

***Topsfield Conservation Commission
Minutes of Wednesday, October 23, 2013
Topsfield Library Meeting Room***

Present: Jennie Merrill, Chairperson; Cheryl Jolley, Vice Chairperson; Holger Luther; Jim MacDougall; Jim Carroll; Lana Spillman, Administrator; and MaryAnn Tuxbury, Minutes Secretary. All Commissioners are present.

Other Attendees: Mary-Margaret Keaney; John Morin; Cathy Melaney; David Walsh; Jack Donabler; Cliff Elliott; Dick Gandt; and Frank Crowley.

The meeting was called to Order at 7:00 p.m. with a quorum present.

HEARINGS:

Continuation NOI: #307-0701: Lot 1, 125 Boston Street, (Map 64, Lot 005), 77 Salem Road, LLC/The Neve-Morin Group, Inc.

There was no one present to represent the applicant.

In her written report to the Commission, Spillman states that an inventory of the mature trees has been done, and there is a schematic for the restoration plantings, but that this information is not on the plan yet.

Merrill stated that she understands that the applicant wishes to continue this hearing. Spillman replied that there is a written request to continue this hearing to the November 20, 2013 meeting.

Luther stated that before he voted on the continuation, he had some observations he wished to make. He stated that he was uncomfortable with this development considering that most of it is in the buffer zone. He stated that he also understands that due to the language of Section 10.4(b) of the Bylaw Regulations, the Commission has no choice. He stated he thinks it would be a good idea if the Commission considered requiring mitigations, and also consider amending the regulation to put a quantitative measure into that regulation. He suggested that alteration of Buffer Zone not exceed 50%.

Spillman stated that a lot of Commissions have minimum setbacks or no disturb areas or both.

Luther stated that his biggest concern was the possibility that during the construction process 90% of the buffer zone was impacted. Jolley commented that the impact would depend on the type of dwelling to be constructed.

A motion was made and seconded (Luther/Carroll) to continue the public hearing to the November 20, 2013 meeting. So voted unanimously.

RDA: #2013-015: 8 Surrey Lane, (Map31, Lot 044), Smith

There was no one present to represent the applicant. Jolley read the legal notice aloud. Spillman stated that the members should have received a copy of the sketch plan, and she has printed out photographs of the property. The proposal is to remove an existing shed which was there prior to their (Smith) purchase of the property; this shed is very close to the wetland – about 10-15 feet. The applicant wishes to put in a free-standing screened porch, which has an elaborate support system, upslope about 5 feet from there.

Luther asked if the screened porch was going to be on sonotubes. Spillman replied that it was going to be on a frame, which is part of the application. Luther then asked if the frame was going to be in the ground. Spillman stated she thinks the support is 8-12 wooden piers or sona-tubes.

Merrill asked Spillman if she had any issues with the proposal. Spillman replied that she would like a limit of work established because it is so close to the wetlands.

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

A motion was made and seconded (Luther/Jolley) to issue a negative determination of applicability for the proposed project, subject to some appropriate conditions that delineate the work area and provide proper intrusion control into the resource areas, referencing the sketch plan "SmartDraw – Smith Backyard – 8 Surrey – Screen Porch Layout," dated 9-17-13. So voted unanimously.

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

There was no one present to represent the applicant. Jolley read the legal notice aloud.

Lana became aware of activity because of some phone calls and visits to the office. She stated that she went out and did a site inspection and determined that there had been significant tree removal and movement of soils. After the site inspection, she came back to the office and did some research on the topography of the area, and the Town maps, etc. Part of an intermittent stream is shown on the Town topographic map; the rest of the stream is not shown but one can interpret where it is due to the topography. The history of the area is that there is a wetland near the top of the hill, and some neighbors got together and piped part of the stream. It's an intermittent stream; it only flows during large storms, and there is no wetlands vegetation associated with it. Spillman referred to it as a Bylaw intermittent stream.

Spillman stated that she contacted Mr. Blais and he came into the office. She explained to him that there is bylaw buffer zone on his property. Mr. Blais stated that he was not going to take down any more trees, but that he would like to do some more grading in the buffer zone and plant some new trees. He would also like to construct a garage on the property, but it would be outside the buffer zone.

