

***Topsfield Conservation Commission
Minutes of Wednesday, March 26, 2014
Topsfield Library Meeting Room***

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

Absent: Jennie Merrill, Chairperson

Other Attendees: John Morin, The Morin-Cameron Group; Jim MacDowell, Eastern Land Survey; Glenn Ritter; Frank Iovanella; Paul Hardich; and Selectman Dick Gandt.

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

HEARINGS:

Continued NoI #307-0713: 46 South Main Street, (Map 41, Lot 130), Steffens/The Morin-Cameron Group, Inc.

John Morin, from The Morin-Cameron Group, was present and represented the applicants, Shane and Jessica Steffens, for this continued public hearing. The Steffens were not present.

Morin stated that at the last meeting he explained the project to the Commission, and he believes all the Commission's concerns were addressed at the last meeting. At that time, they did not have any comments back from DEP, nor had the Commission gone out to review the wetlands line.

Morin stated that he contacted DEP today, and DEP informed him that the project is still under review. He was contacted by Heidi Davis at DEP, who reviewed the application this afternoon. Morin stated that she had e-mailed him and stated that she had no comments. Morin stated that he believes Spillman was cc'd on this email. There now is a DEP file number.

Morin explained that Spillman did a site visit last week, and she had met with Greg Hochmuth, to review the wetland line. He added that there were a couple of discrepancies with regards to the Riverfront Area boundary in a few locations, but based on the location of the Riverfront Area on the property, it didn't affect the design. He stated that he thought it was determined at that time that no revisions to the plan were required.

Spillman reported that MacDougall had gone out and viewed the property before she and Greg Hochmuth had gone out. They viewed the property from South Main Street, as they did not have permission from the owner to enter onto the property. Spillman stated that she had no concerns with the BVW flags, but that she had questions on several of the MAHW flags. She viewed these flags from the street, and decided that the closest one, flag number four (4), she agreed with because there was more of a break in slope at that one. This flag is the closest flag to the activity and determines the line, so there is no need to verify more than that one (1) flag. She feels that the Commission should verify that one (1) flag, as well as the BVW flags.

MacDougall reported on his site visit. He stated that he checked flag number four (4) remotely by using Sewall's DFIRM and put in the elevations according to the Town's elevations, and it was lower, which is why he had no issues with it. That elevation was for a 100-year flood.

MacDougall stated that his greatest concern on the site walk was that there are two (2) catch basins near the driveway, where it comes out onto South Main Street, and these drain straight into the BVW.

Morin stated that he would speak to Dave Bond at the Highway Department about the catch basins, and if he is okay with it, they will put in a silt sack prior to construction and that Spillman could confirm this on a site walk before they begin construction. Morin added that once they get out to the site, they will check the catch basins and see which one is catching the flow from this property, and put the silt sack in that one. He suggested that the Commission could include a condition in the OoC for the silt sack if they so desired.

Luther asked if after demolition, there would be any foundation digging. Morin replied yes and explained that they will be installing four foot (4') frost-walls. Luther then asked where they would be placing the excavated soil. Morin replied that they would be stockpiling it outside the 200-foot Riverfront Area. Luther stated that his concern wasn't with the Riverfront Area, but with any runoff that may occur from the stockpiled soils that could flow back towards South Main Street. He suggested placing a tarp over the stockpiled soil and a silt fence around it to prevent this from happening.

Jolley asked what time of year were they going to be proceeding with the work once they receive the OoC. Morin replied that his clients were looking to start as soon as they can – most likely this spring. Jolley asked if there were any other comments or questions from the Commission or from the audience. There were none.

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

A motion was made and seconded (Luther/MacDougall) to issue an OoC under the Act and Bylaw approving the project as proposed, with the additional conditions (silt sock in catch basin; erosion prevention of the stockpiled soil/siltation fence around the stockpile) as discussed. So voted unanimously.

REQUESTS:

RDNI #2014-02: 35 Main Street Rear, (Map 41, Lot 133), Iovanella/Eastern Land Survey
Jim MacDowell, from Eastern Land Survey, was present and represented the applicant, Frank Iovanella. Frank Iovanella, the applicant, was also present.

Before discussion began, MacDougall recused himself due to a conflict of interest. He stated that one of his clients is Essex County Greenbelt, and they are one (1) of the abutters to this property. After MacDougall disclosed this information, he left the meeting room.

MacDowell asked how they should proceed now, since the Commission was short one (1) voting member. With MacDougall recusing himself, there were only three (3) members present to vote, and there needs to be four (4).

Due to a lack of sufficient members to vote on the RDNI, this item has been re-scheduled to the April 9, 2014 meeting.

MacDougall returned to the meeting room after this item was re-scheduled to the next meeting.

