

Topsfield Conservation Commission

Minutes of Wednesday, August 27, 2008

Topsfield Town Library Meeting Room

Abbreviations used:

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

NoI – Notice of Intent

OoC – Order of Conditions

CoC – Certificate of Compliance

ANRAD – Abbreviated Notice of Resource Area Delineation

BVW – Bordering Vegetated Wetland

TBOH – Topsfield Board of Health

BZ – Buffer Zone

AOoC – Amended Order of Conditions

EO – Enforcement Order

The meeting was called to order with a quorum present: George Hall, Chair; Holger Luther; Jud Pratt; Jim MacDougall; Mark Erickson; Lana Spillman, Administrator; Catherine Tinsley, Minutes Secretary (7:11PM)

PUBLIC HEARINGS:

Continuation NoI 307-0627: 35 Main Street, (Map 41, Lot 34), Topsfield Mac Realty Trust, DiBlasi/Graham Associates, Inc.

Wayne Hunt, of Fitzgerald Architects, Silvana DiBlasi, Jim DiBlasi, and Gerry McDonald, P.E., of Graham Associates, were present.

Chairman Hall stated that this is a new Commission, so that no previous presentations would be considered; the applicant was asked to make a new presentation. The Legal Ad was read.

A previous OoC, issued to Iovanela, expires 2/23/09. McDonald reviewed that the barn (in BZ and Riverfront Area) is to be demolished under that Order of Conditions and the replacement structure is proposed as a commercial building. He discussed ZBA parking requirements and informed the TCC that the parking pavement area would be increased by 1000 square feet (about 800 square feet of pavement in BZ and Riverfront Area currently); pervious pavement would be used.

McDonald presented the drainage plan. He observed that there is good structural surface and that all surface runoff would be directed to an infiltration basin just off the parking area; an overflow spillway empties into the wetland. He added that there would be no runoff to abutting properties. DEP wanted a soils test done; he dug down 5 feet and found no signs of ground water. The leaching system is at 57.1 elevation about 40 feet away from the proposed rain garden that would be at the 58.5 elevation, or about two feet above ground water.

There were no public comments.

Spillman suggest additional plantings due to all the vegetation lost in Riverfront Area.

McDonald explained that an infiltration basin with grass has taken the place of the prior proposed rain garden; there was no plant list at this time.

The TCC asked for plantings between the driveway and wetland. The applicant was asked to submit a sketch and list of plants in this area. Silvana DiBlasi agreed to submit a list and sketch of proposed plants prior to the next TCC meeting, to be approved with the final OoC and referenced in the CoC.

Luther made a motion to close the hearing with special conditions for planning the back of the lot and compliance with the maintenance plan for the impervious surface. The motion was seconded and carried unanimously.

Luther made a motion to issue an OoC with additional requirements for a plan showing plantings on the easterly end of the parking lot. The motion was seconded and carried unanimously.

Continuation NoI TCC 2008-01: 13 Arrowhead Drive, (Map 32, Lot 38), Conant Lynn Conant presented.

Spillman noted that the proposal is to replace and slightly expand/replace an existing enclosed porch and deck to a room and deck, and to construct a 2-car garage within the Buffer Zone of an Intermittent Stream. The filing is under the Bylaw only since the Intermittent Stream is jurisdictional under the Bylaw but is not jurisdictional under the Act.

Conant reviewed that the TCC asked that the direction of a proposed two-car garage be turned and brought forward out of the Buffer Zone of the Intermittent Stream.

She told the Board that they may hold off building the garage but are still requesting approval and will proceed as financially possible.

The TCC reviewed the plans. It was noted that the slope to the stream is quite gentle.

The Administrator noted an oak tree on site that appears to be dead and supported that its removal be included in the OoC. The Administrator identified two site visits.

The Mullin Rule was referenced with respect to protocol. There was no indication of any potential problems.

Luther made a motion to close the hearing and issue an Order of Conditions with standard special conditions as recommended by the TCC Administrator. The motion was seconded and carried unanimously.

