Topsfield Conservation Commission
Minutes of Wednesday, February 24, 2016
Topsfield Library Meeting Room

Present: Cheryl Jolley, Chairperson (CJ); Dodds Shamroth, Vice Chairperson (DS); Holger Luther (HL); Jennifer DiCarlo (JD); Lana Spillman, Administrator (LS)
Absent: James Carroll
The meeting was called to order at 7:02pm. CJ chaired the meeting.

OTHER:

1) **General Permit for the Highway and Water Departments:** Joseph Gibbons (JG) appeared on behalf of the Topsfield Board of Road Commissioners/Highway Department. A need to formalize permitting for maintenance work was discussed. The use of a general permit issued in 2002 for a template for the issuance of a new general permit was proposed. The template would need to be updated to reflect changes in rules, procedure, etc. The general permit would apply strictly to regular maintenance like paving, brush removal, curb cuts and so forth and not new projects. LS acknowledged that the DEP has gotten stricter regarding the issuance of general permits. She also indicated that a general permit should only be utilized for work occurring only in the buffer zone, with separate NOIs filed for proposed work in Wetlands Resource Areas. When, for example, there is large scale work, such as the replacement of multiple culverts, a single NOI could be filed to streamline the paperwork. Since an OoC is good for 3 years, this would give time for such large scale projects to be completed. JG indicated that he would want to roll in well field maintenance (Water Department) and a few other items into the general permit, and would work with LS to draft the application.

2) **Emergency Certification 2016-01: 118 Main Street:** LS reported that she issued an Emergency Certification for the removal of a dead tree and that the applicant will follow up with her with a TCAAP by the end of the week.
   ***TCC ACTION:* HL made a motion to ratify the Emergency Certification. DS seconded. So voted unanimously**

3) **Town Beach/Town Forest, 131 Haverhill Road, (Map 05, Lot 015):** LS reported attending a Board of Selectmen meeting at which she shared pictures of the erosion problem emanating from Route 97. Martha Morrison of the Board of Selectmen and Planning Board recommended consultation with David Bond of the Highway Department. HL recommended consulting with a hydrologist. LS had contacted the Ipswich River Watershed Association and they reported an erosion problem on the Ipswich side, at the ramp site. The Watershed Association's primary concern is water quality because they are looking to establish the site as an Alewife breeding area. LS indicated that MA Department of Conservation and Recreation has jurisdiction over the pond, but probably not the parking area. LS will contact the Ipswich Conservation Administrator for their possible involvement.

4) **Wetlands General Bylaw Regulations:** LS and JD continue to work on Bylaw revisions. LS noted that the current Bylaw and Regulations protect Vernal Pools without certification. HL noted that he likes the wording in Hamilton's Bylaw and Regulations related to protection of Vernal Pools. Comparing fees town by town is somewhat difficult as there is a lack of uniformity. HL will provide the Commissioners with a spreadsheet he has created comparing fees.

5) **Senior and Summer Interns:** LS has identified possible projects for incoming interns – two Masco senior interns and one summer intern, including Conservation Land monitoring and Vernal Pool certification and has identified a few possible candidates for the position. She proposed a $750 stipend for the summer intern. .

   ***TCC ACTION:* HL made a motion to approve allocation of $750 for a summer intern stipend. DS seconded. So voted unanimously**

6) **Conservation Commission Funds:** LS presented a spreadsheet showing all Conservation Commission fund balances and information about the funds.

HEARINGS:

1) **CONTINUATION ANRAD 307-0726 – 21 & 9 Towne Lane (Map 33, Lot 061 & Map 41, Lot 073), LeClair/Gove Environmental Services, Inc.:** Luke D. Hurley (LH) and Jim Gove appeared on behalf of Gove Environmental Services, Inc. The Thompsons, the property owners, also appeared, as well as their attorney, Mark Johnson of Johnson & Borenstein, LLC (MJ). LH indicated that additional BoH soil tests passed and additional rain gauge data was obtained. One of the outstanding issues is whether a Bylaw Intermittent Stream is present on the south side of the property at 9 Towne Lane. JG explained that the stream is not required to have a bank, per the revised Bylaw, but he believes that it must have a bed and flow path. At the site, JG did not observe concentrated flow when looking from the edge of the road up to and including stone wall on the abutting property. No flow pattern was observed by him. The water table was found to be at 19" per JG, with the lowest at 16". LH discussed photos of the areas in question. LS noted possible seepage at test site 2-16 where the vegetation is very green. LH confirmed checking that test site, but wasn't finding groundwater; he found groundwater at 16 inches lower from there. He acknowledged that he used an auger rather than a (more accurate) spade to check the soils, and added that there was a BoH test site nearby upslope. There was discussion about what looks to be a large retaining wall on the abutting property to the east. HL hypothesized that it is located at the watershed. JG indicated that there is a platform beyond the wall and that the land slopes up after that. JG opined that it was unlikely to be a seepage area because of the wall. JG did not observe piping or anything to indicate that the wall is septic-related.

