

## ***Topsfield Conservation Commission***

**Minutes of Wednesday, March 26, 2008**

Topsfield Library Meeting Room

The meeting was called to order at 7:48 p.m. with a quorum present: Walter Harmer, Chair; John McArdle (7:46 PM); Thomas Warren; John Olcott (7:31 PM); Lana Spillman, Administrator; and Catherine Tinsley, Minutes Secretary  
Absent: Wade Goldman; Ralph Stump

Abbreviations used:

TCC – Topsfield Conservation Commission

EO – Enforcement Order

CoC – Certificate of Compliance

OoC – Order of Conditions

AOoC – Amended Order of Conditions

NoI – Notice of Intent

Public information:

Agenda

OPEN MEETING:

The TCC signed bills, authorizations, etc .

### **HEARINGS:**

**Continuation NoI 307-0614: 39 Prospect Street, (Map 40, Lot 97),** Mark Dorn/Mill River Consulting – Ottenheimer

Representative/engineer Dan Ottenheimer, wetlands scientist Jennifer Hughes, and owner Mark Dorn were present.

Mr. Harmer explained that the site visit to 39 Prospect Street was Monday, March 24<sup>th</sup>. The biggest question is what is to be done in the mitigation area, where a considerable amount of silt has accumulated. He reviewed that mitigation is necessary.

Spillman provided pictures of the site, beginning with four years ago.

It was noted that the silt in the mitigation area is a major concern.

Ottenheimer presented an updated (October '07) photo of the mitigation area. It is being proposed that the mitigation area be compliant with the original Order of Conditions. He discussed removing 4-6 inches of soil from the outlet area of the mitigation area.

Spillman noted that the soil at the outlet of the mitigation area probably is the same soil that was placed on the bottom just after excavation, prior to the seeding with a wetlands seed mix.

Harmer responded that the exist side of the pond/mitigation area is fine – it is the back side where silt has built up where silt (about 2 feet) needs to be removed, by machine would be acceptable.

Hughes was concerned that wetland plants would be removed and that the area would not meet replication area criteria. Harmer explained that the mitigation area is not a wetland replication area; rather, it is a mitigation area for loss of functions and values resulting from alterations of Buffer Zone Resource Area and Riverfront Area with the septic system installation.

Dorn stated it is their intention to do what is necessary for the mitigation area; 4-6 inches of sediment would be removed by hand digging, and to plant trees in the upland areas that have been cleared.

TCC is holding the present owner responsible for compliance with the conditions of the past Order of Conditions.

The TCC agreed that the mitigation area is functioning as a wetland.

Spillman advised that the most recently deposited silt needs to be removed on the up side of the pond but not the backside. Harmer drew a sketch of the area where silt is to be removed, within approximately 12 feet from the back, upslope bank, leaving the inlet area approximately 1 foot deeper than it was on the Monday site visit. What is in the middle is to be left and is expected to migrate some. Ottenheimer responded that they are amenable to that proposal.

It was agreed to remove the top two rows of hay bales/silt fence check dams on the access way down the hill – to see if the area is sufficiently stable.

The TCC will return to the site for observations during a major spring rain.

Ottenheimer requested that the Enforcement Order be removed.

*Warren made a motion Issue an OoC for 39 Prospect Street for completion of the mitigation area and plantings and for sign posts under the Act and the Bylaw. The motion was seconded and carried unanimously.*

*Warren made a motion to release the EO. The motion was seconded and carried unanimously.*

**Continuation NoI 307-0618: 166 Washington Street, (Map 39, Lot 75), Greg Licata**

DEP (Pam Merrill, Circuit Rider) called the TCC office this morning with a file number; there are no DEP comments.

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

**Continuation NoI 307-0619: 7 Birch Lane, (Map 24, Lot 27), Janet Grove**

DEP (Pam Merrill, Circuit Rider) called the TCC office this morning with a file number; there are no DEP comments.

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

**Continuation ANRAD 307-0602: 95 Wenham Road, (Map 71, Lot 1) Peter**

Herbert/Wetlands and Land Management, Inc.

Spillman identified a request to continue the hearing to April 9<sup>th</sup> was received. Representative Manuell cited that this is the time of year to re-evaluate the resource areas.

*Warren made a motion to continue the hearing until April 9, 2008. The motion was seconded and carried unanimously.*

**Continuation NoI 307-0611: 270 Boston Street, (Map 41, Lot 87), Richard C.**

Albright/DeRosa Environmental Consulting, Inc.