NoI 307-____: 207 Boston Street, (Maps 57 & 49, Lots 4 & 2), James O'Brien, Essex Agricultural Society/DiLuna

O'Brien and DiLuna were present.

Proof of abutter notification was collected; Pratt read the legal ad.

Spillman identified that the proposal is to add/replace riprap to restore three areas along the banks of the Ipswich River that have been previously disturbed; the TCC requested the NOI about a year ago and the DEP has requested a copy of the plan. Spillman stated that she has no concerns but that the DEP comment sheet with file number is needed to close the hearing.

Spillman noted that an online DEP comment is, "Waiting for fee to clear revenue, needs additional riverfront fee and needs better plans with scale a minimum of 1" = 50', Delineation done in 2001 expires after 3 years, need detailed plan of proposed rip rap appears to be blocking floodplain."

Discussion followed and the history of the site was reviewed.

Luther made a motion to continue the hearing to September 10th under the Act and the Bylaw in order in order to receive additional information. The motion was seconded and carried unanimously.

NoI 307-0628: 248 Rowley Bridge Road, (Map 80, Lot 11), Defelice

Bernie Defelice present.

Proof of abutter notification already had been submitted; Jud Pratt read the legal ad.

The project is construction of an inground shallow pool with no deep end, pool house, and associated deck/patio in the Buffer Zone of a BVW and Intermittent Stream; this is presently a lawn area. There would be about 2100 sq. ft. of alteration within 100-ft. Buffer Zone

The TCC noted concerns that the pool not be drained into the wetland. Defelice told the Commission that salt rather than chlorine is to be used for the pool water. There is no backwash to the system. He confirmed that soils removed will stay on the property; there will be no stockpiles, and no draining into the wetland.

The TCC asked for three conditions in the Order: Any stockpiling shall be within the limits of work, any drainage shall be to outside jurisdictional areas including the Buffer Zone, and indoor storage shall be required for any chemical products, e.g. chemical treatments for the pool. There was no public comment.

Luther made a motion close the hearing and issue an OoC subject to Special Conditions as were discussed. The motion was seconded and carried unanimously.

NoI 307-____: 12 Boston Street, (Map 81, Lot 1), Alan J. Berry/Beals Associates, Inc. Present: Larry Beals, Brad Latham (Mr. Berry's Attorney), and Cynthia O'Connell of Beals Associates. Owner Alan Berry arrived during the presentation.

Proof of abutter notification was collected; Pratt read the legal ad. Beals discussed presentation boards. The proposal is to construct a 50-unit housing project with part of project within a Wetland Resource Area and other portions within Buffer Zone on the 68.4-acre site. An aerial photo of the site dated 1971 referenced with the property outlined in yellow. An existing conditions plan was presented. Beals identified the wetlands on the property, including vernal pools, intermittent streams, a pond, and abutting wetlands. An unoccupied building, stables, and barns were noted. Beals stated that the pond on site is man-made; therefore, alterations are being proposed as an improvement to the resource area. The TCC issued an ORAD for the property.

Beals identified that the site has been rezoned for the project. He noted that some perc tests in the area did fail. This will be addressed with the TBOH. He identified that there was a Nol to connect water from Rowley Bridge Road and an OoC was issued. There would be directional boring under the wetland, an open area, then trenching to the end. Beals stated that a curb cut at the high point of the frontage from Mass Highway is necessary and they need to go to the Planning Board for site plan approval. He stated that the design is based on stormwater management and impacts on wetlands.

A Conservation Restriction will be placed on the open space area. Latham stated that it is expected that the TCC would hold the restriction.

Beals went on to review a concept drawing of the proposed subdivision. He noted that it is not a public way, but rather private driveway, although it adheres to the regulations. He noted that the existing pond will be made larger.

The roadway would be in Buffer Zone of a created pond. The proposed deceleration and acceleration lanes along Route 1 would have pavement widening in a Buffer Zone. It was identified that the work proposed within Buffer Zone is the demolition of the existing house and minor grading at the edges of Intermittent Streams; they would maintain the hydrology.

