

***Topsfield Conservation Commission***  
***Minutes of Wednesday, September 12, 2012***  
 Topsfield Library Meeting Room

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

**Absent:** Jennie Merrill

The meeting was called to order at 7:01 PM with a quorum present.

**PUBLIC HEARING:**

**NoI 307-0691: 14 Honor Place**, (Map 12, Lot 034), Doane

Present: Tim and Melinda Doane, Property Owners

A public hearing for NoI 307-0691:14 Honor Place, to consider the removal of an in-ground pool in a Buffer Zone and Riverfront area of Howlett Brook. The homeowners explained how the pool is approximately 20 years old and is in need of extreme repairs. The homeowners would like to remove the pool rather than repair it. The plan is to remove the concrete decking and use a jackhammer to break the concrete into very small pieces. Holes will be placed in the bottom so water will drain through. The area is located on a steep slope in the Riverfront Area adjacent to wetlands. Hay bales and a silt fence will be in place to prevent silt flow into the Buffer Zone. Equipment in the back yard will be required to remove four pine trees. The concrete will be crushed into rubble and buried in the pool area. This project will improve the area as a habitat for wildlife. MacDougall explained how the removal of the trees and pool is minor compared to the significantly improved overall environmental benefits, especially as habitat for Spotted Salamanders. The concrete rubble will leave small spaces in the ground that will become homes for salamanders, as they are willing go down 20 feet into the ground for spaces such as these. The Doanes are waiting to hear from National Heritage and would like to arrange to have the trees removed in the next few weeks. There was discussion on how the Riverfront area may be affected by taking down trees. It was determined that the tree removal is acceptable, a DNI would be issued, and the fee would be waived for tree removal. The Doanes will file a RDNI for the removal of four large pine trees prior to issuance of the OoC. The preliminary plan is to remove the trees around the first of October, and remove the pool mid-October. The TCC will continue this matter at the next meeting on the 26<sup>th</sup> after hearing back from National Heritage. Luther moved to waive the fee for the removal of the trees under a RDNI. Carroll seconded the motion and it passed unanimously.

Luther moved to continue this hearing until September 26, 2012. MacDougall seconded the motion and it passed unanimously.

**REQUESTS**

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

Present: John Wood, property owner

Wood explained how he was unaware that the compliance was never done in 1996. Upon learning that he needs a Certificate of Compliance for refinancing, he would like to move forward with the process to receive a CoC. Most of the work was done before Spillman and the

current TCC were here. Most of the property is Buffer Zone and the entire upland is within 200-foot Riverfront Area of Nichols Brook. In ~ late 1996, the house was constructed under the OoC and a pool was installed behind the house in ~1997 under an amendment to the OoC. In the late 1990s, the rear yard was cleared, leveled, creating berms on the sides, and a tennis court and shed were installed within Buffer Zone and Riverfront Area, all without TCC review and without an Order of Conditions. In 2009 or 2010, the in-ground pool was replaced with a larger pool, a larger stone patio/apron and walkways were installed, and a pool house was built without review and an OoC. There was discussion on how to issue a CoC for the work that included replacement of the in-ground pool. It was agreed that it would be best to divide this matter into two projects, reviewing the house and pool-related activities under the request for a CoC and consider a NoI for the shed and tennis court installations.

Luther made a motion to approve the original and amended OoCs as substantially completed, knowing that it is not totally in compliance with the original plans from 1996, to issue a CoC for the house and pool, and to deal with the tennis court, etc., separately. Jolley seconded the motion and it passed unanimously.

The second issue is the NoI for the shed and the tennis court. This will be considered on the next agenda on September 26, 2012

**CoC 307-0686: 15 Kinsman Lane, (Map 31, Lot 078), Magnus**

Present: Shaun Magnus

The septic system for 15 Kinsman Lane is completed. Magnus would like a CoC for the completed project. Spillman explained there was a previous Order to remove a pool and how part of the continuing conditions for the pool removal is that the wetlands are not to be mowed. After discussion, TCC asked that a continuing condition be to mow the area only once a year to keep it as an open wet meadow. There was discussion on the importance of controlling the growth of invasive species so that they do not overtake the area.

Luther made a motion to issue a CoC for the work done on the septic system in accordance with the plan, with the ongoing condition that the wetlands area beyond the former pool area be mowed once a year. Jolley seconded and the motion passed unanimously.

**CoC 307-0616: 18 Brook Road, (Map 39, Lot 011), Barbosa**

The request for a CoC for 18 Brook Road was discussed. Spillman visited the site and found everything to be in compliance for this location in a Buffer Zone/Riverfront area, including the garage and driveway project.

Luther moved to issue a CoC for 18 Brook Road. Carroll seconded the motion and it passed unanimously.

