

Topsfield Conservation Commission
Meeting of Wednesday, December 16, 2009~ 7PM
Topsfield Library Meeting Room

With a quorum present, Mr. Hall called the meeting to order at 7:07 p.m.
Commissioners present: George Hall, Chair; Holger Luther; Jennie Merrill; Mark Erickson; Jud Pratt
Also present: Lana Spillman, Conservation Administrator and Catherine Tinsley, Minutes Secretary

Abbreviations used:

TCC – Topsfield Conservation Commission	BoS – Board of Selectmen
DEP – Department of Environmental Protection	TBOH – Topsfield Board of Health
NoI – Notice of Intent	OoC – Order of Conditions
CoC – Certificate of Compliance	EO – Enforcement Order
ORAD – Order of Resource Area Delineation	BVW – Bordering Vegetated Wetland
RDNI – Request for Determination of Negligible Impact	

OPEN MEETING:

TCC signed bills, authorizations, and time sheets

RDNI:

RDNI 2009-11: 3 Comstock Lane, (Map 17, Lot 15), Dumouchel
The Proposal is to place a prefab shed on a slab behind the garage in Riverfront Area of Pye Brook.
Mr. Luther made a motion that this project does not have an impact on the wetlands and to issue a Determination of Negligible Impact letter. Mr. Erickson seconded and the motion carried by unanimous vote.

MEETING MINUTES:

Approve minutes of **July 8, 2009**

Mr. Luther made a motion to accept the meeting minutes of July 8, 2009. Mr. Erickson seconded and the motion carried by unanimous vote.

HEARINGS:

Continuation Amended OoC TCC 2006-01: 72 Hill Street (Map 69, Lot 16), Malinowski/Hayes Eng. – Pending Amendment, request for an Extension, and letter from Mr. Stowe
Present: Gordie Rogerson, Hayes Engineering, Scott Malinowski, owner, and Jay Gadoury, builder. Also, Kenneth Stowe of 80 Hill Street was present.

The consensus is that downslope properties, including 80 Hill Street, are receiving a greater volume of water and at an increased velocity from 72 Hill Street during major rain events. Mr. Rogerson reviewed the history of the property and the design sequence of the septic system, construction of the septic leaching area and adjacent slopes and the request for a change in the Order to allow lowering some of the grades. He identified the original plans, the changes made, and proposed amendments. He referenced aerial photographs showing the property and surrounding properties.

Kenneth Stowe provided photos to the TCC of the water flooding his property at 80 Hill Street and submitted a DVD of the photos taken December 3rd; he noted the silt in the water.

Hall questioned whether it is a temporary problem that would no longer exist after the project is finished or whether some engineering would be needed.

Mr. Rogerson suggested an interceptor along the bottom of the septic system to divert the water from traveling rapidly off site. Discussion followed.

The TCC supported an interim construction plan that an interceptor trench be dug with hay bale check dams placed in the ditch to alleviate the immediate problem of water runoff and that the site be planted, seeded, and stabilized for the growing season. Mr. Rogerson agreed to work with the

contractor and the TCC administrator to mark the proposed ditch location and agreed to submit an interim construction sketch plan for a trench perpendicular to Hill Street.

Mr. Pratt moved to issue a letter with the conditions outlined. The motion was seconded and passed unanimously.

Mr. Luther made a motion to continue the hearing for the Amended Order of Conditions to the January 27, 2010 meeting. Ms. Merrill seconded and the motion carried by unanimous vote.

Extension Amended OoC TCC 2006-01: 72 Hill Street (Map 69, Lot 16), Malinowski

The request is for a three-year extension. TCC discussed that they should be able to complete the remaining work in two years, preferably in one year.

Mr. Luther made a motion to issue a two-year Extension of Amended OoC TCC 2006-01, to expire on January 4, 2012. Ms. Merrill seconded and the motion carried by unanimous vote.

NoI 307-0656: 10 Boardman Lane, (Map 18, Lot 64), Massaro/The Neve-Morin Group

Ms. Merrill read the legal ad; proof of abutter notification was collected.

Present and representing: Greg Hochmuth, The Neve-Morin Group

The proposal is to construct a 26' x 30' garage on a slab on grade in the outer 100 feet of Riverfront Area of Mile Brook. No trees will be taken down, and only 5.8% of the Riverfront Area will be altered for the garage/workshop and driveway. There will be a temporary stockpile and soil will be removed to offsite.

Mr. Luther made a motion to grant a waiver to Bylaw Regulation R: 10-3 to allow review of Resource Area boundaries out of season. Mr. Pratt seconded and the motion carried by unanimous vote.

Mr. Luther made a motion to close the hearing. The motion was seconded and carried by unanimous vote. Mr. Luther moved that the proposal meets the no significant impact test because only 5% of Riverfront would be altered and meets the alternatives test because there is no place outside of Riverfront Area that the garage legally could be put and moved to issue an Order of Conditions with Special Conditions under the Act and the Bylaw. Mr. Pratt seconded and the motion carried by unanimous vote.

RDA 2009-15: Haverhill Road, National Grid/Coneco Engineers

Ms. Merrill read the legal ad. Proof of abutter notification was collected

Mr. Hall recused himself citing that his firm represents National Grid on a number of cases and he left the room.

Present: Mike Toohill, Coneco Engineering and Science representing National Grid.

The proposal is to replace three utility poles near BVW along the western side of Route 97/Haverhill Road near Pond Street. Mr. Toohill stated that a truck-mounted auger truck will be used for the digging of the new hole; the old pole and material that comes up from the auger will be hauled away and sedimentation controls/limits of work lines are proposed.

