

Topsfield Conservation Commission

Minutes for February 10, 2016

Topsfield Library Meeting Room

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

Absent: none

In attendance: Norman Isler, David and Laura Popielski, Bill Whiting, Josh Rownd, Greg Smith, Ben Nutter.

Chairman Jolley called the meeting to order at 7:02 p.m. with a quorum present.

HEARINGS:

Continuation ANRAD 307-0726: 21 & 9 Towne Lane, (Map 33, Lot 061, Map 41, Lot 073), LeClair/Gove Environmental Services, Inc.

The applicant submitted a request to continue the hearing until Feb. 24, 2016.

Luther moved to so continue the hearing, Carroll seconded. All voted in favor.

RDA 2016-01: 119 Perkins Row, (Map 51, Lot 061), Topsfield Historical Society/ Isler.

Isler representing the Topsfield Historical Society (THS) appeared before the Commission requesting a Determination of Applicability (DoA) for the purpose of dismantling the old one-room school house that is currently located just south of Cow Pen Brook in the brook's Riverfront Area and Buffer Zone behind the 57 Candlewood Drive lot owned by Richard Skeffington. He has Skeffington's written permission to move the pieces of the house over his lot onto Candlewood Drive (CD) to transport them from there into storage at the Gould barn. Before that can be done, the path to CD must be cleared of shrubs and growth so that a truck can be brought in. He indicated that all rubbish and debris found in and around the house and path will be removed. The fieldstone foundation of the house will also be salvaged, leaving nothing but a cleared area of ground.

As there were no questions, Luther moved to close the hearing, Carroll seconded, so voted unanimously. Luther then moved to issue a Negative Determination subject to the condition that the work area limits to east and north of the house be staked, and that appropriate sedimentation/erosion controls be installed. Carroll seconded the motion. All voted in favor. Luther also moved that the Bylaw RDA fee be waived in view of the non-profit status of the THS. Carroll seconded the motion; all voted in favor.

REQUESTS:

RDNI 2016-02: 193 Perkins Row, (Map 34, Lot 054), Davison.

This RDNI was requested by the owner to authorize activities that have taken place in Buffer Zone since OoC 307-0654 was issued, and supported by a letter from John Morin of the Morin-Cameron Group. It concerns minor changes made to the restoration of the house and surrounding facilities after the fire that required the former house to be torn down. The changes were not reflected in the original plan approved by the TCC for which Davison received an OoC. An amended, "As-Built" plan was also submitted.

Luther moved to issue a Determination of Negligible Impact for the work described in the letter and shown on the As-Built plan. Carroll seconded the motion – so voted unanimously.

CoC 307-0654: 193 Perkins Row, (Map 34, Lot 054), Davison.

As the work in the above RDNI was deemed to have a negligible impact on the abutting resource areas (an Intermittent Stream, BVW, and its Buffer Zone), and as all other work has been completed in compliance with the OoC, Luther moved to issue a CoC for the work completed. Carroll seconded the motion; all voted in favor.

OTHER:

Violation Notice 2016-01: 15 Howlett Street, (Map 33, Lot 032). Popielski.

Spillman noted that she had observed a skating rink in the backyard of the Popielskis, which is partly in the BVW area as seen on the map of the lot prepared by Professional Land Services, L.C., the approved plan for the 2008 OoC 307-0126, for a septic system upgrade. She contacted the Popielskis and informed them of the violation, and requested they appear at the meeting. Mrs. Popielski pointed out that this is a temporary structure that is only put in that location after the ground is frozen and removed prior to the ground thawing to prevent any damage to the lawn. She also noted that they had installed this skating rink for the last five years and not had any observed damage to their backyard.

A discussion among Commission members ensued about the appropriateness of such installations as a number of such have been observed in Town (cf. 43 Alderbrook Drive, TCC Minutes of 11/4/15). It was argued that these are contrary to the Act and Bylaw when located in a Wetland Resource Area, e.g., not only Buffer Zone Resource Area. Jolley commented that TCC is receiving too many applications after the fact and expressed concern that it is the responsibility of homeowners to know Resource Areas on their property and when they need to seek authorization for activities on their property. Spillman cautioned that allowing this activity in/adjacent to BVW would set a precedent, with implications for future similar requests. Luther held that as long as these were properly permitted by an RDNI and limited seasonally to the winter months while the ground is frozen the *presumption* of damage to the resource areas can reasonably be *rebutted* as long as the rink is removed prior to the ground thawing, and the water of the rink is not released into a vernal pool. DiCarlo opined that this is an opportunity for community outreach, to let citizens know to come to TCC when they want to put an ice rink on their property.

