

Topsfield Conservation Commission

Meeting of Wednesday, May 12, 2010

Topsfield Library Meeting Room

With a quorum present, in the absence of the Chair, Mr. Luther called the meeting to order at 7:05p.m.

Conservation Commissioners Present: Holger Luther, Acting Chair; Jim MacDougall; Jud Pratt; Mark Erickson; Jennie Merrill

Not Present: George Hall

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

Abbreviations used:

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

NoI – Notice of Intent

CoC – Certificate of Compliance

ORAD – Order of Resource Area Delineation

BVW – Bordering Vegetated Wetland

BOS – Board of Selectmen

OoC – Order of Conditions

EO – Enforcement Order

ES – Executive Session

OPEN MEETING:

TCC signed bills, authorizations and time sheets.

HEARINGS:

Continuation 2nd Amended OoC TCC 2006-01, 72 Hill Street, (Map 69, Lot 16),

Malinowski/Hayes Engineering

Present: Scott Malinowski, property owner; Gordon Rogerson, Hayes Engineering

Mr. Rogerson gave an over view of current activity on the site saying that loam is being spread and will be hydro-seeded this week. He reported that grass and vegetation are beginning to grow over the septic system area and the swale and trench have been completed. Pictures of the property dated 5-12-2010 that had been submitted earlier in the day to TCC were referenced to identify and confirm the completion of the work. The TCC requested that cut hay be placed on top of the hydro seed as a stabilizer. Spillman suggested use of a tackifier to keep the hay mulch in place. TCC expressed concern about velocity of stormwater in the ditch and the need to slow it down. Mr. Luther gave a report on his site visit, saying he is concerned with the varying depth of the ditch. Mr. Rogerson stated that the sand will be removed from behind the check bales. The TCC charged the Engineer and homeowner to continue to stabilize the site; a site visit was scheduled for Saturday, May 15th. The TCC discussed the affect on the wetlands and the degree of erosion onsite and on abutting properties. The TCC asked for a sketch of what the Engineer is planning to do to stabilize the site prior to the Saturday visit. Mr. Rogerson offered to send a PDF to the TCC office by Friday and this was accepted by the TCC.

Mr. Stowe, abutter at 80 Hill Street noted his concern regarding the ditch and the fact that in several places it is quite full. Mr. Malinowski gave permission for the TCC and Mr. Stowe to be on his property to do a site visit.

Mr. Pratt made a motion to continue the hearing to May 26, 2010, with the understanding that the homeowner continue to stabilize the property. Mr. Erickson seconded and the motion carried by unanimous vote.

Continuation NOI 307-0659: 19 High Ridge Road, (Map 65, Lot 27), Gillis/The Neve-Morin Group

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

Mr. Hochmuth explained the site visit, stated that DEP has no comments, and requested that the hearing be closed. He reported that the neighbor's concern regarding the drainage was discussed during the site visit but that no revisions were made to the plan. Hochmuth explained that water would sheet flow to the detention area more quickly, but they believe it would not be significant. It was observed that there is ample storage in the retention pond for runoff and the finished grade would shed water in that direction.

Mr. Erickson made a motion to close the hearing on NOI 307-0659 19 High Ridge Road. Mr. Pratt seconded and the motion carried by unanimous vote.

Mr. Erickson made a motion to issue an OoC for NOI 307-0659 19 High Ridge Road with the standard conditions as depicted on the plan dated April 9, 2010 entitled Grading Plan, and Landscape Plan. Mr. Pratt seconded and the motion carried by unanimous vote.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Enforcement Order: 37 River Road (Map 48, Lot 13), Aftandilian – ratification and discussion

Present: Ara Aftandilian 29 River Road, property owner.

The Enforcement was issued for alteration of Wetlands Resource Areas including BVW and Floodplain with the installation of a culvert and crossing. Mr. Aftandilian addressed the TCC request to show that he meets the criteria of "Land in Agricultural use" 310 CMR 10.04 Definitions of the State Wetlands Regulations and if he is allowed to create a water management structure in Resource Areas according to the State Regulations. No exemption for the work completed could be found in the State Regulations. The TCC agreed that the State Regulations related to agriculture are not well written. TCC informed Mr. Aftandilian that a farm plan must be prepared according to NRCS. Mr. Aftandilian was reminded that he needs to come before the TCC prior to work being done in Wetlands Resource Areas. Mr. Aftandilian agreed to submit the farm plan for the property produced by NRCS by July 14, 2010.

Mr. MacDougall made a motion to ratify the Enforcement Order. Mr. Erickson seconded and the motion carried by unanimous vote.

2nd Amended Enforcement Order #4: 215 Washington Street, (Map 46, Lot 7), Galka – Update

Ms. Spillman reported she has not heard from DEP since the last meeting.

