

Topsfield Conservation Commission

Meeting of Wednesday, March 9, 2011

Topsfield Library Meeting Room

Present: Holger Luther; Jennie Merrill; Cheryl Jolley; Jud Pratt; Mark Erickson; Jim MacDougall; Lana Spillman, Conservation Administrator; Lisa Nihan-Demeule, Minutes Secretary.

Absent: George Hall

ANRAD - Abbreviated Notice of Resource Area Delineation

BoS - Board of Selectmen

BVW - Bordering vegetated wetland

EPA - Environmental Protection Agency

NoI - Notice of Intent

OoC - Order of Conditions

TCC - Topsfield Conservation Commission

With a quorum present, Luther, acting as chairman, called the meeting to order at 7:05 p.m.

PUBLIC HEARINGS:

ANRAD 307-0671: 4 Wenham Road, (Map 64, Lot 10), Patkin/Hancock Associates Merrill read the legal ad. John Dick of Hancock Associates presented. Dick explained that the applications are for formal acceptance of the delineation and to access an area for soil testing. Patkin is proposing an 8-foot access to cross through a buffer zone on his property to reach another area of the property for soil testing for a potential house site. Dick explained that he flagged the site last October and described a ditch on the property, a broad water course route, and a grassed swale. He has old property records and test results. Luther asked for a description of soil in the area. Dick does not know. Erickson asked about the previous test results. Dick indicated that they are old. Erickson asked about the distance from lot 4 to the wetlands. Dick estimated 100 to 130 feet to the wetlands. Spillman has not looked at the flags on the property. Dick wants a waiver for review of this site out of season. MacDougall asked when the lot was created. Dick indicated in 1985. Dean and Cindy Asadorian purchased the lot in 1985 and after a series of lawsuits sold it back to the seller. The owner was fined by TCC previously for digging pits in the wetland area. Merrill asked why Dick wants to waive the timing requirements. Dick feels that a waiver is perfunctory. Dick says he is a land surveyor and a wetland scientist. Luther read from the applicable Wetlands Bylaw Regulation, R:10-3. Dick would like the TCC to allow review of the wetlands boundaries before April 15. Kate Sillari of 82 Salem Road spoke about her knowledge of the property. She indicated that she has worked with Dave Bond to address the

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water issue on the corner and to control water flow in the area. She has seen deer standing in the pool up to their hocks in mud. The area behind the shrubs is different. Jolley asked how it is different. Sillari indicated there are 100-year old rhododendrons. Trees were present, but she estimated they were cut down in the 1980s. She believes the wetland area behind the shrubs is much more extensive than shown. Spillman is not confident that there is a low probability of error. MacDougall is in agreement. He stressed the importance of being diligent, and he would like to delay to see if a ponded area is a vernal pool. Pratt also suggested waiting so that Spillman would have an opportunity to visit the site. Dick requested a continuance of the hearing to April 13. MacDougall motioned to continue the hearing to April 13. Merrill seconded. A unanimous vote in favor.

NoI TCC 2011-01: 4 Wenham Road, (Map 64, Lot 10), Patkin/Hancock Associates
John Dick of Hancock Associates presented. Merrill read the legal ad.

Dick requested a continuance of the Bylaw hearing to April 13. Merrill made a motion to continue the hearing to April 13. MacDougall seconded. Unanimous vote in favor. Erickson would like existing tests or map showing what the distribution and results of soil tests were on the property. Dick will provide what he has and believes that the soils are Paxton soils.

MEETING MINUTES:

Erickson motioned to approve the meeting minutes of February 23 as corrected and amended. Merrill seconded. A vote in favor with Pratt abstaining.

OTHER:

TCC 2011 Action Plan - site surveying workshop

Starting at East Street, MacDougall wants to inventory Topsfield culverts for the UMass project. TCC has the equipment. Spillman will coordinate the time through the office.

Amerigas potential gift of property - update

Luther indicated the Amerigas issue never came to the BoS as an item. MacDougall suggested two ways to handle the issue are either the town take over the property to remove the culvert or motivate Amerigas to do the same. Amerigas is concerned about security and access from the Rail Trail. If Amerigas paid to remove the culverts on School Brook, TCC could help them through the permitting process and solve the concern without jeopardizing their license, and make the brook more free flowing in that area. Spillman will find out who is in charge of the Topsfield operation.

