

Topsfield Conservation Commission

Meeting of Wednesday, June 10, 2009

Proctor School Library ~ 7PM

The meeting was called to order at 7:02 p.m. with a quorum present: George Hall, Chair (arrived at 7:20 PM, during 222 Washington Street); Holger Luther; Jim MacDougall; Mark Erickson; Jennie Merrill

Also present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary

Not Present: Jud Pratt

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

OPEN MEETING:

TCC signed bills, authorizations, and time sheets

HEARINGS:

Continuation, NoI 307-0643: 30 Wildes Road, (Map 8, Lot 5), Iovanella/Wetlands & Land Management, Inc. Request to continue to 6/24/09.

Erickson made a motion to continue the hearing to June 24, 2009 as requested. The motion was seconded and carried by unanimous vote.

AOoC 307-0625: 30 Wildes Road, (Map 80, Lot 5), Iovanella. Request to continue to 6/24/09. Erickson made a motion to delay the hearing to June 24, 2009 as requested. The motion was seconded and carried by unanimous vote.

Continuation NoI 307-0629: 12 Boston Street, English Commons at Topsfield, (Map 81, Lot 1), English Commons, LLC – Alan J. Berry/Beals Associates, Inc.

At the written request of the applicant, Merrill made a motion to continue the hearing to June 24, 2009. The motion was seconded and carried by unanimous vote.

NoI 307-___: 30 Coppermine Road, (Map 74, Lot 2), Rosselli

Present: Applicant Antonio Rosselli; Steve Zagorski, Aqua Craft Graphite Pools.

Proof of abutter notification was submitted previously; Merrill read the legal ad. The Proposal is to install an in ground pool in Buffer Zone and to include a paver type deck and fencing as required by law. Spillman explained that there was a mix-up with the DEP filing, so no DEP file number has been assigned. She has suggested that a new copy of the filing be sent to DEP-NERO and that the hearing proceed tonight and close on the 24th, assuming a file number would be assigned by then. Grass clippings dumped in BVW by the applicant's lawn service need to be removed, with signoff by Administrator Spillman prior to commencement of work.

Luther made a motion to close the hearing and issue an Order of Conditions with Special Conditions as discussed under the Act and the Bylaw. The motion was seconded and carried by unanimous vote.

RDA 2009-09: 222 Washington Street, (Map 47, Lot 46), Popielski

Present: Mark and Kristen Popielski.

Proof of abutter notification was submitted previously; Merrill read the legal ad. Hall arrived during the discussion. The proposal is to convert an existing porch to a slightly larger addition with footings, and to construct a patio area within outer Bylaw Riverfront Area of the Ipswich River. The TCC required a condition that silt fencing be installed at the top of slope as sedimentation control and as a limit of work line.

Erickson made a motion to close the hearing. The motion was seconded and carried by a majority vote, with Hall abstaining.

Erickson a motion to issue a Negative Determination with Conditions as discussed for the RDA 2009-09 under the Act and the Bylaw. The motion was seconded and carried by a majority vote, with Hall abstaining.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Enforcement Order #4 5/14/2009: 215 Washington Street, (Map 46, Lot 7), Galka – update

Present: Property owner Galka, and Joe Orzel, Gulf of Maine

Orzel presented a letter from one of the two abutters, Mr. O'Brien of 17 Fish Brook Road in Boxford. He indicated that the letter is favorable and O'Brien does not have any issues with what is proposed on his land. Mr. Galka explained that he had tried three times, unsuccessfully, to meet with the other abutter. Luther suggested that a letter should have been sent certified mail with a green card for proof of delivery. Orzel stated that he had spoken this evening with Mr. O'Brien, who had spoken with the other abutter, Mr. Updegraph of 10 Fish Brook Road, and was under the impression that Mr. Updegraph has no problem with signing off on the proposal. The TCC was waiting for a NOI for a restoration plan and written consent from the abutters. A lengthy discussion followed as the TCC talked about how to proceed. Hall suggested that if a restoration plan was submitted, TCC could issue an EO for completion of the restoration plan and avoid the expense and time of a NOI. There was concern about an EO requiring work to be done on an abutter's property without written authorization from the property owner(s).

