

# Topsfield Conservation Commission

## Meeting of Wednesday, February 25, 2009

Proctor School Library ~ 7PM

The meeting was called to order by the Chair at 7:02 p.m. with a quorum present: George Hall, Chair; Jud Pratt; Jim MacDougall; Mark Erickson; Jennie Merrill  
Also present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary  
Not Present: Holger Luther

Abbreviations used:

TCC – Topsfield Conservation Commission	RFP – Request for Proposals
DEP – Department of Environmental Protection	BOS – Board of Selectmen
NoI – Notice of Intent	OoC – Order of Conditions
CoC – Certificate of Compliance	EO – Enforcement Order
ORAD – Order of Resource Area Delineation	BVW – Bordering Vegetated Wetland
GIS – Geographic Information System	
MACC – Massachusetts Association of Conservation Commissions	

**7:02pm OPEN MEETING:**

TCC signed bills, authorizations, and time sheets

**HEARINGS:**

**Continuation NoI 307-0629: 12 Boston Street, English Commons at Topsfield, (Map 81, Lot 1), English Commons, LLC**

Present: Attorney Brad Latham; Developer Alan J. Berry; Larry Beals of Beals Associates  
Hall identified that Holger Luther was not present for tonight's hearing and clarified that evidence would not be taken at this time and that this is a status update only. Mr. Beals concurred with this, noting that he was seeking clarification to amend or otherwise differentiate on the ORAD local verses state jurisdiction. It was identified that DEP has asked for additional soil testing to determine if the pond and downslope wet swale are isolated from the large BVW. Spillman remembered that the wetland lines in question are listed as BVW in the ORAD. Hall suggested that review of the delineation could be done concurrent with issuance of the permit (OoC).

It was suggested to Beals that a revised plan be submitted showing which areas they think are town jurisdictional only, along with a letter requesting to approve the amended plan. The usual requirements – Bylaw fee, legal ad, etc. would be necessary. If it were appropriate, the TCC would issue an amended ORAD. Latham submitted two originals of the Independent Consultant Escrow Agreement dated 10-8-08, along with a check for \$9975 payment for the peer review to be deposited with the Treasurer.

Concerning the draft proposed Conservation Restriction submitted to TCC, MacDougall submitted some suggested changes and additions, including additional documentation of the significance of the property. Hall discussed requirements and the general process necessary for the State to approve a restriction.

*Pratt made a motion to continue the hearing under the Act and the Bylaw to the TCC meeting of March 25, 2009. The motion was seconded and carried unanimously.*

**Continuation NoI 307-0644: 35 Howlett Street, (Map 33, Lot 24), MacKinnon**

Spillman stated that the DEP file number had been received with no comments.

*Pratt made a motion to close the hearing and issue an Order of Conditions with the usual Special Conditions under the Act and the Bylaw. The motion was seconded and carried unanimously.*

**ENFORCEMENT, APPEAL REPORTS, UPDATES:**

**Amended Enforcement Order and Enforcement Order 12/2/2008: Off Cross Street, (Map 62, Lot 2) Nash – update**

Hall and Spillman will meet with the Board of Selectmen.

It was the consensus of the TCC that after reviewing the overlay aerial pictures, and citing that this is a federal wetland, the Army Corps of Engineers should be notified.

**Enforcement Order #2 10/16/2008: 215 Washington Street, (Map 46, Lot 7), Galka – update**

The TCC acknowledged a letter of notification from Joe Orzel that the delineation has not been done due to the winter conditions, along with the request to continue the hearing to March 25, 2009.

The property owner will be reminded to stabilize the area, especially with spring conditions.

**REQUESTS:**

**CoC 307-0520: 32 Lockwood Lane, (Map 30, Lot 2), Richardson**

Spillman reported that post activity photographs, as required, have not been submitted to date.

*The TCC continued the review to March 11<sup>th</sup>.*

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

**Order of Conditions #307-0636, 102 River Road – update**

The TCC authorized the Administrator to arrange for the Constable to deliver the OoC to Esposito.

Proof of recording must be submitted to the TCC within 30 days of delivery.

**Continuation NoI 307-0643: 30 Wildes Road, (Map 8, Lot 5), New Meadows**

Iovanella/Wetlands & Land Management, Inc. – RFP update

Spillman reported that there is a RFP on the Register today; the TCC reviewed the RFP.

Pratt and Erickson will be members of the Evaluation Committee, along with Spillman, representing TCC.

**Application Requirements – discussion**

Spillman suggested that ways to reduce paper usage be considered. Hall submitted a redlined alternative to the Instruction sheet for the NoI, etc. He is reviewing and editing the requirements. Discussion followed including the best approach. GIS information would be collected at the time of issuance of an ORAD or requested during the hearing for a NoI. There was consensus to have two options – Option 1.) 2 paper applications + 2 paper plans, Option 2.) 1 electronic submission + 2 paper plans – and everyone with over 20 pages would have to submit by the second option. Filing with DEP would be in accordance with those requirements.

*The TCC approved the revisions as discussed, to be incorporated into the instructions document.*

**ADMINISTRATOR'S REPORT:**

**Proposed Revisions to Bylaw Regulations – no update given**

**MACC 2009 Annual Environmental Conference – February 28<sup>th</sup>**

Hall, MacDougall, Merrill are attending; Spillman is a speaker

**Rain Garden Workshop/Greenscapes – proposed for early April**

**FY 2010 Budget**

Hall and Spillman will be meeting with Finance Committee representative, Paul Dierze

**WIRE – Spillman suggested a separate Bylaw OoC form is needed. She will draft one.**

The Chair, being absent from the last meeting, was updated on the meeting with the Open Space Committee/Rail Trail Committee.

Merrill and Erickson will address public outreach at the next meeting.

A general discussion followed including the Greenscapes Program benefiting Topsfield residents, and the advantages of contractors and landscapers all participating in programs and workshops.

8:31PM Pratt made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley

*Accepted at the TCC meeting on March 11, 2009.*

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.