

Topsfield Conservation Commission

Meeting of Wednesday, September 23, 2009

Topsfield Library Meeting Room ~ 7PM

The meeting was called to order at 7:05 p.m. with a quorum present: Holger Luther, Acting Chair; Jim MacDougall; Jennie Merrill; Jud Pratt

Absent; George Hall, Mark Erickson

Also present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary

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

RDNI – Request for Determination of Negligible Impact

MACC – Massachusetts Association of Conservation Commissions

BOS – Board of Selectmen

OoC – Order of Conditions

EO – Enforcement Order

BVW – Bordering Vegetated Wetland

OPEN MEETING:

TCC signed bills, authorizations and time sheets.

RDNI

2009-08: 207 Boston Street/Fairgrounds, (Map 57, Lot 4), O'Brien/Essex Agricultural Society Present; Jim O'Brien, Topsfield Fair General Manager

This application is for the proposed use of fireworks in Riverfront Area, Bordering Land Subject to Flooding (of the Ipswich River) and Buffer Zone on the Fairgrounds property off of Route 97. The fireworks would be the first night of the Fair, October 2, 2009. No soil will be added or removed; the shells are put in sand in containers.

Mr. O'Brien stated that the site would be left in pristine condition after the fireworks; abutters, airports and local communities will be notified.

Ms. Merrill made a motion to issue a Determination of Negligible Impact with Conditions as discussed under the Bylaw. Mr. Pratt seconded and the motion carried by unanimous vote.

HEARINGS:

Continuation NoI 307-___: 50 Prospect Street, (Map 48, Lot 12), Crowe/Hancock Associates Presenting: John Dick, Hancock Associates. Applicant/owner Mike Crowe also was present. The Commissioners were provided with "Exhibit Plan" dated September 23, 2009.

Mr. Pratt made a motion to accept the receipt of the Exhibit Plan as prepared by Hancock Associates for 50 Prospect Street. Ms. Merrill seconded and the motion carried by unanimous vote.

Mr. Dick reviewed the plan, citing two critical drainage basins on the property – basins six and seven. The plan includes surface water calculations for a 100-year storm. Mr. Dick explained that this plan is what their engineer calculated was the drainage pattern prior to the installation of the driveway. He added that the culvert on the Geller property is half full of silt, which restricts the water flow in that direction; he suggested that it should be cleaned out. It was discussed that this property is the top of the hill and prior to development of this lot water flowed in both directions from the site. Mr. Dick explained that after the grading for the driveway silt fence prevented flow of water to the abutting property to the north (48 Prospect).

Discussion regarding the details of the plan followed. The hearing was opened for public comment. Joe Geller submitted two photos taken in 2002 showing an isolated wetland eight feet from the septic system test pit and the extent of tree growth at that time. He stated that since the trees were cleared he

has had more water in his basement and he requested for the forest to be re-grown as part of the conditions.

Mr. Dick replied that the home size was reduced, there would be less roof runoff, and a drip trench is planned all the way around the house, with laterals to run 25 feet in the direction of number 5 drainage basin. Abutter Steve Black stated that after the driveway was installed, their property became “waterfront” property. He asked about the pipe shown on the plans for a previous Order of Conditions. Mr. Dick responded that the rate of runoff from the driveway will be retarded with a stone edge and they would prefer to have three French drains rather than a pipe across the driveway.

Mr. Dick had not completed the inventory of the trees and shrubs in the Buffer Zone Restoration Area as previously requested by the Commission.

There was discussion about construction of a paddock onto a wet area at the northeast corner of the property. Scott Taylor, 44 Prospect Street, confirmed that the paddock area was always wet.

Mr. Dick stated that the next plan to be submitted would include a water drainage system with improvements for water runoff. Mr. Geller suggested that the applicant provide an independent review of the runoff from the driveway – surface and ground water – comparing before and after the land was altered.

Mr. Dick agreed to provide a drainage plan for the project to TCC a week prior to the next meeting.

Mr. Pratt made a motion to continue the hearing to October 14th. Ms. Merrill seconded and the motion carried by unanimous vote.

RDA 2009-12: 131 Haverhill Street/Hoods Pond (Map 5, Lot 15), Topsfield Board of Selectman

Present: Selectman Dick Gandt

The TCC office has Certificates of Mailing as proof of abutter notification; Ms. Merrill read the legal ad.

This is an after-the-fact filing for the invasive water chestnut removal at Hoods Pond.

Mr. MacDougall explained that the water chestnut was removed by non-power boat, with effective use of a potato fork. Monitoring is critical and the most effective time for removal is the first week of August.

