

## ***Topsfield Conservation Commission***

**Minutes for January 23, 2008**

Topsfield Library Meeting Room

The meeting was called to order at 7:11 p.m. with a quorum present: Harmer, Chair; Goldman; Olcott; McArdele; Warren; Stump (7:15 PM) Spillman, Administrator; and Catherine Tinsley, Minutes Secretary

Abbreviations used;

TCC – Topsfield Conservation Commission

OoC – Order of Conditions

EO – Enforcement Order

CoC – Certificate of Compliance

NoI – Notice of Intent

The Commission signed bills and authorizations.

### **HEARINGS:**

**Continuation ANRAD 307-0602: 95 Wenham Road, (Map 71, Lot 1)** Peter Herbert/Wetlands and Land Management, Inc. A request for a continuance to February 13, 2008 was received 1/7/08.

*Warren made a motion to continue the hearing for 95 Wenham Road to February 13, 2008. The motion was seconded and passed unanimously.*

**Continuation Amended OoC-307-0503; 18 Brook Road (Map 39, Lot 11)** Angel Barbosa

Mr. Barbosa was present. Harmer reported on his findings of two site visits, identifying that he met with Mr. Barbosa on site visit and came to the conclusion that there is not a suitable place for a bioretention area. It was suggested that because the owners are talking about adding on a garage, a separate CoC be issued for the septic system, an Enforcement Order be issued for the expanded driveway, sidewalks, and side porch that were constructed without TCC review and approval, and a NoI be submitted for the driveway, garage, etc. Potential mitigation was discussed, such as removing the debris from the area near the wetland on the property before the excavation begins for the garage. Harmer estimated it would be at least 3 truckloads of soil or gravel and yard debris – most of it old. The slope will need to be stabilized with grass or other vegetation for erosion control.

*Warren made a motion to issue an Enforcement Order with a requirement for an after-the-fact NOI. The motion was seconded and passed unanimously.*

Mr. Barbosa stated that he had not seen the OoC. He accepted the EO. Barbosa was informed of the process including that a pre-activity meeting would be necessary.

*Stump made a motion to issue a COC for the septic system, referencing the Enforcement Order. The motion was seconded and passed unanimously.*

After reading the EO, Barbosa signed the certificate of hand receipt document.

He requested to withdraw his request for an Amended Order of Conditions.

*Stump made a motion to accept this request to withdraw the request for an Amended Order. The motion was seconded and passed unanimously.*

Barbosa requested to withdraw of the request for extension of the OoC.

*Stump made a motion to accept the request to withdraw the request to extend the OoC. The motion was seconded and passed unanimously.*

The TCC suggested that the garage be attached to the house with no breezeway between -- that alternatives be considered.

### **MEETINGS:**

**RDA, 2008-01: 99 Howlett Street (map 34, lot 74) Leon Budilovsky**

Follow up filing to an Emergency Certification to remove two trees.

Mr. and Mrs. Budilovsky were present.

Proof of the abutter notifications previously had been submitted. Olcott read the legal notification.

Regarding the removal of two trees, Spillman reported that one tree was dead and the other diseased.

*Stump made a motion to close the meeting and issue a Negative Determination with Special Conditions under the Act and the Bylaw. The motion was seconded and passed unanimously.*

**REQUESTS:**

**Extension of OoC 307-0503: 18 Brook Road, (Map 39, Lot 11), Angel E. Barbosa**

(See above.)

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

**Greenscapes North Shore 2008**

Spillman informed the TCC that the Essex Agricultural Society (Fairgrounds) generously offered to pay the \$1,500 program fee for the Town as they have done in previous years. She went on to say that the Water Department is paying one third, the Highway Department is paying a third and the Commission is paying a third of the cost for printing and mailing flyers.

**Prospect Hill/Gail Street Drainage – update**

Spillman suggested that the TCC write up the easement based on language of other similar Town easements; she would submit it to Town Counsel for review.

It was identified that there is no sketch of the proposed easement area. Mr. Bond will be asked to submit such a drawing.

