APPROVED

Topsfield Conservation Commission

Minutes of Wednesday, June 26, 2013

Topsfield Library Meeting Room

Present: Commissioners Mark Erickson (Chair), Holger Luther, Cheryl Jolley, Jim MacDougall (present for the first Hearing), and Jim Carroll; Administrator Lana Spillman; Minutes Secretary Debbie Rogers; Selectman Liaison Dick Gandt
Absent: Jennie Merrill

The meeting was called to order at 7:05 PM 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.
The TCC received a written request from the Applicant for a continuance to July 17, 2013. MacDougall made a motion to continue the hearing to July 17. The motion was seconded by Carroll and passed unanimously. MacDougall left the meeting for the evening.

RDA #2013-09: Interstate I 95 NB & SB and interchanges, Mass DOT, Highway Division
Present: Andrea Norton, MA DOT
A Public Hearing was held to consider RDA 2013-09 for Interstate I 95 NB and SB and interchanges to replace the poles for overhead and guide signs partly within TCC-jurisdictional areas.
Proof of abutter notification was received. Norton explained how the project is replacement of poles for signs along I95 from Peabody to Georgetown. The DOT uses two types of footings used for overhead signs. Soil samples and slope determine the type of footing used with signage. Any project debris will be moved offsite and erosion controls will be in place. Spillman visited the sites with Norton and suggested areas of additional sedimentation controls.

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

A motion was made by Luther to issue a Negative Determination of Applicability under the Act and the Bylaw for the sign project along Interstate I95 NB and SB. The motion was seconded by Jolley and passed unanimously.

RDA #2013-10: 221R Washington Street, (Map 47, Lot 001), Martin
Present: Rob Martin, Property Owner
A Public Hearing was held to consider RDA 2013-10 to remove trees, reconstruct walls, and install garden beds at 221R Washington Street. Proof of abutter notification was received. Spillman visited the site with Rob Martin. The property is located adjacent to Fish Brook and BVW. Martin explained how the proposed stone wall is similar to a project he completed about a year ago. Some storm-damaged trees need to be removed and the stumps will remain in place. He would like to add some raised garden beds to grow herbs. The retaining wall will be disassembled and put back in place with cement and crushed stone after the project is completed.

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

Luther made a motion to issue a Negative Determination of Applicability for the proposed project at 221R Washington Street under the Act and the Bylaw. The motion was seconded by Jolley and passed unanimously.

RDA #2013-11: 124 Hill Street, Lot 1, (Map 68, Lot 049), Iovanella
Present: Jim MacDowell of Eastern Land Survey representing Frank Iovanella; Paul and Joanne Harder, abutters at 125 Hill Street; Stephen and Francee Longmuir, 121 Hill Street
A Public Hearing was held to consider RDA 2013-11 for 124 Hill Street, to construct a driveway and stormwater management in Buffer Zone of an Intermittent Stream. Proof of abutter notification was brought to the meeting. MacDowell presented a plan for construction of stormwater management structures. The area has a fairly high water table and the existing grade will be built up in front of the house. Water runoff from the roof will be diverted. Erosion controls and crushed stone will be in place. Abutter Paul Harder of 124 Hill Street expressed concerns about potential water issues from additional runoff onto his property. He brought in a picture of a flowing stream and explained how the culvert is full of mud. There was discussion about completing an updated soils test to take into account the current situation. Abutter Steve Longmuir of 121 Hill Street explained how French Drains and pumps were added, yet the water issues persist including red clay draining down the street and onto his property during major storm events. Luther was concerned about issuing a permit for this property without 100-year flood calculations being considered. MacDowell mentioned that Beals Assoc. did not find difficult soils on the site when they did soils testing. The TCC determined the soil test was a BOH issue. However, they agreed a site visit should be scheduled to view the concerns presented at the meeting. There was discussion on a continuation of the hearing so a drainage report could be submitted to the TCC for review. MacDowell said a hydrology report is available and he will submit it to the TCC for review. The TCC would like input from the TPB for consideration on how this project may impact the neighborhood. A site visit will be scheduled for Friday morning on June 28 to observe conditions. There was further discussion, on questionable dumping in the area. Pictures of the dumping on Lot 2 will be sent to the BOH and the TPB for their input.

