

Topsfield Conservation Commission

Meeting of Wednesday, May 13, 2009

Topsfield Library Meeting Room ~ 7PM

Present: Holger Luther, Acting Chair; Jim McDougall, Mark Erickson; Jud Pratt; Jennie Merrill;

Not present: George Hall

Also Present: Lana Spillman, Administrator; Catherine Tinsley, Minutes Secretary

Abbreviations used:

TCC – Topsfield Conservation Commission

BoS – Board of Selectmen

DEP – Department of Environmental Protection

NoI – Notice of Intent

OoC – Order of Conditions

CoC – Certificate of Compliance

EO – Enforcement Order

ORAD – Order of Resource Area Delineation

BVW – Bordering Vegetated Wetland

RDNI – Request for Determination of Negligible Impact

7:04pm **OPEN MEETING:** With a quorum present, Luther called the meeting to order.

TCC signed bills, authorizations and time sheets.

HEARINGS:

NOI 307-___: Essex County Trails Association (ECTA), Lloyd/DeRosa Environmental Consulting, Inc.

Present: Carol Lloyd, ECTA and Mike DeRosa, DeRosa Environmental Consulting, Inc.

Proof of abutter notification was submitted previously; Merrill read the legal ad for the proposed general permit, for general trail maintenance activities in TCC-jurisdictional areas, to install beaver deceivers, elevated boardwalk details, etc. The proposed process would allow the ECTA to file every three years for an NOI with annual updates to the TCC. A Trail Maintenance plan and maps were provided to the TCC. Ms. Lloyd explained the process that had been successful with other Towns regarding trail maintenance, including the standard of maintenance associated with grading, clearing, new trails, emergencies, beaver deceivers and rerouting trails out of the Buffer Zone when necessary, i.e., due to flooding. There is no invasive species program. Work on private property would be done only with the owner's consent. This NoI has been filed with National Heritage who is doing a double review. Hard copies of the NOI will be provided to the TCC.

Pratt made a motion to continue the hearing to May 27th in order to receive the DEP comment sheet with file number. The motion was seconded and carried unanimously.

MEETINGS:

RDA: 2009-04: 64 Ipswich Road, (Map 25, Lot 37), Bartlett

Proof of abutter notification submitted previously; Merrill read the legal ad to install a large shed in Buffer Zone. Luther identified this as a "hearing" due to the notification. David Bartlett was present and explained the proposed project. The TCC reviewed a sketch of the lot and proposed shed, identified as a prefabricated shed; no disruption of the soil is proposed and no trees will be cut. The proposed location is 70 feet from the wetland.

Erickson made a motion to close and issue a Negative Determination with the usual Conditions under the Act and the Bylaw. The motion was seconded and carried by unanimous vote.

RDA: 2009-03: 107 Ipswich Road, (Map 26, Lot 2), Wiktorowski

Robert Wiktorowski was present. Luther referred to this as a hearing.

Wiktorowski submitted the white slips as proof of abutter notification; Merrill read the legal ad. The project is to replace the supports of a porch with tube supports and to vegetate an area that currently is used as driveway/parking area in Buffer Zone and Riverfront Area to Mile Brook. Wiktorowski explained that the footprint of the garage would not be enlarged.

Erickson made a motion to close the hearing and issue a Negative Determination with the usual Conditions under the Act and the Bylaw. The motion was seconded and carried unanimously.

(Agenda taken out of order.)

