

Topsfield Conservation Commission
Meeting of Wednesday, August 25, 2010
Topsfield Library Meeting Room

Present: Commissioners Holger Luther, acting Chair, Jennie Merrill (left at 8:35 p.m.), Jim MacDougall, Mark Erickson, and Jud Pratt, and Administrator Lana Spillman

Also Present: Dick Gandt, Selectman/Liaison

Absent: George Hall, Chair

Luther called the meeting to order at 7:06 p.m. with a quorum present.

Commissioners signed bills, authorizations, and time sheets.

Acronyms:

TCC – Topsfield Conservation Commission

RTC – Rail Trail Committee

DEP – Department of Environmental Protection

BoS – Board of Selectmen

EPA – Environmental Protection Agency

CR – Conservation Restriction

NoI – Notice of Intent

OoC – Order of Conditions

RDA – Request for Determination of Applicability

CoC – Certificate of Compliance

TCCAP – Topsfield Conservation Commission Administrator Permit

EOEEA – MA Executive Office of Energy and Environmental Affairs

OSRP – Open Space & Recreation Plan

HEARINGS:

RDA 2010-09: 52 Prospect Street, (Map 48, Lot 5), Geller

Proof of abutter notification had been submitted previously; Merrill read the legal ad. The proposal is to connect the house to Town water, replace the culvert in the Intermittent Stream under the driveway, and convert the driveway from pavement to crushed stone. Other than the culvert replacement, all activities would be in Buffer Zone. Joe Geller explained that the house is on a well and they have no water. The waterline pipe would be about 200 feet long and they propose replacing the driveway with either stone dust or asphalt. The street would not necessarily have to be dug up and the culvert would be replaced with the same size pipe. TCC discussed the need to replace the culvert when there is no flow in the stream and to have a replacement culvert with the same size pipe, at the same elevations.

Pratt moved to close the hearing. The motion was seconded and passed unanimously.

MacDougall moved to issue a Negative Determination with items 2 (in Resource Area) and 3 (in Buffer Zone) with the conditions that the culvert be replaced with the same size pipe and same elevation and when there is no flow in the stream. The motion was seconded and passed unanimously.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Enforcement Orders: Off Cross Street, (Map 62, Lot 2) Nash – update

A copy of the EPA Findings of Violation and Order for Compliance, issued August 24, 2010, had been received earlier in the day and distributed to TCC electronically. TCC summarized that the created pond would be blended in with the wetlands that were destroyed – a transition area would be created.

Enforcement Order: 37 River Road, (Map 48, Lot 13), Aftandilian – NRCS Farm Plan

Ara Aftandilian had submitted an electronic request to continue the item to the September 8, 2010 meeting. TCC agreed to defer the review and discussion to that meeting.

Violation Notice #10-02, 24 (a.k.a. 20) Asbury Street/Lamson House, (Map 21, Lot 10) – Finn

Mark Finn was present and discussed the violations with TCC. He is leasing the property and renovating the historic house (Lamson house). A former large garden area behind the house and adjacent to the Ipswich River (Buffer Zone/Bordering Land Subject to Flooding/Riverfront Area) was cleared using a mini-excavator without prior TCC review/authorization. Finn explained that following Spillman's site visit, he had installed siltation fencing at the bottom of the cleared area, as she had requested. He added that he has pictures from 1964 and 1984 (not with him) showing the plants that were there. When questioned about how high the river gets, he explained that in the March floods earlier in the year the water reached up to the steps near the house and there the basement was flooded with five feet of water. Luther had visited the site and reported his observations. Spillman suggested a "friendly" Enforcement Order with conditions and deadlines to restore the area and prevent loosened soils from being washed into the river, especially during times of high water. TCC encouraged Finn to plant seed and stabilize the soils now and asked that he return either the first or second meeting in September with interim and long-term plans to stabilize and revegetate the area. Finn agreed to return with restoration plans as requested.

REQUESTS:

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

The holes in the Buffer Zone have been filled.

