

***Topsfield Conservation Commission
Minutes of Wednesday, September 25, 2013
Topsfield Library Meeting Room***

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

Other Attendees: M.J. Doorley; Philip Lemire; John Morin; Mark Ciccarelli; and Dick Gandt.

The meeting was called to Order at 7:04 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.

Present: John Morin, The Neve-Morin Group, Inc.

Morin is requesting to submit a revised plan for development of the property less than seven (7) days prior to the hearing. The revised plan is entitled "Sanitary Disposal System Design Prepared For 77 Salem Road LLC, Lot 1, Newburyport Turnpike, Topsfield, Massachusetts", revision one (1), dated 5/14/13, consisting of one (1) sheet. Under TCC Policy #2002-2: ACCEPTANCE OF MATERIALS FOR REVIEW, a waiver is needed for the TCC to accept the revised plan less than seven (7) days prior to the TCC meeting. In her report, Spillman suggests a motion to waive the policy and to accept the plan and not make decisions based on the plan this evening.

A motion was made and seconded (Luther/MacDougall) to waive the policy and to allow the revised plan to be submitted less than seven (7) days prior to the TCC meeting. So voted unanimously.

Morin explained the revised plan. They have rotated the garage to pull the driveway up further from the wetlands. There is also a water quality swale along the edge of the driveway.

Morin stated that he did look into using porous pavement, and there are issues with it. They would need to have a material thickness 27 inches of sub-base material then 2 feet above groundwater in order to use porous pavement. These criteria could not be met with the seasonal groundwater elevation at the site.

Morin commented on the idea of a rain garden. A rain garden would be 7 inches thicker than what would be required for the porous pavement - so that would be 34 inches of material, then 2 foot separation. He recommends a water quality swale. They needed to move erosion control downslope to accommodate the water quality swale, in order to grade it out, and they are proposing haybales with silt fence for erosion control. The limit of work line is in area that was worked in before. Morin stated he is trying to minimize disturbance in the buffer zone.

Luther asked about the mature trees on the site that were going to be taken down. He suggested taking an inventory of these trees, so that the Commission can think of ways mitigation could be accomplished.

Spillman stated that there will be substantial alteration of the buffer zone, and that the proposed house will be very close to wetlands. She recommends requiring mitigation for those alterations. Due to the proximity of the work to the BVW, extra caution needs to be taken. She suggested a band of trees and shrubs, which has been done before on other projects. Luther suggests viburnum and willow trees, and gray dogwoods. The new vegetation should be placed along the erosion control line.

Merrill asked if there was anyone from the public that wished to speak. There was.

Tom Carroll, 79 Salem Road, expressed his concerns that the whole project is in the buffer zone; 80% of the land is going to be excavated; there is poor soil - it holds a lot of water; and there is going to be steep grading very close to the wetland. He doesn't think haybales are enough to protect the wetlands during construction. He questioned if there would be mitigation for after construction, types of plantings proposed and how they would be maintained. Also, he is concerned about the precedent this may set. He submitted a letter summarizing his concerns to the Commission.

Morin stated that the septic system has been moved outside of the buffer zone as a design criterion. The closest point of work to wetlands is 10 feet. He believes the lot complies with the Bylaw Regulations for development on lots in existence prior to 2000.

There was some discussion in regards to development of the lot. Morin stated that he has a copy of the old OoC, 307-0205, and he doesn't think it was ever recorded.

Luther stated that the Commission needs to make a finding that this is a best effort to minimize impact. Spillman stated that the project is "grandfathered" (not a term in the Bylaw or Regulations) because the lot was created so long ago...1993. MacDougall stated that the owner of this lot has the right to put in a house, septic system, and driveway, outside the buffer zone as much as possible, according to the regulations.

Luther asked about the Board of Health review. Morin replied that they have BOH approval, but if the Commission approves the revised plan, he will be submitted the revised plan to the BOH for review.

A motion was made and seconded (Luther/Jolley) to continue the public hearing to the October 9, 2013 meeting. So voted unanimously.

REQUESTS:

Continuation CoC Bylaw #307-0262: 1 South Common Street (Town Library), (Map 33, Lot 038)

Spillman reported that she, Luther, MacDougall, and Library Director Laura Zalewski looked at the drainage structures last week – nearly all of them were clean. Earlier this week she went back out and looked at the inlet structure at the end of the staff parking lot. She noticed that there was a sheen of oil on the water in the upslope of the two (2) manholes.

Spillman informed the Commission that she had done a review of the files and could not find an O & M plan. She sent an email to Larry Graham, who is the design engineer of the drainage system. He responded with a phone call, and based on what the Commission observed, he recommended that (1) the structures that collect roof runoff should be inspected and cleaned out if necessary every four (4) to five (5) years; and (2) the inlet structure at the end of the staff parking area should be cleaned out soon; this structure should be inspected again in a year, and if it is clean, then it should be put on the four (4) to five (5) year schedule; if it is not clean, then it should be inspected and cleaned every two (2) years.

