APPROVED

Topsfield Conservation Commission

Minutes of Wednesday, April 24, 2013

Topsfield Library Meeting Room

Present: Commissioners Mark Erickson (Chair), Jennie Merrill (Vice-Chair), Holger Luther, Cheryl Jolley, and Jim Carroll; Administrator Lana Spillman; Minutes Secretary Debbie Rogers; Selectman Liaison Dick Gandt.

Absent: Jim MacDougall

The meeting was called to order at 7:03 PM with a quorum present.

HEARINGS:

NOI: #307-0702, 8 Brady Lane, (Map 17, Lot 034), Kornusky
Present: Scott Kornusky, Property Owner, 8 Brady Lane
A Public Hearing was held to consider the NoI for construction of an addition /3-season room, porch, and deck within Riverfront Area of Pye Brook at 8 Brady Lane. Proof of abutter notification was submitted at the meeting. Scott Kornusky explained how he would like to demolish the existing screen porch and deck to build an addition off the kitchen of their home. The addition, including a new screen porch and deck, will be placed on a foundation and will match the current design of the home. The addition will extend approximately 17 feet beyond the current footprint towards the wetlands. The proposed work area is not located within a flood zone. Spillman visited the site and does not have any concerns about the proposed project.

Luther made a motion to close the hearing. Carroll seconded the motion and it passed unanimously.

Luther made a motion to permit the proposed work and issue an Order of Conditions in accordance with the plot plan entitled 8 Brady Lane, prepared by LeBlanc Survey Associates, Inc., dated April 3, 2013, with the usual conditions applied to the Order. The motion was seconded by Merrill and it passed unanimously.

NOI: #307-0703, 34 Gail Street, (Map 40, Lot 028), Morrison/Hayes Engineering, Inc.
Present: Warren Morrison and Scott Morrison, property owners; Gordon Rogerson, Hayes Engineering
A public hearing was held to consider the NoI to demolish the existing house and build a single family home and septic system within 200 feet of Cleaveland Brook on 34 Gail Street. Proof of abutter notification was received. Warren Morrison explained how the house was recently purchased and needs to be replaced as it is beyond reasonable repair. A new septic system designed by Hayes Engineering will include a pipe and stone trench. An abatement process will be done for asbestos found in the home. The proposed 52' wide x 28' deep four-bedroom home will be built with approximately the same footprint as the existing three-bedroom home. Wetland flags are in place as the entire project is within the 200 foot zone; however most of the activity will be outside the 100' BZ. Hay bales and a silt fence will be in place. The existing septic system will be pumped out and crushed. An 18" stone infiltration system will be placed around the house to catch roof runoff. Spillman visited the site on April 23rd and found the flags to be accurately placed at the wetland line and at the edge of the river.

A motion was made by Luther to close the hearing. It was seconded by Merrill and passed unanimously.

A motion was made by Luther to issue an Order of Conditions subject to the plan designed by Hayes Engineering, Inc. entitled Sanitary Disposal System Plan, 34 Gail Street, Topsfield, MA 01983, dated April 4, 2013, with Special Conditions dealing with the stockpiling of soil. The motion was seconded by Merrill and passed unanimously.

NOI: TCC 2013-01, 6-8 Grove Street, (Map 40, Lot 011), Quimby/Gregory Bernard
Present: Gregg Quimby, Property Owner, 6-8 Grove Street; Greg Bernard, Plan Engineer; John Decoulos, Engineer;
A Public Hearing was held to consider the NoI for demolition of a building and replacement of a septic system within 200 feet of Cleaveland Brook in a Bylaw Riverfront Area at 6-8 Grove Street. The proposal is to demolish the existing rear building and construct a new building on the same footprint. There will be no grading beyond the FEMA floodplain line. Erosion control will be in place around the rear of the property as shown on the plan. The proposal is to build the septic system first and construct the building later. The septic system will be a slightly raised system. Spillman visited the site and reviewed the resource areas where the work will be done, and has no concerns about the project.

Luther made a motion to close the hearing. Carroll seconded the motion and it passed unanimously.

Luther made a motion to permit the proposed construction as shown on the plan entitles Sewage Disposal System, dated April 9, 2013, prepared for Greg Quimby, and issue an Order of Conditions subject to the requirements of the Act and Bylaw. The motion was seconded by Merrill and passed unanimously.