Erickson moved to issue a Certificate of Compliance with Continuing Conditions under the Act and the Bylaw. The motion was seconded and passed unanimously.

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

Spillman made several site visits, during and after completion of the project, and reported that the OoC conditions, including planting requirements, have been met substantially.

Erickson moved to issue a Certificate of Compliance with Continuing Conditions under the Act and the Bylaw. The motion was seconded and passed unanimously.

Extension OoC 307-0579: 76 Campmeeting Road, (Map 20, Lot 39), Peabody

The project has been restoration/repairs of a stone bridge over Howlett Brook and penstock. Some of the work has not been done yet; the request is for a two-year extension.

Erickson moved to extend the Order of Conditions for two years, to expire on October 3, 2012. The motion was seconded and passed unanimously.

Emergency Certification 2010-09: Perkins Row in front of 193, (Map 34, Lot 54),

Topsfield Highway Department – ratification

Spillman had made a site visit and found that the old culvert under the road was starting to collapse. The work was to be done August 19th. Luther visited after it was completed and reported that the Highway Department did a very nice job.

Erickson moved to ratify the Emergency Certification that was issued, number 2010-09, Perkins Row in front of 193. The motion was seconded and passed unanimously.

12 Boston Street/English Commons, (Map 81, Lot 1) – review of Conservation Restriction

Attorney Chris Latham was present to discuss the CR with TCC. He explained that the State

(EOEEA) accepted the CR on August 12th, and he was seeking a final signoff from the TCC so that he could take it to the BoS and then go back to the State. Latham submitted a full-size plan, showing the CR area, for the TCC file. Luther commented that he believes there is not a plan (OoC) for the walkway over the Bordering Vegetated Wetland yet. Details such as a cross section of the boardwalk would be needed and a NoI filing would be required. Spillman will review the OoCs issued.

MacDougall advised that the TCC needs to do baseline documentation at about the time the CR is conveyed, and that it is a fairly involved process that shows the condition of the property and protects the landowner. Panoramic photography; maybe aerial photographs, would be needed. Latham explained that section B1 of the CR allows for trails to be created in the future and that farming is included as a possibility. TCC reviewed the document.

MacDougall moved to accept the CR for 12 Boston Street, as shown on the plan, "Conservation Restriction Plan for English Commons at Topsfield 12 Boston Street Topsfield, MA" dated May 19, 2009, last revised July 22, 2010. Merrill seconded the motion, which passed unanimously. The Commissioners signed six originals of the CR as well as a full-size plan for the TCC file and a full-size plan for Latham to take. Latham will make a pdf of the CR to distribute. Spillman will contact Alan Berry to make arrangements for the baseline documentation.

OoC 307-0663: Rail Trail Summer Street to Wenham Line, (Maps 49 & 58; Lots 44, 88 & 2, 52) Town of Topsfield/Rail Trail Committee – Environmental Monitor, Proposed work at Ipswich River

Gregg Demers and Joe Geller of the Rail Trail Committee were present. Luther explained that the RTC had proposed Bill Manuell of Wetlands and Land Management as the Environmental Monitor. *Erickson moved to endorse Bill Manuell of Wetlands and Land Management as the Environmental Monitor for the Rail Trail Summer Street to the Wenham Line. The motion was seconded and passed unanimously.*

Spillman explained that Manuell had submitted, earlier in the day, a letter and work plan with outline of procedures for volunteer activities proposed next to the Ipswich River Bridge, scheduled for Saturday, the 28th. The Order of Conditions has been recorded. Demers explained the work proposed for the coming weekend, to install additional fence posts to extend the fencing and to put in additional supports to contain the stone dust where it is eroded away; the work would not involve any placement of stone dust at this time. There is going to be a gap left in the fence where there is a trail down to the river now. Luther asked for the RTC to have a pre-activity meeting with Spillman prior to Saturday. TCC is expecting a brief report from Manuell after the weekend's work has been completed.