**OoCs 307-0529 and 307-0485, 102 River Road, (Map 47, Lot 49) – update**

Regarding the razing of the house at 102 River Road, it was identified that the Selectmen have given their support to the Building Inspector to proceed with legal action.

Spillman stated that she left a voicemail message for David Rimmer of Essex County Greenbelt on 1/8/08.

**ENFORCEMENT, APPEAL REPORTS, UPDATES:**

**Enforcement Order, 39 Prospect Street, (Map 40, Lot 97), Mark Dorn – ratification**

*Stump moved to ratify the Enforcement Order. The motion was seconded and passed unanimously.*

**DoA 2006-18, Violation Notice #2007-15, and Violation Notice and Ticket #2008-01: 41 Surrey Lane, (Map 23, Lot 3), Roy Cheever**

The most recent Violation Notice and Bylaw Ticket were issued the previous week. Mr. Cheever has 21 days to respond. There has been no response to date.

**Violation Notice & Bylaw Ticket #2007-09: 244 Rowley Bridge Road, (Map 80, Lot 10) Stephen DiCicco, DiCicco Landscape & Irrigation – update**

A Letter requesting a District Court hearing was sent today.

**Enforcement Order, Violation Notice & Bylaw Ticket #2007-11: 270 Boston Street, (Map 41, Lot 87) Bear Albright – update**

Spillman reported that she spoke with Mike DeRosa who said he will be submitting the NoI Friday 1/25/08.

**Violation Notice & Ticket #2007-04: 5 Fox Run Road, (Map 47, Lot 28), Jeffrey and Lynn Evaul** – update,  
Spillman stated that she sent a letter to Mr. Evaul on 1/16/08. The new deadline for paying the fine is 2/1/08.

**Enforcement Order, Violation Notice & Bylaw Ticket #2007-03: 43 Cross Street, (Map 62, Lot 2), Christopher Nash** – No update  
Spillman said that a letter was sent week to Russell Warring the week of January 16<sup>th</sup>.

**3<sup>rd</sup> Amended Enforcement Order: 64 Wenham Road & 255 High Street, (Map 71, Lot 22 & Map 65, Lot 1), Stephen Bernstein** – update  
*Warren made a motion to release 64 Wenham Road from the Enforcement Order. The motion was seconded and passed unanimously.*  
Harmer and McArdle plan to make a site walk tomorrow.

**Enforcement Order: 50 Prospect Street, (Map 48, Lot 12), John Molloy/Hancock Associates**  
Harmer summarized the history and noted that there is a large pile of soil left by the builder; the land is currently for sale. No house was built. Spillman will check about bond money remaining (from that deposited with the Town for the replication area). A site visit should be made.

**Amended Enforcement Order, Violation Notice & Ticket #2006-20: 221 Washington Street, (Map 47, Lot 2), Andrzej Galka**  
A resumption-of-activities meeting is needed.

#### **ADMINISTRATOR'S REPORT:**

##### **MACC Annual Conference March 1**

Harmer reviewed the courses and workshops offered. Spillman suggested getting back to the TCC office by first week in February.

##### **EXPO 2008 – March 29<sup>th</sup>**

The Commission decided to participate.

##### **Bylaw Regulation Changes**

The TCC referred to their packets to review the proposed revisions to R:10-6 Fees and a chart of fees for several nearby towns. The TCC agreed with proposing the fee increases as presented.

It was noted that the cost for a legal ad in the Salem News has increased to around \$85.

The TCC was asked to read through and be prepared to discuss the proposed revisions at the next meeting. A public hearing will be scheduled at that time.

##### **Other:**

Spillman reported that the **Water Department** had an emergency at the Boston Street Town property; there was no water to the DPW for a while, and a new pipe was installed under Route 1 to fix the problem. The DPW director did send notification via email but currently the Town's email service is down. There is a wetland in that area, and the Water Department will be submitting a certificate of emergency condition to TCC by February 4th.

*8:10 PM– Warren made a motion to adjourn and it was unanimous to do so.*

Respectfully submitted ,

*Approved*

Catherine Tinsley, Minutes Secretary

**Approved at the TCC meeting on February 13, 2008.**