

Topsfield Conservation Commission
Meeting of Wednesday, February 24, 2010
Topsfield Library Meeting Room

Mr. Hall called the meeting to order at 7:12 p.m. with a quorum present:

Present: Topsfield Conservation Commissioners George Hall, Chair; Jim MacDougall; Mark Erickson; Jennie Merrill

Not Present: Jud Pratt; Holger Luther

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

Abbreviations used:

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

NoI – Notice of Intent

CoC – Certificate of Compliance

ORAD – Order of Resource Area Delineation

BVW – Bordering Vegetated Wetland

TCCAP – Topsfield Conservation Commission Administrator Permit

BOS – Board of Selectmen

OoC – Order of Conditions

AmOoC – Amended OoC

EO – Enforcement Order

ES – Executive Session

Public Information: Agenda

OPEN MEETING:

Bills, authorizations, and time sheets were signed.

HEARINGS:

Continuation 2nd AmOoC TCC 2006-01: 72 Hill Street (Map 69, Lot 16), Malinowski/Hayes Eng.

Present: Gordon Rogerson, Hayes Engineering; Mr. Malinowski, property owner

Mr. Rogerson summarized the work onsite, saying a trench was dug from the street to the rear property line to redirect water flow from the abutting property. Ms. Spillman provided pictures of the site dated 2-24-10 showing the water flowing from the site in the trenches. The TCC talked about and it was agreed that the site should be left alone until spring and to reevaluate the flow and finish grading, incorporating it into an Amended Order at that time. Mr. Malinowski told the TCC that the final site work will be done at the earliest time based on weather. He granted TCC permission to access the property for a site visit. Mr. Rogerson agreed to place additional hay onsite. The TCC authorized the Administrator to approve future action to prevent significant erosion.

Ms. Merrill made a motion to continue the hearing to the TCC meeting of May 12, 2010. Mr. MacDougall seconded and the motion carried by unanimous vote.

RDA 2009-17: 19 Blueberry Lane, (Map 6, Lot 6), Donnell/Dalton

This case was previously before the TCC and continued to allow for abutter notification; Proof of abutter notification was submitted (2/9).

This is after-the-fact for the activities (unauthorized moving of a stone wall, soil disturbance, pile of soil, etc.) in Buffer Zone of a Vernal Pool.

Mr. Erickson made a motion to close the hearing and issue a Negative Determination of Applicability with the condition that the TCC do a follow up with a site visit by April 15, 2010. Mr. MacDougall seconded and the motion carried by unanimous vote.

Extension to OoC 307-0583: Ferncroft Country Club, Coppermine Road, (Map 80, lots 1 and 3), Costello – and Update/Discussion: Pond, Green, and Cart Path Restoration Project

Present: Charles Costello, construction administrator

This project includes upgrading cart paths, cleanup of a farm dump, Buffer Zone and stream restoration, dredging of golf course ponds, stabilization of pond banks, etc. at the Ferncroft Country Club property. The TCC reviewed the components of the project and the first monitoring report. Mr. Costello explained that most of the cleanup is done. Mike DeRosa of DeRosa Environmental Consulting is the environmental monitor. The TCC was granted permission to access the property for a site visit. Mr. Costello asked to be notified and to arrange to have Mr. DeRosa on site at the visit.

Ms. Merrill made a motion to grant a three-year extension, as requested, under the Act and the Bylaw, to expire on May 11, 2013. Mr. MacDougall seconded and the motion carried by unanimous vote.

TOWN OF TOPSFIELD WETLANDS GENERAL BYLAW, CH. 62 – Proposed changes

Mr. Hall read the legal ad.

The Proposed amendments include:

- Enabling language for the TCCAP
- Notice on the Town website is sufficient for applications under the Bylaw only.

Mr. Hall explained that the State Act requires notice in the newspaper for certain things, including for a RDA.

Ms. Merrill made a motion to close the public hearing. Mr. MacDougall seconded and the motion carried by unanimous vote.

Mr. MacDougall made a motion to recommend the Bylaw proposed changes as submitted without the reference to RDA under the Act. Ms. Merrill seconded and the motion carried by unanimous vote.

RDA 2010-1: 130 Central Street, (Map 49, Lot 68), Vasilades (Postponed until 3/10/10)
(The legal notice was not submitted in time for this hearing date.)

ENFORCEMENT, APPEAL REPORTS, UPDATES:

2nd Amended Enforcement Order #4: 215 Washington Street, (Map 46, Lot 7), Galka – Update
A letter was sent to DEP (Stelline) the previous week; there has been no reply to date.

SORAD 307-0640: 57 Candlewood Drive & 109R Perkins Row, (Map 43, Lot 7), Skeffington – update

Ms. Spillman stated that the SORAD adjudicatory hearing is scheduled for Thursday, March 11, 2010 at 9 a.m. at Mass DEP, Northeast Regional Office, in Wilmington.

The TCC is expecting a submittal for soil testing.

