

***Topsfield Conservation Commission  
Minutes of Wednesday, January 22, 2014  
Topsfield Library Meeting Room***

**Present:** Cheryl Jolley, Vice Chairperson; Holger Luther; Jim MacDougall; Jim Carroll; Lana Spillman, Administrator; and MaryAnn Tuxbury, Minutes Secretary.

**Absent:** Jennie Merrill

**Other Attendees:** Laura Majeski; Glenn Ritter; Edie Ventimiglia; Chuck Johnson; Nan Cook; and Dick Gandt.

The meeting was called to Order at 7:00 p.m.

**HEARING:**

**RD 2014-01: 22 Timber Lane, (Map 11, Lot 023), Majeski**

Laura Majeski was present for this hearing. Luther read the legal notice aloud. Jolley asked if abutter notification had been done. Spillman stated that she was looking for the green cards in the folder, and didn't see them, but she had thought the abutter notification had been done. Mrs. Majeski attempted to contact her husband about the abutter notification. TCC decided to continue the hearing to later in the meeting.

**OTHER:**

**Emergency Certification: 196 High Street, (Map 58, Lot 052) for repair of Rail Trail Ipswich River Bridge, Topsfield Rail Trail/Geller**

Spillman distributed photographs that had been submitted by Joe Geller of the damage to the bridge abutment. She stated that she was expecting to receive the request for emergency certification yesterday. The applicant is seeking bids and they have a grant.

Spillman stated that she did a site visit last week with Joe Geller and the engineer, Lisa O'Donnell, who is designing the repairs for the bridge abutment support. The other three (3) corner supports are fine. Spillman explained that the water concentrates and splashes up against one (1) particular point on the bridge. The stones have become dislodged, and if one (1) certain stone falls, other stones will follow and the corner will fall down a few feet; the bridge won't collapse, but it could be a significant problem. Spillman stated that this is a temporary repair being proposed under the emergency provisions, and they would follow-up with a NOI for a more permanent repair of that corner; it is the southwest corner that needs to be repaired.

MacDougall asked how long has this been like this. Selectman Dick Gandt stated that it started with the 2006 storm, and it has gotten worse since then.

Spillman stated that as soon as she receives the request, she will issue the certificate within 24 hours, and that the reason this is so tricky is that it can't be issued for a period in excess of 30 days; as soon as it is issued, the work has to be done within that timeframe.

Spillman explained that what typically happens is the emergency certification is issued with some conditions, and one (1) of the conditions will be that they have to do a follow-up NOI for the permanent repair, and if the Commission has any other conditions they should let her know tonight.

Luther asked if the Army Corps of Engineers (ACE) was going to be involved in this. Spillman replied that she understands that eventually they should be. The funding is coming from DCR, so the State is already aware and involved. Luther stated that they may need a permit from the ACE. Spillman will research this.

MacDougall asked if the M.B.T.A. owned the property. Spillman replied that it is the M.B.T.A., but the Town is the lease holder. This raises a question of whether they need permission from the M.B.T.A. to do the work. Spillman is going to look into this.

**Violation Notice 2014-01, DoA 2013-11: 124 Hill Street, (Map 68, Lot 049), Iovanella/J. Masterson Construction/J. MacDowell, P.E. – discussion**

Glenn Ritter was present and represented owner Frank Iovanella. Spillman informed the Commission that Mr. Iovanella had called and said he would not be able to make the meeting tonight.

Ritter stated that he had spoken to Spillman earlier in the day, and she had asked him to bring in some pictures tonight so that the Commission could see what it looked like before, and see the work that has taken place so far. He acknowledged they did have some violations. Some silt had come through; the storm was a little larger than what they had thought. They put up silt fencing and they put haybales around the silt fence near the culvert area, but the water was too much and silt did get through. They had not yet built the little retention ponds that were on the plan.

Luther stated that he was under the impression that the detention ponds were going to be built first, before the house foundation. Ritter stated that he overlooked that because he saw that vegetation was in place. He admitted that he should have looked at the plan and constructed the drainage structures first. He commented that he sees why they need the basins, and that there is a lot of water runoff on the slopes.

Ritter explained that Masterson Construction has been working hard to fix the problems and get the project back on track. Masterson informed the Commission of the work that has been done out there. Luther stated that he is happy that the matter is under control. Jolley stated that she appreciates the quick response from them.

Luther added that it would be beneficial to have a construction schedule for the remaining work to be done. Spillman responded that a construction schedule was submitted yesterday, and that they just need to update it. She is pleased with their quick response and their commitment to get the job done.