A motion was made by Luther to continue the hearing to July 17, 2013. The motion was seconded by Carroll and passed unanimously.

NOI #307-0???: 222 Boston Street, (Map 49, Lot 041), Lawton/The Neve-Morin Group, Inc
Present: John Morin, Neve-Morin Group; Ray Lawton, Property Owner
A Public Hearing was held to consider the NOI to raise the existing structure and build a commercial building approximately the same size as the existing building with a new septic system at 222 Boston Street. Cleveland Brook runs through and School Brook runs along the east side in BVW on the property. The entire upland of the property is in Riverfront Area. The proposed building footprint will be increased by about 200 square feet. The parking lot will remain the same size and is designed for ten parking spaces. The septic system will be smaller and will meet the conditions for a commercial system. Many of the setbacks have been increased. The property is located in floodplain. A retaining wall will be built to help with the flood zone. The grade will be increased slightly to raise the building above the flood plain, and will gain an additional 270 cubic feet. There is an outstanding OoC from November 2006. DEP policy will

not allow two OOC's in effect at the same time (DEP Policy DWW 88-3). The DEP needs the original OoC closed before they will issue a file number for this project.

Luther made a motion to continue the hearing to July 17th. The motion was seconded by Carroll and passed unanimously.

NOI #307-0707: 3 Beech Place, a.k.a. Lot 23 at Hickory Beech Subdivision, (Map 50, Lot 037), Patch Development LLC/Beals Associates, Inc.
Present: Larry Beals, Beals Associates; Greg St. Louis, Beals Associates; 3 Beech Place, Gary Patch, property owner/developer
A Public Hearing was held to consider NOI 307-0707 for construction of a single family home, installation of a septic system, and landscaping at 3 Beech Place. Proof of abutter notification was submitted at the meeting. Beals explained how Lot 23 contains a non-jurisdictional wetland (based on size, determined with the 2004 subdivision ORAD), and has Buffer Zone of two larger wetlands, to the east and to the west. The driveway is gravel and was put in to vest rights. Minimal additional fill would be brought in. There are two box culverts under the driveway. Trees would be planted in accordance with the new plan, including Grey Dogwoods and Red Maple, as well as shrubs such as winterberry and shadbush. The original OOC, still in effect, includes building the house, septic system, and driveway. Beals mentioned that there was some mitigation work associated with the original OoC; a cart path area was re-vegetated and a small berm was added. The new proposal is to place the house just outside Buffer Zone and create a lawn area of about 3000 sq. ft. in BZ and to establish a new limit of clearing/lawn with shrubs and trees. They would just remove trees and plant grass and the new row of shrubs and trees. TCC discussed DWW 88-3 and the need to close out the current OoC if they want to proceed with the new NoI. Beals requested a partial CoC for the work completed, including the driveway and grading, and would like to continue the project working under a new OoC. There was discussion on how the Wetlands now appear to be larger than shown on the original ORAD plan, and acknowledged that wetland boundaries can change over time. A new application would re-evaluate the Wetland boundaries, along with the updated project plans submitted to reflect any changes. St. Louis asked about the possibility of an amendment to the current OoC instead of the new NoI. Luther summarized that with an amended OoC they would not need to start the process de novo. A site visit will be scheduled with Beals and several TCC members to observe current Wetland boundaries.

Luther made a motion to continue the hearing to July 17th. The motion was seconded by Carroll and passed unanimously.

