

***Topsfield Conservation Commission***  
***Minutes of Meeting March 9, 2016***  
Topsfield Library Meeting Room

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

**Absent:** Jen DiCarlo

**Other Attendees:** Gregory Bernard, John Tilton, Dick Gandt, Maryanne and Brett Gotts, Sue and Ken Turner

Jolley called the meeting to Order at 7:04 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.

TCC received a written request for continuation to the March 23, 2016 meeting. Before moving to continue, TCC reviewed the changes to the Peer Review Services Scope of Work. Luther questioned why the scope of work has been amended. It is a broader scope of work that is unnecessary and the applicant will be paying more for it.

Spillman expressed concern about Item 2.c. independent review. She suggested having either both sides (applicant representative and TCC representative) present at the site visit or no one from either side present.

Spillman will get clarification on why the applicant is broadening the scope of work and will let them know the TCC would like either both sides present or no one present at the independent site review. If Spillman gets agreement on this, the TCC agreed that she should go to the next step of proposing independent reviewers.

**NOI 307-0732: 19 Brook Road,** (Map 39, Lot 012), Miller/Bernard, R.S.

Luther read the hearing notice. Proof of abutter notification was submitted.

Gregory Bernard, registered sanitarian and soil evaluator and septic inspector, presented. He was hired by the Millers to design a septic system at 19 Brook Road. The proposed septic system was approved by the BOH, and all components are outside of Buffer Zone; the entire upland of the property is Riverfront Area. Construction vehicles will have to access the property inside Buffer Zone and that will be loamed and seeded at project completion. Spillman did a site inspection and found the wetland line to be accurate. She agreed that there is no other place to locate the system. She noted some dumping at the far end of the property and believes it to be abutters because she had previously received complaints from the former owner about this.

Luther moved to close the hearing, Carroll seconded and TCC so voted.

Luther moved to issue an Order of Conditions to replace the failed septic system subject to the usual Conditions. Carroll seconded and TCC so voted, unanimously.

**RDA 2016-02: 111 Boston Street, (Map 69, Lot 014), Essex Agricultural Society/ Williams and Sparages, LLC**

Luther read the hearing notice. Proof of abutter notification was submitted.

John Tilton, Williams and Sparages, reviewed the proposed project at 111 Boston Street. They are putting a new roof on the existing farm structure and possibly adding a lean-to. Pictures were provided showing the structure to be renovated. Spillman explained they plan to take the structure down to the foundation; their civil engineer has determined that the existing foundation can support the structure with the new roof but not a second story which they had originally proposed.

Tilton said that access to the site will come from Boston Street via a wood road that leads down to the front of the structure. He explained that the siltation control has changed and will be on the downslope side of the wood road and wrapping around the structure. Spillman made a site visit with Greg Hochmuth and agreed with this change as it gets pretty steep and if there is traffic in and out of the site, the road is not stable enough. Spillman will add this as a condition. Jolley asked if there would be soil left onsite that needs to be kept covered. Tilton replied that there will be no excavating, they are essentially demolishing the old building and rebuilding the structure, so no soil will be taken in or out. Jolley asked if there is a need for spill kit. Luther said it will be mostly trucks at the site; he doesn't foresee any equipment that would be subject to spills.

Luther moved to close the hearing, Carroll seconded, and TCC so voted unanimously.

Luther moved to issue a Negative Determination of Applicability under the Act and the Bylaw, subject to positioning of appropriate silt socks on the northerly side of the project area to keep the Resource Area in proper order. Carroll seconded and TCC so voted unanimously.

**OTHER:**

**Introduction** – Jolley introduced Theresa Coffey as the new Minutes Secretary.

**Violation Notice 2016-02: 7A Howlett Street, (Map 33, Lot 031), Gotts**

Maryanne and Brett Gotts attended the meeting to discuss the violation notice issued to them last week. Spillman held a site visit March 8, 2016 with Maryanne Gotts and confirmed that there is an ice rink on the property about 25-30' from the BVW/ Intermittent Stream on the property. She explained to the Gotts that a project with removal of vegetation, movement of soil, or placement of a structure (such as the ice rink) in the Buffer Zone should come before the TCC for approval. During the site visit, Spillman also noted a patio and above-ground pool that were not brought to the TCC for review. The pool is approximately 40 feet from wetland and the patio approximately 21 feet from the wetland. She reviewed aerial photographs and discovered that these things were added after 2001, as well as a deck the length of the house, extended to the pool area in recent years. Nearly all of these activities took place in Buffer Zone. Spillman checked with the Building Department and they could not find any records of permits; she referred to her memo to the Building Inspector.

Luther informed the Gotts they will need to file a Request for Determination of Applicability after the fact. Spillman added that all of these structures are permissible but in need of review

by the TCC. She suggested that the Gotts also see the Building Inspector. TCC asked the Gotts to be in touch with the Conservation office to file the RDA within 14 days.