   The fact that the soil is disturbed and the property has been labeled as a dump on soils map, and has been used as a dumping site was also discussed. LS mentioned that evidence of flow, including deposits, that she observed previously no longer were evident after soil testing disturbed the site.

Also discussed was a channel of water that runs along the lot frontage at 21 Towne Lane, and flows with water following major storm events. The channel has been identified in photos previously provided by abutters to the Commission. CJ questioned whether it could be identified as a Bylaw Intermittent Stream, making it a jurisdictional area. The potential for a peer review was also discussed. MJ agreed to a peer review on behalf of his clients. The 2 issues to be covered by the peer review are the possible existence of a Bylaw Intermittent Stream at 9 Towne Hill Lane and the possible existence of a Bylaw Intermittent Stream running adjacent to 21 Towne Lane, alongside Towne Hill Lane identified in two (2) prior applications that were filed by abutting properties. LH argued that the latter area couldn't be a jurisdictional area because it is a drainage swale system of catch-basins along the street and part of the roadway design. CJ noted that this area has not been delineated on any of the submitted plans and LS confirmed that it needed to be. LS noted that the definition of an Intermittent Stream varies between the Act and the Bylaw. JD and LS noted that the issue could possibly have significant impact on development potential depending on whether the property was subdivided. Neighbor Paul Greenaway (PG) inquired about the stream located along northern boundary of 9 Towne Lane which LS confirmed had been identified. Abutter Alex Kagen indicated that the channel along Towne Lane adjacent to 21 is an Intermittent Stream and mentioned that there is always a trickle of water in it, even in summer, and a lot of water in it following a big storm. PG stated that when there is a storm with 5+ inches of rain, the water flows out of the channel at 9 Towne Lane and over the street and onto the first 20' of his property located at 2 Deer Run. The applicant agreed to work out the details of the peer review with LS and to continue the hearing to 3/9/16.

***TCC ACTION:* HL made a motion to continue the hearing until 3/9/16. DS seconded. So voted unanimously**

Materials Submitted: Letter and packet, including photographs, dated 2/24/16 submitted by Luke D. Hurley of Gove Environmental Services, Inc.

REQUESTS:

7) **CoC 307-0594: 116 Boston Street, Peirce Farm at Witch Hill, (Map 69, Lot 013), Ward:** The work under the OoC was never completed, and a larger septic system is necessary for use of the barn as a wedding venue, LS indicated that the CoC could be issued to close out the existing OoC.

***TCC ACTION:* HL made a motion to issue the CoC. DS seconded. So voted unanimously**

MEETING MINUTES:

1) **Meeting Minutes for 2/10/16:**

***TCC ACTION:* HL made a motion to adopt the meeting minutes for 2/10/16 as amended. DS seconded. So voted unanimously**

ADMINISTRATOR'S REPORT:

1) **MACC Annual Environmental Conference, March 5th:** CJ indicated that she would be attending, as will LS and DS.

2) **Governor's Executive Order 562 (Sunset Provision):** LS reported that by the end of March all extraneous regulations are to be abandoned. LS will inquire with DEP on the status of this. Conservations Commissions are encouraged to provide feedback regarding proposed revisions/deregulation. LS noted that areas of particular concern are those dealing with vernal pools and stormwater. HL will provide proposed language regarding vernal pools for inclusion in future regulations.

TCC ACTION: HL made a motion to adjourn the meeting. DS seconded. So voted unanimously The meeting was adjourned at 9:01 p.m.

Respectfully submitted,

Jennifer DiCarlo, Commissioner

Minutes approved at the TCC meeting on March 23, 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.