RDA #2013-06: 103 Wenham Road, (Map 71, Lot 035), Silveri
Present: Steven Silveri, property owners
A Public Hearing was held to consider the RDA 2013-06 at 103 Wenham Road for expansion of lawn and installation of irrigation in Riverfront Area. Proof of abutter notification was received. Silveri explained how the impact of the project is minimal and includes adding soil, hydro seeding, and re-grading to extend the lawn. He would also like to install an irrigation system on his property. Spillman visited the site and has no 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 issue a Negative Determination of Applicability under the Act and Bylaw. The motion was seconded by Carroll and passed unanimously.

RDA #2013-08: 32 Prospect Street, (Map 40, Lot 094), LeClair
Mr. LeClair had notified the TCC office that he could not be present and authorized the hearing to proceed without him. A Public Hearing was held to consider RDA 2013-08 for 32 Prospect Street for the removal of trees after the fact. Abutter notification was received. Spillman explained how the owner was not aware permission was needed to remove trees in BZ of an Intermittent Stream, and filed the proper paperwork upon notification.

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

Luther made a motion to issue a Negative Determination of Applicability under the Act and Bylaw. Carroll seconded the motion and it passed unanimously.

REQUEST:
RDNI: #2013-10: 31 Wildes Road, (Map 13, Lot 016), Fox/Brady Built Sunrooms
Present: Kevin Keeler, Brady Sunrooms; Heidi Fox, Property Owner
Keeler explained how the existing deck needs to be replaced. The 11' x 19' sunroom would be the same level as the existing deck. Three sonotubes will be used for supports. There is a discharge system in place for the gutters on the house. The debris will be properly disposed. Spillman visited the site and has no concerns about the project, but did observe dumping of leaves and pine needles in BVW. The TCC requested the dumping be stopped in this area and moved to an appropriate area nearby.

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

Luther made a motion to issue a Determination of Negligible Impact under the Act and Bylaw with the usual conditions, and to refrain from dumping leaves and pine needles in BVW. Carroll seconded the motion and it passed unanimously.

OTHER:
120 High Street/Hickory Beach Subdivision, (Maps 42, 49, 50, & 58) – stormwater management and drainage, review of recently submitted revised plans, and updates
Present: Jim Wilkenson, Property Owner 14 Evergreen Lane, representing the Homeowners Association. Larry Beals of Beals Associates also was present.
Wilkenson explained how the property owners at Hickory Beach Subdivision understand they will be responsible for maintenance of common areas, including stormwater management features, and would like to learn more about their responsibilities and what they can do to move forward to get the streets accepted by the Town. There was discussion about the accuracy of Wetland boundaries. There is wet vegetation on Lot 7 and a retention pond on Lot 4. The TPB does not have a copy of the most recent plans and will need as-built plans for the subdivision.

MEETING MINUTES:

A motion was made by Luther to accept the meeting minutes as amended from **May 8, 2013** and **June 12, 2013**. The motion was seconded by Carroll and passed unanimously.

ADMINISTRATOR'S REPORT:

Summer Intern

Present: Kate Kennedy, Summer Intern for the TCC

Kate Kennedy attended the meeting and has been working in the TCC office and doing field work as a summer intern. Projects include investigating a vernal pool located between Averill and Brookside, mapping trails on conservation land, and designing a brochure with conservation information.

Meeting Minutes Secretary

Minutes Secretary Debbie Rogers resigned to accept the position of Assistant Town Accountant in Topsfield. She appreciated the opportunity to learn about local conservation and enjoyed working for the TCC.

TCC Chair

TCC Chair Mark Erickson resigned from the TCC and as Chair of the Conservation Commission. The TCC is grateful for his willingness to serve as Chairman this past year and for his contributions to the TCC during his five years on the Commission.

Luther made a motion to nominate Jennie Merrill for Chair, and Cheryl Jolley for Vice-Chair of the TCC. Carroll seconded the motion and it passed unanimously.

ADJOURNMENT:

A motion was made by Luther at 9:14 PM to adjourn the meeting. The motion was seconded by Carroll and passed unanimously.

Respectfully submitted,

Debbie Rogers

Debbie Rogers
Minutes Secretary

Accepted at the TCC meeting on July 17, 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.