

Topsfield Conservation Commission
Meeting of Wednesday, May 26, 2010
Topsfield Library Meeting Room

With a quorum present Mr. Hall called the meeting to order at 7:10 p.m.

Conservation Commissioners Present: George Hall, Chair; Holger Luther; Jennie Merrill; Mark Erickson

Not Present: Jud Pratt; James MacDougall

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

Abbreviations used:

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

OoC – Order of Conditions

ORAD – Order of Resource Area Delineation

BVW – Bordering Vegetated Wetland

EO – Enforcement Order

NoI – Notice of Intent

CoC – Certificate of Compliance

ES – Executive Session

Public information: Agenda

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

There was no representation. The TCC referenced the Septic 72 Hill Street Hayes Engineering plan1 submitted by the Mr. Rogerson of Hayes Engineering proposing a series of check dams, hay bales, and riprap. After reviewing this diagram, the TCC requested additional detailed plans to stabilize the site. The Administrator was directed to send notification to the homeowner and Mr. Rogerson to appear at the next meeting with a stabilization plan. Mr. Hall opened the hearing to public comment. Mr. Stowe, 80 Hill Street, was present and reported to the TCC that he had much sediment against his stone wall at the rear of his property and does not see evidence of the site being further stabilized since the last meeting.

Mr. Luther made a motion to continue the hearing to Wednesday, June 9, 2010, and that a letter be issued to Mr. Malinowski to appear and bring a detailed plan to stabilize the site or the TCC will determine what will be done.

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

There was a brief discussion concerning if the Planning Board was going to be involved.

NoI 307-0660: 17 North Street, (Map 18, Lot 61), Radochia

Ms. Merrill read the legal ad.

Present: Kelly Radochia, homeowner.

The proposal is to construct an addition and deck and to move the septic tank within the Riverfront area of Mile Brook, and proposed new stairs in Buffer Zone of BVW. The Administrator has no concerns with the proposed activities. The TCC agreed that the excavated stockpiled soil needs to be kept away from the wetlands. There was no public comment.

Mr. Luther made a motion to close the hearing. Mr. Erickson seconded and the motion carried by unanimous vote.

Mr. Erickson made a motion to issue an OoC with the usual Conditions under the Act and the Bylaw and that the stockpile of soil be covered with plastic and stored outside of the 100-foot Buffer Zone. Mr. Luther seconded and the motion and it carried by unanimous vote.

REQUESTS:

CoC 307-0146: 38 Coppermine Road, (Map 74, Lot 4), Costas

This is an old filing for construction of the house. A pool has been constructed since then under a separate OoC. A site visit confirmed that the construction is complete.

Mr. Luther made a motion to issue the CoC for 38 Coppermine Road with the usual continuing conditions. Mr. Erickson seconded and the motion carried by unanimous vote.

RDNI 2010-02: Essex Agricultural Society/Fairgrounds – request for Fireworks Display at 167 High Street, (Map 58, Lot 6)

The TCC were referred to a letter of request.

Mr. Luther made a motion to issue a letter of Determination of Negligible Impact to the Topsfield Fairgrounds for fireworks during the Fair at the same location as last year as requested at 167 High Street. Mr. Erickson seconded and the motion carried by unanimous vote.

MEETING MINUTES: May 12, 2010

Mr. Luther made a motion to accept the minutes of May 12, 2010 as corrected and amended. Ms. Merrill seconded and the motion carried by unanimous vote.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

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

Mr. Erickson reported three proposals were received and that he evaluated the bids.

Kane is disqualified for not being able to meet the insurance requirements of the Town. Donohoe and Parkhurst is the next lowest bid at \$3,200.00.

Mr. Luther made a motion to accept Donohoe and Parkhurst subject to compliance with the RFP. Mr. Erickson seconded and the motion carried by unanimous vote.

OoC 307-0510 Ipswich Road Project – discussion

Mr. Luther asked that Dave Bond, Highway Department, be notified that the outfall area on Pine Street is not seeded or stabilized and continues to drain into the North Street well field. Mr. Bond will be asked to give suggestions to stabilize the area and Mr. Luther suggested that the area be hydro-seeded around the culvert at Pine Street and be monitored to be sure grass grows to keep water from dragging sedimentation into the wetlands.

Rail Trail – update

A draft NOI was received and reviewed by the TCC Administrator; no final NOI has been submitted to date.

