

Topsfield Conservation Commission
Minutes of Wednesday, September 10, 2014
Topsfield Library Meeting Room

PRESENT: Jennie Merrill, Chair; Cheryl Jolley, Vice Chair; Holger Luther, and James Carroll; Lana Spillman, Administrator; MaryAnn Tuxbury, Minutes Secretary

ABSENT: None

OTHERS PRESENT: Jeff Nulsen, Jeff Masterson, Diane Gagnon, George Annis, Dick Gandt, John Duffy, Chuck Johnson, Joe Geller

NOTE: *These minutes were transcribed from the audio recording and/or the Minutes Secretary's and Administrator's notes.*

HEARINGS:

Continued NOI 307-0716: 48 Candlewood Drive, (Map 43, Lot 021), Coughlin/DeRosa Environmental Consulting, Inc.

Spillman revealed that the request for boundary modification has not been filed with the Planning Board yet. No one was present to represent. DeRosa sent a written request to continue the hearing to September 24, 2014.

Luther moved/seconded by Jolley to continue the hearing to September 24. So Voted Unanimously.

RDA 2014-03: 3 Beech Place, (Map 50, Lot 037), Nulsen

Proof of abutter notification was submitted previously. The proposal is to replace the proposed deck with a patio in the same footprint, in the Buffer Zone. Spillman explained when there was a change of ownership, there is supposed to be a meeting onsite to review the work remaining to be done. Spillman reported on a recent site visit and stated that there were lots of runoff-eroded areas on the driveway and a silt sock at the top. Nulsen said the closing was taking place on Friday, the 12th; he was passing papers. Spillman did not have concerns about the patio as proposed and suggested closing the hearing and a motion to issue a Negative Determination with findings and conditions as discussed. Luther moved to issue a Negative Determination; James Carroll seconded. So Voted Unanimously.

REQUESTS:

Bylaw CoC 2013-01: 6-8 Grove Street, (Map 40, Lot 011), Quimby

Spillman made a site visit and found the property substantially in compliance and recommended a vote to issue the CoC.

Luther made a motion and Carroll seconded to issue the CoC. So Voted Unanimously.

CoC 307-0767: 20 Hickory Lane, (Map 50, Lot 021), Annis, Beals Associates, Inc.

Spillman made a site visit and found the property substantially in compliance and recommended a vote to issue the CoC.

Luther made a motion and Jolley seconded to issue the CoC. So Voted Unanimously.

RDNI 2014-15: 78 Alderbrook Drive, (Map 68, Lot 023), J & J Realty, LLC.

Jeff Masterson was present. Spillman met with Masterson at the site to view the installed silt fence and discovered that much of the Buffer Zone recently had been cleared of understory. Masterson offered to expand the planting plan into the wooded Buffer Zone, as shown on the sketch plan submitted. Spillman suggested the same planting requirements as for the other plantings (size, types, etc.) for the OoC project, and inclusion of these new plantings in healthy condition as an expanded requirement/condition for the CoC. Masterson also would like to remove 4 white pines (but not their root systems) from the edge of woods in Buffer Zone near the proposed house location.

Luther moved to issue a Determination of Negligible Impact for the expanded planting plan and for removal of 4 pines. Jolley seconded. So Voted Unanimously.

RDNI 2014-16: 47 Rowley Road, (Map 6, Lot 014, Nelson

Carl Nelson indicated to Spillman that he may not be at the meeting or may come late; he was not present at the meeting. Nelson proposes to remove 13 mature white pine trees. Nelson has been in contact with the Planning Board and applied for a Scenic Roads permit to remove two of them near the street. All, or at least most, of the trees are within the Buffer Zone of a large, certified Vernal Pool. Spillman recommended a motion to issue a Determination of Negligible Impact.

Luther moved and Carroll seconded to issue a Determination of Negligible Impact for removal of trees. So Voted Unanimously.

RDNI 2014-17: 16 Grove Street, (Map 40, Lot 014) Robinson

No one was present to represent. Spillman showed pictures taken at the site visit. Only one tree is proposed to be removed; it is diseased. The other tree is proposed to be pruned. Spillman has no concerns about the proposed activities and recommended a motion to issue a Determination of Negligible Impact.

Luther moved and Carroll seconded to issue a Determination of Negligible Impact. So Voted Unanimously.

Emergency Certification 2014-03: 18 Valley Road, (Map 65, Lot 035), Stump – Ratification

A major branch of a large hickory tree broke off, falling toward/partly onto the house at 20/22 Valley Road, breaking off the chimney. The remaining tree was leaning toward the house at 18 Valley Road. An Emergency Certification was issued Thursday, September 4, 2014 and the tree was taken down the next day.

A request to waive the follow-up application (RDNI) requirement and the \$75 fee due to the tremendous expense of the tree removal was submitted.

