

Topsfield Conservation Commission
Meeting of Wednesday, September 28, 2011
Topsfield Library Meeting Room

Present: George Hall, Jennie Merrill, Holger Luther, Cheryl Jolley, Jim MacDougall, Mark Erickson, Lana Spillman, Administrator, and Lisa-Marie Cashman, Minutes Secretary
Absent: None

Others Present: Larry Beals, Joseph Falzone, Michael Crowe

HEARINGS:

Amended OoC 307-0658: 22 Evergreen Lane/Lot 18 and Open Space Parcel at Hickory Beech Subdivision, (Map 10, Lot 3 and Map 10, Lot 39), Falzone/Beals Associates

The TCC considered a request from the applicant to amend an Order of Conditions to include a new plan for an easement and a trail that follows an existing cart path.

Beals submitted the exhibit to propose building a walking path and a boardwalk to cross wetlands and connect into an existing cart path. Prior to presenting to the TCC, the applicant met with the Planning Board, which voted to accept the plan as an easement rather than a change in the lot line of Lot 18. The BOS supported this measure and accepted the easement.

Beals explained that the Planning Board wanted the applicant to connect to upland area with a second boardwalk and to see if this was acceptable to the TCC. The applicant expressed strong desire to not have to amend the approved definitive subdivision plan.

Beals suggests the path be constructed near the stone wall and hook up to an existing cart path now overgrown. Photos were submitted to illustrate the proposed path.

Luther and Spillman previously walked the area and there is a flowing intermittent stream. Luther felt strongly that he could not approve at this time because there is uncertainty on what the area will look like in the spring when the stream is in full flow. It needs to be measured in the spring. Also, the wetland line is not flagged accurately.

Extended discussion took place as the TCC reviewed the plan in detail.

Chairman Hall made a suggestion to amend the OoC for Lot 18 and the Open Space Parcel, from conveyance of land to conveyance of an easement and construction of a footbridge.

Conditions to be met will include:

- Bridge is to meet design specifications of the Acton (MA) trails guidelines, similar to the recently constructed boardwalk for 12 Boston Street
- Field requirements should be that the span is for the full extent of the wetland at the footbridge crossing at the stone wall.

Erickson made a motion to amend the existing OoC to reflect the change from conveyance of a portion of the lot to conveyance of an easement, which would additionally require the installation of a second footbridge at the easement, to access the public land with similar type of design as that approved as part of the NoI, pending review of the eastern crossing required by the Planning Board in the spring of 2012.

Luther seconded the motion, which passed with a **UNANIMOUS VOTE**.

ACTIONS:

- Spillman to identify homeowner at Lot 16 and to notify homeowners by letter that the TCC has noticed construction debris and it is violating Wetland Regulations and to remove the construction trash by the white spec house by the proposed second path behind the house {Gary Calloway}
- Beals to talk to Calloway first
- Beals to submit original design plan for first boardwalk crossing
- Spillman to draft amendment for review by TCC

REQUESTS:

Continuation CoCs 307-0415; 307-0652: 50 Prospect Street, (Map 48, Lot 12), Crowe/Hancock Associates

Michael Crowe (developer/applicant) represented himself. The homeowner has resided on the property since the lot sold in April 2011.

Spillman reported that there are three OoCs that have since expired. Now there are two CoCs that are needed from the TCC and a CoC from DEP for a Superseding Order under the Act.

It was noted that the as-built plan deviates from the proposed plan. This is a sensitive issue because there is a replication area (which should be at least the size of the area of BVW that was filled). Detailed discussion ensued with reference to the proposal plan to install the driveway and what was constructed.

A concern is a strip of grass between the infiltration trench along the driveway and the wetland edge where silt was depositing but not shown on as-built. This would be increased area of fill in BVW.

Crowe responded that the reason for the gap is due to the siltation fencing line and that once the silt fence was removed, nothing had been added back to that area.

Spillman informed the TCC there is a condition in one of the Orders that the area to the north of the beginning of the driveway be left with native plants and now it is mostly grass, with several planted shrubs. Several of the 12 trees along boundary planted four months ago look dead and half-dead. The plantings include Douglas firs and Arborvitae. Two Conservation posts (alongside the driveway) appear to be at the edge of/in BVW. Several invasive plant species (e.g. purple loosestrife, Japanese knotweed, and Asiatic bittersweet), are a concern on the property and need to be controlled. There is a pile of yard waste and brush at/in the BVW in the rear.

Spillman summarized that the replication area:filled wetland ratio is approximately 1:1 and the replication area is sufficiently well established for a CoC.

Luther moved that “whereas the work pursuant to the NOI’s was completed substantially in accordance with the OoC’s” the CoC’s for 50 Prospect Street be issued.

Luther then moved to amend the motion to include the file numbers 307-0415 and 307-0652 and issuance contingent on the removal of the pile of grass clippings and debris.

Erickson seconded the amended motion, which passed with a **UNANIMOUS VOTE**

Further discussion ensued after the vote pertaining to a performance bond associated with the land, in the form of an account placed with the Treasurer's office by Jason Barnes, specifically for the satisfactory construction of the replication area. Crowe stated that he would like to be the benefactor. Spillman agreed it was incumbent upon the TCC to release monies to its rightful owner.