MEETING MINUTES: August 11, 2010 Executive Session

This item was deferred to the next meeting.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

Guidance for Living With Beavers – distribution

TCC asked that the guidance document be distributed to the Highway Department, Board of Health, Parks and Cemetery Department, and Water Department and also be posted on the Conservation Commission webpage. Spillman will look into posting elsewhere on the website as well.

2010 Topsfield Open Space and Recreation Plan – review and vote

Joe Geller was present to discuss the OSRP and to seek comments and approval from the Commission. TCC has reviewed the OSRP, which also has been review by EOEEA. Spillman will send her comments and suggestions to Geller. The consensus is that ambitious goals are a good inclusion. Luther offered to write a letter of approval on behalf of the TCC that would be part of

the OSRP Committee's submission to EOEEA.

FEMA Revised Preliminary August 17, 2010 FIRM Maps – received August 23rd
TCC discussed that many Topsfield residents area negatively impacted by the current FEMA FIRM maps that shouldn't be and the cost for those people to get out of the flood insurance program is costly and time-consuming. MacDougall explained that extraordinary measures were taken to give FEMA very valuable data layers Related to the Town Map contours and areas that flood. He expressed concern that the information he had submitted had not been used. Reading the letter from FEMA that accompanied the maps, TCC interpreted it to say that the panels received are not eligible for a formal appeal, but comments could be submitted. MacDougall will review the newly submitted preliminary maps with the intent of submitting a comment during the appeal period, which will close November 10th.

At 8:35 p.m. Jennie Merrill left the meeting.

Water Quality Monitoring, School Brook – update

Luther stated that now that the water is up due to four days of rain, new samples would be collected.

Rail Trail Herbicide – update

Joe Geller and Gregg Demers of the RTC were present.

Catherine Carlson's message about spraying – scheduled to start Thursday morning (8/26), weather permitting – had been forwarded to TCC. Demers submitted the contact information requested.

MA Permit Extension Act – discussion

Questions remain, e.g. about extensions of Bylaw only Orders and Bylaw only sections of Orders, documents recorded at the Registry of Deeds, etc.

Consensus of the TCC for the time being is to continue as previous to the MA Permit Extension Act with extension requests.

ADMINISTRATOR'S REPORT:

Minutes Secretary – Lisa Nihan-Demeule

Lisa just finalized a starting date of September 2; she will take minutes at the September 8th meeting.

Volunteer/Intern projects

Maeve Ryan would like to do some volunteer work for TCC. Spillman discussed some potential volunteer activities, including continuing the canoe landing project that Alexandra Frisch started this summer.

TCCAPs issued:

2010-06: 189 Ipswich Road, (Map 20, Lot 58), Fullerton – *stabilization wall by driveway*

2010-07: 21 Valley Road, (Map 65, Lot 44), Audette/Cosco – *rear steps and small porch replacement and shed construction*

2010-08: 80 Alderbrook Drive, (Map 68, Lot 24), Masterson – *addition on sono tubes*

2010-09: 53 Candlewood Drive, (Map 43, Lot 8), Curran/Del Gaizo – *replace porch with addition and deck, on sono tubes*

Spillman explained that she has been issuing TCCAPs within one or two days of receipt. However, there have been so many TCCAP requests recently that she has started delaying review/issuance of

them in order to issue the previously approved OoCs and Determinations.

EXECUTIVE SESSION: litigation – update

Superseding OoC 307:0638: 57 Candlewood Drive/109R Perkins Row, (Map 43, Lot 7) DEP
The Executive Session was deferred to the next meeting.

OTHER BUSINESS:

Luther reported on his site visit of **72 Hill Street** (Map 69, Lot 16) during a heavy rain earlier in the day, explaining that there was no evidence, other than establishment of vegetation, that any of the stabilization measures required had been implemented. Conditions with explicit deadlines are included in the Second Amended Order of Conditions.

At 8:52 p.m. Erickson moved to adjourn; there was a second and a unanimous vote to do so.

Respectfully submitted,

Lana Spillman, Conservation Administrator

Accepted at the TCC meeting on September 8, 2010

<p>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 action 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 is not certification, express or implied, is made the Commission as to the completeness or accuracy of such statements.</p>