REQUESTS:

362 Boston Street (Map 26, Lot 1), The Neve-Morin Group – discussion with John Morin Present: Wetland Scientist Greg Hochmuth and Engineer John Morin of The Neve-Morin Group; Don Borenstein, Attorney; and Bill Balkus, Architect

Mr. Hochmuth identified that the entire property at 362 Boston Street is Riverfront Area of Mile Brook and most of the property also is Buffer Zone. He went on to say the intent is to consider the property for a two-story building for office space and small retail use of approximately 3000 sq ft. A septic system will need to be installed, and parking areas created. Mr. Hochmuth described the site as having a lot of degraded areas and referenced the State Regulations [310 CMR 10.58 (5)] that allow off-site mitigation for Riverfront Area work done in the same water basin and wetland areas. Mr. Hochmuth requested that the TCC offer a list of wetlands for mitigation suggestions. TCC expressed concern that the site is upstream of a Town well field, and stated that the proposed work must include improvement of existing conditions and the mitigation proposed is up to the applicant. No action was required at this time.

CoC 307-0581: 17 Morningside Drive (Map 65, Lot 18), Nelson

Ms. Spillman reported on her site visit May 5th and her finding that the site is in compliance.

Mr. Pratt made a motion to issue the CoC with the usual Continuing Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried by unanimous vote.

CoC 307:0615: 126 Main Street (Map 25, Lot 2), Schultz

Ms. Spillman reported on her site visit on May 5th, saying the site is in compliance.

Mr. Erickson made a motion to issue the CoC with the usual Continuing Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried by unanimous vote.

Extension OoC 307-0586: 249 Rowley Bridge Road (Map 80, Lot 2), Adelman

Present: Richard Adelman, Alfalfa Farm

The project is for the establishment of a business to grow wetland plants in Resource Areas on the property.

Mr. Adelman has submitted a Farm Plan prepared by Dan Lenthall to the TCC.

Mr. Erickson made a motion to grant the 3-year extension for OOC 307- 0586, 249 Rowley Bridge Road as requested. Mr. MacDougall seconded and the motion carried by unanimous vote.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

279 High Street, (Map 71, Lot 26), Crocker & McCusker – Follow-up and discussion

Mr. Crocker informed the TCC office on Monday that he has been laid up with a broken leg. TCC requested that he be requested to submit a summary of work that has been

completed and what he has arranged to be done (removal of manure and split rail fence from Town Conservation property) within 30 days.

19 and 19R Pheasant Lane, (Map 6, Lot 23 and Map 11, Lot 2), – review of survey proposals

The TCC reviewed the following bids received.

- Kane Land Surveyors \$2,780.00
- The Neve-Morin Group \$2,780.00
- Donohoe and Parkhurst \$3,200.00

Mr. Pratt made a motion to select Donohoe and Parkhurst to do the surveying work for 19 and 19 R Pheasant Lane Map 6, Lot 23 and Map 11, Lot 2. Mr. Luther seconded.

Discussion followed, with a question of whether the bids were compared. Mr. Erickson will reviewed the bids and report back to the TCC.

Mr. Pratt withdrew his motion.

Ipswich Road Project – discussion

Ms. Spillman updated the TCC regarding the project.

Rail Trail – update

Mr. MacDougall made a site visit at the Summer Street area and met with Joe Geller of the Rail Trail Committee and Mr. Mahan, whose property the wetlands are on. These wetlands are isolated and do not meet the criteria to be a wetland under the Town Bylaw; there is no connection to School Brook.

A NOI has not been filled to date. A letter requesting a NOI be submitted will be sent to the Rail Trail Committee and copied to the Selectmen.

Due to safety concerns, Mr. MacDougall recommended that wet sections of the trail be closed off with a barrier while the work is being done.

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

Luther reported that construction continues on schedule, finishing grades are being done in pond area.

Water Quality Monitoring, School Brook behind Town Library – update

Mr. Luther ordered the filters (pack of \$25) for testing the water.

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

Mr. Hall will be reminded to write the letter.

Interview with Maeve Ryan – Candidate for Conservation Commission

Present: Maeve Ryan

Ms. Ryan stated she is taking Urban Environmental Leadership classes at Lesley University. Ms. Ryan was referred to the Selectmen as the appointing board.

ADMINISTRATOR'S REPORT:

TCCAP-03: 89 Howlett Street (Map 34, Lot 76), Dalton

- Deck on sona tubes in Buffer Zone

TCCAP-04: 126 Main Street (Map 25, Lot 02), Schultze

- Tree removal – large unhealthy willow in Buffer Zone

Ms. Spillman reported that the TCC office has started the process to get a new printer for the office.

Mr. MacDougall reported seeing possible encroachment onto Conservation land with a parking lot at the gas station site on Boston Street.

Mr. MacDougall will bring the plan for a ballpark to be built at Klock Park. There are wetlands, detention pond, and conservation land in the area.

Mr. Gandt questioned if there were anything planned to promote Hoods Pond and a possible Association with the abutters.

EXECUTIVE SESSION: Potential litigation – update

It was determined that an ES was not necessary.

9:30 p.m. Mr. Erickson made a motion to adjourn. Mr. Pratt seconded and the motion carried by unanimous vote.

Respectfully submitted,



Catherine Tinsley

Accepted at the TCC meeting on May 26, 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 action 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 is not certification, express or implied, is made the Commission as to the completeness or accuracy of such statements.