

Topsfield Conservation Commission

Minutes of April 13, 2011
Topsfield Library Meeting Room

Note: These minutes were drafted from the audio recording and the Administrator's Notes Draft minutes

Present: Holger Luther (acting Chair); Jenny Merrill; Cheryl Jolley; Mark Erickson; Lana Spillman, Topsfield Conservation Administrator.

Absent: George Hall; Jim MacDougall; Jud Pratt

Acronyms:

BoS – Board of Selectmen

BVW – Bordering Vegetated Wetland

CoC – Certificate of Compliance

CR – Conservation Restriction

DEP – Department of Environmental Protection

DoA – Determination of Applicability

EO – Enforcement Order

NoI – Notice of Intent

RTC – Rail Trail Committee

OoC – Order of Conditions

TCC – Topsfield Conservation Commission

YOP – Yearly Operational Plan

With a quorum present, the meeting was called to order at 7:06 pm.

PUBLIC HEARINGS:

Continuation ANRAD 307-0671: 4 Wenham Road, (Map 64, Lot 10), Patkin/Hancock Associates

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

Dick addressed three issues raised at the previous hearing date. First, what type of soil is located on the lot? Dick indicated the soils are Woodbridge and Paxton soils. The second issue had to do with soil testing. Dick explained that there is very little, mostly unofficial, data as far as soil testing. He did find a series of tests in close proximity but not on the lot, and he doesn't plan to test off of the lot. Luther asked if he was referring to the small various portions of the parcel, but Dick is only talking about the trapezoid in front. Dick explained that they can't get to various portions of the parcel in the back. The third issue was the possibility that the Sillaris might have a well on the property. There are three manholes near the front of the lot. Two are on the Sillaris' property, and one is on the subject parcel. If they are connected to the pump house on the Sillaris' property, the equipment may have to traverse a pipe. Dick has not found any record of rights or easements. On a site visit, he could pop the lid and determine which way the pipe goes and how deep it is. If it is four feet down, it's not a problem for a backhoe. Luther's main question: where are wetlands and have they been delineated? Luther would like to go out. Spillman would like to go out the following week. Spillman suggested MacDougall may like to go as well. A site visit was scheduled for Wednesday, April 20, at 8:30 a.m. Luther confirmed that they have permission to do a site visit.

Luther opened the meeting up to public comment and asked the Sillaris to present. Ms. Sillari explained there is open water on the property. Dick indicated there is definitely BVW in the lower area. The Sillaris live in the former Patkin house. Ms. Sillari said that when she first moved in, the neighbors complained about the water coming off of the property on to other properties. Mr. Sillari indicated they re-graded the driveway, put in a basin along the driveway to slow down the rest of the route of the water, and tried to maintain water on the property as long as possible down to the culvert on Wenham Road. She can't mow the area at 4 Wenham Road with their regular mower because it is so wet. Luther indicated that there are letters from the Sillaris and Mr. Kane, who lives adjacent to the property. Mr. Kane explained that he's been there 14 years and has observed lots of wildlife and lots of wetland as well; pretty much the property is always wet, and he has observed open water there.

Mr. Sillari indicated the manholes are actually wells and they service his property. Ms. Sillari added they now have town water and the wells are used for their animals.

Dean Asadorian, a former owner of the property who sold it back to Patkin, related that Mr. Patkin had the wells interconnected because that was the property's water supply. Asadorian went through two engineers to get the property built and was never successful. He was informed that in order to put in a septic system, it would have to be above ground and on one of the other properties. Over time, he's heard engineers say Patkin should get an abatement because the lot is not buildable. The town has not gotten taxes all these years. Luther said wetlands flagging will take place at the site visit Hancock wants to get a better picture of the lot.