Beals introduced the drainage system, noting it is an elaborate system. He provided a drawing of the system, a stormwater management plan, 11" x 17", dated August 12, 2008.

The drainage plan includes stormwater runoff into bioretention areas and open roadside swales. Stormwater would be caught and brought through the forebay and into the enlarged pond. Roof runoff would be directed into drip edges for infiltration.

Beals reviewed that the pond would be increased from 8,000 sq. ft. to 15,000 sq. ft., noting it probably does not need to be enlarged to that extent. The aggressive invasive plant species will be removed. The pond will be 6-7 feet deep.

He noted further discussions with the BOH regarding the local flow regulations; this is a title V designed system.

The Administrator noted the Bylaw fee is in the \$23,000 range and only \$500 has been submitted. The Nol requests a waiver of most of the Bylaw filing fee. Spillman also recommended a peer review of the proposed stormwater/drainage design. It was suggested that all boards involved collaborate on peer reviews. Spillman will issue a RFP; at least three responses from engineering companies will be sought and shared with the

Commission and the Applicant prior to the next meeting. The peer review should provide recommendations including operation and maintenance of drainage structures.

The TCC will make a site visit on Saturday, Sept 6th

The partial Bylaw fee waiver request will be held until the peer review cost has been determined. It was the request of the applicant for the peer review to be done in a timely matter

Luther made a motion to continue the hearing to September 10th under the Act and the Bylaw in order in order to receive additional information and make a site visit. The motion was seconded and carried unanimously.

NoI 307-____: 60 Main Street, (Map 33, Lot 1), Joseph Geller/Town of Topsfield – Rail Trail Committee

Pratt read the legal ad.

Joe Geller had submitted a written request to delay the opening of the hearing to September 10, 2008, since he had not sent the Bylaw-required abutter notifications (have to be mailed one week prior to hearing).

Erickson made a motion to suspend the opening of the hearing with no testimony under the Act and the Bylaw until September 10th to allow for notification of abutters. The motion was seconded and carried unanimously.

PUBLIC MEETING:

RDA 2008-08: 71 Central Street, (Map 41, Lot 120), DiFilippo

Mr. DiFilippo was present.

Proof of abutter notification already had been submitted; Pratt read the legal ad.

The proposal is to construct (partly after-the-fact) a 16' x 9' shed/dog shed in Buffer Zone and Riverfront Area of School Brook and to cut a large, very old maple with evidence of disease.

DiFilippo explained that this is a 2' x 4' construction with pea stone, no concrete, mounted on 5-gallon posts so it can be moved if necessary; this is for one small French Bull Dog.

He noted their concerns about the possibility of the silver maple falling down and had a tree specialist onsite who recommended the tree be removed.

Spillman made a site visit on August 22nd and stated she has no concerns and confirmed the tree appears to be very old and diseased. She commented that this is a minor activity in Riverfront Area under the State Regulations.

There were no public comments or concerns.

Luther made a motion to close the meeting and issue a Negative Determination of Applicability with Conditions under the Act and the Bylaw. The motion was seconded and carried unanimously.

MEETING MINUTES:

*MacDougall made a motion to accept the minutes of **June 30, 2008**, with the changes recommended. The motion was seconded and carried unanimously.*

REQUESTS:

RDNI 2008-01, 26 Coppermine Road, (Map 74, Lot 1), Giuffrida

This is the TCC's first RDNI (lowest level of review, for minor Buffer Zone projects, no abutter notification or legal ad required). No representative was present.

Spillman identified that the project is to build a wooden 12' x 18' wooden "flat patio" without footings in the Buffer Zone.

Spillman stated she made a site visit on August 22nd and has no concerns.

Luther made a motion to issue a Determination of Negligible Impact under the Bylaw. The motion was seconded and carried unanimously.

Continuation Nol 307-0587: 417 Boston Street, (Map 12, Lot 32) Surrey Development Corporation/The Neve-Morin Group, Inc. Request to continue hearing to 2009.

Spillman reviewed the history of this request, saying that the Nol was filed on May 30, 2007 and that NHESP requirements have not been completed, namely a wildlife habitat evaluation. She stated that the applicant wishes to save a second filing fee when he comes back in June or July 2009, after new abutter notification and new legal ad.