Mr. Pratt made motion to close the hearing. Ms Merrill seconded and the motion carried by unanimous vote.

Mr. Erickson made a motion to issue a Negative Determination of Applicability with Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried by unanimous vote.

Mr. Hall returned to the meeting.

<p>Town of Topsfield Wetlands General Bylaw, Ch. 62, Regulations – Proposed Administrative General Permit</p>
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Ms. Merrill read the legal ad.

The TCC discussed the draft of the proposed administrative General Permit (TCCAP). Spillman suggested an explanation of “work area” and how it differs from footprint. Section 10 will be added for driveways and walkways.

Mr. Pratt made a motion to close the public hearing. Ms. Merrill seconded and the motion carried by unanimous vote.

No action to approve was taken at this time. The RDNI will remain for now. Spillman commented that she does not believe the proposed \$50 fee would cover the Commission's costs. Additional changes, including incorporation of section 10, to the proposed General Permit will be submitted for discussion and anticipated approval at the January 13, 2010 meeting.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Enforcement Order, Violation Notice & Bylaw Ticket #2007-11: 270 Boston Street, (Map 41, Lot 87) Bear Albright – update and discussion

The Albrights were not present, so this matter was carried over to the next agenda.

2nd Amended Enforcement Order #4: 215 Washington Street, (Map 46, Lot 7), Galka – update
Ms. Spillman updated the TCC, saying a Bylaw Ticket for \$200 was issued on December 7th. DEP contacted the TCC office and requested further action be held for a week. Ms. Spillman will keep the TCC updated.

OoC 307-0510, Ipswich Road Project – update

Ms. Spillman updated the TCC, saying that she recently made a walkthrough visit with Mike Rygiel of Tropeano Construction to review “button up” procedures and the status of the project. A silt fence was to be removed along North Street, hay bale check dams were re-set at the outfall off Pine Street, and the silt fence line was re-established at Averill Road. They are reporting to be ahead of schedule.

SORAD 307-0640: 57 Candlewood Drive & 109R Perkins Row, (Map 43, Lot 7), Skeffington – update

The Administrative Law Judge denied Mr. Decoulos' request to include another allegation. TCC has not yet received a Superseding OoC.

Violation Notice & Bylaw Ticket #2009-04, 19 Blueberry Lane, (Map 6, Lot 6), Donnellan/Dalton
Present: Kevin Donnellan, applicant (Not the homeowner)

The violations were unauthorized removal of a stone wall, use of heavy equipment, and stockpiling of soil in Buffer Zone of a Vernal Pool, in violation of the Act, Bylaw, and recorded CoC from a previous filing for the property. Mr. Donnellan has filed the RDA, to be heard at the next meeting on January 13, 2010. Mr. Donnellan told the TCC that the pile of dirt was a miscommunication with the contractor of where to place the dirt. The pile has been moved.

No further action was necessary at this time.

REQUESTS:

Continuation CoCs 307-0442: 44 Prospect Street, (Map 40, Lot 95), Taylor/The Neve-Morin Group

Ms. Merrill recused herself and left the room.

Present: Scott Taylor

There were separate Orders issued for this project under the Act and under the Bylaw. Erickson and Luther discussed their site visit, summarizing that they believe the property is in substantial compliance. Spillman reviewed the continuing conditions. Mr. Taylor explained that he does not have a designated snow stockpile area and wants to keep it on the stoned area. *Mr. Luther made a motion to grant CoCs for both the Act and Bylaw Orders subject to the Continuing Conditions. Mr. Erickson seconded and the motion carried by unanimous vote.*

Ms. Merrill returned to the meeting.

Emergency Cert. 2009-06, 56 Boston Street, (Map 69, Lot 1) Mass DOT – ratification

Mr. Luther made a motion to ratify the Emergency Certification issued to allow stabilization of the cow path tunnel, including under Boston Street insertion of a 36” diameter pipe and concrete, within

Riverfront Area and possibly within Zone A Bordering Land Subject to Flooding. Ms. Merrill seconded and the motion carried by unanimous vote.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

Water Quality Monitoring, School Brook behind Town Library – Discussion

John Coulon, Board of Health Agent is working with Mosquito Control, who will present a proposal to do an analysis of School Brook. The TCC will work with the TBOH to avoid duplicating efforts. The TCC will be kept advised of the situation.

Rail Trail NoI – Discussion

The TCC office has not received a NoI to date.

207 Boston Street, Topsfield Fairgrounds –Follow-up

Jason Lederer of Bioengineering Group has been approached by the Topsfield Fairgrounds to look for alternatives to the current parking in wet areas. The TCC discussed the affect of fair parking to the wetlands and possible actions. Luther offered to work on a list of properties and Hall offered to work on a letter to send.

Bylaw Amendment(s) for Annual Town Meeting – Discussion

Proposed Warrant Articles are due to BoS office by February 4th. This will be addressed at the January 13, 2009 meeting.

ADMINISTRATOR’S REPORT:

Ms. Spillman’s report included **Low Impact Development** concept and techniques and the possibly of engaging a speaker.

12 Boston Street/English Commons: Sedimentation controls are to be installed within the next two weeks. They are hoping to construct the ponds over the winter.

9:45 PM Mr. Luther made a motion to adjourn. Ms. Merrill seconded and the motion carried by unanimous vote.

Respectfully submitted,

Catherine Tinsley

Accepted at the TCC meeting on January 13, 2010.

<p>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.</p>
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