**HEARING:** (Cont.)

**RDAs 2014-01: 22 Timber Lane, (Map 11, Lot 023), Majeski**

Mrs. Majeski returned to the room and stated that she had spoken with her husband, who informed her that Spillman had received the white certified mail slips while she was conducting her site visit of the property. Spillman confirmed that she remembers this; the mail slips have not yet been placed in the file, but the necessary abutter notification has taken place.

Jolley asked Mrs. Majeski to explain the proposal. Mrs. Majeski stated that they have a three (3) season porch. They want to demo that and construct an addition to create a four (4) season family room with a room above it, and to finish the space above the garage.

Luther asked if it was on the same footprint as the existing. Mrs. Majeski replied that it was going to be a little larger, but that it was located in the same place.

Spillman reported on the site visit she made last week. She stated that the resource area looks very much like a vernal pool. She recommended that the Commission issue a Negative Determination, with additional conditions that a limit of work be established and determine the area or conditions for stockpiling of soil. Luther stated that any dirt stockpiled should be covered with a tarp in case of rain.

A motion was made and seconded (Luther/Carroll) to close the public hearing. So voted unanimously.

A motion was made and seconded (Luther/Carroll) to issue a Negative Determination with conditions that the work area be delineated and that due care is taken with any stockpiling of soils and any debris on the property. So voted unanimously.

**OTHER:** (Cont.)

**OoCs 307-0507: 120 High Street, Hickory Beech Subdivision – Review of as-built plans, etc. – discussion**

Jolley asked Spillman if the as-built plans had been submitted. Spillman replied that the as-built plans have not been received yet, and she believes the Planning Board has not received them yet, either. She informed the Commission that the Planning Board has \$15,000 available to do the peer review of the as-built plans.

Spillman stated that the Conservation Commission still has \$3,000 in funds in the Treasurer's Office for peer review of the subdivision for the Conservation Commission. The funds came from Meetingway Corporation; the contract is with BSC Group.

A motion was made and seconded (Luther/Carroll) to release these funds, plus the interest, to Meetingway Corporation. So voted unanimously.

Spillman will submit the necessary paperwork and contact BSC Group about cessation of the contract.

**Proposed ATM Warrant Article – number of Commissioners**

Luther spoke directly to Selectman Dick Gandt and stated that the Conservation Commission has been operating for over a year now with only five (5) members, and they are supposed to have seven (7). With seven (7) members, the quorum is four (4). There have been meetings where only three (3) members showed up for the meetings, and the Commission was unable to act on any business, because they didn't have a quorum present. He thinks the Commission should have five (5) members, and then the quorum would only be three (3). He stated that it takes a warrant article to reduce the number of members, according to MGL Chapter 41, Section 2.

**HEARING:**

**NoI 307 -0711: 13 Pond Street, (Map 02, Lot 004), Anderson Cook & Acheson/C. G. Johnson Engineering, Inc.**

Chuck Johnson was present for this hearing and represented Nan Cook who was also present for this hearing. Luther read the legal notice aloud. Proof of abutter notification was submitted.

Johnson explained the site plan. The proposal is to upgrade a failed septic system in the Buffer Zone of a Bordering Vegetated Wetland and Hoods Pond. The existing home was built prior to 1933. Johnson stated that they wished to continue the public hearing.

Spillman stated that she had done a site visit to review the wetland line, and she agrees with it.

A motion was made and seconded (Luther/Carroll) to continue this public hearing to the February 12, 2014 meeting. So voted unanimously.

**Prospective Commissioner**

Commissioners described typical activities of the Commission to Edie Ventimiglia, who volunteers at the Audubon Sanctuary and has biology and landscape architecture education and experience.

**MEETING MINUTES:**

A motion was made and seconded (Luther/Carroll) to approve the **January 8, 2014** meeting minutes, as amended. So voted unanimously.

**ADMINISTRATOR'S REPORT:**

**Updates – current projects**

- **Town Library CoC**

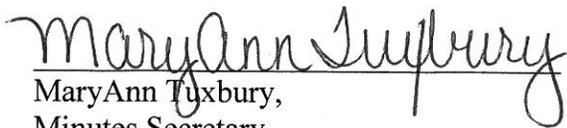
Spillman reported that the Library Directors voted to hire Hancock Associates to write the long-term operations and maintenance plan.

**ADJOURNMENT:**

There being no further business to come before the Commission, a motion was made and seconded (Luther/Carroll) that the meeting be adjourned. So voted unanimously.

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

  
MaryAnn Tuxbury,  
Minutes Secretary

*Minutes approved at the TCC meeting on February 26, 2014*

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.