

***Topsfield Conservation Commission  
Minutes of Wednesday, November 6, 2013  
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, Chairperson

**Other Attendees:** John Morin, The Morin-Cameron Group; Patty Meaney; Mary-Margaret Keaney; Warren Morrison; Scott Morrison; Dick Gandt; Richard Blais; and Rob Cabral.

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

**OTHER:**

**CoC #307-0656: 10 Boardman Lane, (Map 18, Lot 064), Massaro LLC/The Morin-Cameron Group, Inc.**

John Morin, from The Morin-Cameron Group, was present and represented the applicant. Michael Massaro, the applicant/owner was also present.

Spillman stated that she had done a site visit and found the property to be in compliance with the OoC and the approved plan. She recommended that the Commission issue a CoC under the Act and the Bylaw.

A motion was made and seconded (Luther/Carroll) to issue a CoC under the Act and the Bylaw.

So voted unanimously.

**HEARINGS:**

**NoI: #307-0710: 10 Boardman Lane, (Map 18, Lot 064), Massaro LLC/The Morin-Cameron Group, Inc.**

John Morin, from The Morin-Cameron Group, was present and represented the applicant. Michael Massaro, the applicant/owner was also present. Morin submitted proof of abutter notification. MacDougall read the legal notice aloud.

The application is for the construction of an in-ground pool with a patio, an arbor, and a concrete pad for pool equipment. All the proposed work is within 200 -foot Riverfront Area of Mile Brook, and the lot was created prior to 1997.

Spillman stated that she had done a site visit, and during the site visit, Meredith Massaro informed her that the size of the patio area had been decreased slightly to be within the maximum increase in impervious area limits of 310 CMR 10.58. Mr. Massaro stated that there is an existing play structure on the property, and that he would like to re-locate it to an area closer to the trees. He stated his intent is to open up the yard area more for his children to play.

Luther asked about the alternatives analysis required under 310 CMR 10.58. Morin explained the alternatives and stated that the required alternatives analysis is part of the narrative that was submitted with NoI filing; the grade changes would be minor.

Jolley asked if there were any members of the public that had questions or comments in regards to this application. There were none.

Spillman recommended that the Commission close the hearing and issue an OoC with special conditions under the Act and the Bylaw.

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

A motion was made and seconded (Luther/MacDougall) to issue an OoC with special conditions under the Act and the Bylaw. So voted unanimously.

**Continuation RDA: #2013-016: 18 Colrain Road, (Map32, Lot 039), Blais**

Richard Blais, the applicant/owner, was present. Mr. Blais stated that he wanted to level off an area so that he could have a back yard. He stated that he has planted some trees, and he pointed the area out to the members on a sketch plan that he had with him.

Spillman presented some photos of the property to the members. The members took a few minutes to look over these photos. Spillman stated that the work that was done consisted of tree removal and grading on the property; the proposed work is to remove one (1) dead tree and to do some more grading.

Luther asked what was going to be used for stabilization over the winter. Mr. Blais replied hydro-seed with annual rye grass and a layer of straw on top.

Jolley asked if there were any members of the public that had questions or comments in regards to this application.

Mary-Margaret Keaney, an abutter, 4 Arrowhead Road, informed the members that she had spoken with the woman from the Planning Board. She stated that a significant number of trees have been taken down. She is very concerned over the removal of the trees, because they absorb the water, and she is also concerned over the amount of blacktop that will go down. She stated that the problem is the water drainage and the way it flows. She asked the Commission to look at the whole situation and its impact, and not just at individual properties.

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

A motion was made and seconded (Luther/Carroll) to issue a negative determination under the Bylaw. So voted unanimously.

**OTHER:**

**Violation Notice #2013-02 and RDNI 2013-16: 1 North Street, (Map 25, Lot 042), Cabral – discussion and review**

Rob Cabral was present for this discussion.

Spillman stated that a violation notice/letter was issued for a structure within feet of a BVW adjacent to Mile Brook. Mr. Cabral stated he was building a screen porch along the water's edge – about 10 to 15 feet from the water's edge. The screen porch is 10' X 10' and is on supports 3 high of cinder blocks filled with crush stone and mortar (the bottom blocks are mostly embedded in the soil).

Spillman reported that she had done a site visit and suggested to Mr. Cabral that the structure be moved 25 feet from the wetland. She also suggested that he file a RDNI along with a sketch plan that includes other structures that have been installed/completed, i.e. the fenced chicken coop, garden fencing, and tree removal in the Riverfront area; two (2) additional trees are proposed to be removed.