### **General Permit for the Highway and Water Departments**

Spillman asked Luther if he would assist with the Notice of Intent for the maintenance; he replied that he would. Spillman suggested they would need two NOIs, but general maintenance first. The second would be for culvert repairs and maintenance. Jolley asked if the NOI could be extended and Spillman confirmed that it can be extended for up to three years at a time. With the MA Permit Extension Act, some orders were valid for nine or more years.

### **Town Beach/Town Forest, 131 Haverhill Road, (Map 05, Lot 015), restoration**

The members discussed possible sources of funding for this project. Luther suggested being in touch with the Highway Commissioners and will speak with Joe Gibbons. Spillman has a couple engineering companies in mind but suggested not putting it out to bid until there is funding to support it.

### **Rail Trail Committee activities – discussion**

The Rail Trail Committee has three projects underway/proposed. They came to the TCC two winters ago saying emergency work needed to be done at the Ipswich River Bridge. Spillman had an Emergency Certification ready to issue then heard from Joe Geller that the work had already been done. Geller was asked by TCC to follow up with a NOI to continue with additional work. The Rail Trail Committee received the grant for the work but the NOI never came in. The delay may be because the Committee tried to get all projects in one NOI. Jolley remembers them coming to the TCC to talk about the project. They never followed through with the necessary application. Luther remembered they were taking out a tree and there was concrete work at the Ipswich River Bridge. He thinks something should be filed. Jolley requested Spillman let the Rail Trail Committee know.

The Rail Trail Committee is still interested in the proposed parking area adjacent to Route 97/High Street. Luther takes issue with what he feels is a TCC prohibition against the parking area. Spillman explained the DEP Regulations do not allow anything within the first 100' of vegetated Riverfront Area, per 310 CMR 10.58 (4) (d) 1.a.. Luther stressed that the issue is that people who visit there will park on the side of road creating a very dangerous situation. All agree that it is not safe for cars to park alongside the road at that location.

Spillman read CMR 10.58 (4) (d) No Significant Adverse Impact 1. a. aloud. If there exists an undisturbed 100' of vegetation from the mean annual high water of a perennial stream, it has to be preserved. She spoke with DEP and they confirmed this. A question was raised whether there is a conflict between what DCR has agreed to (with the grant funding) and DEP Regulations. Jolley would like to see something in writing from the DCR agreeing to this parking area. Luther suggested to have Geller handle this. All agreed alternatives (locations) should be sought.

Jolley would like to look at the site as well and suggested that Geller be present for the next discussion on this parking area. She asked Luther to encourage him to come to a meeting when he has alternatives.

The third proposed project is Rail Trail improvements from Washington Street to Boxford Town Line. The Wetlands Resource Areas were flagged by Hochmuth, but not verified by

TCC. Spillman made a site walk with Hochmuth to review the flagged areas about two years ago.

National Grid has an Order of Conditions to restore the area of serious erosion along the Trail near Pye Brook Park, but will wait until a drier time of year. Greg Hochmuth placed the flags pro bono but the Rail Trail Committee never came in with an ANRAD to verify. Luther will ask Geller about this.

### **Munis Proposal**

Spillman is working with Tyler Technologies to get cost and timing information to make changes to the procedure of the Conservation Department's submissions to the Munis system. The changes will better adapt the system to the Conservation office to make it more useful and efficient, and importantly, will enable historic information about properties to be transferred from the Conservation Excel spreadsheet to Munis. Once on Munis, the information could also be useful to other departments, especially Building, Board of Health, and Planning. The members discussed funding for this project, and they agreed that the Bylaw Revolving Fund could be used, up to a maximum of \$10 K.

### **Wetlands General Bylaw Regulations**

The revisions are still being made to the Regulations and Spillman suggested setting a hearing date to keep the project moving forward to the goal of revised Regulations. Luther suggested the end of April or May.

### **Senior and Summer Interns**

Spillman announced that three senior interns are lined up. Masco seniors Dante Che and James Murphy will intern the last week of April through May. The summer intern is Brian Gallagher, a junior at Masco, and he will start mid-June, after school gets out. Members requested that the seniors present their projects to TCC and also have advance notice of the Masco Intern Fair so members can attend if they choose to do so.

### **Spring Expo – March 19, 2016**

The Spring Expo is on March 19, 2016 from 10:00 am – 3:00 pm at the Emerson Center. Carroll and Spillman are volunteering at the event. Dodds and Jolley will check their schedules to see if they are able to volunteer as well.

### **MEETING MINUTES:**

The February 24, 2016 meeting minutes were not yet ready for review, and were tabled until the next meeting.

### **ADMINISTRATOR'S REPORT:**

**MACC Annual Environmental Conference** – Members discussed the sessions they attended at the conference. Jolley shared information she learned relating to legal issues, civil rights,

due process, conflict of interest and enforcement orders. Spillman discussed updated rainfall data and some implications of climate change on conservation interests.

**ADJOURNMENT:**

The meeting was adjourned at 9:00 pm, with a motion by Luther, seconded by Carroll and passed unanimously. The next meeting will be held March 23, 2016 at 7:00 pm, Library Meeting Room.

Respectfully submitted,

  
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Theresa Coffey  
Recording Secretary

*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.