

Topsfield Conservation Commission

Meeting of Wednesday, April 28, 2010

Topsfield Library Meeting Room

With a quorum present, Mr. Hall called the meeting to order at 7:12p.m.

Conservation Commissioners Present: George Hall, Chair; Holger Luther; Jim MacDougall; Jud Pratt; Mark Erickson

Not Present: Jennie Merrill

Also present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary; Selectman Dick Gandt, Liaison

Abbreviations used:

TCC – Topsfield Conservation Commission

RFP – Request for Proposals

DEP – Department of Environmental Protection

BOS – Board of Selectmen

NoI – Notice of Intent

OoC – Order of Conditions

CoC – Certificate of Compliance

EO – Enforcement Order

BVW – Bordering Vegetated Wetland

OPEN MEETING:

TCC signed bills, authorizations and time sheets.

HEARINGS:

NoI 307-0658: 19 High Ridge Road, (Map 65, Lot 27), Gillis/The Neve-Morin Group

Mr. Erickson read the legal notice; Hochmuth submitted proof of abutter notification.

Present: Greg Hochmuth, The Neve-Morin Group; Laura Gillis, homeowner

The project is the proposed construction of a patio, deck, addition, pool and spa, and related activities in Buffer Zone of an Intermittent Stream. Mr. Hochmuth explained that the current deck attached to the house will become a screened room. Mr. Hochmuth referenced Grading Plans dated 4-9-10. The Landscaper is Meredith Zalfonte, Boxford. The TCC talked about drainage in the subdivision. Spillman explained that prior to the subdivision there was a major Intermittent Stream; now the water flows through a series of detention ponds. Mr. Hall opened the hearing for public comment. Ken Vogel, 28 Morningside Drive, identified himself as an abutter to the rear of the property. Mr. Vogel provided a letter of concerns to the TCC, including storm water flow onto his property, chemicals in back flush of water from the proposed pool onto his property, and landscaping. He requested the TCC do a site visit. In closing, he stated he is not asking for the plan to be denied but for his concerns to be addressed. Mr. Hall requested to see the subdivision plans, including drainage, to see how the subdivision plan fits in to what is proposed. Both parties submitted photos – of the site, and of the abutting property.

Mr. Pratt made a motion, based on request from the applicant, to continue the hearing until the next meeting on May 12th. Mr. Erickson seconded and the motion carried by unanimous vote.

Site visits were scheduled. Mr. Hochmuth was asked to bring subdivision as-built plans to the site visit.

NoI 307-0658: 22 Evergreen Lane/Lot 18 and 5 Hickory Lane/Open Space Parcel at Hickory Beech Subdivision, (Map 50, Lot 32 and Map 50, Lot 39), George Jedlin, and Meetingway Corp./Beals Associates

Mr. Erickson read the legal ad. Proof of abutter notification was submitted.

Present: Larry Beals, Beals Associates; Tom Patenaude, Builder, Joe Falzone, Trustee

The project is proposed construction of a single-family house and associated activities with alterations of Buffer Zone to BVW and a Certified Vernal Pool and proposed construction of a trail/public access including boardwalk through Buffer Zone and part of the BVW adjacent to the Certified Vernal Pool.

Mr. Beals referenced an exhibit plan, for proposed cart path relocation for subdivision of Hickory Beech dated March 10, 2010, and reviewed the property as related to the proposal. He identified the necessity of a waiver of the bylaw regulations for proposed Buffer Zone alterations. Mr. Beals talked about the proposed trails connecting to Perkins Row and eventually to the Audubon Sanctuary/Bradley Palmer State Park. Mr. MacDougall spoke in support of the proposed expanded trail system saying it is one of the major trail networks in town. It was noted that the proposal has the support of the Open Space Committee. Mr. MacDougall said that he does not see a problem with the impact to the Vernal Pool if it is done in the dry season of the summer.

The Chair opened the hearing to the public; there was no comment.

Mr. Pratt made a motion to close the hearing. Mr. MacDougall seconded and the motion carried by unanimous vote.

Mr. Luther made a motion to issue a waiver to regulations relative to work in Buffer Zones to facilitate the work shown on the plan presented April 28th and entitled "Plan to Accompany Notice of Intent," that reflects 5600 sq ft of clearing and grading in the Buffer Zone with no permanent structures or improvements being made in the Buffer Zone. Mr. Erickson seconded and the motion carried by unanimous vote.