RDA: #2013-05, 11 Hickory Lane/a.k.a. Lot 13 at Hickory Beach Subdivision, (Map 49, Lot 056), Symes Associates, Inc./Beals Associates, Inc.
Present: Larry Beals, Beals Associates, Inc.;
A Public Hearing was held to consider the request for DoA for the installation of a septic system in BZ at 11 Hickory Lane, Lot 13 at Hickory Beach Subdivision. Beals revisited the site to review the situation, finding that it is difficult to determine the location of the intermittent stream. He explained that they decided to make Luther's interpretation of Bylaw BZ part of their plan. Spillman visited the site today and observed significant flow from the outlet closest to the house development area and evidence of another flow out of the small detention pond. She agreed with Beals that evidence is lacking of flow from the smaller culvert that is between the detention pond emergency outlet and the larger culvert from which flow was observed today. It was concluded that the BZ protects the building area on the lot from both sources of water. Spillman said it is important that the limits of work be followed strictly so there is no erosion or migration of soil into the Intermittent Stream/BVW. Beals explained that erosion controls will go in both directions, including a slightly buried silt fence. Beals will submit a sketch with modifications, including extending the siltation control.

A motion was made by Luther to close the hearing. It was seconded by Merrill and passed unanimously.

Luther made a motion to issue a negative DoA subject to the conditions of the siltation fence being extended as discussed, to relocate and protect the outfall, and the receipt of the revised plan, including a drawing of the plan to relocate and direct the water flow. The motion was seconded by Merrill and passed unanimously.

TCC also requested the revised ORAD plan that had been expected, showing modifications to the BVW boundary on lots 11, 12, and 13 made at a site visit.

NOI: #307-0701, Lot 1, 125 Boston Street, (Map 64, Lot 005), 77 Salem Road, LLC/The Neve-Morin Group, Inc.
Present: John Morin, The Neve-Morin Group; Mary Jane Doorly, property owner; Phil Lemire; Suzanne and Mark Ciccarelli, 25 Salem Road, Abutters
A Public Hearing was held to consider the NoI for a new single family home, septic system, and utilities within 100 feet Buffer Zone of BVW at Lot 1, 125 Boston Street. Proof of abutter notification was submitted at the meeting. Morin explained how Lot 1 was created in 1993 and an OoC was issued in 1994, but not acted upon. A common gravel driveway is proposed to minimize impact in the BZ that would occur with access from Route 1. Morin explained that the proposed septic system will be further than 100 feet from Wetlands. The majority of the house will be located outside the BZ. Individual infiltration areas will comply with the Stormwater Bylaw. Erosion controls include siltation socks and retaining walls on the downhill side of work. A well is located on the site from the original OoC and will remain to be used as an irrigation well. The missing wetland flags will be replaced. The majority of the existing vegetation is thick underbrush and a tree line along the road. The BoH has not approved the plan yet. They plan to go before BoH tomorrow to request an extension of the perk test results. The proposed septic design is a conventional stone and pipe system. Spillman visited the site and observed the undergrowth is very thick and the vegetation indicates there are wet areas not flagged. The Wetlands were delineated May of 2010. The flags need to be reset. The TCC would like to plan a site walk when the flags are in place to review the exact location of the proposed project and construction activity.

Suzanne and Mark Ciccarelli of 25 Salem Road expressed concerns about the environmental impact of building on this lot and proper notification of abutters. Suzanne explained how some abutters listed on the application did not receive a notice of the hearing and proposed project. Spillman and Morin will look into the source of the abutter notification list. Dr. Thomas R. and Nancy Carroll of 79 Salem Road were unable to attend. They submitted a letter expressing concern for careful consideration of the project impact on wetlands; and for consideration of common driveway issues, including safe access for emergency vehicles. Morin requested a continuance of the hearing until May 8th.

Luther made a motion to continue the hearing to May 8th. The motion was seconded by Carroll and passed unanimously.

REQUEST:
RDNI 2013-04: Rail Trail North of Washington Street, (Maps 05, 10, 17, 24, & 32), Rail Trail Committee/Geller
Present: Joe Geller, Rail Trail Committee; Greg Demers, Rail Trail Committee
There was discussion about maintenance of the storm drains and how the RDNI should include mowing and clipping to maintain the area. National Grid has given permission to mow and trim. Geller explained how a license requires a letter from the Selectman, adequate insurance, and a

letter of approval from the TCC to work in a resource area. A lease will be required to use Federal grant funds. Under the proposal, the culverts will be maintained so they are clear of any blockage. The potholes and ruts will be graded to make the ground level. Re-grading is not an issue as no new material will be brought into the area. The TCC will be contacted before any work is done. Hand tools will be used for the proposed work. National Grid requests a determination of endangered species in the area. The TCC recommended contacting MA National Heritage and Endangered Species Program for a determination.

