

Topsfield Conservation Commission
Meeting Minutes of Wednesday, September 8, 2010
Topsfield Library Meeting Room

Present: George Hall, Chairman; Holger Luther; Jennie Merrill; Jim MacDougall; Jud Pratt; Mark Erickson and Lana Spillman, Administrator; Lisa Nihan-Demeule, Minutes Secretary. Dick Gandt, Selectman Liaison, also was present. Chairman Hall called the meeting to order at 7:10 p.m.

HEARING:

RDA 2010-10:119 Washington Street (Map 31, Lot 18), Whiting

Ms. Merrill read the legal ad. Proof of abutter notification had been submitted previously. The proposed project is removal of dead trees in Riverfront Area. Bill Whiting, the applicant, presented.

Mr. Whiting indicated a survey found eight dead trees. He described the desired process of removal. Ms. Spillman said work would be in Riverfront Area, Buffer Zone, and floodplain and thinks what is proposed with a few simple conditions wouldn't have an impact on the resource areas.

Mr. Pratt made a motion to close the hearing. Mr. Luther seconded. Vote was taken. Unanimous vote in the affirmative.

Mr. Pratt made a motion to issue a Negative Determination of Applicability with conditions under the Act and the Bylaw. Mr. Luther seconded. Vote was taken. Unanimous vote in the affirmative.

Mr. Whiting asked if there were standard conditions, and the standard conditions for removal were discussed.

Enforcement, Appeals Reports, Updates:

Enforcement Order: 37 River Road, (Map 48, Lot 13), Aftandilian

The Enforcement Order was discussed. Mr. Aftandilian presented his document entitled "Farm Plan, 37 River Road" dated July 2010. He detailed his work with Dan Lenthall of NRCS. The TCC has a concern about the crossing that was installed in Resource Areas. It was stated that a 24-inch pipe may be better than two 12-inch pipes. TCC wants to make sure the work fits within the Wetlands Protection Act exemptions.

Spillman asked about parking for the Fair. Mr. Aftandilian stated that the permission granted is similar to what has been done in the past. Mr. Hall said there has been Fair parking in the floodplain for a long time, but it is not grandfathered.

TCC's concern is to make sure an area is not used if it is too wet. The idea behind the conservation plan is to have a professional confirm that it is compatible with resources.

Chairman Hall said the Regulations presume that if farming is done with best practices, then it shouldn't be in conflict with the Wetlands Protection Act Regulations.

Mr. Aftandilian proposed that when he gets more information on the proposed farm pond, he will submit it to the TCC.

Enforcement Order: 270 Boston Street, (Map 41, Lot 870,

Albright - update

Monitoring by DeRosa Environmental. Drought conditions were discussed. Ms. Spillman will review the proposal. Mr. Hall asked that Ms. Spillman look up the restoration plan and tell TCC what Mr. Albright committed to do

in terms of replacing vegetation. TCC also asked that Ms. Spillman communicate to DeRosa that more detailed monitoring reports are needed.

Enforcement Order: Off Cross Street, (Map 62, Lot 2), Nash --
update

Discussion ensued. Mr. Hall suggested that this item be carried on the agenda and updated at the next meeting.

Meeting Minutes: August 25, 2010

Motion to accept made by Mr. Luther. Mr. MacDougall seconded. Vote taken. All in the affirmative, with Mr. Hall abstaining.

Mr. Pratt asked about the status of older minutes. Mr. Hall proposed specific language to add to acceptance of old minutes and wants to examine the Executive Session minutes for possible release.

Old Business, Updates, & Miscellaneous:

OoC 307-0663: Rail Trail, Summer Street to Wenham Line, (Maps 49 & 58, Lots 44, 88 & 2, 52), Rail Trail Committee

A report was received 9/7/10. Ms. Spillman described her site visit. Ties have been stockpiled in Riverfront Area. A strong smell of creosote was noted. Mr. Luther indicated 24-hour removal of the ties is in the OoC. TCC can choose how to enforce the OoC.

Mr. Gandt shared what he knew of the ongoing process. Spillman noticed missing wetland flags. OoC requires stakes every 25 feet within Bordering Land Subject to Flooding. Missing wetland boundaries shall be marked in accordance with condition number 16 of the OOC. Mr. MacDougall stated concern from a resource protection perspective that the grade stakes are to maintain the pre-activity grade with the final grade. Another concern is the removal of soil from the site and whether it has been disposed at an appropriate off-site location. There is no spill kit. Ms. Spillman indicated that when on a site visit, an oil leak was apparent on the ground within the Rail Trail bed. A discussion ensued about the condition of soil removed from the Rail Trail area. Mr. Hall is concerned about whether Pye Brook Community Park is an appropriate disposal area.

Mr. Hall made a motion to direct the administrator to send a letter identifying the conditions in the OoC with which the project is not currently in compliance and requesting compliance within a week's time.

Mr. Pratt seconded. The letter will be circulated prior to being sent. Language in the OoC says the stockpile of soil generated during reworking of the rail bed shall be loaded directly on to truck beds or may be covered with polyethylene sheeting. In all cases, they shall be transported offsite within 24 hours. Mr. Erickson motioned and Mr. Pratt seconded. Vote taken. Unanimous vote in the affirmative.

279 High Street, Crocker

Encroachment on Town conservation property and manure pile adjacent to a wetland resource area. Mr. Crocker reported through the TCC office that the fence has been moved and removal of the manure pile is starting. This item will be updated and put on the next agenda.

Water quality monitoring, update

Mr. Luther and Mr. MacDougall took more samples closer to the headwaters at the end of Emerson Field. They expect to be getting closer to the source(s).

Planning Board Site Plan Review: 267 Rowley Bridge Road, Alfalfa Farm, (Map 80, Lot 2)

A proposed parking area was discussed. Ms. Spillman will write a follow-up memo.

Conservation Commissioner Applicant

Marguerite Philpott will be at the next meeting.

Administrator's Report:

Ms. Spillman went to regional meetings that discussed impact of climate change on development for towns and the need for revised laws and regulations. Topics addressed anticipating what might happen in the future rather than basing decisions on flood calculations that are already effectively outdated. Discussion followed about flooding potential.

The Administrator's computer will cost about \$300 to update.

Executive Session: 57 Candlewood Drive/109R Perkins Row, (Map 43, Lot 7, Skeffington) - current litigation

Chairman Hall suggested going into Executive Session to discuss strategy with respect to the current litigation from Skeffington for the denial of his Bylaw permit for proposed development at 57 Candlewood Drive.

Mr. Luther motioned to go into Executive Session and adjourn afterwards.

Ms. Merrill seconded the motion. A roll call vote was taken. Unanimous vote in the affirmative.

TCC went into Executive Session, which adjourned at 9:45 pm.

Respectfully submitted,

Lisa Nihan-Demeule, Minutes Secretary

Accepted at the TCC meeting on November 17, 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>