It was discussed that the Determination would expire three years from the issuance date and cannot be extended, so there should be conditions on the Determination, including techniques that are permitted and to allow removal of water chestnut and invasive plants from the pond.

The TCC agreed it would be beneficial to have an invasive plants removal policy in place, at a minimum, and Bylaw regulations to complement DEP policy would be best. Property owners would benefit greatly from this action.

Mr. Gandt suggested an informational session at a TCC meeting, inviting people from Ipswich and Topsfield who live on the pond.

Mr. MacDougall recommended the conditions that monitoring of the plant/pond be done in July with harvesting in first week of August, noting this can be easily done by hand or with the use of hand held tools e.g. potato rake.

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

Mr. Pratt made a motion to issue a Negative Determination with Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried by unanimous vote.

Amended OoC 307-0527: 86 Salem Road, (Map 64, Lot 16), Hall

Present; Jody Clineff and Steven Hall

Proof of abutter notification was submitted previously; Merrill read the legal ad.

The proposal is to modify the proposed replacement septic system within Buffer Zone of a BVW and Intermittent Stream, including moving the (septic) tanks from behind the house to 70 feet from the wetlands on the side of the house (i.e., farther from Wetlands Resource Areas). Mr. Hall clarified that this is not a redesign of the leaching field of the system.

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

Mr. Pratt made a motion to issue an Amended Order of Conditions referencing the revised plan dated 8-21-09 by Hancock Associates subject to same order of conditions as original OoC. Ms. Merrill seconded and the motion carried by unanimous vote.

ENFORCEMENT, APPEAL REPORTS, UPDATES

Enforcement Order, Violation Notice & Bylaw Ticket #2007-11: 270 Boston Street, (Map 41, Lot 87) Bear Albright – update and discussion

Ms. Spillman reported that the plantings are in place as ordered; DeRosa will be submitting a profile of the pond. She also noted that the \$6,250 Bylaw fine has not been paid to date. This discussion was deferred to the next meeting.

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

Mr. Luther made a site visit on September 22nd and reported to the Commission that no work has been done to date as ordered.

Mr. Pratt made a motion to follow up with DEP, to look for help with this case. Mr. MacDougall seconded and the motion carried by unanimous vote.

Violation Notice #2009-01: 72 Hill Street, (Map 69, Lot 16), Malinowski – update

Ms. Spillman reported on the site visit saying no work has been done to correct the drainage to reduce flow toward Hill Street or to slow it down, e.g. with hay bales until grading can be done. The Administrator was asked to issue a letter requiring the homeowner to attend the next meeting with evidence of work being done.

MEETING MINUTES:

Approve minutes of September 9, 2009

No action was taken and this was deferred to the next meeting.

REQUESTS:

Continuation CoC 307-0433: 131 Haverhill Road, (Maps 2& 5, Lots 10 & 15), Topsfield Beach Association. Continued.

Continuation CoC 307-0615: 126 Main Street, (Map 25, Lot 2), Schultze

Ms. Spillman reported that not all of the requirements for a CoC have been met and the final inspection has not been requested.

Ms. Merrill made a motion to deny the CoC. Mr. Pratt seconded and the motion carried by unanimous vote.

Selectmen Gandt commented that the property owner was before the ZBA for a variance to build a two-car garage with dormers; the hearing with the ZBA was continued until plans can be submitted.

CoC 307-0592: 118 Main Street, (Map 24, Lot 75), Moore

Ms. Spillman reported that the asbuilt plan does not show all the activities (a deck) completed in Buffer Zone. An Amended Order of Conditions is needed to incorporate a deck constructed across the back of the house.

Ms. Merrill made a motion to continue the review to the meeting on October 28th. Mr. Pratt seconded and the motion carried by unanimous vote.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

TCC Policy or Regulation concerning invasive plant control

1st Topsfield Trails Day – Open Space Committee and Rail Trail Committee

ADMINISTRATOR’S REPORT:

Regulation R:10-3, Resource Area delineation review period (April 15 – September 30)

Ms. Spillman is making site visits for applicants this week to review delineations in order to accommodate those filing applications and to be in compliance with the Bylaw Regulations.

Town Meeting Warrant

Ms. Spillman gave advance notice to the TCC that a proposed warrant for a Wetlands Bylaw modification is due to the Selectmen’s office by early February 2010.

Other: Mr. Pratt informed the TCC that the Administrator’s Outlook calendar is being used to monitor her time.

EXECUTIVE SESSION (ES): Potential litigation – update

Ms. Merrill made a motion to enter into ES to discuss potential litigation and to adjourn directly thereafter.

Mr. Pratt seconded and the motion carried by a roll call vote.

10:13 PM - 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 October 28, 2009.

<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 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.</p>
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