APPROVED

Topsfield Conservation Commission

Minutes of Wednesday, September 24, 2014

Topsfield Library Meeting Room

PRESENT: Commissioners Jennie Merrill, Chair; Holger Luther, Jim Carroll; Lana Spillman; Conservation Administrator, and MaryAnn Tuxbury, Minutes Secretary
ABSENT: Commissioner Cheryl Jolley
OTHERS PRESENT: Laura Krause, DeRosa Environmental; Dan Johnson, DSD, Inc.; Che Elwell, Ray Lawton, and Selectman Dick Gandt

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.
The TCC office received a copy of the application for a change in the lot line, so all was set to close the hearing. Spillman suggested a motion to close the hearing and a motion to issue an Order of Conditions with the usual conditions under the Act and Bylaw.
Luther moved to close the hearing on 307-0716 and to waive the requirement (Bylaw) Reg.10-4a, requiring a lot created after May 2000 cannot have development in the Buffer Zone. The motion was seconded by Carroll and passed unanimously. Luther moved to issue an OoC and create an appropriate mitigation as contained in the NoI submitted by DeRosa Environmental and Meridian Engineering, subject to conditions that the activity follows the plan entitled, "Permit Site Plan: Proposed Site Improvements for Residence Located at 13 Pond Street (Tax Map 2, Lot 4) Topsfield, Massachusetts," Prepared by C.G. Johnson Engineering, Inc., 203 Willow street, So. Hamilton, MA 01982, dated September 23, 2014 and all mitigation activity follow what is proposed in the NoI attachment and all usual conditions shall apply. The motion was seconded and so Voted Unanimously.

NoI 307-0718: 8 Wilmor Road, (Map10, Lot 001), Keliher/DSD Inc.
Dan Johnson was present and representing. Johnson described the site and work to be done. Merrill read the legal notice aloud.
Spillman made a site visit with Dan Johnson, reviewing MAHW (Pye Brook) and B VW boundary flags placed by Bill Manuell. Spillman believes that all of the BVW flags are fine and should be verified as placed. MAHW Flags RA1 through RA3 and RA6 are appropriate placed. Verification of flags RA4 and RA5 was not suggested. Down near BVW flags A6 through A8, extending into BVW, possibly into BLSF and/or the river, is a large area (greater than 20 feet x 10 feet) of dumped yard waste, primarily leaves, pine needles and twigs. Spillman suggested that a special condition be included in the Order of Conditions, to remove at least the last year or two of yard waste from the large area of fill prior to consideration of the project for a CoC. DEP file number was issued. All access would be up the front side yard, building on the way out and old trenches would stay in place. The septic tank will be in the same place as the old one.

Plan: "Subsurface Sewage Disposal System 8 Wilmor Road, Topsfield (Map 10, Lot 1)," prepared by Domestic Septic System Design, Inc., P.O. Box 2406, S. Hamilton, MA 01982, dated 8/13/14.
Luther moved to issue the OoC, subject to usual conditions in addition to an added condition that the mulch pile in wetlands be removed to the extent possible.
Luther asked about the construction equipment access and Spillman talked about the yard waste, special conditions for removal of the yard waste. She showed pictures to the members.
Luther moved, with a second by Carroll to approve issuance of the OoC with usual and special conditions of mulch pile removal. So Voted Unanimously.

REQUESTS:

Emergency Certification 2014-04: 222 Boston Street, (Map49, Lot 041), Lawton, ratification.
Ray Lawton, present, owner explained what happened. The project was removal of a mature oak, leaving the stump, at the edge of BLSF, in Riverfront Area/Buffer Zone. The required follow-up RDNI was submitted. Lawton explained that there was digging around the area and the roots were pretty narrow; they had to depress the area to create flood storage; the tree was not to stable. Luther suggested removal of the root system and replacing with fill to level the area.
Luther moved, with a second by Carroll to ratify emergency certification. So Voted Unanimously.