FY 2012 Budget

Luther reported on what happened at the FinCom meeting. The conclusion was that as long as TCC has access to the Bylaw Revolving Fund, TCC should use it as it deems

appropriate for fiscal 2012. Luther will work on that and come up with a plan that he will pass by Hall and Spillman, then get back to TCC.

NPDES Permit

Stormwater MS4. Luther described how the EPA has created a permitting process for municipalities to discharge stormwater to the streams and brooks and rivers and surface water generally. Only the urbanized area is subject to the permit. Topsfield has a permit and as a condition of the permit, will identify illicit discharges. Another condition is a promise to sweep the streets twice a year within an "urbanized area." The municipality has to map every outfall and show where it goes and promise EPA they will be cleaned periodically. Material removed is mostly mud. In some cases, EPA says it's hazardous material because of oil. EPA wants dry and wet tests of the material, all of which is expensive. Presently this is a permitting process and not a regulatory statute. April 11 is the deadline for comments on the proposed new permit requirements. Luther will send a copy of his final comments to all TCC members. There has been a large effort to respond to the EPA. Topsfield has serious stormwater issues. Erickson will talk to parks and cemeteries.

ADMINISTRATOR'S REPORT:

MACC Annual Environment Conference - report from attendees

Spillman reported that links will be posted online for all presentations. She attended several talks related to stream and wetland restoration and dam removal. A new idea is restoration on a regional area instead of smaller areas. Jolley attended presentations that discussed the right of a Commission to ask for alternate plans and how agricultural land is defined. A North Andover member discussed how their commission will sometimes require a loose stone wall as a physical barrier for the wetland. MacDougall added that stone walls are great habitat.

12 Boston Street/English Commons Conservation Property

Spillman received a call from Mr. Berry. He read the Conservation Restriction and it does allow for farming. The area has been plowed in the past, and although it has not been used for agricultural purpose for five years, Spillman thinks it could return to agricultural use. She suggested that Berry seek guidance, including a Farm Plan, from NRCS.

OoC 307-0583, Ferncroft Country Club, off Coppermine Road, Pond Dredging

Spillman hopes to visit the site next week. Spillman doesn't know when dredging will resume.

270 Boston Street, Enforcement Order, Restoration - update

MacDougall asked to request an inventory of the vernal pool species. Luther indicated

that DeRosa was to give an update on how many trees were still alive, and he would like an inventory of what is there.

Cross Street, (Map 62, Lot 2), Nash – enforcement update

Spillman reported that March 18 is the next deadline for the Draft Final Restoration Plan to be submitted to EPA and TCC. April 1 comments are due by the EPA and the TCC. April 15 the Final Restoration Plan is to be submitted.

OoC 307-0663: Rail Trail Summer Street to Wenham Line, (Maps 49 & 58; Lots 44, 88 & 2, 52)

Spillman has not heard anything. Luther will ask Joe Geller about the status.

TCC 2006-01, 72 Hill Street

Spillman will call. Luther would like to see the area again when the snow is gone.

OoC 307-0668, New Meadows Golf Course

Spillman indicated that their irrigation project will resume soon. Erickson noticed trenches installed.

120 High Street/Hickory Beech Development

Spillman saw at the site that there is an earthen driveway for a house being constructed outside of the buffer zone. She did not see sedimentation controls, and she asked workers to stabilize the driveway. Subsequently, she saw the developer there and discussed the unstable areas. Spillman did see hay bales onsite and will try to visit again.

Highway Department snow pile on Central Street

Spillman is concerned that any sediment does not go into the brook.

Potential student internships

Spillman has been in touch with an engineering student who may be interested in doing surveying work. Spillman has e-mailed another student interested in vernal pool certification but hasn't heard back.

MacDougall motioned to adjourn. Erickson seconded. The meeting adjourned at 8:43 p.m.

Respectfully submitted,

Lisa Nihan-Demeule, Minutes Secretary

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Accepted at the TCC meeting on April 13, 2011

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 action 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 is not certification, express or implied, is made the Commission as to the completeness or accuracy of such statements.