

## ***Topsfield Conservation Commission***

***Minutes of Wednesday, May 11, 2016***

Topsfield Library Meeting Room

**Present:** Cheryl Jolley, Chair; Dodds Shamroth, Vice-Chair; Jim Carroll, Jen DiCarlo, Holger Luther, Lana Spillman, Administrator, and Theresa Coffey, Recording Secretary

**Other Attendees:** Kristen Grubbs, IRWA; John Tilton, Williams & Sparages; Carol Lloyd, ECTA; Jaime Walker, DeRosa Environmental; Dante Che, Intern; James Murphy, Intern; John Morin, The Morin-Cameron Group; Dick Gandt; Kim Sherwood

The meeting was called to order with a quorum present at 7:02 p.m.

Chair Jolley announced that, as noted on the agenda, at the end of the open meeting and hearings, TCC will vote to go into Executive Session to discuss current litigation and will adjourn directly thereafter. Minutes will be taken during Executive Session, and will be released when litigation is over. The rationale for going into Executive Session is current litigation.

### **HEARINGS:**

**Continuation ANRAD 307-0726: 21 & 9 Towne Lane,** (Map 33, Lot 061 & Map 41, Lot 073), LeClair/Gove Environmental Services, Inc.

A written request was received today, May 11, 2016, for a continuance. The peer review has not been completed. TCC did not discuss the application as the representative was not present to hear the discussion.

Luther moved to continue said hearing for ANRAD 307-0726: 21 & 9 Towne Lane to May 25, 2016. Carroll seconded; the motion was so voted unanimously.

**Continuation NoI 307-0733: 54 Brookside Road,** (Map 27, Lot 002), Lucey/Williams & Sparages, LLC

John Tilton, Williams & Sparages, LLC presented the revised plan with changes requested by TCC after their site visit. Revisions include a fence on the property in the pool area, a pool equipment area and additional native plantings along the ridge.

Jolley asked if there is a need to have a monitoring option in the conditions. Luther replied that there will be ongoing monitoring due to the mitigation measure of the added vegetation. He said he would add a condition that any material dumped over the crest of the hill be removed.

DiCarlo asked how the discharge of pool water will be handled. Discussion ensued on this subject and the TCC requested that the applicant prepare a plan to address this issue, as a condition in the Order.

DiCarlo asked if the type of fence was specified in the plan. Tilton replied that it is a chain link fence on the side and rear and stockade in the front yard around of the pool and patio area.

Luther moved to close the hearing for NOI 307-0733: 54 Brookside Road. Carroll seconded. The motion was so voted unanimously.

Luther moved to permit the project as depicted on plan titled Septic System Design Plan, 54 Brookside Road, Topsfield MA, revised date May 9, 2016, with special conditions that debris be removed beyond the crest of the hill and that a plan be provided for the management of the pool water in the event the pool has to be drained. Mitigation plantings will be monitored for two years. Carroll seconded and the motion was so voted unanimously.

### **REQUESTS:**

#### **Amended and Extension OoC 307-0647: Topsfield Trails, ECTA**

Jamie Walker of DeRosa Environmental Consulting, representing ECTA, and Carol Lloyd of ECTA attended to present changes to the Trail Management Plan. This follows discussion at the TCC meeting April 27, 2016. Walker began with the culvert sections. Section 3.9.1 Maintenance and Clearing has not changed. Walker read aloud the proposed language change under Section 3.9.2 Culvert Replacement.

Culvert replacement may be performed provided there is no decrease in the size of the culvert or changes in the slope of the installation in addition to the following:

- There is neither a defined bed nor bank;
- Diameter of existing pipe is no greater than 12 inches.
- Conservation Agent agrees there would be negligible impact to the resource area.

DiCarlo suggested rewording of the language to be clear that if all three criteria are not met, it is an NOI filing.

According to Spillman's conversation with DEP, new regulations say that any replacement needs to go through the stream crossing criteria, e.g. for openness. Since this is a request for an extension to the order, it can go by old criteria, which do not require the stream crossing standards, including openness ratio. If it is an amendment then it should comply with new regulations. Spillman did not get a clear answer in the case it is both an amendment and an extension, as this is. Spillman said she is comfortable going with this revised language.

Walker also reviewed minor changes to sections pertaining to trail resurfacing and trail rerouting. DiCarlo felt the language was too vague on the process to relocate a trail. Discussion was held on language to be clear on the process needed to move the trail closer to the wetlands.