John Dick has delineated three areas of wetlands, A, B, and C. He proposes coming in with machinery as close to the Sillaris' lot line as possible. There is a wet swale that goes across that area, an intermittent stream, but he believes that it does not have a defined channel. Ms. Sillari said that there are tree roots near the surface in that area. Luther explained that next there will be a site visit and Spillman will review. Luther brought in the Soil Survey of Essex County soils book, which indicates "it is all severe." There is a chapter in the book about suitability for leaching systems, and the soils on the site are all severe. Dick admitted it may fail with soil testing. *Erickson moved to continue the hearing to April 27. The motion was seconded and passed unanimously.*

Luther opened the continuation of the **Nol hearing for 4 Wenham Road under the Bylaw.**

Merrill moved to continue the hearing to April 27. The motion was seconded and passed unanimously.

OTHER:

Tree Planning Committee – discussion

The Tree Planning Committee is a subcommittee of the Conservation Commission. Dan Peabody and other members have been invited to give a summary of their activities since last year's discussion and proposed activities for the coming year. Dan Peabody was present and explained that he was trying to coordinate a site visit with Dave Bond and Jan from National Grid who has 15 trees to be planted, supposedly trees that could be planted near power lines. The Committee also is trying to get grant money. Grace Peabody wrote the grant last time for \$5,000, and there would be town matching money as well. Concerning the free trees, Peabody questioned who it falls on to get them installed. Dave Bond has equipment, and Steve Shepard may have the equipment. Peabody explained that Martha Morrison is talking about planting some trees on River Road and Rowley Bridge Road. His thought is that it's best to look where trees have been removed for planting sites. Another issue that comes up is where to plant in relation to property lines.

He always tries to push to private property since the owner would be responsible to take care of it.

Maintenance is the issue. If a homeowner sells the house, the next owner could cut it down.

The Committee will determine where the trees will go. Morrison will write an article about planting the trees for the newspaper to go along with Arbor Day. MacDougall asked if Peabody knew of sites that are

short of trees, and Peabody indicated a need in the area of the updated power lines on Route 1 near Dunkin' Donuts and the Fairgrounds. There is no funding to get a certified arborist as the tree warden. Dave Bond gets a stipend, \$3,000 to \$4,000. Peabody indicated Arbor Day is all planned. Red pines are set to give out. 100 trees were donated by Dale Johnson. Proctor School's Arbor Day is Friday, April 29th, and Steward School's is Monday, May 2. Concerning the grant applied for, Peabody indicated that they automatically qualify since trees have been removed. Morrison is working on the grant application. TCC is to review it.

REQUESTS:

Continuation CoC: 307-0598: 47 Rowley Road, (Map 6, Lot 14), Nelson/Hancock Associates
Spillman has rescheduled the site visit to April 14, 2011.

Continuation CoC: 307-0624: 59 Main Street, (Map 41, Lot 25), LeClair/Millennium Engineering
Spillman described ponding on the property after a rainstorm. She is waiting to review the rain garden area during a storm.

CoC 307-0669: 12 Boston Street/English Commons – Boardwalk, (Map 81, Lot 1), English Commons LLC/Beales Associates

Spillman discussed the site visit made last week. She walked the trail area leading down to the proposed boardwalk and noticed an infestation of Asian bittersweet. Spillman has not received confirmation that the conservation posts have been installed. MacDougall commented that baseline documentation has not been completed for the CR property. He still needs to get some more pictures.

OTHER:

Erickson commented that Lydia and he went back on Sunday to the vernal pool she is watching off of Ipswich Road and there were a lot more egg masses. There was a great mass of bright green salamander eggs. MacDougall explained that those would be wood frog eggs. Algae feed them oxygen and they would expand. Algae would end up on the inside of the eggs.

MEETING MINUTES:

Approval of meeting minutes from **March 12, 2008** and **March 9, 2011**.

Erickson moved to accept the minutes of March 12, 2008 as amended, with a statement that this is the Commission's record of the meeting that took place on that date. The motion was seconded and passed unanimously.

Merrill moved to accept the minutes of March 9, 2011, as written and amended. The motion was seconded and passed unanimously.

OTHER:

Administrator salary for FY 2012 – authorization of funding

Spillman inquired about the details, and Pam Wood said that a TCC vote is needed to fund the balance of her FY 2012 salary not covered by the General Fund, i.e., a total of \$10,162, from the Wetlands Fees Fund, the current balance of which is around \$14,000. The Wetlands Fees Fund is the Town's portion of state fees. TCC needs to authorize the supplementary salary payment of \$10,162 out of the fund to cover Spillman's salary. Luther observed that the fund is getting thin. Spillman indicated as of FY 2013, there won't be enough to cover expenses.