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Enforcement Order #2 10/16/2008: 215 Washington Street, (Map 46, Lot 7), Andrzej Galka

Enforcement Order #3 5/7/2009: 215 Washington Street, (Map 46, Lot 7), Galka – ratify

Present: Joe Orzel, Gulf of Maine Research Center; Andrzej Galka, property owner

Luther updated the TCC on the most recent site visit, saying a pile of soil was on the site and, as a result, an EO was issued ceasing unauthorized work and to make sure soil does not go into Resource Area. He reviewed that the soils have been spread out against the house, thus altering the Buffer Zone /Riverfront Area/Bordering Land Subject to flooding without prior authorization. Representative Orzel identified the revisions in the plan to allow a more natural state in the area shaded on the plan. He explained that grass will be seeded along with native species outlined in the restoration plan, as well as wildflowers and some minimal maintenance i.e. pruning of shrubs, maintaining grass height at a foot. The TCC noted that there is no plan to remove the pipes; this is a direct flow of runoff water into Fish Brook and crosses over another property line. MacDougall stated that he cannot support this plan since one cannot have a point source discharge and suggested a dry well as an alternative. It was pointed out that the plan involves property not owned by Galka. Maintenance of the restored area by Galka cannot be authorized without permission of the landowners. Orzel was instructed to eliminate the point of discharge and obtain an agreement with the abutting landowners to proceed with work on the properties. Galka requested the TCC make another site visit and requested permission to work in his front yard to clean up that area, citing tall grass and weeds, preparation to plant a garden, and repair needed of front steps. A lengthy discussion followed.

Erickson made a motion to order the completion of the excavation in the front of the house for the patio, installation of an infiltration trench 75-80 ft. and installing a 60' x 18' brick patio/driveway on the same footprint, front steps repaired/replaced, and cutting of four large dead pine trees at the edge of the driveway, with stumps ground and roots not removed. The motion was seconded. Erickson reiterated that no work can be done at this time on the side/rear of the house. The motion carried by unanimous vote.

TCC chose not to ratify the new EO (#3) since three properties may have been involved with the soil pile violation. A new Enforcement Order is to be issued to address the newly allowed activities, with those activities to be completed within two months and referring to the May 13, 2008 plan for all but the infiltration trench (not shown).

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

No activities have taken place since the last meeting.

The next step to be completed is stabilization of the outflow area.

MEETING MINUTES:

Approve minutes of **3/11/2009, 3/11/2009 Executive Session, 11/28/2001, and 12/19/2001**

Erickson made a motion to accept the minutes as a record of the meetings that took place on 11/28/2001 and 12/19/2001 as amended. The motion was seconded and carried by unanimous vote.

No action was taken on the minutes of 3/11/2009 and they were held for the next meeting.

REQUESTS:

Continuation CoC 307-0631: 189 Ipswich Road, (Map 20, Lot 50), Masters

Spillman reported that the site is not sufficiently stabilized; the item was continued to the next agenda.

CoC: 307-0553: 86 Rowley Bridge Road, (Map 62, Lot 26), Russo

MacDougall made a motion to issue a Certificate of Compliance of Compliance with the usual Continuing Conditions under the Act and the Bylaw. The motion was seconded and carried by unanimous vote.

Partial CoC 307-0589: Asbury Street, (Map 21), Town of Topsfield

This is the bridge project including the Asbury Street Bridge and the Rowley Bridge Road Bridge. Northern side slopes at the Asbury Street site are not sufficiently stabilized; the item was continued to the next agenda (May 27).

CoC 307-0622: 23 Bare Hill Road, (Map 17, Lot 37), Steingisser

Erickson made a motion to issue a Certificate of Compliance of Compliance with the usual Continuing Conditions under the Act and the Bylaw. The motion was seconded and carried by unanimous vote.

CoC 307-0413: 64 Prospect Street, (Map 48, Lot 16), Gibeley

No final inspection has been made. The TCC office is waiting to hear from the homeowner; the item was continued to the next agenda.

Emergency Certification 2009-01: 97 Hill Street, (Map 68, Lot 10), Glasser – Ratification

Merrill made a motion to ratify the Emergency Certification for cutting of two dead trees 40-50 feet from a BVW and Intermittent Stream. The motion was seconded and carried by unanimous vote.

