

Topsfield Conservation Commission
Meeting of Wednesday, March 25, 2009
Topsfield Library Meeting Room

The meeting was called to order by the Chair at 7:07 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	NoI – Notice of Intent
DEP – Department of Environmental Protection	OoC – Order of Conditions
AOoC – Amended Order of Conditions	EO – Enforcement Order
CoC – Certificate of Compliance	

PUBLIC HEARINGS:

Continuation NoI 307-0629: 12 Boston Street, English Commons at Topsfield, (Map 81, Lot 1),
English Commons, LLC – Alan J. Berry/Beals Associates, Inc.

Spillman identified that the TCC office received a written request on 3/23/09 to continue the hearing to 4/8/09.

Pratt made a motion to continue the hearing to 4/8/09 as requested by the Applicant’s representative. The motion was seconded and carried by unanimous vote.

Continuation NoI 307-0646: 207 Boston Street, (Maps 57 & 49, Lots 4 & 2), O’Brien, Essex
Agricultural Society/DiLuna.

Greg Hochmuth of the Neve-Morin Group represented Topsfield Fairgrounds. Jim O’Brien and Attorney Frank DiLuna also were present to represent the Fairgrounds. As part of the application to stabilize the area for parking, the hayfield will be reseeded and cut.

Hochmuth reported that topographic mapping and the delineation of wetlands was completed. This is area includes floodplain/Bordering Land Subject to Flooding. The Maccaferri Company is to prepare the plan for stabilization and erosion at this location. Gabions – three-foot wide cages filled with stone will be used. The areas where they are to be placed will be dug down one foot and installation of the gabions is expected to take about a week. Suitable soil removed from the area will be used in the adjacent field, e.g. to fill in ruts from tires.

With no public comments, the Chair closed the hearing to the public.

A discussion followed, including about field maintenance, parking, and potential conditions in the Order of Conditions. Spillman pointed out the comment on the plan proposing tilling, re-grading, and re-seeding the “entire hayfield.” Hochmuth responded that the area needs to be maintained. O’Brien added that they have been haying the field although the quality of the hay is not very good, and that the area is rolled and used for Fair parking when it is not too wet. Commissioners commented that the area has wet vegetation now and seeded areas would revert to wet vegetation over time. O’Brien commented that the area is all hydric soils, which would limit the types of grasses that would live there. DiLuna offered to seek NRCS recommendations and submit a NRCS Farm Plan to TCC prior to doing the work (tilling, re-grading, re-seeding, etc.). A Conservation Farm Plan (NRCS) will be submitted.

Erickson made a motion to approve the plan dated March 2, 2009 “Bank Stabilization for Essex Agricultural Society” as proposed, as modified with a NRCS farm plan submittal. The motion was seconded and carried by majority vote with Merrill abstaining.

Amended OoC 2006-01:72 Hill Street, (Map 69, Lot 16), Malinowski/Hayes Engineering, Inc.

Gordon Rogerson of Hayes Engineering presented. Erickson read the legal ad. Rogerson submitted proof of abutter notification.

The proposal is to revise the original plan for a single-family house, etc. previously approved by the TCC.

Rogerson identified reductions and changes in the disturbance to the property from the original OoC as the relocation of septic tank, re-grading of the property with a 2 to 1 (previously proposed 3 to 1) slope, reducing the size of the house and deck, and hay bales moved.

A lengthy discussion of understanding followed, which included concerns about water runoff not going onto Hill Street, and stabilizing the area. Jute mat is proposed at the 2 to 1 slope area and can be cut for planting the proposed shrubs. Changes are proposed primarily to reduce project costs.

Ken Stowe, 80 Hill Street, (abutter) noted concern about runoff of surface water to his property as a consequence of disturbance of the hill/abutting property.

Soil testing and perc rate results were a part of the discussion.

The TCC was granted permission to access the property; a site visit was scheduled for April 4, 2009 at 8 AM.

Pratt made a motion to continue the hearing to the next TCC meeting on April 8, 2009. The motion was seconded and carried unanimously.

PUBLIC MEETING:

RDA, 2009-02: 31 South Main Street, (Map 4, Lot 85), Guido.

Sarah Guido was present.

Abutter notification collected; legal ad read The proposal is to cut 3-4 mature dead/diseased trees (leaving root systems) in Buffer Zone/Riverfront Area of Cleaveland Brook and to remove/control invasive plant species, especially Euonymus alata (Burning Bush) in the "lane" that runs perpendicular to Cleaveland Brook, in Buffer Zone/Riverfront Area; no work is proposed in the BVW. The Nature Conservancy invasive plant management manual was referenced to control the Burning Bush. It was noted that the brush can be cut and brought to the Town Highway Department garage for disposal.