Mr. MacDougall gave his opinion that mitigation would be the increase in size of the open space. Mr. Luther added that it would be for the public good. Mr. Hall commented that the increase in size of the open space as mitigation had been suggested, but was not offered in the NoI. Mr. Falzone made that offer. Mr. MacDougall added that that would present overwhelming mitigation.

Mr. Luther amended the motion for the waiver to add that the work described on lot 18 is to be mitigated by the construction of a foot bridge over the wetland area as seen in plan sheet one of two dated March 26, 2010 and the enlargement of the open space area, as offered by the applicant. There was no objection to the amendment and Mr. Hall stated that the motion would stand as amended.

The TCC authorized the use of wood chips on the paths at the request of the applicant.

Mr. Luther made a motion to issue an OoC for the mitigation work and the re-grading work and such conditions shall be as normally boilerplate for the project as shown on plans to accompany Notice of Intent for 22 Evergreen Lane. Mr. Erickson seconded and the motion carried by unanimous vote.

Mr. Beals submitted the plans to the file and TCC signed.

REQUESTS:

Extensions OoCs 307-0522: 3 Beech Place/Lot 23, (Map 50, Lot 37) George Jedlin, Meetingway Corp./Beals Associates

Present: Larry Beals, Beals Associates; Tom Patenaude, Builder

The proposal is for the construction of a single-family house. These are second extensions.

Mr. Luther made a motion to grant a two-year extension to expire May 2012. Mr.

MacDougall seconded and the motion carried by unanimous vote.

The chair took the agenda out of order at the request of Mr. Beals for the update of **120 High Street/Hickory Beech Subdivision**, (Map 81, Lot 1) – update.

Ms. Spillman stated that the DEP will meet with Mr. Patenaude to talk about erosion on the property. The subdivision Order of Conditions addresses the proper protection of the land in the event of rain. Ms. Spillman referenced the OoC page 35 section D that states there needs to be additional stabilizing of the site in the event of predicted heavy rainfall. Mr. Beals stated that he determined that there was erosion from the site where the foundation is being dug. He reported that the hay bales were replaced and drains and culverts have been cleaned. Ms. Spillman cautioned that with any forecast severe storm, a site that has bare soil on a hillside must be stabilized with sedimentation and erosion controls to prevent the erosion and sedimentation such as occurred in this case.

Continuation CoC: 53 Main Street, (Map 41, Lot 28), Qirjazi

Ms. Spillman identified concern of a dumpster next to the bioretention area and that vehicles have parked on the lawn less than 50 feet from School Brook.

The owners will be responsible for alteration of the area from parking vehicles on the lawn.

Mr. Luther made a motion to issue a CoC for 53 Main Street. Mr. MacDougall seconded and the motion carried by unanimous vote.

CoC: 39 Grove Street, (Map 32, Lot 127), Whiting

This is two small additions in the Buffer Zone; the home is for sale.

Mr. Luther made a motion to issue a CoC for 39 Grove Street. Mr. MacDougall seconded and the motion carried by unanimous vote.

RDNI 2010-10: 8 Prospect Street (Map 40, Lot 89), Ryan

Proposed project is a replacement deck and stairs in Riverfront area (does not meet criteria for Administrator Permit). The work will be done by hand.

Mr. Luther made a motion regarding the proposed work, to issue a Determination of Negligible impact with conditions under the Bylaw. Mr. MacDougall seconded and the motion carried by unanimous vote.

Emergency Cert. 2010-06: 14 Surrey Lane, (Map 31, Lot 46), Gillberg – ratification

This is for the emergency removal of large trees that toppled over close to wetland.

Mr. Luther made a motion to ratify the Emergency Certification for 14 Surrey Lane. Mr. MacDougall seconded and the motion carried by unanimous vote.

Emergency Cert. 2010-07: 35 Campmeeting Road, (Map 20, Lot 31), Widenmann –

ratification

Mr. Luther made a motion to ratify the Emergency Certification for 35 Campmeeting Road.

Mr. Erickson seconded and the motion carried by majority vote with Mr. MacDougall abstaining.