At the TCC meeting on July 9th, the TCC allowed Mr. Hochmuth to return to this meeting with his client's decision.

The TCC reviewed the case and agreed to one more continuance based on the possibility that the representative had not had a chance to confer with the client. The review of the request would be continued to the next meeting and if there were no appearance, the TCC would close the hearing and deny without prejudice and apply the Bylaw fee if reapplication were made within a certain amount of time.

Erickson made a motion to continue the discussion to September 10th. The motion was seconded and carried unanimously.

Request for Extension of OoC 307-0452: 14 Arrowhead Road, (Map 32, Lot 31), Erica Barnes

Spillman gave a report on a site visit August 25th saying that the site is cleared of trees, well vegetated, and stable.

Jason Barnes was present and explained that because of the real estate market; they have not been able to move forward and are requesting a second extension.

Luther made a motion to extend the Amended Order of Conditions for one year, to expire on July 14, 2009. The motion was seconded and carried unanimously.

Amended Enforcement Order, 111 River Road, (Map 47, Lot 30), Robert Nadherny – request for release from E.O. issued 6/2/2006.

Spillman stated that the property appears to be in compliance based on the most recent site inspection.

Erickson made a motion to issue a letter releasing Mr. Nadherny from the Enforcement Order. The motion was seconded and carried unanimously.

CoC 307-0571: 155 Haverhill Road, (Map 5, Lot 14), James O'Neil/Dr. Fan

Based on an August 21 site visit, Spillman recommended issuance of the CoC.

Erikson made a motion to issue the CoC with Continuing Conditions under the Act and the Bylaw. The motion was seconded and carried unanimously.

CoC 307-0619: 7 Birch Lane, (Map 24, Lot 28), Grove

Spillman made a site visit and found the property in compliance.

Luther made a motion to issue the CoC with Continuing Conditions under the Act and the Bylaw. The motion was seconded and carried unanimously.

CoC 307-0601: 78 South Main Street, (Map 49, Lot 25), Anthony Bloxham

Based on an August 20 site visit, Spillman recommended that the CoC be issued.

Luther made a motion to issue the CoC with Continuing Conditions under the Act and the Bylaw. The motion was seconded and carried unanimously.

CoC 307-0554: 3 Surrey Lane, (Map 31, Lot 60), Edmond LeClair

No representation.

Spillman identified the differences between the as-built and Approved Plan and brought the TCC up to date on the history of this issue. It was noted that the configuration and location of the driveway (entirely in Riverfront Area) and the size of the garage were modified from what is shown on the approved Plan of Record. The square footage calculation of the as-built driveway is needed for comparison with the approved plan. The turnout of the driveway is closer to the Wetland Resource Area and larger by about 200 square feet – all within Riverfront Area. The TCC discussed potential compensation for the increased impervious area of the driveway and extended garage other than shown on the plans.

Mr. LeClair will be asked to come before the TCC and discuss the options.

Luther made a motion to continue to September 10th and request the applicant come before the board to discuss the discrepancies. The motion was seconded and carried unanimously.

CoC 307-0424: 281 Rowley Bridge Road, (Map 83, Lot 1), Amberwood LLC

The project is the subdivision development in Buffer Zone and Riverfront Areas – primarily stormwater management/drainage structures. The OoC is under the Act only (40B).

Spillman stated that she spoke with John Sanidas, who is aware of the need for a site visit and will be submitting information about the Homeowners' Association.

Spillman suggest a TCC site visit due to the project size and stormwater management components. MacDougall and Luther would like to accompany Spillman on the site visit.

Luther made a motion to continue until Sept 10th. The motion was seconded and carried unanimously.

CoC 307-0499: 427 Boston Street, (Map 12, Lot 31), Fairview Machine Co., Inc. /Hayes Engineering, Inc.

Spillman informed the TCC that additional information is needed from the applicant and a site visit is necessary.