RDNI 2014-18: 222 Boston Street, (Map 49, Lot 041), Lawton.
Ray Lawton, present, owner.
Spillman suggested the issuance of the DNI under the Bylaw.
Luther moved, seconded by Carroll to issue a Determination of Negligible Impact for removal of the tree at 222 Boston Street. So Voted Unanimously.

RDNI 2014-19: 8 Wilmor Road, (Map 10, Lot 001), Elwell
Che Elwell, the new owner, was present. He wants to remove 7 trees in Riverfront Area of Pye Brook. These trees are in addition to the trees removed for the septic system upgrade and are near or leaning towards the house. Stumps will be ground and root systems would remain intact.
Luther moved, seconded by Carroll to issue a Determination of Negligible Impact for removal of the proposed trees in Riverfront Area. So Voted Unanimously.

RDNI 2014-20: 49 Main Street, (Map 41, Lot 029), Roeder
No one was present to represent.
Spillman explained that there was no means of egress from a rear apartment. An elderly woman lives there. The owner wants to do the work this Saturday, September 27, 2014. He wants to add a small deck with a door to provide egress.
Luther moved with a second by Carroll to issue a Determination of Negligible Impact for the proposed work in Buffer Zone and Riverfront Area of School Brook. So Voted Unanimously.

OTHER:

DoA 2013-11 & Violation Notice 2014-01, 124 Hill Street, (Map68, Lot 049) - update and review of as-built plan.
Luther reported on the trench they were digging along the driveway to redirect stormwater and concluded that the TCC should have required a NoI instead of a RDA.

Enforcement Order 2014-01: 34 Gail Street, (Map 40, Lot 28), Cook – Update.
Spillman informed the TCC that Ms. Cook is expecting to be back in the house on October 8, 2014. Spillman sent a list of consultants to her for assistance with the required restoration plantings.

Enforcement Order 2014-02: 239 Boston Street, (Map 49, Lot 068), Yiakas c/o 239 Turnpike LLC/Meridian Associates – update.
Spillman summarized her recent site visit; stabilization measures have been implemented. The final inspection will be in the spring.

Violation Notice 2014-04: RoW between Washington Street and Oak Road, (Map 17, Lot 017), National Grid – Updates
Spillman met with Josh Holden of National Grid at the site. Restoration is sufficient. Drainage was there but couldn't be seen due to vegetation. Private property is more of a concern. There haven't been the test storms to test the drainage. Selectman Gandt explained that they are not planning to dig out the ditch; they may put in a culvert at some point. TCC decided to do nothing until it is seen how it works in a 50-year rainstorm. Gandt stated that they put in a farm drain; covered with fabric where drainage crosses the trail.

Election of officers:
Postponed until Cheryl Jolley returns.

Meeting Minutes:
Luther moved to accept the minutes of **June 11, 2014** and **July 16, 2014** as amended. The motion was seconded Carroll. So Voted Unanimously.

ADMINISTRATOR'S REPORT

OoC 307-0678, Topsfield Fairgrounds – parking. Site visits are scheduled for 9/25 at 11 a.m. and 10/1 at 12:15 p.m. Rainfall is down over an inch for this area this year.

49 Candlewood Drive, (Map 43, Lot 009) – discussion. Mr. Don Cragg came to the TCC office about two weeks ago to complain about past activities related to 57 Candlewood (Skeffington).

Meredith Farm, monitoring. The fall monitoring site visit with EPA took place. TCC stated that release from the Enforcement Order under Act and Bylaw will be after EPA compliance.

ADJOURNMENT:
There being no further business to come before the Commission, a motion was made by Luther and seconded that the meeting be adjourned. So voted unanimously.

The meeting was adjourned at 7:50 PM

Respectfully submitted

Diane Wise

Diane Wise
Minutes Secretary

Minutes approved at the TCC meeting on December 17, 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.