Mr. MacDougall did not participate in the discussion.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

TCC 2006-01: 72 Hill Street, (Map 69, Lot 16) – discussion with Gordie Rogerson, Hayes Engineering

The TCC acknowledged a letter from the property owner, Scott Malinowski, received today stating that neither he nor the engineer will be able to be present at this meeting. Mr. Malinowski is committing to stabilizing the site in the letter. Spillman explained that Malinowski had feedback from those performing the site work that the proposed pipe in the front yard would quickly get clogged with sediment from the driveway area. She had suggested to Malinowski that he consult his engineer about changing that pipe to an open swale, which he did. The hearing for the amended Order was continued to May 12th at a previous meeting. Abutter Ken Stowe, 80 Hill Street, was present and commented on flooding off the property, stating that he will have to do work on his property as a result of the dramatic change of the hill.

19 and 19R Pheasant Lane, (Map 6, Lot 23 and Map 11, Lot 2), – discussion

Present: Tim O'Malley; Clinton O'Malley

Mr. O'Malley requested additional information from the survey proposals and asked about the projected outcome. Mr. O'Malley stated that he is not the one that wants a survey done at this time, citing he followed the proper permitting process. He asked for an understanding of the potential outcome of the situation if there is an encroachment onto conservation land.

Mr. O'Malley said that because he does not believe he is encroaching on conservation property, therefore, he will not participate in paying for a survey at this time and put the responsibility on the Town to prove there is an encroachment. If there is encroachment, he will take action.

Ms. Spillman reported that there is \$6000+ in the Conservation Fund that she believes could be used for a survey. Mr. MacDougall stated that any conservation property from this point forward is properly monumented.

Mr. Luther made a motion to get a survey done, paid from the Conservation Fund, subject to Town Accountant opinion that it is lawful to use conservation funds. Mr. MacDougall seconded and the motion carried by unanimous vote.

Mr. Hall identified that the town has a proposal for a survey from Donohoe and Parkhurst for \$3200. It was the consensus of the TCC to get two additional quotes.

Ipswich Road Project – discussion

The site has been hydro seeded. It was the consensus of the TCC to allow time for the seed to take.

South Main Street/Salem Road culvert (37 River Road), (Map 48, Lot 13), – discussion

Unauthorized work (installation of a culvert) in floodplain and BVW. Mr. Hall observed that building a culvert is not defined as maintenance of land in agricultural use in the State Agricultural Manual, therefore not allowed by law. The completed work has resulted in filling of a floodplain and wetland.

Mr. Luther made a motion to issue an Enforcement Order to remove the culvert and the associated fill, subject to a review of aerial photos confirming this is a new culvert, citing that it does not fall under normal maintenance of land in agricultural use in the manual. Mr. MacDougall seconded and the motion carried by unanimous vote.

Rail Trail – update

Ms. Spillman reported that Iron Horse had equipment get stuck in the mud on the trail. She observed that residents discharge water onto the trail, adding to the problem. No NOI has been filed to date.

Drainage from Great Hill

Ms. Spillman stated there were numerous complaints of flooding off Great Hill causing erosion. The TCC determined this is out of their jurisdiction and referred the residents to consult a civil engineer.

12 Boston Street/English Commons, (Map 81, Lot 1) – update

Mr. Luther reported the tender areas have been graded; clusters 2-6 are graded but not stabilized at this time. The pond is excavated and the liner will be installed. Trees have been planted.

Water Quality Monitoring, School Brook behind Town Library – update

The water table is too high to monitor the water.

207 Boston Street, Topsfield Fairgrounds –Follow-up – Parking letter

Mr. Hall will draft a letter.

Conservation Properties – Schedule site visits

The visits will be scheduled in the fall.

ADMINISTRATOR’S REPORT:

UNH Stormwater Center has guided tours.

Town Meeting- Article 26- Mr. Luther will address this at Town Meeting.

A prospective Commissioner was identified.

MEETING MINUTES:

Approve minutes of April 14, 2010

Mr. Luther made a motion to accept the April 14, 2010 minutes as amended.

Mr. Pratt seconded and the motion carried by unanimous vote.

9:58 PM – Mr. Luther made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley, Minutes Secretary

Accepted at the TCC meeting on June 9, 2010.

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.