Pratt made a motion to continue until Sept 10, 2008. The motion was seconded and carried unanimously.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

33 and 38 Coppermine Road, (Map 74, Lots 18 and 4), letter from Kim Costas regarding water concerns

Mr. and Mrs. Costas were present; Dr. Younan was not present.

Spillman explained that earlier in the day she had spoken with Dr. Younan, who expressed his willingness to comply with the Commission's requests. He emphasized that he has not turned on the pump "even a second" since he was asked to turn it off.

Selectman Dick Gandt was present in the audience and offered to review the history of the property. Gandt reported to the TCC that the subdivision was built in the 1990's and that there was flooding into the basement at 33 Coppermine during the Mother's Day storm. The homeowners sought engineering services to pump water from their property. The homeowners sought to place to pump in the water and asked the town to allow the water to be pumped into the Town drainage system, which empties to a wetland accessed through an easement across the Costa's property at 38 Coppermine. Since then, the Costas have claimed that they have more water on their property and have cited the pumping as the reason. The subdivision plan shows a swale and culvert to the north from 33 Coppermine Road. A driveway was installed and broke up the swale originally on the plans.

Recently the Highway Department cleaned out and extended the swale at 38 Coppermine to bring the water away from the house. TCC issued an Enforcement Order to Dr. Younan ordering him to cease operation of the pump except following large storm events. Gandt explained that there is no long-term solution.

Commissioners want to see the area. Pratt and MacDougall will coordinate a site visit and ask that Dave Bond be in attendance, then report back at the next TCC meeting.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Bylaw Enforcement Order 2008-01: 252 Rowley Bridge Road (Map 80, Lot 13), Rowley Bridge Road Realty Trust (Guinee property) – ratification and discussion

MacDougall stated that although there is a person with the same name in the Trust, to his knowledge he is not related to anyone in the Trust.

Spillman identified that the violation is the construction of a barn in BVW, discovered by DEP's aerial photography analysis of wetlands changes. DEP issued a consent decree in July, requiring mitigation and compensatory wetland replication at the site.

Spillman explained to the TCC that since the DEP deadline in late July was fast approaching when the TCC had a complete turnover of Commissioners, and in order to avoid Bylaw issues, a Bylaw Enforcement Order was issued.

The TCC had not seen the Consent Decree or a plan, so no action was taken. Hall suggested that the Guinees be informed that the matter could be put on the agenda for the next TCC meeting if they would like to make a request of the Commission.

Enforcement Order 2008-02: 37 Gail Street, (Map 40, Lot 37), Gangi/James Evans – ratification and discussion

James Evans and Tim Wiley were present.

Spillman summarized the recent history of the site. At the time of issuance of the EO in July, a stream of silt was flowing from the site, down the road from the site and into Cleaveland Brook. Areas outside the Buffer Zone became jurisdictional to the TCC. Mr. Evans stated that they took action immediately and they have not had a problem since. Additional hay bales and silt fencing were put on site above the breached area.

Spillman reported that she made a follow-up site visit August 22nd and noted that after a month the site still was not stabilized. Spillman stated that she spoke with Roberta Knight (Planning Board Community Development Coordinator), who referred her to Gary and Jim Evans. She identified that on August 25th she met with Jim Evans on the site and set requirements for stabilization, along with deadlines – by end of day August 29, 2008 to remove sediment from behind existing sedimentation controls, refresh and supplement sedimentation controls, add rows of sedimentation control at the base of the large soil pile and along all other areas of bare soil and lack of control. She went on to say that the detention pond was to be excavated to allow necessary stormwater storage. Bare soil on the site was to be Hydro-seed or with the addition of several layers of hay or otherwise stabilized.

A written plan for sedimentation and erosion control for the remainder of the project until final infrastructure and vegetation were in place was to be submitted. At that site visit, Jim Evans and Tim Wiley agreed to the above stabilization activities and deadlines.

At a site visit at 2 p.m. on 8/26/08, Spillman noted that a pile of hay bales had been delivered to the site and silt-laden water was being pumped out of the detention pond into a retention area out back. New hay bales are on site and the pond has been dug out a bit but is still not stable.