OTHER:**124 Hill Street (a.k.a. Lot 1), (Map 48, Lot 007), DoA 2013-11 and Violation Notice 2014-01 – continuing violations – discussion and plans for stabilization**

Jim MacDowell, from Eastern Land Survey, and Glenn Ritter, the project manager, were present and represented the property owner, Frank Iovanella, for this discussion. Frank Iovanella, the property owner, was also present.

MacDougall stated that he had to recuse himself due to a conflict of interest; he works with Mary Rimmer, who delineated the wetlands. Spillman stated that this wasn't a hearing and there would be no voting taking place, adding that this was a discussion only and that MacDougall could participate in that, since he already disclosed the information of working with Mary Rimmer.

Glenn Ritter, the project manager, introduced himself for the record and acknowledged that they do have some continuing issues on the site, but not like what they had before. He explained that some sediment has come from the plunge pool and traveled across the street; some sediment has collected in the plunge pool itself, which came from the site – it filtered through the rocks and collected into the base of one of the outlets. He believes it all began last week when the snow started to melt and then it rained, and the temperature got warmer. He added that the site was a mess for about a day or a day and a half. The runoff was quite extensive on the site.

Luther asked if any of the sedimentation went onto Mr. Harder's property. Ritter replied that it had, and that they would be cleaning that up, too. He stated that they began cleaning up on their side of the street, and have not yet started on Mr. Harder's side of the street. He stated that Jeff Masterson, from Masterson Construction, will be doing the work, and they will be continuing to do the work remaining on the site. Masterson Construction will be out on site tomorrow to begin the work.

Ritter explained that they still have to install a second detention basin. Luther asked what their plan was for that work; would they be installing appropriate silt socks and sedimentation fencing? Ritter replied yes.

Ritter stated that the remaining work includes cleaning up the other side of the street, and cleaning out the sedimentation that's in the plunge pool now so that nothing further goes across the street; they are also going to buy some 3/4-inch stone and place it in the detention basin.

Jim MacDowell, the engineer, introduced himself, and explained that the open detention basin and the stone swale that leads down to the plunge pool were built, and he had suggested to Ritter to place about a foot of filter stone in the swale so that any water coming out of the basin has to go through that stone. He added that the silt fence was built probably to within 50 feet or so of the driveway, around the big stockpile of loam that's at the front of the lot. He had suggested to Ritter that he bring the silt fence all the way over to the driveway in order to cut off any sediment that may be coming from in front of the house, to minimize the amount of exposed soil coming into there. With the balance of the area, he suggested that some hay mulch be put down on the area right away. He thinks that the two (2) most important things to take care of out there now are to cut off as much of the sediment working its way over to Hill Street and to cover what is remaining on the site.

Luther asked if there was any plan in writing to do all of this proposed corrective work. Ritter replied that there was nothing in writing, but that he could get something to the Commission. Luther stated that he would feel more comfortable with something in writing.

Jolley asked if there were any more questions or comments from the Commission members or any from the audience. There were.

Paul Harder, an abutter, 125 Hill Street, stated that he had attended the Planning Board meeting when all of the stormwater management was reviewed, and the only question he had at that time was if all the drainage/stormwater management work was going to be completed before the house was constructed. He was told yes. But, now the drainage/stormwater management work has not been completed, and house has been built. He mentioned that there is so much crushed stone in the driveway now that the driveway is well above the grade of the street, and even though it's porous, if the conditions are right and the ground is frozen and it rains, the water will flow right down the driveway, into the street, and the barrels will be floating in the street again.

Ritter stated that when Masterson comes in, they will be putting in the proper gravels into the driveway and they are going to stay there. What is there now is a temporary filter stone. He hopes that once everything is graded, the water should go where it's supposed to go, into the collection basins.

MacDowell suggested that over the weekends, the driveway should be cut off with haybales, so anything coming down the driveway will be forced into the basin. Ritter replied that they have been doing that, and that is why the hay bales are onsite.

CoCs 307-0507, 120 High Street, Hickory Beech Subdivision, (Map 49, Lot 56), Beals Associates, Inc. – site inspection report and peer review update

There was no one present to represent the applicant for this discussion.

Spillman reported that she had received an e-mail Monday morning informing her that the lawyer is no longer working for Meeting Way Corporation. Then she heard from Beals Associates, who informed her that they were no longer working for Meeting Way Corporation. So the site visit that was scheduled for Tuesday never happened.

Luther commented that Beals and Thomas probably wasn't working on the peer review. Spillman replied that they weren't, because they haven't received any money to do the review. Spillman added that the last thing she knew was that Martha Morrison had told her she was going to contact Mr. Jedlin at Meeting Way Corporation. Luther stated that she had spoken to Mr. Jedlin, because she told him that, and Mr. Jedlin didn't know what was going on.

Luther further commented that it was up to Meeting Way Corporation to get everything in order, not the Commission. They are the ones that want the CoCs and the street accepted at Town Meeting, so they need to have everything in place.