Spillman reported that during the site visit, she and Mr. Cabral discussed moving the structure 25 feet from the wetland to an area where it could be placed without having to take down more than a sapling or two (2). This new location is shown on the sketch plan that has been submitted with the application.

MacDougall stated that his only concern is the manure, especially the chicken manure in Buffer Zone/Riverfront Area.

Spillman suggested that a deadline be set for moving the structure. Mr. Cabral stated he would move it in the springtime, as his business gets busy during the winter time. The end of May 2014 was agreed upon.

A motion was made and seconded (Luther/Carroll) that the gazebo be moved to the new location as shown on the sketch plan by the end of May 2014, that any trees that need to be taken down be replaced with an appropriate number of replacement trees, and that the Commission issue a Determination of Negligible Impact. So voted unanimously.

**CoC #307-0703: 34 Gail Street, (Map 40, Lot 28), Morrison**

Warren Morrison and Scott Morrison were present.

Spillman reported that the as-built plan shows several deviations from the Commission's approved Plan of Record. The house has been raised two (2) feet above what is shown on the plan, and the grading was modified, and a drainage structure was placed on the eastern end of the lot. This drainage structure was not reviewed or authorized by the Commission. The deck and stairs are configured differently and are of different dimensions than what is shown on the approved OoC plan. A patio that was not shown on the plan was constructed without prior authorization of the Commission. Spillman stated that since the DEP Amendments Policy states that modifications that have the same or decreased impact are appropriate for an Amendment to an OoC, she had suggested to Mr. Morrison that he file a request, and she had previously given him the paperwork to do so.

Luther suggested to Mr. Morrison that he file for an Amendment to the Order. Mr. Morrison asked if this requires another public hearing, appeal, etc. Luther replied yes. Mr. Morrison said he is concerned about another public hearing because the property is currently for sale. Mr. Morrison stated that he would like to withdraw his request for a CoC, at this time, and he will re-file at another time, transferring the fee for the CoC application to the fee for the Amended OoC

A motion was made and seconded (Luther/MacDougall) to allow the withdrawal of the request for a CoC without prejudice. So voted unanimously.

**CoC #307-0704: 228 Perkins Row, (Map 34, Lot 039), Day/C. G. Johnson Engineering**

There was no one present to represent the applicant.

Spillman reported that she had done a site visit and found the site to be in compliance with the OoC. She recommends that the Commission issue the CoC.

A motion was made and seconded (Luther/Carroll) to issue a CoC. So voted unanimously.

**Revisions to Topsfield Wetlands Bylaw Regulations – discussion, schedule hearing**

Spillman recommended using the Cornell rainfall data because it is more accurate for the Northeast region. She also had given the members copies of the MACC model bylaw, which includes a provision for waivers.

Luther suggested having Merrill look at this model bylaw before scheduling a hearing on the Regulations.

**TCC Strategic Plan - update**

Spillman suggested a discussion on updating the Commission's Action Plan to get the Town on board and to see what they would like to do in the watersheds. The Commission will review the Strategic Plan.

**ADMINISTRATOR'S REPORT:**

**120 High Street/Hickory Beach Subdivision, (Maps 42, 49, 50 & 58)**

Spillman reported that the Planning Board's stormwater review for 18 Hickory Lane (Lot 7) was last night, November 5, 2013, and that the hearing was not closed last night. She explained that the landscaper working on landscaping on Lot 6 at 16 Hickory Lane recently found water less than a foot from the surface following many weeks with no rain.

**16 (formerly 30) Wildes Road/The Meadows, (Map 8, Lot 004)**

Spillman reported that she had done a site visit, and everything looks good. Monitoring and successful growth of plantings are needed prior to issuance of a CoC.

**Ferncroft Country Club**

Spillman reported that there are still some pipes that need to be removed near BVW, but other than that, everything looks good. She stated that Mr. Costello commented that they will file a NOI by the end of this year for a different project on the site.

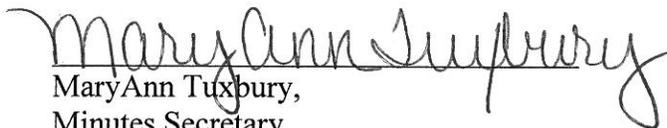
**Town Library CoC request**

Spillman stated that she has not heard back from anyone, and she believes the Library is looking for someone to write a 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 9:15 p.m.

Respectfully submitted,

  
MaryAnn Tuxbury,  
Minutes Secretary

*Minutes approved at the TCC meeting on December 18, 2013*

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.