Luther made a motion to ratify the Enforcement Order of July 24, 2008. The motion was seconded and carried unanimously.

A TCC site visit was scheduled for Sept 6th at 10 am. The Planning Board will be invited to participate in the site visit.

Rob Baker, whose daughter lives at 37 Gail Street, said that water and erosion have always been a problem for this neighborhood and the detention pond is holding water and is not leaching – the engineering design may not be working.

It was noted that the project is not finished and an infiltration pipe has not been installed yet.

Amended Enforcement Order, Off Cross Street, (Map 62, Lot 2) Nash – ratification and update

Eugene McCay, farm manager, was present.

Spillman gave an update, saying that over several years unauthorized work in Resource Areas was done on the property, including creation of a large pond in an area that appears to have been BVW, extensive deep trenching of Intermittent Streams, removal of vegetation, and placement of pipes without prior engineering review. More recently, calls have been received of work done in the wetlands. DEP enforcement was present on one site visit. The second enforcement order specified restoration plans must be submitted to TCC. Mr. Nash has hired a team of wetlands scientists/engineers/survey group to produce an as-built plan and they are working on a restoration plan. There will be a presentation at the Sept 24, 2008 TCC meeting.

Enforcement Order: 43 Cross Street, (Map 62, Lot 2), Nash – update

This is the original E.O., not yet ratified.

Luther made a motion to ratify both the original Enforcement Order and its amendment pertaining to 41-43 Cross Street. The motion was seconded and carried unanimously.

A site visit will be scheduled prior to the next TCC meeting on September 10th. Farm manager Eugene McCay stated that he would like to implement some stabilization measures immediately. Spillman will ask the engineers if and which stabilization steps need to be taken now.

Enforcement Order #2, 270 Boston Street, (Map 41, Lot 87) Albright – ratification and update

Mike DeRosa of DeRosa Environmental was present and reviewed the history of the unauthorized work at the Intermittent Stream and BVW areas and possible Vernal Pool area. He explained that Donahoe and Parkhurst did a survey – over half an acre of clearing had taken place. The Albrights wanted to make the area a pond and a “more useable area.” A Nol was filed. DEP interceded and said the work would not be approved as proposed and that DEP would supersede if an OoC were issued, based on the criteria that the work that had been done in Resource Areas would never have received an OoC and the areas need to be restored. The Nol was withdrawn and now they are addressing the 2nd EO. DeRosa referenced plans for restoration dated Revised August 21, 2008. Their proposal now is for a vernal pool and extensive emergent wetland. They are proposing a v-weir with the bottom elevation of 115, top elevation of 117. Water would be retained in smaller storms and the pool would dry up in August. The soils are very tight. The new plan shows the BZ boundary marked with monuments, the Vernal Pool labeled, and additional tree canopy plantings. There is evidence that formerly there was a pooled area where the stream leveled out. MacDougall commented that he was on the site with TCC in 1988 and remembered a low area that was wet and an Intermittent Stream that they had crossed.

DeRosa identified a list of plants including mature (10-15 feet) trees that will be used in the restoration. He stated that existing trees on site will remain and a closed canopy of trees will be created when the trees are fully matured. Quarterly monitoring is proposed. They would use an existing access road.

Spillman supported this plan saying that it is complete and thorough and she has no concerns. The owner is beginning the process for the work to begin this fall. DeRosa will submit a narrative.

The TCC talked about requiring a professional onsite to monitor the work; Spillman supported DeRosa as the monitor and his using his judgment for the placement of the trees/plants.

*Luther made a motion to issue a new Enforcement Order, making reference in EO to the plan dated August 21, 2008 and further reference to a construction plan narrative to be submitted prior to commencement of work, to be signed by TCC members.
The motion was seconded and carried unanimously.*

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

This is the ticket written with original E.O. Spillman reviewed that the Bylaw Ticket with fines totaling \$6,250.00 was appealed by Mr. Albright. On April 9, 2008, TCC voted to deny Mr. Albright's appeal and not reduce the fine. The \$6,250 is overdue to the Town Clerk's office. DeRosa requested that this discussion be tabled until the property owner was present. It was noted that the TCC previously voted, no additional action is necessary at this time, and the fine stands as issued. This will be on the next agenda for discussion about action.

