

Topsfield Conservation Commission
Meeting of Wednesday, August 11, 2010
Topsfield Library Meeting Room

With a quorum present Mr. Hall called the meeting to order at 7:15 p.m.

Topsfield Conservation Commissioners Present: George Hall, Chair; Holger Luther, Vice Chair; Jud Pratt; James MacDougall

Not Present: Jennie Merrill; Mark Erickson

Also Present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary; Selectman Dick Gandt (at 7:49 p.m.)

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

ECTA – Essex County Trails Association

BOS – Board of Selectmen

OoC – Order of Conditions

SOoC – Superseding OoC

EO – Enforcement Order

ES – Executive Session

Public information: Agenda

HEARINGS:

RDA 2010-08: 1 Morningside Drive, (Map 56, Lot 23), Byman

Mr. Pratt read the legal ad. Abutter notification was submitted.

Present: Lori Byman, homeowner

The proposed project is an addition (where current deck), mudroom, and small deck in Buffer Zone.

Ms. Byman chose to file a RDA in order to have the flexibility to have a foundation instead of sonotubes. This is in the area of a Bylaw Intermittent Stream.

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

Mr. Luther made a motion that this project has negative impact on the wetland and to issue a Negative Determination under the Act and the Bylaw. Mr. MacDougall seconded and the motion carried by unanimous vote.

NoI 307-0666: 139 High Street, (Map 50, Lot 2) Bernard/Bonanno

Mr. Pratt read the legal ad. Abutter notification was submitted.

The proposed project is a septic system repair associated with sale of the house.

Present: Greg Bonanno, Engineer; Frank Bernard, Homeowner

Mr. Bonanno reviewed the project, referencing a plan entitled “Sewage Disposal System for 139 High Street, Topsfield” dated July 21, 2010. He confirmed that the three large trees in front of the house are in the right-of-way and will not be affected. He told the Commission that there is no intention to raise the grade. A new tank will be installed; this is a pump chamber system in order to maintain the elevation of the front yard. Erosion control is proposed from the driveway edge to the house and sand that is brought in will be used immediately and not stockpiled. Ms. Spillman suggested verification of only the two closest BVW flags, #4 and #15, noting that the wetland line tends to run along elevation 40-foot line, likely coming closer in the back of the house than shown on the plan. Because of the frequent contamination of hay bales

with invasive plant seeds, the TCC asked that hay bales not be used, saying that silt socks or silt fencing is acceptable.

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

Mr. Luther made a motion to approve the plan and issue an Order of Conditions under the Act and the Bylaw subject to a change in the type of sedimentation control from hay bales to socks. Mr. Pratt seconded and the motion carried by unanimous vote.

REQUESTS:

RDNI 2010-04: 18 Valley Road, (Map 65, Lot 35), Stump

The project is after-the-fact removal of dead tree in Riverfront Area (An Emergency Certification was ratified 7/21/2010).

Mr. Luther made a motion to issue a Determination of Negligible Impact. Mr. MacDougall seconded and the motion carried by unanimous vote

RDNI 2010-05: 44 Prospect Street (Map 40, Lot 95), Taylor

The project is proposed removal of a dead tree at edge of stream. Ms. Spillman made a site visit on 8/9 and has no concerns.

Present: Scott Taylor

Mr. Luther a motion to issue a Determination of Negligible Impact. Mr. MacDougall seconded and the motion carried by unanimous vote

RDNI 2010-06: 31 South Main Street (Map 40, Lot 85), Guido

The project is proposed removal of a dead tree in Riverfront Area/Buffer Zone. Ms. Spillman made a drive-by inspection on 8/9 and has no concerns.

Mr. Luther a motion to issue a Determination of Negligible Impact. Mr. Pratt seconded and the motion carried by unanimous vote

Continuation CoC 307-0527, 86 Salem Road, (Map 64, Lot 16), Clineff

The application now is complete (as-built engineered plans and engineer's letter were received) and the property is in compliance.

Mr. Luther made a motion to issue a Certificate of Compliance with Continuing Conditions under the Act and the Bylaw. Mr. Pratt seconded and the motion carried by unanimous vote.

CoC 307-0563, 28 Asbury Street, (Map 21, Lot 16), Willowdale Lodge, LLC

Ms. Spillman reported on her site visit 8/9, saying that part of the old septic tank area was not sufficiently stabilized and is collapsing in two places.

The TCC took no action and this matter was continued to the August 25th meeting.