Luther moved to release the bond and any interested accrued to the rightful owner.

Jolley seconded the motion, which passed with a **UNANIMOUS VOTE**.

CoC 307-0370: 78 Washington Street, (Map 32, Lot 11), Griesshammer

This old filing for a garage addition in the Buffer Zone was considered for approval. Spillman made a site visit and recommended issuance of the CoC.

Luther made a motion to approve the COC for 78 Washington Street.

Jolley seconded the motion, which passed with a **UNANIMOUS VOTE**.

Emergency Certification 2011-04, 32 Central Street, (Map 41, Lot 47), White – ratification

RDNI 2011-14: 32 Central Street, (Map 41, Lot 47), White

Hall recused himself and disclosed that he is a neighbor. Luther became the acting chair for this matter. The work involved the removal of a large infested and storm-damaged willow threatening the house as well as a ~15-foot dead white pine and a large dead branch of a second willow, all near BVW and in Buffer Zone/Riverfront Area.

Merrill moved to ratify the Emergency Certification and to issue a Determination of Negligible Impact, after the fact, for the tree removals.

Erickson seconded the motion, which passed with a **UNANIMOUS VOTE**.

MEETING MINUTES:

- **July 13, 2011**
- **July 27, 2011**
- **August 24, 2011**
- **September 7, 2011**

Hall entertained a motion to approve the Sept. 7th minutes and added it to the agenda.

Luther moved to approve the July 13, July 27, August 24, and September 7, 2011 minutes as drafted and amended.

The motion was seconded and passed by a **UNANIMOUS VOTE** with Jolley and Hall abstaining from the September 7th minutes.

OTHER:

Amended Enforcement Order 207 & 233 Boston Street/Topsfield Fairgrounds (Maps 57 and 49, Lots 4 and 82, respectively) and 37 River Road (Map 48, Lot 13) – ratification and discussion
TCC reviewed the last meeting’s actions and Luther gave a summary of the Saturday, 9/24, site visit. The field nearest the river was very wet and the field at South Main Street (Aftandilian) was just as wet.

Luther moved to ratify the amended EO for 207 and 233 Boston Street and 37 River Road.

MacDougall seconded the motion, which passed with a **UNANIMOUS VOTE**.

Action: Luther, MacDougall, Erickson, and Spillman will attend the site visit tomorrow.

Amended/New Enforcement Order, Cross Street, (Map 62, Lot 2), Nash – issuance/ratification and discussion

Spillman discussed the proposed language for the second half of the restoration. She reported that EPA communicated in an email to the TCC there was a miscalculation by a foot of where the pipe in the upper field is installed. Bill Manuell proposed a solution, recommending digging deeper to accommodate the existing pipe. EPA wanted to know TCC’s opinion. Extended discussion ensued among TCC members. Hall felt Spillman should communicate to the EPA the TCC has no concern with the design but that the EPA should require the appropriate stabilization of the slopes and rip rap at the discharge of the pipe.

Action: Wait for a second document from the EPA (for the second phase of restoration) and then issue an Amended EO. Spillman is to communicate to the EPA the TCC’s current position.

ADMINISTRATOR’S REPORT:

- **Rail Trail/Topsfield Linear Common, Bike Racks**, Joe Geller/Topsfield Rail Trail Committee

Luther reported that there is progress on the project. Iron Horse and crew have reached pole 200 and then all the way up to the Stumps’ compound; tomorrow they probably will be up to Wenham line in his estimation. The crew is waiting for another rain in order to compact the stone dust in the path. Iron Horse removed all ties, including the huge pile.

Luther indicated that the Rail Trail crew needs to smooth out the sides and put meadow mix to stabilize the sides of the trail. Areas that were scarred are now green with annual rye and there is no washout reported. The stairs on the far side (only) of the Ipswich River bridge have been completed.

Geller (not present) wants 4 bicycle racks with concrete-poured supports by the opening of the Fair. Luther suggested 4 ft. pipe to be anchored into the ground instead of the proposed concrete and Geller reportedly agreed to this. Geller wants the bike racks at the Fair entrance and along Rte. 97; the two locations are in Buffer Zone/Riverfront Area/possibly BLSF. Spillman will check with Geller; a RDNI filing would be needed.

- **MACC Sedimentation and Erosion Control Workshop last Saturday** – summary report
Jolley attended the all-day workshop. She presented a checklist she garnered in order to know what to expect in future presentations from applicants. Jolley reported about recommended erosion control devices including mats, soil mixtures, etc. She said the presenter at the workshop said people have been fined if they do not have paperwork filed when there is a violation of regulations.

Hall commented that sedimentation control barriers are not enough in Topsfield; slope stabilization also is necessary.

Extended discussions ensued concerning the findings and how jurisdictions overlap in terms of storm water management.

- **MACC Fall Conference** – Saturday, October 15, Clark University, Worcester
“Protecting Open Space: Making it Happen!”
Anyone interested should contact Spillman.

Luther made a motion to adjourn the meeting

Merrill seconded the motion, which passed with a **UNANIMOUS VOTE**.

Meeting adjourned at 8:49 p.m.

Respectfully submitted,

Lisa-Marie Cashman, Minutes Secretary

Accepted at the TCC meeting on November 9, 2011

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.