**MEETING MINUTES:**

Erickson made a motion to accept the meeting minutes of **August 15, 2012** and **August 29, 2012** as amended. The motion was seconded by Jolley and passed with a majority vote. Merrill and MacDougall abstained from voting.

**Other**

**Amended Enforcement Order 1/18/12: 221 Washington Street, Galka**

Spillman spoke with the DEP today. The DEP will visit 215 and offered at the same time to visit 221 Washington Street soon. Both properties are owned by Galka and both are under enforcement actions. Spillman discussed her recent conversation with Ron Stelline of DEP.

During the March 2010 floods, all of the plantings as well as the hay bales at 215 Washington Street washed away. There was discussion about planting water plants instead of shrubs to avoid the issue of plants being washed away during rains or flooding. The new plants are intended to prevent invasive species from growing in the area. TCC questioned whether the pipes that were installed to the river (direct discharge) have been removed.

### **Revisions to Topsfield General Wetlands Bylaw Regulations**

Luther discussed portions of the regulations that he believes should be removed and how the wording should be improved to better convey the message. He is almost done with his first draft of the section on stormwater regulations. Since there are references to the MA Stormwater Regulations and Standards, Bylaw stormwater Regulations should be worded to allow for the fact that DEP Regulations are amended over time. MacDougall will look at the life-long management projects. Carroll read the draft document and felt the text had numerous references to topics that were not consistent or predictable, especially for someone who is not familiar with the policies and how to locate information in the document. He recommended having an outline format that is part of the table of contents to more easily identify topics. It was agreed that the current document is not very readable and can be difficult to understand. MacDougall said it could be a very good document to educate the town residents. Spillman noted some sections have not been referenced or used since she has been the administrator. The most recent version is available online. The TCC will review the document over the next two weeks and discuss it further at the next meeting.

### **ADMINISTRATOR'S REPORT**

#### **PIE-r-squared Draft Action Plan**

[Parker, Ipswich, and Essex River Watersheds] This plan is impressive as it strives to bring together Conservation Commissions, towns, nonprofits, and related state and local agencies to collaborate on open space protection and in implementing beneficial environmental issues. MacDougall is involved in this plan and explained how the system would work and benefit each community. He provided examples of methods and actions, such as reducing nutrient loading, as a process that affects all of ecology. Building partnerships is beneficial for grants and projects, and improves the likelihood of implemented projects succeeding. This plan is modeled after a program in New Hampshire that has been very effective in addressing environmental issues. It is designed to save money for local towns and encourages departments within towns to work together when possible sharing project data, such as that on culverts and bridges. It also allows for the opportunity to understand issues from a different perspective and learn how various concerns are related, although important to the particular agency, department, etc. for different reasons. This fall, there will be a conference with experts discussing topics such as climate change, nutrient loading, and the direct correlation between building materials used and the effect on the environment. The TCC is encouraged by the information and is very supportive of the program.

#### **Ferncroft Country Club – update**

Spillman visited the site recently. There is a need to control invasive species. Plantings were to be placed on the steep slope at the location of the former grounds dumping area; none have been planted yet. Deer-resistant plants could be used. Also, there are invasive species that need to be removed from next to the Intermittent Stream in that area. She also noticed a significant amount

of sediment and erosion going directly to the Intermittent Stream. Adding stone to the area was suggested, but Spillman does not feel that is an appropriate solution. The sediment needs to be removed, and a vegetated swale established to slow down the flow as close to the source as possible to stop the erosion.

**270 Boston Street – Enforcement Order**

The proposal letter has not arrived, but reportedly it should be ready for the next meeting.

**The Meadows Development, 16 Wildes Road**

Beals and Thomas will start resuming inspections of The Meadows. Spillman plans to attend one soon. Some of the properties are on the market.

**Topsfield Water Department**

MacDougall is working on a letter to the TWD recognizing their contribution to water conservation. From 1960 to 2010, the town population has increased 81 percent; yet current water demand has increased only 30 percent, and is the same level as in 1974. Since the TWD has implemented an impressive leak detection program in 1995, water use has significantly decreased. There was discussion on the increased manganese oxide in the water supply, and the various methods of treating the water supply.

**Topsfield Fairgrounds, 207 Boston Street**

The test wells are now in place in Field 1, closest to the Ipswich River. The next step is for the Fairgrounds to submit information to the TCC on water levels in the wells, and to request where they would like parking to occur. The Fair starts in two weeks. The surveyed location of the wells needs to be located on a map, along with elevations.

**ADJOURNMENT:**

A motion was made by Luther at 8:45 PM to adjourn the meeting. It was seconded by MacDougall and passed unanimously.

Respectfully submitted,

Debbie Rogers  
Minutes Secretary

*Accepted at the TCC meeting on (DATE)*

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.