

***Topsfield Conservation Commission  
Minutes of Wednesday, June 10, 2015  
Topsfield Library Meeting Room***

**Present:** *Dodds Shamroth, Vice Chairperson; Holger Luther; Jenn DiCarlo; Lana Spillman, Administrator; Dee Wise, Minutes Secretary*  
**Absent:** *Cheryl Jolley, Chair; Jim Carroll*

**Other Attendees:** Robert Shamroth, Greg Hochmuth, Dick Gandt, Jay Kollias

The meeting was called to Order at 7:02 p.m.; Dodds Shamroth chaired the meeting.

**HEARINGS:**

**NoI 307-07???: 199 Ipswich Road:** (Map 20, Lot 055), Delulis/Williams & Sparages, LLC. This is a follow-up filing to the April 29, 2015 Enforcement Order issued for multiple unauthorized activities in Buffer Zone. Greg Hochmuth of Williams and Sparages represented the applicant. Luther read the legal notice and collected the proof of abutter notification. Hochmuth stated that Spillman wrote a very clear letter to the homeowners on the expectations of the TCC. Spillman explained that a TCC site visit would be necessary to make a good decision concerning this NoI. Hochmuth stated that many trees were taken down without the approval of the TCC. The homeowners propose to put in an above-ground swimming pool over crushed stone with a 3 ft. deck around it; the wood deck was scaled back. The new patio was built on grade and does lie partly into the estimated BLSF/floodplain (FEMA Zone A). The area for the proposed pool is above the estimated floodplain. The proposal includes that the homeowners propose to plant vegetation to offset the impact of Resource Area alterations on the site. Luther asked if there is concrete under the proposed pool area and Hochmuth told him it is crushed stone. The proposed edge of above-ground pool would be 12 ft. from the BVW, with deck that would be 9 feet from the BVW. The proximity of recent and proposed activities to the BVW have or would very likely end up altering the BVW and BLSF.

**Luther moved to continue the hearing until the next TCC meeting on June 24<sup>th</sup>; DiCarlo seconded. So Voted Unanimously.**

**REQUESTS:**

**CoC 307-0119: 207 Boston Street- Fairgrounds,** (Map 57, Lot 004), Essex Agricultural Society/ William and Sparages, LLC

**CoC 307-0384: 207 &233 Boston Street – Fairgrounds** (Map 57, Lot 004 and Map 49, Lot 082) Essex Agricultural Society/William and Sparages, LLC

**CoC 307-0403: 233 Boston Street,** (Map 49, Lot 082), Essex Agricultural Society/William and Sparages, LLC

**CoC 307-0646: 207 Boston Street,** (Map 57, Lot 004), Essex Agricultural Society/William and Sparages, LLC

Hochmuth (Williams and Sparages) stated that he would like to talk about all of the above since they are basically the same matter, all with open old Orders for the Fairgrounds. Hochmuth added that the 307-0646 Order work has been finished for some time now, and except for a slight variation, it is in compliance. The As-built Plan just needs to be stamped by an engineer. Hochmuth suggested a site visit to review for all of the above CoC requests, and the TCC members agreed. They will set it up for the coming week.

**Request for Emergency Certification, 18 (Correction) Thompson Lane, (Map 17, Lot 025),** proposed beaver dam breaching – Discussion. Spillman stated it was a good time to review the beaver laws. There are specific reasons that you can trap a beaver. The first step is to approach the BOH and they will have the Agent assess whether an emergency exists. In this case, the BoH Agent issued a permit for trapping in April. Spillman received a request in May to breach the beaver dam and made the required site visit. She found no evidence of recent beaver activity and observed healthy wetlands. Spillman stated her belief that there is no emergency and, therefore, no need to breach the dam.

**Luther moved that an Emergency Certification is not warranted at this time and denied issuance without prejudice. DiCarlo seconded. So Voted Unanimously**

**Continuation of CoC 307-0718: 8 Wilmor Road, (Map 10, Lot 001), Domestic Septic Design, Inc.** The project was septic system replacement in Riverfront area of Pye Brook. Spillman made a site visit on June 9<sup>th</sup> and found the work areas completed, but insufficiently stabilized (relatively bare areas of soil) but all other requirements have been met for the CoC. Luther suggested that if the work has not been done according to plan, the certification should not be issued. DiCarlo asked who the responsible party is. The request for CoC application was made by Dan Johnson, the system designer and installer under contract with the previous owner. The certification will be issued to Mr. Johnson when the work is satisfactorily completed in accordance with the OoC.

**Luther moved to deny the CoC; DiCarlo seconded. So Voted Unanimously**

**OTHER:**

**107 Wenham Road, (Map 71, Lot 036), Discussion with Kollias, Proposed additional activities in the Riverfront Area.** Jay Kollias' August 2014 request was to enlarge his rear level area of yard in Riverfront Area beyond the sizeable area of previous fill, to create a larger level lawn. The previous fill in Riverfront Area was authorized in the Order or Conditions for the house construction, which received a CoC. Kollias stated that he has already received a CoC for prior work and wants to do a bit more to make the level yard larger for his sons. Kollias stated that he would be bringing in clean fill and possibly put in a retaining wall and plantings as part of the design. Spillman informed the TCC, and Kollias already was aware, of the recent interpretation by MA DEP of the MA WPA Regulations, 310 CMR 10.58 (4) 3. Evaluation of Alternatives. (d) No Significant Adverse Impact and the maximum 5,000 sq. ft./10% of Riverfront Area criteria. Luther suggested that Kollias bring a plan before the Commission, with a NOI filing, to start the review process. Kollias stated he would file a formal application with plans.

**96(Map 12, Lot 39), & 96R (Map 12, Lot 38), North Street –Discussion with the Hatfields.** TCC received a written request to postpone this item until June 24<sup>th</sup> TCC meeting.

**Masco Senior Interns.** Spillman reported that the senior interns will be helping with the Strawberry Festival, and hopefully with setting up and taking down.

**Summer Intern.** A vote was taken for the budget for the summer intern.

**Luther moved to authorize the hiring of a summer intern for an amount not to exceed \$700; DiCarlo seconded. So Voted Unanimously**

**Office Fees:** A discussion ensued regarding proposed revisions to office fees. TCC proposed changes are from 50 cents/page to 75 cents/page for photocopies/computer printouts (black and white), and from \$5.00 to \$8.00 flat fee for pdf files (e.g. OoCs, CoCs, NoIs).

**Luther moved to accept the proposed fee schedule as amended: DiCarlo seconded. So Voted Unanimously**

**Letter to the Board of Selectman regarding the re-appointments of Jolley and Shamroth.** Both Commissioners want to be reappointed. Luther asked Spillman to write a letter in support of Jolley and Shamroth.

**Meeting Minutes**

**Luther moved to approve the minutes of the May 13, 2015 as amended; DiCarlo seconded. So Voted Unanimously**

**Administrator's Report:**

**Next TCC Meeting – June 24, 2015**

**ADJOURNMENT:**

**Luther moved to adjourn the meeting; DiCarlo Seconded. So Voted Unanimously**

The meeting was adjourned at 8:35p.m.

Respectfully submitted,



Diane Wise,  
Recording Secretary

*Minutes approved at the TCC meeting on June 24, 2015*

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.