

Topsfield Conservation Commission
Meeting Minutes
September 14, 2011 – Topsfield Library Meeting Room

Present: Luther Holger, Jennie Merrill (arrived during first hearing), Cheryl Jolley, Mark Erickson, Jim MacDougall, Lana Spillman, Administrator, and Lisa-Marie Cashman, Minutes Secretary (arrived during the first hearing)

Absent: George Hall

Others: Greg Hochmuth, Kate Connolly, Jim O'Brien, Dick Gandt, Bill Shannon, Jim Carroll, Evan Haglund, (Topsfield Police), Joseph Falzone, Larry Beals, Gregory St. Louis

Luther called the meeting to order at 7:17 p.m.

HEARINGS:

Continuation NoI 307-0678: 207 & 233 Boston Street (Topsfield Fairgrounds) and 37 River Road (South Main Street frontage), (Map 57, Lots 4-1,4-2 & 7; Map 48, Lot 13; & Map 49, Lot 82), Essex Agricultural Society and Aftandilian/The Neve-Morin Group

TCC and Hochmuth discussed the process proposed with the NoI for evaluation of the fields for parking. Hochmuth offered that he would like to be the wetland scientist and agreed to be objective. He added that the status of the fields may change daily and suggested reviews after the Fair and in the spring.

Luther summarized the proposed interim solution of a minimum of any 3 TCC representatives, a wetland scientist and the Fair manager being present on September 24th for a site review to determine an interim solution to parking on Field #1.

Luther explained that Hochmuth and O'Brien would mark areas to be changed, then TCC would go out and review, with final approval up to TCC. There would be a revisit if a 2-inch storm is forecast or at the request of any part of the team. As a general provision, either party could revisit in the event of a rainstorm during the Fair week.

Fairgrounds manager O'Brien will make arrangement for TCC members to have a staff photo ID badges to facilitate being onsite.

Erickson made a motion to amend the EO in order to develop a site review commission consisting of two individuals from the Fair and a wetlands scientist of choice, a minimum of 3 Commissioners, and the TCC Administrator, who will meet the week before the Fair on September 24th at 8:30 a.m. The Fair will place the line, and TCC will inspect the line to determine appropriateness, with the ability to negotiate fine line adjustments, and based on any significant rainfall, will have the ability to call the other party to the field to meet and re-evaluate the existing line location. The Commission will inspect the field on an ongoing basis during Fair to re-evaluate ground conditions.

Merrill moved to amend the motion to read working group instead of a commission.

MacDougall seconded the amendment first.

The motion to amend passed with a UNANIMOUS VOTE.

Jolley seconded the original motion as amended and that motion passed unanimously.

Merrill moved to continue the hearing to November 9th.

MacDougall seconded the motion, which passed with a UNANIMOUS VOTE.

REQUESTS:

Continuation CoCs 307-0415; 307-0652: 50 Prospect Street, (Map 48, Lot 12), Crowe/Hancock Associates

Spillman explained that she has received information that the siltation fencing has been removed, soil has been pulled back from where the silt fence was pushed into BVW, and purple loosestrife plants have been pulled. A follow-up site visit has not been arranged yet.

These items will be put on the agenda for September 28th.

2nd Extension ORAD 307-0480: 120 High Street/Hickory Beech Subdivision, (Map 49 Former Lot 56), Hickory Beech Realty Trust – J. Falzone/Beals Associates, Inc.

The ORAD was issued on 9/24/2004, extended the first time to 9/24/2009, and extended to 9/24/2011 by the MA Permit Extension Act of 2010. There was a written request to continue the review from the August 24 meeting to today's meeting. Spillman was asked by TCC to review Resource Areas on the property to determine if there are any significant changes resulting from the construction of the development.

Joe Falzone explained that there are 13 houses left to be built and they need to obtain an extension of the ORAD, probably for two additional years.

Spillman explained that she has found several areas not included as part of the approved ANRAD plan where Resource Areas have changed, both in size and location as a result of activities related to development of the subdivision and individual lots. She showed a copy of the approved ORAD plan with these areas marked and submitted photographs to support the marked areas. She has observed intermittent streams and discovered that they are more well-defined and display more volume than at the time of the ORAD. An Intermittent Stream location has been changed, to redirect flow through a constructed swale and to accommodate a house development. Someone placed a stake where there is intermittent flow and there are sediment deposits. An area identified in the ORAD as a non-jurisdictional Isolated Wetland just under 5,000 square feet now is larger (Lot 23).

There was an extended discussion, with the conclusion that Resource Areas have changed.

Falzone indicated Lot 23 is the only lot pertinent to him; it is under a separate Order, and the area was non-jurisdictional at the time it was issued.

MacDougall expressed concerns with agreeing to an extension without having visited the site. Luther suggested concentrating the review on the remaining 13 lots to be developed.

Erickson made a motion to extend the ORAD to April 30, 2012.

MacDougall seconded the motion, which passed with a UNANIMOUS VOTE.