The TCC received a request to continue the hearing to April 9<sup>th</sup>.

*Olcott made a motion to continue the hearing to April 9. The motion was seconded and carried unanimously.*

**2<sup>nd</sup> Amended OoC 307-0505: 198 Central Street, (Map 50, Lot 1), North Shore Heritage Associates, Inc. – Richard Clarke**

Gerard McCarthy of North Shore Heritage Associates and engineer Richard Clarke were present. Abutter notification collected; Warren read the Legal Ad.

The Proposal is to add two handicap ramps to the proposed dwelling.

Clarke explained that the proposed project would add a handicap/ADA ramp and extend a second ramp for wheelchair access. The proposed bioretention area has not been modified.

The TCC observed that there is not much room on the land and questioned if it would change the overall impact. Clarke explained that there is the same amount of impervious surface proposed as on the previous plan.

The outlet of the bioretention area was clarified. This is a headwall. The surface water from the driveway is collected at this point.

Warren made a motion to close the hearing and issue an OoC with Special Conditions under the Act and Bylaw. The motion was seconded and carried unanimously.

**MEETING MINUTES:**

Approve minutes of **December 12, 2007**

Warren made a motion to accept the minutes of December 12, 2007 as amended. The motion was seconded and carried unanimously.

**REQUESTS:**

**Emergency Certification TCC08-02: 160 Perkins Row (Map 42, Lot 10),** Mike Gilfeather – ratification.

Spillman explained the EC was for the cutting of a storm-damaged tree near an Intermittent Stream and about 30 feet upslope of house. A NoI for a proposed patio, etc. was submitted today.

Warren made a motion to ratify the Emergency Certification. The motion was seconded and carried unanimously.

**Request for Extension, OoC 307-0510:** Rehabilitation of Ipswich Road, Town of Topsfield/Bayside Engineering, Inc.

Spillman acknowledged that the TCC received a written request for an extension of the OoC.

Warren made a motion to extend the Order of Conditions under the Act and the Bylaw for three years, to expire on June 9, 2011. The motion was seconded and carried unanimously.

**Request for Extension, Amended OoC 307-0505: 198 Central Street, (Map 50, Lot1),** North Shore Heritage Associates, Inc.

A written request for extension of the OoC was received March 17<sup>th</sup>.

Warren made a motion to extend the Amended Order of Conditions under the Act and the Bylaw for two years, to expire on September 25, 2010. The motion was seconded and carried unanimously.

**Summer Intern**

Spillman reviewed that last year the TCC approved two internships during the summer for up to \$450 each. She noted the work that was done by previous interns, including secretarial duties, identifying vernal pools, and special projects such creating a timeline for applications. The hourly rate would be \$7-\$8/hour, H1, Step 1 on the Town grid.

Warren made a motion to approve one internship, up to \$500 for the summer, to be paid from the Bylaw Revolving Account. The motion was seconded and carried unanimously.

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

**Prospect Hill/Gail Street Drainage** – update

Harmer made a site visit with the Links, and has spoken with Dave Bond about the proposed easement and stormwater structures. He said that the water flows 8 feet from the property line. An (14-foot-wide) easement 40 feet into the property will be sought. The Town will install a catch basin at the end of Gail Street. The water will flow through a pipe (about 20 feet) into a riprap area.

It is not known whether or not Town Meeting would have to accept the easement.

**OoCs 307-0529 and 307-0485, 102 River Road, (Map 47, Lot 49)** – update

No updates known. The Building Department reported that no demolition permit has been applied for yet. Spillman noted that the original OoC was issued in May of 2003.

**Request for Partial Reimbursement of Bylaw Filing Fee, OoC 307-0595, 49 Rowley Road (Map 6, Lot 13)**

It was reviewed that activities were moved mostly outside of Buffer Zones, so they are requesting a partial reimbursement (\$5,860.50) of the Bylaw Filing Fee.

Spillman noted that since work is still being done in the Buffer Zone, the remaining Bylaw fee will be approximately \$6,000.00.

*Warren made a motion to reimburse the requested amount of \$5,860.50 based on their reduction of activities in Buffer Zone. The motion was seconded and carried unanimously.*

**Request for Extension of Filing Deadline for Amended OoC 307-0577, 35 Main Street (Map 41, Lot 34)**

The Emergency Certification, TCC-8-01, ratified at your March 12<sup>th</sup> meeting, requires submission of a request to amend the current OoC.