MEETING MINUTES:

Mr. MacDougall made a motion to accept the minutes of November 18, 2009, January 13, 2010, and January 27, 2010. Ms. Merrill seconded and the motion carried by unanimous vote.

REQUESTS:

CoC 307-0338: 171 Haverhill Road, (Map 2, Lot 8), Williamson/Eastern Land Survey

This is an old filing for the construction of a barn; the conservation placards/orange markers have been securely installed on conservation posts at the site.

Ms. Merrill made a motion to accept the recommendation by staff to approve issuance of the CoC. Mr. Erickson seconded and the motion carried by unanimous vote.

**Emergency Certification 10-01: 10 North Street/North Street Well Field, (Map 18, Lot 37),
Topsfield Water Department – Ratification**

The Emergency Certification was issued for removal of leaning diseased tree threatening a Water Department building in multiple Resource Areas.

Ms. Merrill made a motion to ratify the Emergency Certification. Mr. MacDougall seconded and the motion carried by unanimous vote.

CoC 307-0642: 15 Howlett Street, (Map 33, Lot 32), Professional Land Services/Popielski

The project was replacement of the septic system in Buffer Zone, associated with sale of the property.

Mr. Erickson made a motion to issue the Certificate of Compliance with the usual Continuing Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried by unanimous vote.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

Topsfield Linear Common (Rail Trail) – proposed removal of rails and ties – discussion

Present: Joe Geller, Rail Trail Committee; Iron Horse Preservation representatives Howard Beard, and Ryan Hattrup

Mr. Geller requested that the TCC authorize Iron Horse Preservation to begin removal of the rails from the rail bed. He informed the TCC that Iron Horse will do this at no cost to the Town in exchange for the rails. Mr. Geller stated he has prepared a draft RDA application for those sections of the area between Summer Street and the Wenham line that will need TCC review and approval to remove the rails as performed by the Iron Horse Preservation Society, a nonprofit Company. The proposal is to remove the rails and ties and smooth over and compact the trail suitable for use. It is unknown what materials or work is needed to fill in the areas necessary for erosion control. Mr. Geller showed photos of the equipment and footprint of where they were working, which is defined by the width of a tracked vehicle. Mr. Beard explained that the rail is moved to a staging area, staying on the rail bed, and all work is done from a staging point. A spike machine is used that rides on the rails. All equipment stays on the rail bed including the Bobcat. It was noted that the wetlands have been delineated on a majority of the trail. Wetlands come up to the ties at one section near Summer Street. Mr. MacDougall, as a wetland scientist, is voluntarily flagging the Resource Areas and stated that he has not completed his analysis or flagging from Route 97 to the Wenham line, and he has not been able to put together a wetland composition yet for each series of flags. The TCC discussed that only work outside the TCC's jurisdiction could be done without a filing; there are few rails that are in such areas. The BOS have authorized the work. The TCC expressed concern that an RDA be filed.

High Street Complaint – 279 High Street, (Map 71, Lot 26), (abutting 255 High Street Town Conservation property)

The TCC received a report of huge horse manure pile next to an Intermittent Stream that flows to the Putnamville Reservoir. The Town maps indicate that the pile, and clearing, and a portion of the paddock fence are on Town Conservation property at 255 High Street.

The TCC authorized the Administrator to send an “informal” letter to the property owners, including a map outlining the property boundaries.

12 Boston Street/English Commons, (Map 81, Lot 1) – update

Mr. MacDougall reported there was a pre-activity meeting for the waterline installation – directional boring for 1500 linear feet from Rowley Bridge Road. Construction of the pond has begun, including the installation of pipes.

Water Quality Monitoring, School Brook behind Town Library – Discussion

Mr. Gandt showed the TCC a graph he prepared of data from water testing behind the Town Library from 2004 to 2009, including 60 samples. (This testing is a condition of the OoC for the Library addition.) Over the five years, higher bacteria counts appear generally from May to October. There tend to be higher concentrations when there is less water in the stream.

EPA Stormwater Phase 2 Revised General Permit – Discussion

The TCC was updated on the release of the five-year plan from EPA of Stormwater Phase 2. Mr. Hall led the discussion regarding the necessary action by the town.

207 Boston Street, Topsfield Fairgrounds –Follow-up

Mr. MacDougall will prepare a map of properties used for Fair parking for discussion.

30 Wildes Road/New Meadows, Ch. 44 §53G Consultant Account – release of funds (\$300)

Ms. Merrill made a motion to release the \$310.08 and authorize the Chair to sign and close out this account. Mr. MacDougall seconded and the motion carried by unanimous vote.

ADMINISTRATOR’S REPORT:

- **MACC Annual Conference:** Saturday, Feb. 27th.
- **Chapter 28 of the Acts of 2009:** Changes to MA Open Meeting Law become effective July 1.
- **TCC Webpage:** Ms. Spillman reported that she is working on the Commission’s webpage and revising the documents page.

EXECUTIVE SESSION: Potential litigation – update

It was determined that an ES was not necessary.

9:46 PM Mr. Erickson made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley, Minutes Secretary

Accepted by the TCC on November 17, 2010.

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.