Luther made a motion to issue a DNI for the maintenance of the Rail Trail north of Washington Street, with the conditions of mowing grass, clipping of brambles and invasive species and culvert cleaning limited to the use of hand tools only. This includes the use of hand tools to improve drainage, and clearing and leveling ruts for the maintenance of the Rail Trail north of Washington Street. A small machine with leveler may be used to level ruts; the small machine must go around wet areas and work may not take place in wet areas. The motion was seconded by Jolley and passed unanimously.

HEARING:

NOI: #307-0704, 228 Perkins Row, (Map 34, Lot 039), Day/C.G. Johnson Engineering, Inc.
Present: Charles Johnson, CG Johnson Engineering; Donald A. Day, property owner.
A Public Hearing was held to consider the NoI for a septic system upgrade within 100 feet of a documented Vernal Pool at 228 Perkins Row. Johnson explained how he reviewed three plans to consider the best design for the property. The work will need to be in BZ area as the area outside the BZ has a water pipe. The project will maintain at least 50 feet from the closest Wetland and erosion protection will be in place. There will not be a change to the ground surface topography when the upgrade is done. Spillman visited the site and found the vernal pool in good condition as were the other Wetland areas, although leaves had been dumped in both, which will cease. She has no concerns about the proposed project.

Luther made a motion to close the hearing. The motion was seconded by Jolley and passed unanimously.

Luther made a motion to issue an Order of Conditions and permit the construction of the septic treatment system as shown on the plan entitled Permit Site Plan, Proposed On-Site Wastewater Treatment and Dispersal System Upgrade for Residence Located at 228 Perkins Row, prepared for Donald A. Day and Lilia M Lorbes, by C.G. Johnson, dated April 9, 2013 with the usual conditions of erosion control and other precautions as required. The motion was seconded by Merrill and passed unanimously.

OTHER:

61 East Street/Cummings Family Homestead Site, (Map 08, Lot 016), Commonwealth of MA – DCR/Topsfield Historical Society, unauthorized clearing of Buffer Zone – discussion
Luther explained how the Cummings Family Foundation wanted to place a commemorative plaque on the banks of an area of Hobbs Brook. To get to the area where the plaque would have been placed, unauthorized clearing of overgrowth was done. Initially, Spillman was told that only the invasive plants were going to be removed by hand, and only within the area of the old homestead. Some of the neighbors were concerned about the extensiveness of clearing and tree

removal and contacted the DCR. The work has stopped and future plans to clear the area have ceased.

120 High Street/Hickory Beach Subdivision, (Maps 42, 49, 50, & 58) – stormwater management and drainage, annual report
The last five lots are sold. The TCC office has received several calls about these lots, including inquiries regarding the proposed house sites and septic systems. The TCC would like updated full size set of plans identifying wetlands, infrastructure, lot lines, septic system, and house locations to better answer questions for property owners. There was further discussion on identifying the flow of water coming down from an undetermined source at 11 Hickory Lane (Lot 13). Spillman will contact Larry Beals for the stormwater management drainage annual report and request as-built plans for the work done.

Revisions to Topsfield Wetlands Bylaw Regulations – discussion
Merrill is working on updating the wording and regulations regarding fees and fines. There was discussion on making the fines equal to, or more than what a fee would cost.

MEETING MINUTES:
A motion was made by Luther to accept the minutes from the meeting of **April 10, 2013** as amended. The motion was seconded by Carroll and passed unanimously.

ADMINISTRATOR'S REPORT:
Updates – current projects

Lot 1 and Lot 2 at 120 Hill Street, Chapter 61A properties
These properties are for sale and the Town has the right of first refusal. There was discussion on whether the TCC would recommend the purchase of this property to the Board of Selectmen. It was decided the TCC would not recommend the purchase.

Luther made a motion that the TCC recommends to not exercise the option for the purposes of conservation. Carroll seconded and the motion passed unanimously. Jolley abstained from voting.

362 Boston Street
The demolition is nearly complete. The barn has been dismantled and saved for its historic value. The silt sock will be left in place until the grass seed grows. Gandt spoke with Jay Lawrence and he is willing to let the Town keep the silt sock for future conservation purposes. The Town site walk will be May 2nd at 10:30 AM.

270 Boston Street
A site visit is planned for tomorrow to observe and document status of, including activity in the vernal pool. Several TCC members plan to attend.

TCC Intern
The TCC will not have a senior tax work off assistant this year, but is offering a paid internship for a student this summer. An Eagle Scout Project is being proposed and a group interested in participating in an environmental project has contacted the TCC office.

ADJOURNMENT:
A motion was made by Luther at 9:27 PM to adjourn the meeting. The motion was seconded by Merrill and passed unanimously.

Respectfully submitted,

Debbie Rogers
Minutes Secretary

Accepted at the TCC meeting on (DATE)

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.