Luther commented that the Library needs to hire Graham (H.L. Graham) and pay him to write the O & M plan for the drainage structures. MacDougall commented that he thinks the Library should go out to bid and that the TCC should not recommend going to any specific engineer.

Spillman stated that she is certain that DEP will be concerned that no maintenance has been performed on the drainage structures, and that DEP will be more concerned to have an O & M in place from this day forward. She stated that the Library is going to have to contract with someone to do the maintenance work. Spillman questioned why the Highway Department couldn't do this work. MacDougall suggested that maybe the Library could contract with the Highway Department to do the work and transfer some money over to them for doing the work. Spillman stated that she was going to look into this and will follow up with Laura Zalewski.

OTHER:

NOI: #307-0709: 9 River Road, (Map 57, Lot 002), Hardy

A motion was made and seconded (Luther/Carroll) to issue an OOC with the usual Conditions under the Act and the Bylaw, and that the OoC reference the plan dated 7/24/13 by Hancock Engineering. So voted unanimously.

120 High Street/Hickory Beach Subdivision, (Maps 42, 49, 50, & 58) – stormwater management and drainage, recent site visits, and updates

Spillman reported that she did a site visit this afternoon, and she passed around photos that she had taken during the site visit. She informed the Commission that the Planning Board is trying to get the stormwater features done per the plan, and that the people doing work didn't have the correct plan. During her site visit, she noticed an area of disturbed soil in front of the large detention pond, and the contractor who did the paving covered all the drain manholes.

Luther noted that there were huge amounts of fill on Lots 10 and 11 (19 and 17 Hickory Lane, respectively). Spillman stated that it is mostly crushed stone and gravel being brought in. While conducting her site visit, she noticed that a Conservation post was wobbling all over the place, and that the garage might be moved four (4) feet back from the Buffer Zone boundary. She further stated that her biggest concern was the outlet pipe on lot 13; the leaching system fill collapsed the

sedimentation control right where the outlet pipe is. She passed around a picture for the Commission.

Luther commented on the plantings at 20 Hickory Lane – they do not look like deer had damaged them; it looks like they were planted poorly, and that the landscaper just walked away from the job. He stated that it is evident that it was a totally careless job. He was told that Larry Beals gave them a plan and said this is where the plantings go. He also spoke to the owner of the landscaping company and told him the plantings were unacceptable, that Mr. Annis was looking for a CoC, and the Commission cannot issue one based on what was observed. Spillman stated that as a preventive measure, she added conditions related to the restoration plantings for Lot 23 at 3 Beech Place.

Spillman asked the Commission what they wished to do about the outlet pipe at 11 Hickory Lane (Lot 13). Luther stated that he thought they were going to stay away from that. Spillman stated she thinks the property has changed hands, so who should she approach about this? MacDougall stated that it should be the new owner. Luther agreed and stated that Spillman needs to talk to the owner of record.

Ferncroft Country Club – Discussion on Long-term Invasive Plan Management Plans

Spillman reported that she had done a site visit, and that the site looks to be in compliance. She had suggested to the staff that for long-term care, they should file an NOI to manage the invasive species – both aquatic and upland. An Ooc could then be issued for the long-term care. She stated that she is working with them to come up with the NOI for this, and that some additional documentation would be needed for CoC.

MacDougall offered to do the required post-activity fish assessment. Spillman thought that this was a good idea and offered to coordinate the effort.

Spillman stated she would like the Commission make a site visit and she would like to work with the Ferncroft C.C. on the invasive plant species management plan.

MEETING MINUTES:

A motion was made and seconded (Luther/MacDougall) to approve the August 21, 2013 meeting minutes, as amended. The vote was 4 yes (Merrill, Luther, MacDougall, Carroll); 1 abstained (Jolley). Jolley abstained because she was not present at that meeting. Motion passed by majority vote.

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

ADMINISTRATOR'S REPORT:

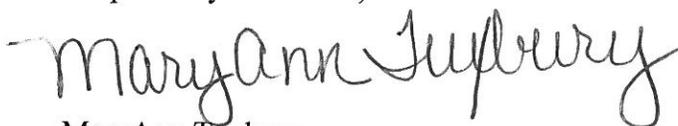
130 Central Street

Spillman reported that this lot was subdivided and created two (2) lots. Someone has moved into the existing house on one of the lots. Soil testing has been authorized on the other lot. The Trust is trying to develop the second lot, but it is not being done in a logical way. The Real Estate Agent came into the Office and stated that they were trying to sell the lot. Spillman reported to the Commission that the Trustees never came in and a resource area delineation has not been reviewed (ANRAD). There are issues with access, and the responsible party didn't consider wetlands when the property boundaries were drawn. There was some soil testing done, and reportedly suitable soils were found for a septic system. Spillman stated that she suggested to Real Estate Agent that they file an ANRAD with the Conservation Commission. MacDougall added that there is a vernal pool in the area of BVW near Central Street.

ADJOURNMENT:

There being no further business to come before the Commission, a motion was made and seconded (MacDougall/Luther) 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 October 23, 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.