TCC asked that the abutters be notified that unauthorized work has been done by Galka and be given the option to give permission to Galka to do the restoration work. Further, TCC asked that there be an interceptor drain or similar measure so that there no longer would be a single point source discharge, and that the neighbors be notified of the EO.

Luther made a motion to modify the EO dated May 14, 2009, to change section C to strike out any reference to a NOI and to modify the date from May 27th to Friday, June 19, 2009. The motion was seconded and carried by unanimous vote.

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

Spillman updated the TCC, saying that the water in the constructed pond has dropped about 18 inches, and the swale was seeded within the last week. The sediment is up to the top of the most down-slope hay bale line, which needs to be removed immediately, and a new row of hay bales needs to be installed. Boulders need to be placed in the streambed down from the pond outlet. The TCC reviewed the restoration plan and observed that the work is not being done. TCC instructed the Administrator to send a letter to Albright reviewing the TCC EO, completion date, and identifying that the project is not in line with what was presented, further continuances will not be entertained, and TCC expects to see progress with certain steps such as the placement of boulders, removal of silt, and replacement of the hay bale line.

REQUESTS:

RDNI 2009-04: 28 Surrey Lane, (Map 31, Lot 50), Johnson

The request is to remove a tree in the Buffer Zone in order to construct the proposed addition (mistakenly left out of the RDA application).

Luther made a motion to issue a Determination of Negligible Impact under the Bylaw for 28 Surrey Lane. The motion was seconded and carried by unanimous vote.

120 High Street/Hickory Beech Subdivision – requested discussion with Joseph Falzone
The TCC office received a request from Larry Beals, Falzone’s Representative, to continue this discussion to the meeting on June 24th.

Continuation CoC 307-0631: 189 Ipswich Road, (Map 20, Lot 50), Masters
The project was a septic system repair. Spillman reported that she had made a site inspection on June 1st and found the vegetation not sufficiently established. The homeowner has committed to additional measures to get the lawn growing within the next two weeks. The TCC took no action.

Continuation Partial CoC 307-0589: Asbury Street, (Map 21), Town of Topsfield
Spillman made a site visit on June 8th and found the side slopes sufficiently stabilized. The Rowley Bridge Road proposed project is under the same OoC, so a partial CoC is appropriate. *Merrill made a motion to issue a Partial Certificate of Compliance with Continuing Conditions under the Act and the Bylaw, with a finding that the Asbury Street Bridge portion of the project has been completed in Compliance with the Order of Conditions. The motion was seconded and carried by unanimous vote.*

Continuation CoC 307-0413: 64 Prospect Street, (Map 48, Lot 15), Gibeley
Spillman made a site visit on June 9th and found the property in compliance. *Luther made a motion to issue a Certificate of Compliance with Continuing Conditions under the Act and the Bylaw. The motion was seconded and carried by unanimous vote.*

CoC 307-0433: 131 Haverhill Road, (Town Beach), (Maps 2& 5, Lots 10 & 15), Topsfield Beach Association
Present: Dave Matthews, Maintenance Director, and Paul Dierze, Treasurer
The OoC was for beach sand aeration, replacement of railroad tie steps, and landscaping activities within Buffer Zone to Bordering Vegetated Wetlands and Hood Pond. Mathews explained that approximately ten to eighteen large truckloads (100 – 150 cubic yards) of sand had been brought in every five years. It is thought that the most recent year is 2003. The TCC noted their concern that adding more sand eventually makes the pond smaller and encourages weed growth. Harvesting the sand that is already there by raking it back is the preferred method to rejuvenate the beach area. A discussion of understanding followed. Many species of fish were identified as being present in the pond. The Administrator and MacDougall will further discuss continuing conditions as a scope of activities of ongoing maintenance and make a recommendation to the TCC at the next TCC meeting. The Beach is scheduled to open June 24th. It was the sense of the Commission that aeration can be done immediately as maintenance that does not result in alterations of the Resource Area. The TCC will make a site visit.