The TCC has received notification that they are not yet prepared to submit the request for an amendment, along with a request to extend the filing deadline. A copy of this request was available to the TCC.

*Warren made a motion to extend the filing deadline to May 28, 2008. The motion was seconded and carried unanimously.*

**ENFORCEMENT, APPEAL REPORTS, UPDATES:**

**Enforcement Order, Violation Notice & Bylaw Ticket #2007-03: 43 Cross Street, (Map 62, Lot 2), Christopher Nash – update**

Russell Waring was present. Harmer identified that he and Spillman met with Russell Waring at the site last week. It was observed that most of the field is sandy soil, with very little topsoil. It was agreed that a gentle swale (instead of the deep ditch) should be made instead of installing pipes.

Waring was to submit a revised proposal early in this week to modify the existing swale; he submitted a revised plan showing an open swale at the meeting.

Harmer hypothesized that the area originally was a wetland, that pipes had been installed and that over many years the muck washed away, leaving the sand. TCC discussed the submitted plan with Waring. Spillman added that DEP is anxious to receive the materials that they requested – paperwork for the dug pond. Mr. Nash needs to know that.

The work can be done as soon the land dries out. Harmer asked that the work be done in stages, the upper end first, and that it be completed by the end of August. Hay bales/check dams should be placed immediately at a minimum of 50-foot increments over the approximately 350-foot distance to stabilize the area.

Russell explained that it is the intention of the owner to grow hay.

Harmer asked Waring to submit a sequence/schedule of proposed work by the end of the next week.

*Warren made a motion to accept the plan as submitted. The motion was seconded and carried unanimously.*

Spillman will issue a summary letter of what has been discussed.

**Violation Notice & Ticket #2008-01, DoA 2006-18 and Violation Notice #2007-15, 41 Surrey Lane, (Map 23, Lot 3), Roy Cheever – Update: District Court Date is April 7, 2008.**

**Enforcement Order, Violation Notice & Bylaw Ticket #2007-11: 270 Boston Street, (Map 41, Lot 87) Bear Albright – update and appeal**

The TCC stated that until an acceptable plan is submitted, there would be no negotiations concerning the Bylaw ticket.

**Violation Notice & Ticket #2007-04: 5 Fox Run Road, (Map 47, Lot 28),** Jeffrey and Lynn Evalul – update

Spillman stated that a letter was sent last week to Mr. Evalul informing him that he has until noon of March 31(2<sup>nd</sup> extension) to pay the fine, or a complaint will be filed with the District Court.

**Enforcement Order: 50 Prospect Street, (Map 48, Lot 12),** John Molloy/Hancock Associates – update

Harmer, McArdle, and Gandt plan to seek permission of the owner to do some wetland line instruction on the property.

**Amended Enforcement Order, Violation Notice & Ticket #2006-20: 221 Washington Street, (Map 47, Lot 2),** Andrzej Galka – No update given.

**ADMINISTRATOR’S REPORT:**

**Conservation Commission Budget**

Harmer explained that one member of the Finance Committee had called him with ideas about staff salaries/wages and the TCC budget. He added that the Finance Committee has been discussing a proposal that the TCC budget be totally under the General Fund rather than under the Revolving Fund.

**Expo 2008** – March 29<sup>th</sup> at the Proctor School from 10 am – 2 pm. (Setup is 8 – 9:45)  
The Committee was asked to volunteer. Spillman said she could be there from 11 to 2.

**Greenscapes North Shore 2008** – update

The TCC was referred to information in their packet.

A presentation is being proposed for Topsfield; topic suggestions can be submitted to the Administrator.

**Other**

Proposed Bylaw Regulations Changes and Draft Stormwater Regulations have been distributed to the TCC for their review.

Harmer suggested language in the preamble referring to stormwater regulations be changed to “these regulations” so as not to be confused with the Topsfield Stormwater Bylaw Regulations. TCC further discussed the proposed changes, including some fee changes. John Olcott has prepared a draft stormwater handbook for distribution.

It was noted that a Public Hearing needs to be held to amend the current wetlands bylaw regulations.

Spillman will submit a legal ad for the hearing.

*Warren made a motion that the TCC hold a Public Hearing on April 9, 2008 regarding the proposed changes to the Wetlands General Bylaw Regulations. The motion was seconded and carried unanimously.*

*9:47 PM – McArdle made a motion to adjourn and it was unanimous to do so.*

Respectfully submitted,

Catherine Tinsley, Minutes Secretary

*Approved at the TCC meeting on June 11, 2008*