

Topsfield Conservation Commission
Minutes for January 27, 2016
Topsfield Library Meeting Room

Present: Cheryl Jolley, Chair; Dodds Shamroth, Vice-Chair; Holger Luther; Jen DiCarlo; and Lana Spillman, Administrator

Absent: Jim Carroll

Jolley called the meeting to order at 7:00 p.m. with a quorum present.

OTHER:

97 Boston Street, (Map 69, Lot 015), violation – discussion

Greg Hochmuth of Williams and Sparages, LLC, and Jim O'Brien, General Manager of the Essex Agricultural Society/Topsfield Fair were present to discuss the unauthorized clearing of Resource Areas (BVW and Buffer Zone) that took place on the Fair's newly acquired property at 97 Boston Street. Hochmuth, submitted a written report dated January 27, 2016, with photographs, and explained that Cliff Taylor, manager for the Essex Aggie, was working with students on the site. O'Brien and Hochmuth confirmed that students from Essex Agricultural Technical School caused the disturbance (ruts caused by heavy equipment and trampled vegetation) and have been informed not to disturb jurisdictional areas in the future. Hochmuth believes the vegetation will grow back, without harm done. Possible future removal of invasives at the site, including phragmites, was discussed. The Commission agreed that it was a learning experience for the students, authorized removal of remaining rocks provided no ruts are created, and decided that no further action was warranted.

MATERIALS SUBMITTED: Letter from Williams and Sparages dated 1/27/16 along with photos of the affected areas.

Mosquito Spraying – opt out option, Town Conservation properties

The Commission considered the same request made in previous years, to opt out of mosquito spraying on Town Conservation properties. Recent outbreak of the Zika virus, a mosquito borne illness, was considered. It is not presently affecting the northeastern part of the country. The opt-out option would not apply if /when the State Department of Health declares an emergency. The BoS will be notified.

Luther moved to send the required letter to the Town Clerk, certified mail, to opt out of mosquito spraying on Town Conservation properties. The motion was seconded by Shamroth and passed unanimously.

Town Beach/Town Forest, 131 Haverhill Road, (Map 05, Lot 015), restoration – discussion

Kim Daley was present on behalf of the Town Beach Association. The Commission discussed erosion problems that have occurred at the Town Beach parking area to and into Hoods Pond for many years, the temporary stabilization installed by the Highway Department this past fall, the need for a long-term solution, and possible strategy for a solution. Jolley visited the site earlier in the day and reported her observations. She explained that it appears that the origin of this water is coming from Route 97 in large storm events. Dave Bond/the Highway Department added stone and put up some silt socks as a temporary fix last fall. Today there were tracks over the silt socks. The erosion has been a longstanding problem from the parking area to the beach and into Hoods Pond. Erosion at the site has been a longstanding problem that is further complicated by the facts that Hoods Pond is under the aegis of the Selectmen, but leased by the

Topsfield Beach Association, located in both Topsfield and Ipswich, and also under the jurisdiction of the Commonwealth. Action needs to be taken to protect the Pond. Luther pointed out that it is complicated because the site is a Town Property, and so is under the aegis the Board of Selectmen. He added that there are two issues, restoration of the waterfront and stormwater management. The Commission concluded that the stormwater management issues must be addressed first. Spillman identified stormwater management in the parking area as the key component for reducing or eliminating the erosion. The unpaved parking area is channelized into a stream that gets deeper and wider with each subsequent storm. Diversion of the water with installation of water bars or check dams may slow it down. Possible re-grading, the installation of a French drain or creation of a detention pond may help. Luther favors a detention pond approach. Engineering is necessary and possibly a Notice of Intent in coordination with the Planning Board, as the Stormwater Authority. There is a need to identify a plan of action, determine who will be responsible for executing it and how it is going to be paid for. The Board of Selectmen will be involved in decisions since the parcel is Town land, and the Beach Association will be copied with any correspondence. Spillman will write a letter to notify interested parties and start the process.

Kim Daley discussed the Beach Association's desire to add sand to the beach, the current quality of it being a concern for beach users and members of the Topsfield Beach Association. The Commission discussed a previous Order that requires a NoI filing for such a request and the preferable option of raking up sand that has drifted/eroded into the pond. There was consensus that raking the sand would be preferable to the addition/replacement of sand, which would be more difficult since it would affect beach biology and is a more costly approach. Also, since Hoods Pond is a great pond, it subject to additional state protections and the land under the water is state property. Therefore, the Department of Conservation and Recreation would have to be notified of any activities involved within its jurisdiction. Spillman will investigate grant possibilities.

Bylaw Regulations – discussion

The Commission commenced a review and discussion about sections of the Wetlands Bylaw Regulations that need to be updated or deleted, to be continued at future meetings. Bylaw fees from neighboring towns will be reviewed for comparisons, and the Bylaw fee schedule will become separate from the Regulations so that the Regulations do not have to be amended with every fee change. A public hearing will be scheduled once the review process and proposed revisions have been completed.

MEETING MINUTES:

Luther moved to adopt the minutes as amended with the proviso that the perfecting amendments will arrive the next day for the following dates:

- **October 28, 2015,**
- **November 18, 2015,**
- **December 16, 2015**
- **January 13, 2016.**

The motion was seconded by Shamroth and passed unanimously.

ADMINISTRATOR'S REPORT:

Projects in progress – updates

- **116 and 120 Hill Street** Jolley and Luther reported that they attended a recent Planning Board hearing concerning the proposed subdivision development at 116 and 120 Hill Street. The Planning Board decided that the applicant should submit a conventional definitive plan rather than an open space plan. They discussed the Planning Board's review, including the contents of Attorney Jeff Roelof's letter on behalf of abutters, expressing concerns regarding traffic roadway safety issues, poor sight lines, lack of sidewalks, impact on existing rock walls, drainage issues, addressing the fact that the proposed open space plan cannot be utilized to protect wetlands, which already receive protection, and the opinion that too many houses are being proposed, which is not conducive to the feel of the area. Luther pointed out that even though the Applicant says there is no intention to come before the TCC, i.e. there would be no activities in Buffer Zone, if there is drainage into a Wetlands Resource Area, an application must come to the TCC. Spillman indicated that there may be an adjacent Wetland Resource Area offsite that results in Buffer Zone on the site.
- **57 Perkins Row** Attorney Chip Nysten (for the Applicant) has requested records.
- **Town Hall proposal** was briefly discussed. The Conservation Commission Office would be relocated to the basement of Town Hall once it has been renovated. Spillman reported concerns with the proposed lowering of the basement level because of groundwater levels in the area. The elevation of Town hall is similar to that of the Town Library, which has had historic water concerns. The Fire Chief confirmed having to pump the area many times. Boring was done and groundwater was determined to be at 11 feet below the surface. However, more accurate results would have been obtained if done with a backhoe since mottling cannot be accurately observed from bored samples. Spillman consulted with experts who thought water would be found at about 3 to 4 feet below the surface. She expressed her concerns to appropriate officials.

MACC Annual Environmental Conference, March 5th, Worcester – TCC signups

ADJOURNMENT:

The meeting adjourned at 9:36 p.m. with a motion by Shamroth, seconded by DiCarlo, and passed unanimously.

Respectfully submitted,



Jen DiCarlo, Commissioner

Approved at the TCC meeting on February 10, 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.