

Topsfield Conservation Commission
Minutes of Meeting March 23, 2016
Topsfield Library Meeting Room

Present: Cheryl Jolley, Chair; Dodds Shamroth, Vice Chair; Jen DiCarlo; Holger Luther; and Lana Spillman, Administrator

Absent: Jim Carroll

Other Attendees: Dick Gandt

There being a quorum, Chair Jolley opened the meeting at 7:00 p.m.

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 until April 13, 2016. Luther moved to continue the hearing until April 13, 2016. Shamroth seconded and TCC so voted, unanimously.

DiCarlo suggested a new method of recording continuances. Spillman will modify the form to be able to include this notation.

REQUESTS:

CoC 307-0698: 6 Gail Street, (Map 40, Lot 019), Chiachiarretta – Spillman reported on her March 21 site visit for this septic system replacement. She found the property in compliance with the OoC. Luther moved to issue the Certificate of Compliance, Shamroth seconded and TCC so voted, unanimously.

RDNI 2016-04: 9 Deer Run Drive, (Map 33, Lot 048), Dooley – The proposed projects are installation of a shed (150 sq. ft.) and removal of a leaning maple at the edge of BVW, leaving the stump. Spillman made a site visit and does not have concerns about the proposed activities as would be conditioned. She heard wood frogs from the adjacent property to the west, so believes there is a vernal pool located there.

Luther moved to issue a Determination of Negligible Impact for the proposed shed installation and tree removal. Shamroth seconded and TCC so voted, unanimously.

OTHER:

7 Howlett Street, (Map 33, Lot 031), Gotts – Spillman followed up with the Gotts about their after-the-fact filing for a deck, above ground pool, patio and ice skating rink in the Buffer Zone. The Gotts appear to not understand the paperwork requirements and the \$400 Bylaw fee. DiCarlo expressed concern that the TCC decision be clear that it is not legalizing the structures

that were possibly built without the proper building permits. TCC discussed the need for the two separate filings: an RDA for the deck, pool and patio, and an RDI for the ice skating rink.

In response to the Gotts objection to the \$400 filing fee, Spillman noted that she calculated the fee as low as possible. She informed the Gotts that they could file for a reduction in the fee. Jolley stressed that the ice rink fees should be consistent with the fees being charged other applicants. TCC must be even handed for all citizens who apply for ice rinks. Spillman will continue to work with the Gotts to complete the filings.

General Permit for the Highway and Water Departments – No NOI has been received. Luther will continue to work with Joe Gibbons.

Town Beach/Town Forest, 131 Haverhill Road, (Map 05, Lot 015), restoration – Spillman reported that she spoke with Jim MacDougall about the challenge to get a good plan for this site. MacDougall said he may have some people he could work with and would want to walk the area with Luther. Spillman likes the idea because MacDougall would like to use a rain garden instead of a detention area, which also would get more people interested and agreeable. Spillman will work to arrange a site visit for the TCC.

Rail Trail Committee Activities – Spillman updated on her meeting with Geller (Rail Trail Committee Chair) to review an area just north of Washington Street where an Intermittent stream crosses the trail. While she was there, the stream was flowing. Geller proposed to deposit medium-sized stone in this area. Spillman believes that addition of the stone would block the flow and cause flooding onto the trail in a different area. Spillman told Geller for the interim to use wood boards to cross the area. Discussion ensued about possible solutions for the stream crossing the trail. Luther pointed out that this is National Grid property and their responsibility to solve the problem.

The Rail Trail Committee is still talking about filing an NOI for the three projects (parking lot next to the Ipswich River, Rail Trail from Washington Street to Boxford, and the Ipswich River Bridge repairs). Spillman suggested that since the flags are already in place, they file the ANRAD to verify the Wetland Resource Area boundaries. Luther will also reiterate this.

General Wetlands Bylaw Regulations – DiCarlo will e-mail the changes to Spillman for review; a public hearing is expected at the second meeting in April. Luther requested that the changes be distributed to the TCC in advance of the discussion so they can share thoughts at the meeting.

Munis Proposal – Spillman has scheduled a phone work session/conference with Tyler Technologies for April 12 and 13. The quote for two days is \$2550. Spillman told them what she wanted but has not received the contract yet. Luther requested that the quote and work to be done be put in writing. Spillman will circulate the contract to TCC when received.

MEETING MINUTES:

February 24, 2016 – Jolley noted that the TCC voted on a continuation for the Town Lane properties hearing and that the date in the footer is to be updated. Luther moved to accept the February 24, 2016 minutes with amendments. Shamroth seconded and TCC so voted, unanimously.

March 9, 2016 – Luther moved to accept the March 9, 2016 minutes as amended by Spillman. Shamroth seconded and TCC so voted, unanimously.

ADMINISTRATOR'S REPORT:

Garden Expo – Spillman reported that the Expo was a great success with over 675 people attending and very good interaction with attendees. She received a lot of questions, especially about vernal pools, so will plan next year to put more emphasis on vernal pools. DiCarlo questioned if there was a way to cross reference certified vernal pools with property addresses. Spillman informed TCC that certified vernal pools are documented on the Natural Heritage and Endangered Species map. After further discussion, TCC suggested that developing a map of Topsfield vernal pools to be posted on the TCC webpage would be a good intern project.

IRWA – Kristen Grubbs from IRWA will attend the April 13 TCC meeting to discuss the Municipal Services program. The IRWA has a new program to provide grants to help owners with drainage and so forth. Grubbs will come in to talk about ways to collaborate with the TCC.

Army Corps of Engineers – Spillman attended a presentation by the Army Corps of Engineers. The take away message was that Highway Department projects such as culvert replacements need review by the Army Corps. Spillman reviewed the criteria for the three different levels of review (a, b, c below). They don't talk in terms of alterations; they talk in terms of fill and jurisdictional wetland areas. First, the Resource Area has to be jurisdictional and second, the activity has to be jurisdictional.

- a. Self Verification: lowest level of review by Army Corps *area is jurisdictional and activity is jurisdictional.*
- b. Pre-Construction Notification (Level of review needed for most culvert replacements): *area is jurisdictional and activity is jurisdictional*
- c. Individual Permit with full review: *area is jurisdictional and activity is jurisdictional AND is a federally regulated activity.*

The only way a replacement of a culvert will qualify for lowest level of review is if you are replacing and it also is advantageous, for example, to wildlife passage. Exemptions for NOIs in jurisdictional area include moorings, toxic spill response, toxic hazard clean up, some minor survey activities, and fish and wildlife harvesting structures.

Reviews by the Army Corps and TCC are independent of each other. While there is some overlap, there are differences in jurisdictional areas. Luther added that the Army Corps is interested in engineering standards, TCC is interested in wetlands.

Interns – Spillman will be meeting with senior interns to discuss potential projects. Once they have decided on projects, interns will come to TCC to share plans.

Plan to BOH for 119 Boston Street – Spillman shared the copy of the 119 Boston Street/Witch Hill/Peirce Farm plan. There is an Intermittent Stream in excess of 500 feet in an old pipe/box culvert. Discussion ensued on the history of the site and whether or not the TCC has jurisdiction. Spillman will follow up with DEP for more information.

ADJOURNMENT:

The meeting was adjourned at 8:35 pm, with a motion by Luther, seconded by Shamroth and passed unanimously. The next meeting will be held in three weeks, April 13, 2016 at 7:00 pm, Library Meeting Room.

Respectfully submitted,



Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on April 13, 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.