Luther moved and Jolley seconded to ratify the Emergency Certification. So Voted Unanimously.

Luther moved and Jolly seconded to waive the follow-up application and fee. So Voted Unanimously.

OTHER:

Enforcement Order 2014-03: 13 Pond Street, (Map 2, Lot 004), Duffy – Ratification and Discussion

Chuck Johnson, P.E., was present and represented; John Duffy was present. Luther moved to ratify the Enforcement Order for 13 Pond Street; Jolley seconded the motion, which passed with a unanimous vote.

Johnson distributed a one-sheet summary, dated 9/10/14. The entire site is in the Commission's jurisdiction. The summary explains what has taken place onsite. TCC reviewed 6 items on the Enforcement Order. Johnson explained that there were 5 diamond piers installed instead of 3. On either side of post 4 are the original post for the original deck. It was noted that the new deck is significantly larger. There was no communication with Spillman regarding the removal of two trees, (Spruce and Apple). It was stated that permission was granted by the tree warden. Johnson added that if the Commission would like a NoI for the 5 last bullet points, he is prepared to do that. Luther thinks that there should be a new application. Spillman thinks that this situation is setting a precedent for piers in wetlands; this is not what was proposed. Piers are actually in the wetlands, originally there was only one pier replacing a support already in the wetland. Spillman will make a site visit soon.

Enforcement Order 2014-01: 34 Gail Street, (Map 40, Lot 028), Cook – update. Spillman made contact with Christine Cook and is hopeful that she will have a signed contract with a qualified person to plant the replacement trees soon.

Enforcement Order 2014-02: 239 Boston Street, (Map 49, Lot 068), Yiakas c/o 239 Turnpike LLC/Meridian Associates – update.

Diane Gagnon of Meridian Engineering presented. The September 8th restoration plan prepared by Meridian Associates/ Charlie Wear is straight forward – it proposes to restore the drainage swale as originally built and remove sediment from the detention area. Luther would like a schedule of events and Spillman asked if there was an O&M plan for this; she thinks it would be helpful. Gagnon agreed to provide the requested information.

Violation Notice 2014-04: RoW between Washington Street & Oak Road, (Map17, Lot 017) National Grid – updates.

Joe Geller (Rail Trail Committee) stated that VHB was supposed to come up with a plan for what they were going to do to restore the altered area of the trail. Geller went out today and wrote reports about what he saw. He suggests to put in 2- inch rock instead of 3- or 4-inch rock. Geller also took some pictures of the trail crossing with current rock. Concerning a different section of the trail, Geller stated that there are huge trees with poison ivy at the Ipswich River crossing. The tree was girdled so it will die a natural death. Geller stated that the proposed Rt .97 parking area across from the Ipswich River canoe landing would have 11 spaces. Spillman explained that the State Regulations 310 CMR 10.58 (2) (d) [No Significant Adverse Impact] do not allow alteration of the first 100 feet of undisturbed Riverfront Area; it has to be left naturally vegetated for the first 100 feet.

Violation Notice 2014-02: 8 Evergreen Lane, (Map 50, Lot 028), Simoes – update
Spillman reported that Bill Manuel is working with Mr. Simoes. Everything looks good. She thinks that the homeowners now have a better understanding of why the vegetation is important. Plantings look good.

SUMMER INTERN: – vote

Kerry Ditson unintentionally worked more than the allotted 65 hours this summer. Luther moved to authorize funding of the up to 16 additional hours from the Bylaw Revolving Fund and Jolley seconded the motion, which was passed unanimously.

APPLICANTS FOR TCC

Jennifer DiCarlo and Dodds Shamroth Jennifer met with the Commission in August. The Commission will wait for Dodds to be well to interview her.

47 Rowley Road:

Spillman reports two of the thirteen trees proposed to be removed are alongside the road, which is a scenic road. The proposal needs to have a hearing before the Planning Board. The request is to receive a Determination of Negligible Impact from TCC; most of the trees are in Buffer Zone of a Certified Vernal Pool.

Luther made a motion and Carroll seconded to issue a Determination of Negligible Impact under the Bylaw. So Voted Unanimously.

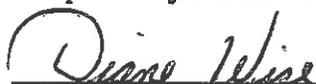
Munis Permitting Software Program:

Merrill decided to carry this discussion over two meetings. Luther had distributed a list of questions he had. Spillman explained that in the format that has been used so far, the Munis system does not meet the Conservation Department's needs. There was discussion about data fields needed for members to review for the next meeting.

ADJOURNMENT:

There being no further business to come before the Commission, Luther made a motion that was seconded that the meeting be adjourned. So voted unanimously. The meeting was adjourned at 9:00 PM

Respectfully submitted



Diane Wise

Minutes Secretary

Minutes approved at the TCC meeting on November 19, 2014

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.