CoC 307-0627, 35 Main Street (Map 41, Lot 34), Graham/DiBlasi

Incomplete filing – fee not yet received.

The TCC took no action and this matter was continued to the August 25th meeting.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

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

No update was given.

Enforcement Orders: Off Cross Street, (Map 62, Lot 2) Nash – The site visit with Greenbelt, EPA, and TCC Administrator has not been scheduled yet. Ms. Spillman will continue to monitor this.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

OoC 307-0647: Town-wide Trail Management, Lloyd/ECTA – Bradley-Palmer activities – update

Present: Carol Lloyd of ECTA

Ms. Lloyd identified that this was her annual report to the TCC. She reviewed that the completed projects in Bradley-Palmer State Park were done within the scope of the management plan. Photos of before and after the project were provided along with a map of the section where the work was done to repair trails, causeways, and mud holes. Beaver deceivers also were installed.

A DCR report was provided to the TCC. Six towns on the North Shore now have trail management plans under ECTA management.

7:49 p.m. Selectman Dick Gandt arrived.

Water Quality Monitoring, School Brook – update

Mr. Luther reported on recent water testing at School Brook saying data indicates that the source of bacteria is north of Deer Run and he also noted that the levels have fluctuated. Testing will continue. The Board of Health will be kept informed.

19 and 19R Pheasant Lane, (Map 6, Lot 23 and Map 11, Lot 2), O'Malley - update

Mr. Luther reported that the O'Malleys sent a letter to the BOS informing them they will pay for the survey when the time and money are available. This will be readdressed at the September 22, 2010 meeting.

207 Boston Street, Topsfield Fairgrounds –Follow-up – Parking letter and Bus refueling.

Regarding the refueling of busses at the Fairgrounds, it was confirmed that the Fire Chief has jurisdiction over the refueling. The TCC noted their concern that the wetlands and Ipswich River might be compromised with fuel migrating near the Ipswich River. Mr. Luther has been in communication with the Fire Chief. Mr. Gandt noted that the bus company appears to be acting responsibly, fueling only by hand, with spill pads under the bus. The TCC requested that the Fire Department check periodically on this process.

Rail Trail Herbicide Notification

The TCC acknowledged two letters from the Rail Trail Committee identifying the use of an approved Herbicide on the Rail Trail area to get rid of the Japanese Knotweed. Accord or another form of Roundup is proposed.

362 Boston Street, (Map 26, Lot 1), The Neve-Morin Group– update and revised plan

The TCC was informed by The Neve-Morin Group of revisions to the plan for 362 Boston Street, previously reviewed by the TCC. This plan was submitted to the ZBA for Special Permits. It was noted that no plan has been submitted to the TCC for action.

ADMINISTRATOR'S REPORT:

- DEP comment sheets - the TCC office will no longer receive hard copies of the comment sheets from DEP. They will be available electronically on the DEP website.
- MA Permit Extension Act – passed by the Senate, extend permits for two years; has not yet been signed by Governor. DEP reportedly is working on guidance for commissions.
- DEP has not yet officially declared a drought. Ms. Spillman noted one of the consequences of the drought could be seen at replication areas. Commissioners commented that trees might still survive.
- Minutes Secretary candidates – two candidates will be interviewed this coming week.

EXECUTIVE SESSION: Current litigation – update

Superseding OoC 307-0638: 57 Candlewood Drive/109R Perkins Row, (Map 43, Lot 7)

The TCC will be discussing documentation and a letter from Town Counsel, Kopelman and Paige, requesting direction from the TCC.

8:40 p.m. Mr. Luther made a motion to enter into ES according to M.G.L - Chapter 39, Section 23B (6) to discuss matters related to the DEP's issuance of a Superseding OoC, including topics that may be detrimental to the Commission's position if discussed in open session, and to return to open session upon conclusion of the ES. Mr. Pratt seconded and the motion carried unanimously by roll call vote.

The TCC returned from ES at 9:14 p.m.

MEETING MINUTES:

July 15, 2010

Mr. MacDougall made a motion to accept the July 15, 2010 minutes with edits as indicated. Mr. Luther seconded and the motion carried by unanimous vote.

July 21, 2010

Mr. MacDougall made a motion to accept the July 21, 2010 minutes as amended. Mr. Luther seconded and the motion carried by majority vote with Mr. Pratt abstaining.

9:20 p.m. – Mr. 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 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.