ATM Warrant Article (number of Commissioners) - discussion

Paul Dierze was present for this discussion. He was curious as to what this warrant article was. Luther explained that this is a change to reduce the number of Commission members back to what it was when the Commission first was formed. The Commission is having a difficult time achieving a quorum of members who can vote on matters before the Commission, due to conflicts of interest or absenteeism. A reduction in the number of Commission members would allow for a lower number of members to constitute a quorum of the Commission. Right now, the number of members that can serve on the Commission is seven (7); a quorum would be four (4). The proposed reduction is to have five (5) Commission members; a quorum would be three (3).

Dierze asked what the vote of the Commission was to put this article forward. Jolley replied that it was a unanimous vote of the Commission.

Planning Board ATM Warrant Article, (criteria for newly created lots) – discussion

Jolley stated that the second warrant article that Dierze is interested in was being put forth by the Planning Board to create a minimum size new lot based on a circular area within the contiguous buildable area.

Luther explained that one of the difficulties the Commission has had with a recent subdivision that is still being worked on is that it's placed in an environment that is riddled with Wetland Resource Areas. The Planning Board has a requirement that states you have to have so many thousand feet of high, dry, and buildable, but high, dry and buildable doesn't say anything about the fact that a Buffer Zone may slice right through the high, dry and buildable. This creates a conflict when people want to site a house or a septic system and it just goes into the Buffer Zone; the Wetlands Bylaw states that activities on new lots cannot infringe on Buffer Zones.

Luther stated that the Planning Board came up with a method that other communities are using, and taking the high, dry and buildable area and drawing a circle of a certain diameter within it; if a house can be built within that circle, and 95% of that circle is outside of a restricted area, by local bylaw or State environmental laws, then one can proceed. After experimenting on a recent subdivision and trying various circle diameters, it was decided to go with a 100-foot diameter circle. Luther commented that this proposal is a good, simple approach to solving the issue.

MEETING MINUTES:

A motion was made and seconded (Luther/Carroll) to approve the **March 12, 2014** meeting minutes as amended. So voted unanimously.

ADMINISTRATOR'S REPORT:

48 Candlewood Drive (Map 43, Lot 021)

Spillman explained that the owner wants to construct a barn, and half of this barn would be in the Buffer Zone. There is also Riverfront Area. Spillman had a plan that she referred to while she was explaining the proposal to the Commission. She informed the owner that in the past the Commission has given waivers for expansion of lawn area in a Buffer Zone on a lot created after May 2, 2000, but that she did not know of any waivers for structures in the Buffer Zone. The proposed barn reportedly is going to be on a slab foundation. Spillman stated that there are some invasive species on the site, such as bittersweet; the proposal is to remove and control those and to plant native shrubs in that area.

Spillman is looking for guidance from the Commission on how to proceed with this proposal; does the Commission want a RDA or a NOI? Luther stated he would not feel comfortable with this as an RDA and he would like an NOI filed. The other Commission members agreed.

3 Beech Place/Lot 23 at Hickory Beech Subdivision (Map 50, Lot 037), Patch

Spillman stated that Mr. Patch had come into the office wanting a sign-off on the only lot left in the Hickory Beech Subdivision, 3 Beech Place. She reviewed the Act and Bylaw OoCs with him,

and there are about five (5) things he needs to do before he begins any work. She also e-mailed him as a follow-up to his office visit.

Spillman informed the Commission that the OoC references a different plan from what the Board of Health approved. She went to the Board of Health and they didn't have the plan TCC referenced, so then she went to the Building Inspector and explained to him that there were two (2) different plans. The plan that was approved by the Board of Health is dated 9/16/13; the plan that was approved by the Conservation Commission is dated 7/17/13. The Board of Health plan was approved AFTER the Conservation Commission plan. Spillman stated that she would like someone of authority to explain to her in writing what the differences between the two (2) plans are. Luther agrees with Spillman that she should get something in writing from the engineer that stamped the plan explaining what the differences are, and stating that the changes do not impact any jurisdictional areas.

Water Department – water main near the School Avenue culvert

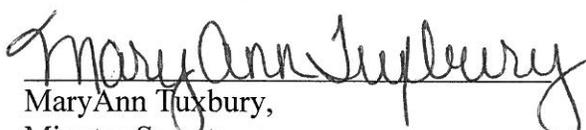
Spillman stated that she had received an e-mail from Greg Krom, informing her that the Water Department has discovered that the water main near the School Avenue culvert is leaking and needs to be repaired. He had informed her that the water main had been replaced about 20 years ago. Spillman wanted to know if any of the Commission members knew of or remembered a filing for the replacement of the water main 20 years ago. Spillman has been searching in the office, and so far nothing has turned up, so she thought she would check with the members to see if they recall anything. None remembered such a filing.

ADJOURNMENT:

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

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,


MaryAnn Tuxbury,
Minutes Secretary

Minutes approved at the TCC meeting on May 14, 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.