

Topsfield Conservation Commission
Minutes of Wednesday, August 29, 2012
 Topsfield Library Meeting Room

Present: Commissioners Mark Erickson (Chair), Jennie Merrill (Vice-Chair), Holger Luther, Jim Carroll, Cheryl Jolley, Jim MacDougall; Administrator Lana Spillman; Minutes Secretary Debbie Rogers; Selectman Liaison Dick Gandt.

Absent: Rick Muka

The meeting was called to order at 7:04 PM with a quorum present.

PUBLIC HEARINGS:

Continuation NoI 307-0688: 78 Alderbrook Drive, (Map 68, Lot 023), Masterson/Beals Associates

Present: Larry Beals, Beals Associates

A continuation of the Public Hearing for NoI 307-0688: 78 Alderbrook Drive was held to consider the request and review current information. Beals provided an update on the common driveway and some of the issues. He contacted the Building Inspector who referred him to the ZBA. He plans to apply for a variance from the ZBA for the project. Some of the neighbors have raised concerns about the project. The current design includes supplemental plantings on the slope to replace the maples. There were questions raised about dealing with water runoff during the site walk. Beals explained how the existing stone wall will be extended and the driveway would be pitched to 2 percent, both with a sump in the design to trap the excess water. The original common driveway was permitted in 1977 and is 14.25 feet wide. Massachusetts law supports the need for fire lanes 18 feet wide to allow vehicles to pass in an emergency. Adding 2 feet of stabilized ground to allow vehicles to pull over in an emergency was proposed, but the ZBA would like the 18 feet recommended by the state. Shrubs that would grow no taller than 3 feet in height would be planted at the intersection for safety to permit drivers a better view north. Some water and icing problems could be addressed by the placement of the house. The expanded paving involved in the project should not significantly affect the trees. The new Stormwater Bylaw Regulations (Planning Board) will need to be met, and the revised plan will include an expanded Buffer Zone. Beals is working on amending the plans for the ZBA.

Luther made a motion to continue the hearing until October 10, 2012. The motion was seconded by Jolley and passed unanimously.

Amended OoC 307:-0589: Rowley Bridge Road Bridge Repair, (Map 55), Town of Topsfield Highway Dept./Jacobs Group Engineering

Present: David Bond, Town of Topsfield Highway Superintendent

A Public Hearing was held to consider the request for Amended OoC 307:-0589: Rowley Bridge Road Bridge Repair (Map 55) project. Bond explained that the town applied for a grant from the state and received the funds. There are currently 21 timber piles at the site that will eventually be removed. Steel will support the bridge. As the result of TCC-approved borings in the riverbed, they now know where the ledge is located and the current plan will be less intrusive than the original plan. There will not be a need to dewater around the three piers. They need the amended OoC to move forward with the current strategy. They would like to put a floating boom in the river to catch any debris from the project.

Luther made a motion to close hearing. Merrill seconded and the motion passed unanimously.

Luther made a motion to issue an Amended OoC to repair the road with the conditions as stated. Merrill seconded the motion and it passed unanimously.

Continuation RDA 2012-07: 66 Prospect Street, (Map 48, Lot 007), Flannagan/Wetlands & Land Management, Inc.

Present: Bill Manuell, Wetlands & Land Management, Danvers, MA; Shawn Flanagan, Property Owner, 66 Prospect Street

A continuation was held for RDA 2012-07: 66 Prospect Street, (Map 48, Lot 007). Griffin Engineering of Beverly, MA designed the plans for the project which includes an in-ground pool and a work shed/pool house. The soil perked at 14 minutes per inch. A system was designed to accommodate stormwater and still have a reserve. This system includes pea-stone infiltration in the plans to address runoff from the pool area. The previous owner installed screening to the stormwater drainage system in the Intermittent Stream at the front of the property. The proposed pool would be several feet higher than the car path. The TCC explained the effect of the March 2010 flood on the site, referring to photo documentation. Spillman explained how in major storm events the pipe cannot accommodate the water flow, not because of obstruction, but because of the force and volume of the flow. She has witnessed flow in the same well-defined path outside of the pipe/across the site to the pipe outlet at least 6 times. It is a second order stream, with branches flowing from 50 Prospect Street and from across Prospect Street and the flow has been this way for at least 10-15 years, as evidenced by a 1995 sketch by former Topsfield Town Engineer Joe Downing. It appears that a considerable amount of fill was added to the site when the home was built and a pipe was installed to divert the Intermittent Stream water. There was discussion on if there is a Buffer Zone defined by the stream/flow that traverses the paddock area, and whether any further review is needed. Manuell was seeking a Negative DoA with appropriate conditions to satisfy the concerns of the TCC on severe soil sites such as this one, where erosion controls and infiltration do not work well during rainstorms. Luther expressed concern that this lot is in a "red zone" on the Topsfield Soils Map and that total containment and infiltration of the system make storm water runoff issues the same as in predevelopment. There was further discussion about the project. The TCC was satisfied that the system, as proposed, will comply with the Stormwater Regulations.

Luther made a motion to close the hearing. Carroll seconded the motion; it passed unanimously. Luther made a motion to issue a Negative DoA based on the proposed plan with boxes 2 and 3 checked, provided the project is completed in accordance with the plan. MacDougall seconded and the motion passed unanimously.

Project conditions include stopping work in the rain, appropriate finished grade, regular site visits, and restored vegetation, including using suitable seed for late season planting. If necessary, mats would be used to stabilize soil during the winter. The TCC requested sedimentation control as shown on the plan, an as-built be submitted, and a site visit in the spring.