CoC 307-0390: 167 Haverhill Road, (Map 2, Lot 9), Cassidy
Dave Cassidy was present. The project was construction of a garage attached to the house in Buffer Zone of BVW and Hoods Pond. Spillman made a site visit on June 2nd and found the property in compliance. *Merrill made a motion to issue a Certificate of Compliance with Continuing Conditions under the Act and the Bylaw. The motion was seconded and carried by unanimous vote.*

CoC 307-0476: 5 Porter Meadow Road, (Map 40, Lot 58), Bryson
Spillman made a site visit on June 1st and found the property in compliance. *Luther made a motion to issue a Certificate of Compliance with Continuing Conditions under the Act and the Bylaw. The motion was seconded and carried by unanimous vote.*

End of Gail Street Drainage, Mercier-Link

Luther had volunteered to contact the DEP Circuit Rider about the issue. DEP suggested a RDA filing for erosion control (addition of riprap, etc. on the slope), with commitment to a NOI for a more permanent solution. Erickson reported on his discussions with Dave Bond regarding this issue, including providing information regarding revetment baskets with gabions. Erickson will inform Bond of the need to file a RDA.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

Pye Brook Community Park – Discussion with Dick Gandt

Selectman Dick Gandt made a PowerPoint presentation regarding the possibility of building additional fields (e.g. Babe Ruth baseball field) on this town-owned land parcel. He showed a topographic map of the area and acknowledged that they would have to get permission from DEP to work near the landfill. It was suggested that a preliminary plan would be needed before TCC could comment. MacDougall pointed out that there are some critical habitats on the property.

Strawberry Festival is June 13th from 10am - 4pm

Merrill and Erickson will be setting up a TCC table for the event.

BSC Services (120 High Street)

A report of the status of the account was given from Spillman and Erickson. The balance is estimated at \$2200. This monitoring services account is for the infrastructures only, e.g. ponds, drainage. The TCC had a general conversation regarding peer reviews, including details of the process at 120 High Street. For now, the money will be left in the account.

Conservation Commission administration

Spillman invited Commissioners to visit the TCC office.

OoC 307-0627: 35 Main Street, (Map 41, Lot 34), DiBlasi/Graham Associate, Inc – discussion Present Jim and Silvana DiBlasi. This property is mostly in Riverfront Area of School Brook. The DiBlasis identified their concern regarding the use of 40 % porous pavement according to the OoC, saying that it is their understanding that the area would lift up during the winter when water hits the frost line, and continuous maintenance would be very costly and unreasonable. Therefore, they are requesting to use a less porous material. A letter from engineer Gerard McDonald concerning his request for conventional pavement instead of porous pavement was reviewed by the TCC. Jim DiBlasi stated that according to the Engineer, the catch basin will provide an outlet for all the runoff; the pavement will not be sealed. The TCC requested further information from the engineer, e.g. storm runoff capacity, and requested that the engineer be present to address the TCC and answer questions. The TCC agreed to receiving calculations of infiltration rates and capacity through written communication from the engineer, but reiterated their preference for the engineer to be present, hopefully at no additional charge to the DiBlasis.

ADMINISTRATOR'S REPORT:

Rules for Conservation Properties

A draft of the proposed Land Rules and Regulations was provided to the TCC for review. No action was taken, and approval is being held to the next meeting.

Denial Order – 57 Candlewood & 109R Perkins Row

The TCC talked about and edited the details of the Denial Order document.

Summer Schedule

The TCC was informed of the TCC office staff summer vacation dates and discussed the summer TCC meetings as scheduled. The TCC agreed to cancel the August 12th meeting subject to being placed back on for emergency purposes only.

10:20 p.m. - *Luther made a motion to adjourn and it was unanimous to do so.*

Respectfully submitted,

Catherine Tinsley

Accepted at the TCC meeting on January 14, 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.