12 Boston Street/English Commons, (Map 81, Lot 1), **OoC 307-0629** – update

Mr. Luther gave an update on the construction at 12 Boston Street/English Commons saying that the work is going along as planned. The pond is ready for the liner. Some areas have been hydro-seeded including some areas around the pond.

30 Wildes Road/New Meadows (Map 5, Lot 8), **OoC 307-0643** – update

Mr. Luther reported on his site visit, saying that pre-activity meeting requirements were done and there are no concerns at this time. The TCC was provided with the most recent site inspection report from Engineer Luke Boucher of Beals and Thomas.

Water Quality Monitoring, School Brook behind Town Library – update

The testing materials have arrived and Mr. Luther will prepare the testing regiment.

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

It was stated that if an area is wet, vehicles should not be parked there, and gravel should not be placed in wet areas. Mr. Hall will compose a letter to the Fairgrounds and to residents who offer fair parking in wet areas.

Reappointments

Mr. Erickson and Ms. Merrill are up for re-appointment. Each has expressed an interest in being re-appointed.

Site Visit – Pheasant Lane Conservation Property

The TCC expressed interest in scheduling a site visit for various conservation properties in town. A site visit will be scheduled for the Pheasant Lane Conservation Property. Mr. MacDougall will be asked to propose times for site visits.

TCC Policies review

Beaver Policy

The TCC talked about eliminating the previous Beaver Policy and replace it with the one Mr. MacDougall drafted.

Ms. Merrill asked for clarification of the last sentence of the policy; a discussion followed. It was the consensus of the TCC to eliminate the last sentence and re-title the document. Ms. Merrill will review the policy. Mr. Hall will review the other TCC policies.

Arrowhead/Washington Street – discussion

The TCC discussed a reported situation of a backup of water at a Washington Street property onto a property on Arrowhead Road.

Ms. Spillman reported an enforcement order issued in 1990 to a previous owner.

The TCC determined that they have insufficient information. As a matter of policy, unless there is a clear understanding of the previous conditions, and evidence of violations and impact to wetland values, the TCC is not going to pursue it.

ADMINISTRATOR’S REPORT:

1 Hill Street – drainage issues

Ms. Spillman reported that she received a call from the property owner at 1 Hill Street, questioning why her property is wetter. This area is wetland but traditionally mowed. There is no obvious reason for the increase in water. There was a suggestion to mow the area in August, when it would not be so wet.

Summer schedule

The TCC talked about a summer meeting schedule. This will be deferred to the next meeting for discussion.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

SORAD 307-0640: 57 Candlewood Drive and 109R Perkins Row, (Map 43, Lot 7), Skeffington
– Update

No update was given.

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

Ms. Spillman reported that she spoke with Ron Stelline of DEP on May 25th. Mr. Stelline reported that he met with the DEP enforcement committee and is drafting the report. They expect to meet with Galka in about 2 weeks and after that issue a consent agreement with a September deadline, based largely on the plan approved by TCC, although no plantings will be proposed in or within about 8-10 feet of the wetland. Most of the hay bales and about half of the silt fence were washed away in the spring storms – but now are replaced. An Administrative Order will be issued. The TCC questioned if there will be a requirement that the drain pipes be removed. TCC adamantly wants the pipes down to the river removed and is very concerned about impacts to Resource Areas from the pipes being left in place. TCC asked Spillman to communicate this to DEP.

Enforcement Orders: Off Cross Street₂ (Map 62, Lot 2) Nash – Update
See Executive Session

Enforcement Order, Violation Notice & Bylaw Ticket #2007-11: 270 Boston Street₂ (Map 41, Lot 87) Bear Albright – update
No update was given.

EXECUTIVE SESSION: Potential litigation – update
41-43Cross Street (Map 62, Lot 2), **Enforcement Orders**, Nash

9:49 p.m. Mr. Luther made a motion to enter into ES and not return to regular meeting, in order to consider strategy with respect to pending litigation because an open meeting may have a detrimental effect on the litigating position of the Commission regarding the Nash property at Cross Street and to adjourn directly thereafter.

Ms. Merrill seconded and it was unanimously voted by roll call vote to enter into Executive Session.

Following a *motion by Luther, a second, and a roll call vote in affirmative*, the meeting adjourned at 9:50 p.m.

Respectfully submitted,

Catherine Tinsley, Minutes Secretary

Accepted at TCC meeting on November 17, 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.