

# Topsfield Conservation Commission

Meeting of Wednesday, January 7, 2009

Proctor School Library ~ 7:00 PM

The meeting was called to order by George Hall at 7:01 p.m. with a quorum present: George Hall, Chair; Holger Luther; Jud Pratt; Jim MacDougall; Mark Erickson; Jennie Merrill.

Also present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary

Abbreviations used:

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

NoI – Notice of Intent

CoC – Certificate of Compliance

ANRAD – Abbreviated Notice of Resource Area Delineation

BOS – Board of Selectmen

OoC – Order of Conditions

EO – Enforcement Order

## **OPEN MEETING:**

Bills, authorizations, and time sheets were signed.

## **MONTHLY OUTREACH INFORMATION SESSION:**

The Open Space Committee will attend the TCC meeting of January 21, 2009. There was an update and brief discussion regarding existing and potential open space in Topsfield and the involvement of the TCC.

## **HEARINGS:**

**Continuation NoI 307-0639: 103 Salem Road,** (Map 70, Lot 3), Mooney/The Neve-Morin Group, Inc.

**Continuation ANRAD 307-0640: 57 Candlewood Drive and 109R Perkins Row,** (Map 43, Lot 7), Skeffington, Jr./Hayes Engineering, Inc.

**Continuation NoI 307-0638: 57 Candlewood Drive/109R Perkins Row,** (Map 43, Lot 7), Skeffington, Jr./ Hayes Engineering, Inc.

**Continuation NoI 307-\_\_\_: 35 Howlett Street,** (Map 33, Lot 24), MacKinnon

**NoI 307-0643L 30 Wildes Road,** (Map 8, Lot 5), Iovanella/Wetlands and Land Management, Inc.

Written requests for continuations to January 21, 2008 had been received for the first four hearings, above. TCC is waiting for a DEP comment sheet with file number for the 35 Howlett Street NoI and Mr. MacKinnon was told that there was no need for him to attend this meeting.

*Luther made a motion to continue the five hearings as listed on the agenda: Continuation NoI 307-\_\_\_: 35 Howlett Street; Continuation NoI 307-0638: 57 Candlewood Drive/ 109R Perkins Row; Continuation ANRAD 307-0640: 57 Candlewood Drive/ 109R Perkins Row; Continuation NoI 307-0639: 103 Salem Road; and NoI 307-0643: 30 Wildes Road to January 21<sup>st</sup>.*

*The motion was seconded and carried unanimously.*

## **ENFORCEMENT, APPEAL REPORTS, UPDATES:**

**Enforcement Order #2 10/16/2008: 215 Washington Street,** (Map 46, Lot 7), Galka/Gulf of Maine

It was noted that Mr. Orzel is to submit a plan to the TCC by January 21, 2009. There was no further discussion.

**Enforcement Order #2 and Bylaw Ticket #2007-11: 270 Boston Street, (Map 41, Lot 87)**

Albright/Mike DeRosa

This item was continued to spring '09 and will not be carried on the agenda.

**Amended Enforcement Order: Off Cross Street, (Map 62, Lot 2) Nash**

**Enforcement Order 12/2/2008: Off Cross Street, (Map 62, Lot 2) Nash**

Spillman updated the Commission. The TCC briefly discussed the Enforcement Order. Spillman and Hall will meet with the BOS regarding the Enforcement Order.

**MEETING MINUTES:**

**Minutes of December 17, 2008**

*Luther made a motion to accept the minutes of December 17, 2008 as amended. The motion was seconded and carried by majority vote of five Commissioners; Pratt abstained, citing that he was not present.*

**Minutes of February 13, 2002**

*Luther made a motion that the TCC formally acknowledges the TCC minutes of February 13, 2002 as the record of the meeting. The motion was seconded and carried unanimously.*

**OLD BUSINESS, UPDATES, & MISCELLANEOUS:**

**Amended OoC 307-0586: 249 Rowley Bridge Road, (Map 80, Lot 2) Richard Adelman, property owner**

MacDougall informed TCC that he had made a site visit of the property with Mr. Adelman on the previous day, January 6<sup>th</sup>. The disturbed area (to become wetlands plants nursery) has shredded leaves and bark tilled in. MacDougall did not do borings to see if the soils in that area are wet since it was obviously wetland. He advised Adelman that inorganic fertilizers should not be used since they are so soluble in water and they would go directly into the stream (Nichols Brook). Also, he advised that the filter strip is very important. He suggested that Adelman visit a wetlands nursery in Amherst to see how their operation is run.

**Greenscapes 2009**

The Highway Department, Water Department, and TCC participated the past two years. Spillman acknowledged a \$1500 donation (third year) from Essex Agricultural Society/Topsfield Fairgrounds received 1/6/09 toward the total cost of the program for Topsfield to participate; the balance (fee based on number of households) has been shared between the three departments.

Spillman reviewed how this program helps the town of Topsfield, explaining that various educational flyers and conservation programs are offered.

*Luther made a motion saying that if the money is available and can be used from the revolving fund that the TCC portion of the Greenscapes 2009 fee be made available from the Bylaw Revolving Fund, not to exceed \$600. The motion was seconded and carried by majority vote; MacDougall abstained.*

**ADMINISTRATOR'S REPORT:**

**TCC Budget for FY2010 – Due Date January 9, 2009**

There was a lengthy discussion regarding the budget of the TCC including the Administrator's hours and the department budget.

*Pratt made a motion to formally request to the Personal Board to increase the Administrator's Hours from 37.5 to 40 hours per week. The motion was seconded and carried by majority vote of five; Luther abstained.*

*Merrill made a motion to circulate to the budget recipients the proposed A and B budgets for FY2010.*

*The motion was seconded and carried by majority vote of five; Luther abstained.*

**Annual Report**

The TCC will review the draft for submission.

**Proposed Revisions to Filing Requirements**

The TCC discussed the benefits of Electronic Submissions of applications. This would require a Wetlands Bylaw change. Draft Revised Instructions for NoI. ANRAD and for RDA are being written.

**MACC 2009 Annual Environmental Conference February 28, 2009**

Commissioners who are interested in attending need to register with the TCC secretary.

**COMMISSIONERS' REPORTS**

There was an informal discussion regarding the Wetlands General Bylaw, Buffer Zones as Resource Areas and their values, and possible revisions to the Bylaw Regulations. MacDougall suggested that the Open Space Committee might like a map of critical habitats as a way to prioritize areas. TCC discussed that Conservation Subdivision design makes sense, that consultants should be in tune with environmentally sensitive engineering, and that when waivers are granted they erode the Commission's ability to protect Wetlands Resource Areas.

9:16 P.M. Luther made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley, Minutes Secretary

*Accepted at the TCC meeting on January 21, 2009.*

<p>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.</p>
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