Mary-Margaret Keaney, 4 Arrowhead Road, asked if there was anything in the application about increasing the pavement of the driveway. She stated that Arrowhead Road has changed over the years, and trees have been taken down before, and now she has water in her basement. Sometimes her sump pump runs 24 hours. There are three (3) new septic systems in the area now, and she has observed that all the water runoff drains towards to her property; the groundwater has increased. She asked the Commission to look at the whole picture and not just one isolated piece of property. She mentioned two (2) storm drains - one at end of driveway, the other diagonally across the street. These storm drains are not piped to Little Brook at the rear of her property. For the water to get to Little Brook, it flows to her house first, and then to Little Brook. She stated that when Arrowhead Road was re-paved, it wasn't done well, and the water flows right onto her property.

Merrill stated that the application is not for blacktopping the driveway and that due to the location of the driveway, it is outside of the Commission's jurisdiction. Spillman stated that the driveway is off of Colrain Road and not Arrowhead Road.

Luther asked Keaney if she had spoken to the Highway Department in regards to the stormwater runoff issue. Keaney stated that they had spoken to Mr. Bond prior to the paving of Arrowhead Road. After the

road was re-paved, she complained about the water coming down, but nothing was ever done. She mentioned that the Highway Department used to clean out the storm drains, but now they don't even do that.

Luther stated that stormwater is a concern to the Planning Board, and suggested to Keaney that she contact the Planning Board about this issue. He also stated that, while Massachusetts Stormwater Regulations are part of the Wetlands Regulations, the Highway Department along with the Planning Board are the ones that are in charge of managing the Topsfield Stormwater Regulations.

MacDougall asked if the property was in the "red zone". Spillman replied that she looked it up, and it is not, but that the map shows a large wet area, "blue zone," associated with Little Brook.

Jolley mentioned that there are large piles of soil on the property. Keaney stated that she saw the owner out there working on Saturday, and that he is changing the grade of the property. Spillman stated that the applicant wants to do some minor additional grading.

Luther commented to make sure the grade is not altered so that it's detrimental to the abutters.

Luther commented that he would like the new owner, Mr. Blais, attending so that the Commission could find out what his intentions are in regards to the plantings and grading. A motion was made and seconded (Luther/Jolley) to invite the new owner to attend the next meeting, and to continue this public hearing to the November 6, 2013 meeting. So voted unanimously.

RDA: #2013-017: 146 South Main Street/Essex County Co-Op, (Map57, Lot 003), Essex County Co-Op Farming Association/The Neve Morin Group

John Morin, from The Neve-Morin Group, was present and represented the applicant. Some representatives of the Co-Op were also present.

Jolley read the legal notice aloud.

Morin explained the plan to the members. The application is for the installation of a new septic system with grading in the buffer zone. Morin explained that the new septic system is going in behind the building, along South Main Street. There is a wetland resource area located across the street, a bordering vegetated wetland containing an intermittent stream. There is also an isolated wetland on the northerly side of the Co-Op property that is jurisdictional under the local bylaw. It is located northwest of the proposed work area. The proposed work is in the buffer zone associated with the bordering vegetated wetland located across the street. The buffer zone associated with the isolated wetland is almost 100 feet further from the proposed work.

Morin explained that the Co-Op would like to replace the existing septic system, which is located at the rear of the building. The topography slopes from the building down towards South Main Street. The area where the septic system is proposed, and where the proposed grading is located is all within existing lawn. There is no proposed tree removal as part of this project.

Morin explained that the reason they filed a Request for Determination of Applicability is because the area where the septic system is proposed is lawn, and after installation, it will be lawn. He feels that the project meets the minor project definition in the Wetlands Protection Act. The site is not located in any National Heritage areas.

Spillman reported that she had done a review of the wetland lines without entering the property across the street. She submitted photographs for the members to look at that show three (3) flags on the property; there are supposed to be six (6) flags, but the field appeared to have been mowed within the last month. She stated that the three (3) flags that were there are the most critical and were accurately placed.