Luther moved to issue an Amended OoC as submitted in the revised plan and as amended at the meeting of May 11, 2016, and that an Extension be granted for an additional three years. Carroll seconded and the motion was so voted unanimously.

**RDNI 2016-10: 19 Morningside Drive, (Map 65, Lot 017), Bates/The Morin-Cameron Group, Inc.**

John Morin of Morin-Cameron Group attended representing Francis Bates. This RDNI was filed, after-the-fact, for a set of stairs and a concrete patio constructed in the outer Riverfront Area of the Ipswich River, not shown on the Plan of Record, in order for the property to be in compliance for a Certificate of Compliance (307-0297). The original plan had an infiltration trench. Morin described the lawn, slope and soil. He finds that the lawn is so flat that there will be sufficient infiltration into the ground. Morin stated that this location meets the Stormwater Bylaw requirements, and so felt this was a minor change. DiCarlo asked if the infiltration trench was part of the original order. Morin said it was and that a trench was built all around the house except for this section with the concrete pad.

Luther moved to grant a DNI for the concrete patio, brick sidewalk and stairs. Carroll seconded and TCC so voted unanimously.

Luther moved to grant the CoC 307-0297 for 19 Morningside Drive under the Act and the Bylaw. Carroll seconded and TCC so voted unanimously.

**CoC 307-0708: 222 Boston Street, (Map 49, Lot 041), Lawton/The Morin-Cameron Group, Inc.**

John Morin of The Morin-Cameron Group represented Lawton. The area was hydroseeded last fall; the section between the new septic leaching area and the BVW, within BLSF and Riverfront Area, is still not sufficiently vegetated. In an e-mail, Lawton agreed to hydroseed the area again. Spillman said the soil looks like it had a lot of stone in it. Luther suggested some topsoil be added. Morin will follow up with Lawton.

**RDNI 2016-08: 14 Aaron Drive, (Map 12, Lot 006), Jones**

The proposal is: 1) to remove a large white pine that is leaning toward the house, in Buffer Zone/Riverfront Area of Howlett Brook, and 2) to install a small aerator in a small pool (~12' x 8') at the edge of the BVW, to prevent mosquito propagation and for aesthetics. TCC discussed and considered a message from Matt Burne re: potential impact to invertebrates in the pool.

Luther moved to issue a DNI for removal of the white pine. Carroll seconded. So voted unanimously

Luther moved to allow the aerator but disallow Bti treatment. Carroll seconded and TCC so voted unanimously.

**RDNI 2016-09: 11 Meetinghouse Lane, (Map 34, Lot 069), Hanson**

The proposal is to remove seven trees in Buffer Zone to an Intermittent Stream, for safety reasons, as recommended by a certified arborist who visited the property. There are a variety of trees – white pines, hemlock, etc.

Luther moved to issue a DNI for the removal of seven trees. Carroll seconded and TCC so voted unanimously.

**OTHER:****IRWA Municipal Assistance Program**

Kristen Grubbs of the Ipswich River Watershed Association (IRWA), made a presentation about their municipal services program. She would like to get ideas on how their program might work with Topsfield and TCC.

The Parker-Ipswich-Essex Rivers (PIE-Rivers) Watershed Partnership started a number of years ago. It is a regional network of organizations, towns, state and federal organizations and nonprofits that all share the mission of keeping our water clean and safe, working on restoration issues throughout the watersheds and healthy ecosystems.

They have surveyed 800 bridges, culverts and stream crossings in the watershed. Using this data, they will identify the 40 culverts most in need of attention. Brian Kelder, Restoration Program Manager, will work with a designer to come up with design plans for these culverts.

The partnership has identified 50 actions and in the last few years have been in the implantation phase. Through this came the recognition that municipalities hold the key to issues of water management, conservation, culverts, stream crossings, etc. IRWA is doing outreach to work together on these issues.

Of the 50 action items, these priority areas rose to the top:

- MS4 support, storm water permits – outreach and education requirements. IRWA is available to help with this through the Greenscapes Program.
- River and stream continuity – culvert assessments
- Water conservation – many communities have permits with DEP for water management and those in the Ipswich Watershed are up for renewal. These permits also have outreach and education requirements.
- Land conservation and protection – Greenbelt is the primary partner.