RDA 2012-08: 120 Hill Street, (Map 68, Lot 048), DiBenedetto

Present: Jim and Debra DiBenedetto, Property Owners; and Daniel Ludmar, Property Buyer

A hearing was held to consider RDA 2012-08: 120 Hill Street to determine Resource Areas and Buffer Zone boundaries relevant to Lot 3. MacDougall recused himself from the hearing and left the room. The proof of notification of abutters was received by the TCC, and the DiBenedettos have met with the TPB. There was discussion on how the lot is situated near a small wetland area and jurisdictional streams. Spillman visited the site, reviewed the positions of the Resource Area Flags, and agrees with their locations, with the addition of one Intermittent Stream flag added at the site visit.

Luther made a motion to close the hearing. Merrill seconded and the motion passed unanimously. Luther made a motion to issue a negative DoA based on the plan dated August 23, 2012, with the Resource Area Flags as shown on the plans for Lot 3. Merrill seconded and the motion passed unanimously.

OTHER:

Enforcement Order 9/15/08, 270 Boston Street

Present: Bear Albright, Property Owner

There was discussion concerning the letter dated July 12, 2012, explaining the requirements remaining on the Enforcement Order, and what needs to be done prior to TCC considering releasing him from the Enforcement Order. MacDougall recused himself from the discussion and left the room. Albright explained that the Wetland area has been restored. He stated that there are deer and a vibrant vernal pool area, and is asking the TCC to consider the costs and efforts involved, and let the Enforcement Order expire. He is willing to control invasive species such as Bittersweet and Japanese Knotweed. He stated that he has spent in excess of \$10,000, including \$3,000 for a fine and \$2,000 for site visits, and plantings to restore the area. Many of the trees need to be replanted as the initial trees were planted during a drought and did not survive, or were eaten by the deer. The TCC explained how in the first year of planting, attentive care of trees is critical for survival, how the larger trees recommended would be more resilient, and how selecting an alternate species would be less attractive to deer. The July 2012 letter includes downsizing the reforestation effort to 12 trees, which is considerably fewer than originally required. As part of the Enforcement and accepted Restoration Plan, there was mutual agreement to re-vegetate the area. The TCC asked for a written proposal from Albright or his environmental scientist, Mike DeRosa, specifying what he would like to eliminate and/or modify from the original Restoration Plan before his request can be considered and the plan altered. The TCC asked that the proposal letter be submitted one week ahead of the next meeting on September 12th, so that it will be received by September 5, 2012.

MEETING MINUTES:

Luther made a motion to accept the meeting minutes of **July 18, 2012** as amended. Carroll seconded and the motion passed by a majority vote with Merrill and MacDougall abstaining.

REQUESTS:

CoC 307-0240: 7 New Meadow Lane, (Map 74, Lot 008), Wood /Hayes Engineering

The As-Built plan was expected at the TCC office today. It did not arrive in time, so this will be discussed at the next meeting.

CoC 307-0685: 52 Parsonage Lane, (Map 24, Lot 038), Daly

Spillman visited the site and found it to be in compliance. Luther made a motion to issue a CoC for 52 Parsonage Lane. Merrill seconded the motion and it passed unanimously.

OoC 307-0507: 120 High Street/Hickory Beech Subdivision, (Map 49, Lot 56) – Update

The pre-activity meeting for the swale construction at 18 (Lot 7) Hickory Lane has not been rescheduled. Luther spoke with Beals, who is anticipating news on the project soon. The EPA did a routine site visit last week. It was noted that the Open Space trail is overgrown and will need some work; it is not know who is responsible for maintenance of this trail

Revisions to Topsfield General Wetlands Bylaw Regulations

There was discussion on how the only recent changes to the Bylaw Regulations were for the TCCAP and RDNI fees. Revisions need to be made to some of the Regulations. Luther is planning to work on this. Spillman suggested that the TCC take small sections to revise at a time, as this is a large and typically very lengthy project. Erickson would like an electronic document in Word for all Commissioners to review and edit. It was decided that each member would read the document and choose up to 5 key topics that should be changed or updated.

Potential Dam Removal Project

Based on the information gained from the recent survey, it was decided to not pursue the Dam Removal Project at this time.

ADMINISTRATOR’S REPORT:

Letter of Recognition to Topsfield Water Commissioners and Water Department

MacDougall explained how leaving as much water in the river as possible is crucial to conserving water, especially when levels are very low. The TWD has done a remarkable job on leak detection and contributing to water conservation for the Town of Topsfield. The TWD runs graphs to show flow rates. These rates are carefully monitored and leaks are promptly detected and repaired. During the mandatory water bans, Topsfield has been most active and proactive in water restoration. These positive results have shown up in river levels. Small incremental improvements in water flow make a significant difference. The TCC is grateful for the successful efforts of the TWD. On behalf of the TCC, MacDougall will write a letter to the TWD recognizing this effort and Luther will help edit the letter. This collaborative effort to conserve water demonstrates teamwork between the TWD and the TCC, as the TWD supplies the natural resource the TCC protects. Additionally, there was discussion on how many of the residents of Topsfield successfully apply water conservation efforts. The TCC appreciates their contribution to water conservation.

Promotion of LID

Spillman said there are opportunities to promote conservation by educating the public about the benefits of Low Impact Development. Rain gardens are very low maintenance and an example of alternatives to consider. LID information will be encouraged on the TCC website. .

ADJOURNMENT:

A motion was made by Merrill at 8:53 PM to adjourn the meeting. It was seconded by Luther and passed unanimously.

Respectfully submitted,

Debbie Rogers
Minutes Secretary

Accepted at the TCC meeting on September 12, 2012

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.