

Topsfield Conservation Commission
Minutes of Meeting held January 13, 2016
Topsfield Town Library Meeting Room

Present: Commissioners Cheryl Jolley, Chair; Dodds Shamroth, Vice-Chair; Holger Luther; Jim Carroll; and TCC Administrator, Lana Spillman

Absent: Jen DiCarlo.

In attendance were: Mark Marshall, John Sarkis, Dick Gandt, Jeanine Cunniff (8:40 PM)

There being a quorum, Chair Jolley opened the meeting at 7:04 PM.

Hearing:

RDA 2015-07: 119 Washington Street, (Map 31, Lot 018), Whiting

Luther read the hearing notice. Spillman noted that the abutter notices had been received. Whiting is requesting a Determination of Applicability relative to cutting down and removing a number (>10) of dying and sickly trees in the Buffer Zone/Riverfront Area of a permanent stream and ponded area of the stream on his lot. The stumps will be left in the ground, and there is adequate access for tree removal equipment on firm ground. There were no further questions, so Luther moved to close the hearing, Carroll seconded, so voted. Luther then moved to make a Negative Determination of Applicability, Carroll seconded, so moved – all in favor.

Requests:

CoC 307-0184: 207 Boston Street, (Map 57, Lot 004 & Map 49, Lot 082), Essex Agricultural Society/Williams & Sparages, LLC

Spillman explained that this request is relative to a bottomless culvert that was installed in 1993 to replace a collapsed steel culvert in School Brook. Spillman has inspected the site and Hochmuth has provided an “As-built” plan of the installation. The system functions as intended. Luther moved to issue the CoC for the finished work in substantial compliance with the OoC. Carroll seconded the motion, so voted.

RDNI 2016-01: 9 New Meadow Lane, (Map 74, Lot 007), Marshall

This request is pursuant to an unauthorized installation of a drain pipe in a Buffer Zone and Riverfront Area. The drain pipe was installed in error as a result of slope issues with the street and driveway. When those were corrected, the pipe proved to be superfluous. At a previous meeting, the TCC recommended capping the pipe at the driveway end – assuming the drainage system was functioning as intended. This was confirmed by Marshall who appeared to secure a DNI for capping the pipe. After some discussion about the direction of stormwater flow, Luther made the motion to make a Determination of Negligible Impact for capping the pipe at the driveway end, seconded by Carroll and so voted.

Other:

470 Boston Street Elderly Housing District (EHD) Proposal: (Map 07, Lot 003), Sarkis Development Company – discussion

John Sarkis gave a presentation of a proposed 30-unit Elderly Housing Development (EHD) at 470 Boston Street – the site of a failed 40B housing proposal many years prior. He noted that the wetlands delineation map he has is out of date; he therefore engaged a wetlands specialist to review the site and note any changes strictly for his planning purposes. He plans to avoid any intrusion into any Buffer Zone area – except for the removal of the old house on the premises. Luther pointed out that the TPB may require him to have a second or at least an emergency exit as currently the plan shows a 1200 foot cul-de-sac. Sarkis is aware of that problem, and is working on the issue. He's contacted neighbors for easements, and he's also looking into the possibility of using the locus of the old house for a second access to Boston Street. The latter would require a curb-cut permit from Mass DoT. He also noted his intention to construct some kind of a walking trail to Willowdale Forest – either through the wetlands with a board- or swamp walk or by way of the adjoining lot line of the Lutheran Church where there is less wetland to traverse. Luther proposed to send him literature on cost effective boardwalk construction such as diamond piers and boardwalks resting on ABS pipes.

Sarkis promised to keep the TCC informed of any further developments and the submission of an ANRAD in March.

DEP correspondence re: limits on alterations of Riverfront Areas.

Spillman requested a clarification of 310 CMR 10:58 Regulation text relative to whether repeat applications of the 10% alteration limitation of Riverfront Areas are permitted by the Regulation. DEP correspondence declared that to be not lawful. Thus, there can be no repeat applications for the same exempt work (i.e. additional 10% alteration) in the Riverfront Area. Mr. Kolias of 107 Wenham Road has been notified of that DEP interpretation.

Public Record Protocols: Update regarding recent Topsfield BoS action.

The BoS has recently adopted a uniform policy relative to the handling of public documents requests. These are “interim” until such time as the new State regulations are promulgated. All boards and commissions are required to follow the policy requirements. Luther moved, seconded by Carrol, that Ms. Sherwood of 29 Perkins Row be reimbursed \$7.50 to comply with the policy requirements. So voted

Open Meeting Protocol Complaint received.

The TCC has received a notice from the Attorney General's (AG's) office of a complaint lodged against the TCC by Ms. Sherwood of 29 Perkins Row for its failure to advise attendees of the Dec. 16th, 2015 meeting that the meeting was being recorded electronically and that notice of same had been deleted from the posted agenda. The complaint requires the TCC to make the appropriate protocol corrections and notify the plaintiff accordingly with a copy sent to the AG's office. Chairman Jolley will attend to the required correspondence. TCC adopted a new policy, which ensures that the Chair announces the recordation of proceedings during opening remarks, and the permanent deletion of the

recordation notice from the agenda as it has occurred in the past for technical reasons, not all meetings are recorded electronically.

Meeting Minutes:

Meeting of September 9, 2015

Luther made a motion to adopt the minutes as amended. The motion was seconded and passed unanimously.

Administrator's Report:

MACC Annual Conference

Spillman announced that the annual MACC conference will be held in Worcester on March 5th, 2016, and that all interested parties should sign up as soon as convenient.

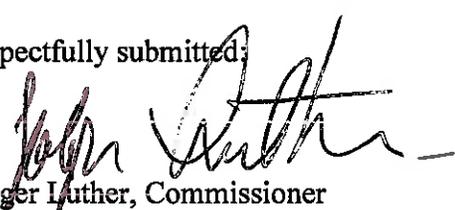
Discussion with Jeanine Cunniff re: 57 Perkins Row and 120 Hill Street subdivisions.

TPB member Cunniff stopped by to discuss issues relative to the TPB disposition of the 57 Perkins Row subdivision plan. Luther noted that the TPB will need to make its determination of the Definitive Plan compliance with Subdivision Regulations, but that the TCC Bylaw Order of Denial precludes any permit for stormwater management. Also discussed were issues relative to the current 116 and 120 Hill Street Open Space plan before the TPB. A number of deficiencies were noted.

Adjournment:

At 8:57 Shamroth moved to adjourn the meeting. The motion was seconded and approved unanimously. The next meeting will be held on Jan. 27th at 7:00 PM.

Respectfully submitted:



Handwritten signature of Holger Luther in black ink, appearing as a stylized cursive script.

Holger Luther, Commissioner

Approved at the TCC meeting on January 27, 2016

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.