

Topsfield Conservation Commission

Minutes

**Meeting held July 17th, 2013,
Topsfield Town Library Meeting Room**

Present: Commissioners Jennie Merrill, Cheryl Jolley, Jim MacDougall, Jim Carroll, Holger Luther, TCC Administrator Lana Spillman

Absent: None (two vacancies on the TCC).

In attendance: John Morin (The Neve-Morin Group), Ray Lawton, Mark Finn, John Darling, Esq. (S&BWSB), Dick Gandt (Selectman liaison), Gary Patch, Peter Myrnos and Tom Knowlton (S&BWSB), Larry Beals and Greg St. Louis (Beals Assoc.).

At 7:04 PM chairman Merrill opened the meeting:

Hearings:

Continuation NOI: #307-0701, Lot 1, 125 Boston Street, (Map 64, Lot 005), 77 Salem Road, LLC/The Neve-Morin Group, Inc. It was recommended to continue the hearing until Aug. 21st. A motion was made by Luther to continue the hearing to 8/21/13, it was seconded by Jolley. The motion was approved.

Continuation RDA #2013-11: 124 Hill Street, Lot 1, (Map 68, Lot 049), Iovanella /MacDowell. Applicant has requested a continuance to Aug.21st. Luther moved to continue the hearing until 8/21/13, Carroll seconded the motion. The motion was approved.

Continuation NOI #307-0708: 222 Boston Street, (Map 49, Lot 041), Lawton/The Neve-Morin Group, Inc. John Morin presented the plan of the proposed building and septic system – located in the vicinity of School Brook and Cleveland Brook. The plan proposes to raze the existing dwelling and construct an office building requiring a smaller septic system than previously approved under a recent OoC. The plan calls for a return of more area for flood storage than there is presently. The property is in the Riverfront Area and thus there is no reasonable alternative design to reduce impact on the Riverfront Area. All local permits have been applied for or have been granted. Spillman had visited the site with G. Hochmuth relative to the wetland delineation and has no concerns. Merrill called for additional questions relative to the proposal; there were none. Luther made a motion to close the hearing that was seconded by Jolley. The motion was approved. Luther then made a motion to approve the plan entitled, “Sanitary Disposal System Upgrade Designed for Lawton Welding Co., Inc. 222 Boston Street,” prepared by The Neve-Morin Group, dated May 17, 2013 and revised 05/28/13 and issue an Order of Conditions subject to the usual requirements of sedimentation control, signage, pre-activity meetings, etc. This was seconded by Carroll. The motion was approved.

Continuation 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. Beals presented a plan revised from the approved and subsequently amended plan (307-0522, Act, Bylaw) for a single family dwelling and septic system. The plan features additional lawn of approximately 2,500 sq.

ft. to be planted in the outer 50 foot section of the buffer zone and the construction of a deck adjacent to/behind the house that projects entirely into the buffer zone. In addition, he proposes to remove 6 mature pine trees that stand very close to the proposed house to be built. As remediation he offers a hedge of 24 trees and bushes made up of gray dogwood, winter- and serviceberry bushes, red maples, and similar native plantings, which Luther pointed out, are valuable for birds. This hedge would be planted near the 50-foot line of the buffer zone to form a barrier between development and wetland resource areas. Additionally, he would pave the driveway with pervious pavement to minimize runoff and the use of salt and sand in the winter. Beals noted that some of the wetland flags had been refreshed, where originally placed (in 2004), and that a site visit with TCC members had taken place. MacDougall commented that the Bylaw Regulations require a waiver to allow buffer zone alterations, and noted in a lengthy dissertation that the wetlands delineation of the property was at least 9 years old and he had concerns that it was hard to determine from soil samples augered in various locations at the site visit the actual extent of wetland soils on the lot and of the isolated wetland at the entrance of the lot. He pointed out that the property is entirely in the red zone (severe-slow perc) on the Topsfield Soils Map and recommended a new delineation effort. Spillman stated that she has observed and photographed frequent pooling of water after rainstorms and increasingly more wetland vegetation on the site, especially in about the last five years. Beals noted that the TCC had only recently approved an extension of the ORAD for the subdivision (307-0480) and that therefore the wetland delineations therein were in effect. TCC commented that a new NoI might result in a new review of the resource area boundaries. There was also a discussion of DEP policy DWW 85-4 that requires amendments to OoC's to show less, or no greater impact on resource area interests. Luther asked if the chairman thought this policy to be binding upon the TCC. She thought it is advisory only, but the TCC should heed it. There was also a discussion of the possibility and complications of two concurrent NoI's/OoCs (307-0522 and 307-0707) for the same (single-family house) project on the same property at the same time, which is not permitted by the DEP (Policy DWW 88-3). Both MacDougall and Merrill noted that they had been absent at the initial hearing date, had not yet listened to the recording, and therefore could not vote on this matter at this time, leaving the TCC without a quorum. Beals then noted that there is an existing OoC (actually two, one under the Act and one under the Bylaw) for the construction of a dwelling on that lot, and given the "regulatory insanity that appears to prevail" he and his client would not pursue the new NoI, and instead will attempt to find a way to develop the lot within the context of the present OoCs. They will look into amending the current OoCs. Luther moved to continue the hearing to August 21st. Carroll seconded the motion, which was approved unanimously.