MacDougall made a motion to close and issue a Negative Determination of Applicability with conditions. The motion was seconded and carried unanimously.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

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

Spillman reported that the TCC office is expecting a report from Representative Orzel. The TCC office received an e-mail with a written request to continue to the April 8, 2009 TCC meeting.

The TCC noted their concern about new erosion with spring thaws and precipitation events. TCC asked the Administrator to make a site visit prior to the next meeting.

MEETING MINUTES:

June 12, 2002 - Pratt made a motion to accept the meeting minutes of 6/12/02 as a record of the meeting. The motion was seconded and carried unanimously.

REQUESTS:

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

Spillman reviewed that there was a major oil tank leak at this site and under the OoC soils in Buffer Zone/Riverfront Area were removed. Spillman reported that there are new activities in Riverfront Area not approved by the TCC, including an unauthorized deck/patio with wraparound stonework. The TCC office will send a letter informing the homeowners that the new work that was done in Buffer Zone and Riverfront Area requires a permit and they need to apply after the fact.

Erickson made a motion to issue the CoC. The motion was seconded and carried unanimously.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

Continuation NoI 307-0643: 30 Wildes Road – New Meadows, (Map 8, Lot 5), Iovanella/Wetlands & Land Management, Inc. – RFP update

Erickson reported on the process and results of the Joint Committee meeting Monday night saying that Beals & Thomas has been chosen to do the Peer Review for the TCC and Planning Board.

Merrill made a motion to authorize the (TCC) subcommittee members to determine the final award as decided by the entire Subcommittee, to award the contract to Beals & Thomas. The motion was seconded and carried unanimously.

Proposed FY 2010 Budget – discussion

The TCC discussed and approved the budget as submitted, Budget “G,” with 5 hours of the Administrator’s salary to be paid from the Wetlands Fees Fund (Topsfield portion of State fees).

OoC #307-0510: Ipswich Road – discussion

Spillman updated the TCC, adding that the large plans would be brought to the next meeting. The TCC will receive reports of the weekly meetings. It is uncertain if the wetland flags are still in place. The work is to be done in three phases. The work will start at the intersection of Route 97/Ipswich Road and stop just short of Route 1.

OoC #307-0548 and Amended OoCs #307-0507: 120 High Street, (Map 47, Lot 56), Request for CoC, As-Built Plans for Hickory Beech Subdivision, and New Lot Plans – discussion

Present: Larry Beals, Beals Associates, Tom Patenaude, Developer

Spillman noted that the TCC has received notice that a CoC request is being filed for #307-0548, for activities along High Street, and that as-built plans have been received for the ponds at the 120 High Street/Hickory Beech Subdivision. Also, new lot plans for several lots in the subdivision have been submitted for TCC signoffs; the houses are smaller, but some reserve septic systems are shown at least partly within Buffer Zones.

Hall first noted that signing off on a building permit/plot plan is not an implied approval of work never reviewed.

Mr. Beals addressed the TCC, explaining the proposed process upon the failure of the septic system, noting that the reserve septic system is shown on one plan one foot into the Buffer Zone. A Presby System is being used. Hall asked that the record reflect that TCC will sign off on these building permit applications, but an appropriate memo will be added to the file.

The status of the subdivision project was reviewed; there is no pending request before the TCC.

There was discussion about how to review the as-built plans for the ponds. Beals suggested that peer reviewer David Varga of BSC would compare the as-builts with the proposed, and make sure the size, slope, shape, and diameter are the same. Beals would certify that the volumes match. He stated that it makes sense for Varga to make a site visit, one end to the other, to make certain that vegetation is growing properly and that no drainage structure is clogged. Spillman commented that the conservation restriction part of the deed for the open space parcel has some inaccuracies and other concerns. There would be a homeowners association, but the Town would own the conservation property. Long-term management has not been addressed. Further discussions at future meetings are planned. The TCC will prepare to discuss the documents/deed/restrictions at the April 22, 2009 TCC meeting.

ADMINISTRATOR’S REPORT:

New Filing Instructions – TCC reviewed the new form

TCC suggested that it would be helpful to have application plans projected on the wall during hearings.

Rain Garden Workshop/Greenscapes – update - Seminar this Saturday at the Fair Grounds

EXECUTIVE SESSION: Potential Litigation - *Update*

APPROVED

9:31 PM - Hall made a motion to enter into Executive Session for the purpose of discussing contemplated litigation and that the TCC not return to open session and adjourn within Executive Session. The motion was seconded and carried unanimously by a roll call vote.

9:42 PM - Erickson made a motion to adjourn and it was unanimous by roll call vote to do so.

Respectfully submitted,

Catherine Tinsley

Accepted at the TCC meeting on July 8, 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.