rear portion of the structure and replacement with a slight increase (90 sq ft) of the same footprint for a total of a 1090 sq. ft. structure. This is partly within Buffer Zone of BVW and entirely within 200' Riverfront Area to Cleveland Brook (Bylaw perennial stream). A perimeter drip trench is planned with connection to a sump pump.

There was no public comment or questions.

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 approve the application and issue an Order of Conditions with standard conditions. Ms. Merrill seconded and the motion carried by unanimous vote.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

2nd Amended Enforcement Order #4: 215 Washington Street, (Map 46, Lot 7), Galka – Mr.

Luther updated the TCC on his site visit saying that Mr. Galka has not begun to do the work as required, e.g. remove the pipes, install a French drain, fix the patio with stone for drainage, and cut at least 3-4 large pine trees and plant wetland species. Mr. Luther will make another site visit before the next meeting.

MEETING MINUTES:

Approve minutes of **August 12, 2009, April 8, 2009, and May 27, 2009**

No Action was taken.

REQUESTS:

CoC 307-0641: 4 Glen Road, (Map 32, Lot 134), Dee

This is a septic system replacement. The property is now in compliance.

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

CoC 307-0615: 126 Main Street, (Map 25, Lot 2), Schultze

Ms. Spillman stated that the application is incomplete, citing that there are no post-activity photos, and the conservation posts are not installed. 126 Main Street was continued to September 9, 2009

CoC 307-0508: 8 Cleary Lane, (Map 39, Lot 26), Gagnon

Ms. Merrill made a motion to issue a Certificate of Compliance with Continuing Conditions under the Act and the Bylaw. Mr. MacDougall seconded and the motion carried by unanimous vote.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

General Permit

There was a discussion and editing of the draft of the General Permit.

Hall volunteered to draft a General Permit, incorporating what had been written thus far and considering suggestions from this discussion.

Control of invasive water chestnut, Hood's Pond – update

Mr. Luther and Mr. MacDougall reported that they removed 800 pounds of invasive water chestnut species from Hoods Pond. A follow-up RDA filing will be made.

DCR – water flow control device at East Street

Mr. John Coulon, Health Agent, informed Spillman that beavers are being trapped at East Street (Hobbs Brook) and that he anticipates that DCR will be filing a NoI for a water flow control device at the site.

The TCC discussed beaver control policies and State laws to ultimately achieve common grounds with all parties involved. A meeting will be scheduled to specifically discuss beaver control.

The TCC talked about adopting a Beaver Control Policy, based on the DEP policy. The Town website will link to the State policy.

ADMINISTRATOR'S REPORT:

TCC Policy or Regulation concerning invasive plant control

Ms. Spillman suggested a town-wide policy to give clear guidance for control of invasive plants on private properties. Mr. MacDougall will prepare a draft of easily implemented procedures and control measures. Aquatics will be handled as regulated by DEP.

MACC Courses and Fall Conference (See MACC newsletter)

The fall conference will be on Saturday, October 24, 2009.

OTHER:

Spillman reported on the following:

- There was a DEP site visit this morning to view impoundments of Cow Pen Brook off Candlewood Drive.
- This evening the TCC received a letter with concerns about erosion along Hill Street down from the 72 Hill Street construction site. Spillman will follow up with a site inspection.
- 31 South Main Street – invasive watercress is taking over the pond in the stream, and the large drainage pipe in the ground is collapsing. Ms Spillman also noted other areas in town with old collapsing and obstructed pipes in streams. A lengthy discussion followed on how to advise the resident of 31 South Main Street. The TCC noted that this is a watershed problem and that they collaborate with other organizations. As an advisory and regulatory Commission, the TCC determined that the resident can approach the TCC with a plan and a determination could be made. The resident could place a fence around the sinkhole.
- The Town Beach Association is asking to use MicroPro (copper-treated) wood for Town Beach steps rather than creosote-treated wood. It was the consensus of the Commission to

- allow the use of the MicroPro.
- Greenbelt is requesting to post a sign for Willowdale Meadow; the sign needs to be approved by the Building Inspector and the Board of Selectmen.
- 80 Parsonage Lane – a sunroom was added with an Order of Conditions but no recording of the Order, etc. prior to a change of ownership. TCC discussed how to issue a CoC or otherwise close out the file. The Administrator will make a site visit and issue a Letter of Compliance if the property is in compliance with the now expired OoC.

EXECUTIVE SESSION: Potential litigation – update

Mr. MacDougall made a motion to enter into Executive Session for the purpose of discussing pending and potential litigation. The motion was seconded and carried by roll call vote.

10:15 PM –Mr. Luther made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley

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.