RDA #2013-12: Hickory Lane at High Street, 5 Hickory Lane, (Map 50, Lot 039), Meeting Way Corp., Inc./Cucinatti/Beals Associate, Inc. Beals explained that this application is for a Determination of Applicability to authorize the digging of a "plunge pool" below the outlet of a High Street culvert crossing under Hickory Lane. This pool was recommended by the Highway Superintendent, Dave Bond, to alleviate sedimentation problems of that drainage system. Beals explained that the pool will best be hand dug during a dry spell as a mechanized approach is expensive and will damage the road surface. He noted that once established the pool would not silt up again. Luther made the motion to close the hearing, Jolley seconded the motion. The motion was approved. Luther then moved to issue a Negative Determination under the Act and Bylaw subject to the usual conditions. This was seconded by MacDougall. The motion was approved.

Requests:

Emergency Certification 2013-02: 20 Asbury Street, (Map 21, Lot 017), Finn/DCR.

Finn sought an Emergency Certification to raze a decrepit garage building located in the Bradley-Palmer State Park as the building is partially collapsed and dangerous given its location in a public park area. Spillman has seen it and concurred that it needs to come down. Luther moved to issue the Emergency Certificate to raze the structure; Jolley seconded the motion. The motion was approved.

Continuation CoC #307-0653: 20 Wilmor Road, (Map 10, Lot 004), Pratt/The Neve-Morin Group, Inc. Spillman made a site visit and determined that the work has been completed substantially in conformance with the OoC. Only the siltation socks and fences need to be removed. Luther moved to issue the CoC. Jolley seconded the motion. The motion was approved.

CoC #307-0573: 222 Boston Street, (Map 49, Lot 041), Lawton/The Neve-Morin Group, Inc. Moran gave an account of the history of this old, but still in effect, OoC for a septic system upgrade that was approved, but no work was ever done. A CoC must be issued to close it out. Luther moved to issue a CoC stating that the work was not done. Jolley seconded the motion, and it was approved.

RDNI #2013-12: 46 Central Street, (Map 41, Lot 110), Strunk/Philpot.

The request is for work to demolish a shed in the School Brook Riverfront Area and replace it with one that has the same footprint. Spillman noted no concerns. Luther moved to issue a Determination of Negligible Impact, seconded by Carroll. The motion was approved.

Other:

Salem & Beverly Water Supply Board Canal Bridge Replacement, (Map 65, Lot 036), John Darling, Esq. Darling presented the plan to take down the partially collapsed bridge over the S&BWSB canal built in 1913 and replace it with a modern steel truss bridge that is built on footings that are well off the water's edge. The old pilings will be cut off above the water line and left in situ. There is no TCC approval required; the presentation was for informational purposes only. Darling agreed to send a copy of the engineered plan to the TCC.

TCC Strategic Plans:

MacDougall listed the canoe landing improvement project and the TCC open space signage to identify entrances to these spaces. In addition, there is the on-going eagle-scout project of building a footpath into the 19R Pheasant Lane Conservation Property and on-going vernal pool certifications. This was considered to be a reasonable stewardship work load.

120 High Street/Hickory Beach Subdivision, (Maps 42, 49, 50, & 58) – stormwater management. Spillman and Luther updated the TCC on the latest developments relative to the ongoing stormwater issues in the subdivision.

Meeting Minutes:

A motion was made by Luther to accept the meeting minutes as amended from **June 26, 2013**. The motion was seconded by Carroll and passed unanimously.

Administrator's Report:

Updates: Recent project news: Meredith Farm report by Bill Manuell.

A report by Bill Manuell dated 07/15/2013 described the progress of the restoration of the site. It is stated that all areas affected by the EPA Order are well on their way to a healthy wetland environment.

Vernal Pool at 17 Brookside Avenue, (Map 26, Lot 054).

Summer intern Kate Kennedy and Spillman looked at the pool and found turtles, frogs, leeches, and a host of aquatic creatures living therein. Kate is assembling documentation for certification of the vernal pool and is presently looking at the trails on conservation land at the end of Blueberry Lane.

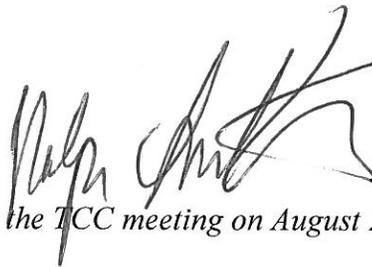
Vacation Advisory

Spillman will be on vacation from July 26 to Aug. 8. Luther agreed to fill in at the office.

Adjournment:

Luther moved to adjourn at 9:30. The motion was seconded and approved.

Respectfully submitted:
Holger Luther



Accepted at the TCC meeting on August 21, 2013