Erickson moved to authorize the transfer of \$10,162 from the Wetlands Fees Fund into the salary account to cover Spillman's salary for FY 2012. The motion was seconded and passed unanimously.

ADMINISTRATOR'S REPORT:

270 Boston Street, E.O. Restoration Plan, Albright

A letter was sent to Albright (a.k.a. Bear), and copied to his representative, Mike DeRosa of DeRosa Environmental. Bear acknowledged receipt and contacted DeRosa to arrange for the monitoring. TCC requested that Spillman contact DeRosa, who should call Luther to arrange for a site visit. MacDougall disclosed that he works with DeRosa and has a conflict.

OoC 307-0663: Rail Trail Summer Street to Wenham Line, (Maps 49 & 58; lots 44, 88 & 2, 52), Town of Topsfield/Rail Trail Committee – update

Spillman received a call from Bill Manuell. He requested not to use sedimentation controls during removal of ties, at least in certain sections. Spillman is requiring controls in the area of the Fairgrounds to Route 97 because of the Ipswich River level and proximity. Spillman is expecting to make a site visit with Manuell and Ironhorse people this week.

Enforcement, Cross Street, Nash

The site visit with EPA last Thursday went well. Spillman took lots of photos. TCC's comments were similar to EPA's. The proposal now is to remove the pipes at the created pond entrance and to create a transition area there, BVW with stream into pond. The next step is for Manuell to seek assistance from an engineer (Thad Berry) to provide EPA (and TCC) with a revised and updated engineered plan. Work is supposed to be completed by the fall. Spillman summarized the site visit. Deadlines have not changed.

19 and 19R Pheasant Lane Land Swap

Spillman called the O'Malleys Tuesday and left a voicemail message seeking an update on the plan. She followed up with an e-mail, but has not heard back. The recordable plan is needed.

OoC TCC 2006-01, 72 Hill Street, Malinowski

This might be a good time to make a site visit. Luther will contact Malinowski and look at the site.

362 Boston Street – update

Health Agent John Coulon denied a request for approval of a proposed septic system based partly on the fact that relevant resource area boundaries have not been verified. Tuesday Coulon shared a letter, sent to TCC today, that had been received from John Morin of The Neve-Morin Group, requesting that Coulon reconsider his decision. Spillman has been getting calls because the property was advertised for auction. Title 5 says wetland lines are to be verified by the Conservation Commission.

OoCs 307-0262, Library Expansion, Amended Bylaw OoC and Act Superseding OoC

Spillman met with the Library Director, Dana Mastroianni, to start the process of getting CoC's for the Orders. She read through the Orders and reviewed them with Mastroianni. MacDougall asked if an as-built is required. Spillman indicated it is. TCC would prefer a written management plan for the future. Luther explained that he and MacDougall will do a second round of water testing in School Brook. However, now there is too much water. Spillman found old reports of testing that were done. Readings were originally to be quarterly, but with a jump in the readings, the timetable was changed to monthly in 2000/2001. There were high readings in August, September and October. MacDougall would indicate that the contribution is all from groundwater, and he did find high bacteria counts. Luther tested in November and didn't find anything at Howlett Street. Great Hill was built in the late 1980s, early 1990s.

Approved

National Grid – herbicide applications proposed for spring and summer per the YOP
Spillman explained that it would be helpful to submit an updated plan showing wet areas and vernal pools along the National Grid property to complement information they have gathered in their surveys. MacDougall did wetland mapping for the Rail Trail. Spillman said that would be helpful. MacDougall will send the maps to the National Grid representative as an e-mail attachment.

Erickson moved to adjourn at 8:41 p.m. The motion was seconded and passed unanimously.

Respectfully submitted,

Lisa Nihan-Demeule, Minutes Secretary

Accepted at the TCC meeting on May 25, 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 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.