Violations: 47 Cross Street, (Map 62, Lot 34), Geiger – update

The TCC office has not been able to contact the homeowner to date and no Nol has been filled.

Spillman explained that the violations are placement of a "shed row"/small horse barn and construction of a paddock and crushed stone access in Buffer Zone of BVW and an Intermittent Stream without prior TCC review/permit. Chris Geiger had a phone conversation with TCC on July 9th and, as requested by TCC, agreed to file a Notice of Intent after the fact. There was a TCC site visit on July 16th.

Hall asked Spillman to let Mr. Geiger know that if the Nol is not submitted by September 10th, the next meeting date, an EO will be issued directing him to remove the building and return the property to its original state.

Enforcement Order 05/19/08, Violation Notice & Bylaw Tickets #2008-02 and #2008-03: 102 River Road, (Map 47, Lot 49), Esposito – update

Spillman gave a brief history of the violations related to construction of the new house on the property, saying that a large area of Buffer Zone and Riverfront Area (Slough Brook) was cleared without notice to TCC. The OoC allowed demolition of an existing cottage (along with construction of a mitigation area) first – and construction of the new house (no deck within the footprint) – nearly entirely within Riverfront Area. A second OoC allowed modifications to driveway.

The previous Commission had discussed (at the meetings where the Espositos failed to show) the possibility of mitigation in the form of restoration plantings [e.g. 2:1 square footage, restoration area: altered area] within the first 100 feet of Riverfront Area (where clearing occurred and lawn exists now) and a fieldstone wall to delineate the outer extent of the restoration area within Riverfront Area.

The District Court date is Friday September 12th. The Administrator will go as representation; she requested to be accompanied by a Commissioner, to be decided at the TCC meeting.

Enforcement Order, 33 Coppermine Road, (Map 74, Lot 18), Emad and Neviene Younan – update

See discussion item, above.

Enforcement Order: 50 Prospect Street, (Map 48, Lot 12), John Molloy/Hancock Associates

Spillman gave a brief history. The TCC requested further information. Hall will review the file with Spillman.

Amended Enforcement Order, Violation Notice & Ticket #2006-20: 221 Washington Street, (Map 47, Lot 2), Andrzej Galka – update

Spillman asked that a member of the TCC volunteer to discuss the OoC with Mr. Galka and to help him understand what work he needs to do to restore the Resource Areas that were altered on his property. An Enforcement Order was issued for alteration of wetlands with a machine in wetland removing vegetation; alterations were in BVW and Riverfront Area/BZ. The slopes need to be finalized and the restoration plans implemented as proposed. MacDougall will review the file, make a site visit, and speak with Mr. Galka.

ADMINISTRATOR'S REPORT:

Summer Intern – Kelsey Wallace – projects, update

Spillman reviewed the work the summer intern has been working on and projects completed. She reported that Ms. Wallace prepared a 2-page flyer about Rain Gardens, researched background information to certify a second vernal pool, assisted with background research concerning the Ferncroft Estates subdivision infrastructure, and accompanied Spillman on site visits, including a visit to the Asbury Street Bridge work.

MACC Wetland Delineation Workshop at Topsfield Library, Friday, September 26

Greg Hochmuth will be teaching for MACC.

MACC Fall Conference

Saturday, October 18th, 8:00 a.m. - 4:00 p.m., Mass Bay Community College, Wellesley Hills
Topic: Rivers and Riverfront: Current Science, Regulatory Issues and Solutions

Proposed Rain Garden Workshop - Richard Adelman (Alfalfa Farm) is organizing a regional workshop.

The TCC talked about adding workshop type meetings, without scheduled hearings, for discussion of strategic planning and process and being efficient. The TCC will meet Sept 17th for workshop purpose with no hearings.

11:41 PM - Erikson made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley, Minutes Secretary

Approved at the TCC meeting on December 17, 2008.