Spillman stated that she had looked at the trench on the same side of the street, and there was not a predominance of wetlands vegetation, and the topography looks like that water stands there rather than flows. The inlet of the pipe was not obvious; it looks like a pile of rubble there. Morin agreed and stated that they had to dig to find the outlet invert. He also stated that it is a deep cut swale but that the bottom of the swale is flat.

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

A motion was made and seconded (Luther/MacDougall) to issue a Negative Determination of Applicability, subject to appropriate conditions of siltation control and limit of work area delineation, referencing the plan, "Sanitary Disposal System Upgrade prepared for Essex County Co-Op Farming Association, 146 South Main Street (#S-2932)," dated 9/27/13. So voted unanimously.

OTHER:

DNI: 2013-06, 19R Pheasant Lane, (Map 11, Lot 2), Conservation Land, Completed Eagle Scout Project, Crowley - presentation

Liam Crowley from Troop 81 was present and gave a Powerpoint presentation of his Eagle Scout project. His project was to connect Greenbelt property, Town Conservation Land, and Willowdale State Forest with a trail. The project consisted of clearing the trail and construction of three boardwalk sections over an Intermittent Stream and associated BVW, which he had help with from other troop members; and making signs to mark the private property, the end of the trail and the beginning of the trail. His Powerpoint presentation showed the various stages of work being done for this project.

The members thanked him for doing this project and were impressed with the end result. A couple of members stated that they were going to go out and walk the trail soon.

Corrected Partial CoC #307-0083: 13 Pheasant Lane/Lot 12A, (Map 11, Lot 005), Anastasio; and Corrected Partial CoC #307-0084: 13 Pheasant Lane/Lot 12A, (Map 11, Lot 005), Anastasio

Spillman informed the members that she received a phone call this morning from an assistant at the lawyer's office, and they had informed her that the Commission has missed two (2) of the book and page numbers. Spillman stated that when Pauline printed out the Orders from salemdeeds.com, she had only printed out the Bylaw Orders; there are separate Act and Bylaw Orders, and Spillman stated she was unaware of that. Spillman informed the lawyer's assistant that in order to correct the problem, they would receive four (4) CoCs. The lawyer's assistant informed Spillman that they only had money to record two (2) documents. Spillman suggested issuing corrected partial CoCs to correct the problem.

A motion was made and seconded (Luther/MacDougall) to issue appropriate corrected partial CoCs for both #307-0083 and #307-0084. So voted unanimously.

General OoC for Highway and Water Department activities within jurisdictional areas - discussion

A draft letter to be sent to Dave Bond was previously sent to the Commission members. MacDougall commented that it needs to be clear to all the Town departments that no one is outside the law. He also commented that it would be nice to have conditions in Orders written for the ordinary person; something that is not overwhelming when the person looks at it.

A motion was made and seconded (Luther/Jolley) to send the letter to Dave Bond with Merrill's signature. So voted unanimously.

Revisions to Topsfield Wetlands Bylaw Regulations – discussion, schedule hearing

Merrill stated that the Commission needs to schedule a public hearing for this, and she needs to look into any possible amendments in the Law. Luther stated that he has finished the pond regulations. Spillman stated that she needs to look over these as well as 10.23 and 10.24. Merrill stated that she needs time to do the legal research and that the public hearing should not be scheduled for the next meeting.

Proposed 2014 Meeting Dates and Filing Deadlines

A schedule of proposed meeting dates and filing deadlines was previously given to the members for their review. A motion was made and seconded (Jolley/MacDougall) to accept this schedule as proposed. So voted unanimously.

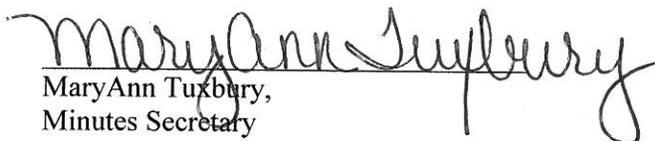
MEETING MINUTES:

A motion was made and seconded (Luther/Carroll) to approve the **September 11, 2013** meeting minutes, as amended, and the **September 25, 2013** meeting minutes, as amended. So voted unanimously.

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 8:50 p.m.

Respectfully submitted,


MaryAnn Tuxbury,
Minutes Secretary

Minutes approved at the TCC meeting on November 20, 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.