RDNI: 2009-01: Resource Areas along Ipswich River, Sacco

Peter Sacco was present and identified himself as a Boy Scout working on his Eagle Scout project to install kiosks at three canoe launch location along the Ipswich River in Topsfield identified as Rowley Bridge Road, High Street, and Ipswich Road (Bradley Palmer State Park). Various types of information will be posted. Maintenance is being worked out. Mr. Bacon was present from the MST (Middleton Stream Team) supporting the project. MacDougall commented that this is an excellent project. *Merrill made a motion to issue a Determination of Negligible Impact letter for the installation of kiosks at three locations/access points along the Ipswich River. The motion was seconded and carried by unanimous vote.*

RDNI: 2009-02: 19 High Ridge Road, (Map 65, Lot 27), Gillis

Spillman explained the proposal. The TCC requested that there be a condition that the trees to be planted be noninvasive species.

Merrill made a motion to issue a Determination of Negligible Impact letter for the proposed planting of several trees within Buffer Zone of an Intermittent Stream at 19 High Ridge Road with the condition that non invasive species are planted.

End of Gail Street Drainage, Mercier-Link

Present: Michelle Mercier-Link and Doug Link, property owners; David Bond, Highway Superintendent
The Town is seeking a drainage easement entirely on the Mercier-Link property and all work and materials would be paid for by the Town (through the Highway Department). Bond identified this as a one-to-one slope with riprap; no catch basin is being proposed. Bond stated that the town would participate in rectifying the problem by replacing/maintaining what exists, noting the water has drained for decades into Cleaveland Brook. Finishing roadwork will continue when the subdivision off Gail Street is completed. It was proposed that filter fabric be used under the riprap. The terms of the DEP Stormwater Management Program will be consulted. A lengthy discussion of understanding ensued. It was confirmed that sheet flow is considered discharge in the opinion of the TCC. Luther will find out if regular maintenance is appropriate under 310 CMR (State Wetlands Regulations). The applicant was instructed to at least file a RDA. The homeowner will provide a planting plan as part of the project to stabilize the area.

49 Candlewood Drive - Cragg

Mr. Cragg was present and provided his letter to the TCC for discussion. About five other abutters also were present. Mr. Cragg identified his concern, as written in the letter, that the conduit which provided passage for water under the cul-de-sac at 57 Candlewood Drive was removed and replaced 17 years ago; soils fell down and a new pipe of greater diameter was replaced and raised the level of water behind it and over the years the impact has become significant and damage includes the loss of trees, fencing, and lawn. He is requesting that the Town replace the pipe and water be drained properly off the property behind his. Cragg requested the TCC make a site visit and the TCC scheduled it for Tuesday, May 19 at 7 PM. Selectman Gandt was asked to be present. Permission was granted to also access 53 Candlewood and 45 Candlewood by property owners present.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

Angela Zimm – interview/discussion about becoming a Conservation Commissioner

Ms. Zimm left the meeting prior to talking with the TCC.

Terms for Commissioners

It was noted that MacDougall's term is up at the end of June. A letter of recommendation for Mr.

MacDougall to continue to serve on the TCC will be sent to the BoS.

Arrowhead/Washington Street – update

Spillman reported on her site visit, saying that the issue has been resolved at this time.

36 (and 10) Cross Street

Clearing through the woods to Hill Street has been observed and was reported to the Administrator.

120 High Street Subdivision – review of deed

Spillman explained that there are errors in the document.

Strawberry Festival - June 13, 2009

The TCC office will file an application for a table promoting community work. Brochures will be made available; a banner will be made.

ADMINISTRATOR'S REPORT:

- **DEP WIRE** – update
The TCC office should be all set to do electronic submissions of OoC's and ORADs in early June.
- **Greenscapes** – update
Greenscapes will conduct one of the workshops in Topsfield. Feed back on the topic is requested.
- **Rules for Conservation Properties**
The Administrator will draft a copy of a set of proposed "Rules For TCC Conservation Properties" in Topsfield. A list of these properties will be populated.

10:01 PM - EXECUTIVE SESSION: Potential litigation – See separate minutes.

10:13 PM - *MacDougall made a motion to adjourn and it was unanimous to do so*

Respectfully submitted,

Catherine Tinsley, Minutes Secretary

Accepted at the TCC meeting on January 13, 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.