TCC requested that Falzone submit a plan into TCC as soon as possible, showing highlighted areas on the plan where lots have not yet been developed.

RDNI 2011-11: 139 Ipswich Road, (Map 26, Lot 34), Shannon

Applicant Bill Shannon presented that there is a damaged pine tree splitting down the middle. It is in the Buffer Zone and in Riverfront Area, about 25 feet from the MAHW boundary of Mile Brook. Shannon plans to hire tree people who will bring a bucket in. The location of the tree is adjacent to the garage and a surface with crushed rock.

Erickson moved to issue a Determination of Negligible Impact with usual conditions.

Merrill seconded, and the motion passed with a UNANANIMOUS VOTE.

RDNI 2011-12: 4 Pine Ridge Road, (Map 31, Lot 19), Reichardt

The proposal is to cut a dead mature pine ~20 feet from BVW and within inner Riverfront Area of an unnamed Perennial Stream (shown as such on the USGS map). The cut would be about 8 feet from the ground.

The applicant was not present. Spillman indicated it will be necessary to take it down by climbing.

Erickson made a motion to issue a Determination of Negligible Impact with the usual conditions.

Jolley seconded the motion, which passed with a UNANIMOUS VOTE.

OTHER:

Amended/New Enforcement Order, Cross Street, (Map 62, Lot 2), Nash – issuance/ratification.

EPA has issued a letter to Nash approving proposed restoration of the upper field #10 (corner of Hill and Cross Streets) and from there down to the area where pipes were installed under and perpendicular to a newly created wood road (where the stream joins upslope of the pond). The work on this first part is supposed to start ASAP, especially because of weather conditions expected in October and beyond. EPA also does not like the stone check dams, and has asked for changes in the section between the perpendicular pipes and the pond. EPA also questions what would be done with water in the stream during work and has asked for a dewatering plan.

Spillman had drafted an EO, which TCC reviewed. TCC asked that a cover letter explain that the EO is for field 10 and to the pipes only, and that a similar note be included on the first page of the EO.

Erickson moved to issue the EO as amended for the Nash property tomorrow morning, with a letter of explanation.

Merrill seconded the motion, which passed with a unanimous vote.

MEETING MINUTES:

- July 13, 2011
- July 27, 2011

These minutes were tabled to the next meeting.

ADMINISTRATOR'S REPORT:

Request for Amended NoI 307-0658: 22 Evergreen Lane/Lot 18 and Open Space Parcel at Hickory Beech Subdivision, (Map 10, Lot 3 and Map 10, Lot 39), George Jedlin, Meetingway Corp./Beals Associates

Falzone and Beals had asked to discuss the proposed easement at the rear of Lot 18 (instead of a property transfer to the adjacent Open Space parcel), and as alternate mitigation for encroachment into the Buffer Zone of Lot 18.

Luther explained that since the matter is on the September 28 agenda, by Open Meeting Law TCC could not act this night; concerning the Planning Board, they will have to ask them.

Greg St. Louis, P.E. from Beals Associates, submitted the proposed plan. Falzone explained that he had already sought counsel and was informed that as long as they were not changing a lot line, they would not need to go back to the Planning Board.

Luther responded that Section 410 (Planning Board) has no exceptions in it.

St. Louis stated that, just for record, he has provided a copy of the easement and the narrative.

Falzone explained that it is their position that they do not have to go to the Planning Board. Luther suggested that they talk with chair of Planning Board, Martha Morrison.

120 High Street/Hickory Beech Subdivision – review of recently resubmitted documents and previously submitted as-built plans.

Greg St. Louis sent a 2009 AutoCAD file to MacDougall. MacDougall requested a different format for easier access and review, since everything the Town uses is in ArcView. St. Louis stated that the roads of the subdivision have not been accepted yet by the Town. Luther pointed out that it has been a number of years since the subdivision construction began, and TCC would like to know where things stand.

It was explained that there is much work to do before the formal as-built is submitted. MacDougall will review the plans in the next two weeks and will coordinate review of the as-built plans with the Planning Board.

FY 2011 TCC Annual Report

TCC approved the Annual Report as drafted. Spillman will submit it.

New Secretary hours – Wednesday and Thursday, 7:00 a.m. – 2:30 p.m.

Jolley volunteered to come in on Mondays during the day to help out.

Amendments to Topsfield General Wetlands Bylaw Regulation R:10-5.2.k. Topsfield Conservation Commission Administrator Permit for Limited Buffer Zone Activity

Luther discussed the proposed changes, from 8-inch sonotubes to *12-inch sonotubes* and from pervious to *semi-pervious* driveways. Merrill moved to make those changes. Luther seconded the motion, which passed with a unanimous vote. The effective date will be September 14, 2011.

Merrill moved to adjourn.

MacDougall seconded the motion, which passed unanimously.

Adjourned at 8:30 p.m.

Respectfully submitted,

Lisa-Marie Cashman, Minutes Secretary

Accepted at the TCC meeting on November 9, 2011

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.