Luther made a motion to allow the existing structure to remain until March or such time as the ground is thawing, whichever is sooner, and that the TCC is notified of its removal so that the condition of the area underneath the removed rink can be assessed with a site visit by the TCC Administrator; there will be no fine levied. Additionally, the Popielskis will have to file an RDNI for any future installation of the rink in that area. The motion was seconded by Shamroth. A discussion then ensued as to when one could determine that the ground is thawing. It was observed that this would coincide with the ice in the rink thawing. Jolley called for a vote. Luther, Carroll, DiCarlo, and Shamroth voted in favor; Jolley voted against. The motion was approved. Spillman will notify the Popielskis of the action with a letter including a copy of the OoC plan, for the usual \$5 copy fee.

Plans for Town Hall Renovations. Town Hall Building Committee members – discussion.

Jolley welcomed Gregor Smith, Josh Rownd, and Ben Nutter (THBC) to the meeting. Rawnd circulated floor plans and elevations (views) of the proposed renovated Town Hall and explained that this is really the first cut of the project that meets federal, state, and local requirements such as ADA, etc. that can now be cost-estimated to determine the magnitude of

the project. The THBC members attended the meeting to answer questions and to receive comments which may be incorporated in any further revisions. A general discussion ensued relating the exterior appearance, parking, traffic hazards on the north-east end of the Town Hall, and the general appearance of the ground floor (to be lowered two feet), where the TCC office is proposed.

In response to a question about potential water concerns on the lowest level, Rownd explained that groundwater has been determined to be 4 feet below the proposed foundation, based on their soil testing, and when they excavate, they will put in Gunitite and waterproofing, and run stormwater away from the building. There was not an explanation of where the stormwater would be directed. No action of this agenda item was required.

Ipswich River Watershed Association proposed projects in Town. Discussion

An e-mail requesting permission to install a kiosk similar to one at the High Street/Route 97 canoe landing has been received by the TCC; also mentioned were stream crossing signs at specified locations. After some discussion, Luther moved to approve the installation of a kiosk at the Salem Street Bridge assuming that other permits /permissions have been secured. The motion was seconded and approved. Luther also volunteered to conduct an assessment of erosion at both the Salem Street and Rowley Bridge Road bridge sites.

Bylaw Regulations – discussion

The review and amendment of the Bylaw Regulations is proceeding with a target date of the end of March. Luther will list local communities' bylaw fees in a spreadsheet format for ease of comparison with TCC Bylaw fees.

MEETING MINUTES:

Luther moved to adopt the minutes of January 27, 2016 as amended.
The motion was seconded and passed unanimously.

ADMINISTRATOR'S REPORT:

Projects in progress – updates

Town Beach erosion: Spillman and others are to meet with the BoS on Feb. 22nd on the matter.

Senior and Summer Interns:

Spillman will interview prospective high school senior interns and a prospective summer intern. TCC will consider funding for the summer internship at the next meeting.

ADJOURNMENT:

The meeting adjourned at 9:05 p.m. with a motion by Luther, seconded, and passed unanimously.

Documents submitted for or at the meeting:

1. February 2, 2016 Letter from John Morin, P.E., re: 193 Perkins Row, describing additional activities and changes
2. January 15, 2016, The Morin-Cameron Group, Inc., "Plan of Land in Topsfield Mass. Showing As-Built Site Conditions, 193 Perkins Row", dated January 15, 2016, OoC 307-0654, with RDNI-approved changes

APPROVED

3. THBC Plans and details of Town Hall renovations, "Topsfield Town Hall, Scheme C", five pages, dated 001/08/16, by McGinley Kalsow & Associates, Inc.
4. Phase -1 salvage sketch of School House re: 119 Perkins Row RDA 2016-01

Respectfully submitted;


Holger Luther
Conservation Commissioner

Approved at the TCC meeting on February 24, 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.