Grubbs described IRWA programs and outreach efforts:

- IRWA has a website and a newsletter and they always are looking for news stories.
- They have partnered with The National Wildlife Federation to work on The Great Marsh and climate resiliency planning.
- Greenscapes is a state-wide coalition with North Shore component. They are shaping the Greenscapes programing in the near term to assist with MS 4 outreach and education programs. Part of the Greenscapes coalition is a school program geared to 4-6 grades, which aligns with Mass. core curriculum science standards.
- They have an apprentice whose mission is to get people out on the river paddling. He will be reaching out to youth programs, such as schools, summer groups, camp, etc. They can host

groups of 15 – 20 people per outing. DiCarlo mentioned a paddle boarding camp on Hoods Pond that may be interested in this program.

- IRWA has a signage program to raise awareness about the river and get people educated about the issues. Grubbs said they are trying to get funding to start implementing this project.

Jolley spoke about Hoods Pond and TCC's efforts to address the problem of run-off from the roads and erosion into the pond. TCC has not come up with a plan yet. Spillman said she discussed Hood's Pond with Brian Kelder and he acknowledged there was erosion at the public access point but wasn't aware of the problem at the Town Beach. He did say that Hoods Pond is an area that IRWA is very concerned about. Jolley would like to work with IRWA further on this issue.

### **Intern Updates**

Dante Che presented a slide show on his intern project "Trails of Topsfield". He has been mapping and gathering information on trails in Topsfield including the Rail Trail, Willowdale Meadows, Bradley Palmer State Park, and Pye Brook Park. His presentation included maps of the sites and highlighted special features, vernal pools, uses and activities, and parking availability. Che plans to create a pamphlet with this information and also post on the Town website.

James Murphy presented a slide show of his intern project "Trees of Topsfield". Murphy has been working to identify the oldest tree in Topsfield and presented photos and facts on several Topsfield trees. Other projects planned include a celebration for an Ash tree (now dead) located at the Capon House that is coming down next year and a children's activity to find Topsfield's oldest tree.

Che and Murphy will present their projects at a Senior Internship Fair Exhibition on Friday May 27 between 11:30am - 2pm in the Masconomet Field House.

### **MEETING MINUTES:**

Review and approval of the April 27, 2016 meeting minutes will be placed on next meeting agenda.

### **ADMINISTRATOR'S REPORT:**

Spillman updated members on the conditions on the second floor of Town Hall. Since the commencement of the window replacement project, the air quality is very poor. She has expressed her concerns to the Town Hall Building Committee, and Community Development Coordinator.

Spillman is coordinating a site visit to a vernal pool at 17 Brookside Road. She will take the interns and TCC members are welcome to join.

### **EXECUTIVE SESSION: New Meadows Development vs. The Topsfield Conservation Commission** [ref. NoI 307-0724: 57 Perkins Row, (Map 58, Lot 025)]

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Kim Sherwood asked the purpose of the Executive Session. Jolley stated it was to discuss current Litigation Strategy.

Luther moved to go into Executive Session to discuss Litigation Strategy, ref. NOI 307-0724: 57 Perkins Row, and to adjourn directly thereafter. Carroll seconded. So voted unanimously by roll-call vote:

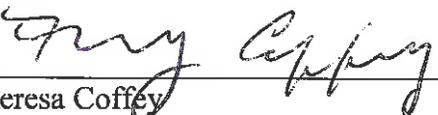
Jen DiCarlo – yes  
Jim Carroll – yes  
Dodds Shamroth, Vice Chair – yes  
Holger Luther – yes  
Cheryl Jolly, Chair – yes

**Next Meeting:** May 25, 2016

**Documents used for or submitted at the meeting:**

1. Email from Ed LeClair, dated May 11, 2016, requesting that the public hearing for 21 & 9 Towne Lane be continued to the May 25 2016 meeting.
2. Letter from Greg Hochmuth, Williams & Sparages, dated May 10, 2016, regarding 54 Brookside Road and Revised Plan “Septic System Design, 54 Brookside Road”, prepared by Williams & Sparages, Middleton, MA, revision #1 dated 5/9/2016, one sheet.
3. Letter from John Morin, The Morin-Cameron Group, dated April 27, 2016, regarding CoC Request for 19 Morningside Drive and Plan “As-Built Site Conditions”, Lot 18B, 19 Morningside Drive”, prepared by the Morin-Cameron Group, dated April 12, 2016, one sheet.

Respectfully submitted,

  
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Theresa Coffey  
Recording Secretary

*Minutes approved at the TCC meeting on May 25, 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.