

Topsfield Conservation Commission
Meeting Minutes for October 12, 2011
Topsfield Library Meeting Room

Present: Holger Luther, George Hall, Jennie Merrill, Jim MacDougall, Mark Erickson, Cheryl Jolley, Lana Spillman, Administrator, and, Lisa-Marie Cashman, Minutes Secretary

Absent: None

Others present: Melissa Pike, Kevin Pike, Richard Wolniewicz, Jeanne Li, Dick Gandt, Joe Geller

Hall called the meeting to order with a quorum present at 7:26 p.m.

HEARINGS:

RDA 2011-04: 39 Alderbrook Drive, (Map 62, Lot 30), Pike

The application, partly after the fact, is for removal of trees, addition of soil, changes in grading, and installation of a fence, as well as construction of a patio within Buffer Zone of a Bordering Vegetated Wetland containing an Intermittent Stream at the bottom of a steep slope. Kevin and Melissa Pike were present to discuss the completed and proposed activities.

Applicant Kevin Pike discussed his proposed plan for a protective cedar split rail fence to border the top of the steep slope as a boundary for his children. Spillman gave recommendations for a natural wall of plants, shrubs, bushes in front of the fence. In addition, Pike reported that there are several storm dead ash trees that needed to be cleared eventually. One, in particular, would fall on the nearby power lines.

In the next two years, the Pikes want to build either an 8'x12' or 8'x10' stone patio near the existing deck in Buffer Zone.

Spillman recommended plantings to stabilize the steep slope in the back yard. In front of the fence Pike is proposing to build a wall of native plants. Pictures of the current vegetation on the steep slope were shared with the TCC and submitted to the file.

There was extended discussion and TCC deliberated on the proposed changes.

Luther moved to close the hearing and issue a Negative Determination allowing removal of the ash by the power lines, and finding that the work would have negligible impact on the resource areas and therefore may proceed. Hall asked for a condition that Spillman determine the location of any additional trees to be removed, to be tagged by the Pikes, and in the Determination to describe the fence as above the top of break of slope, about 20 feet from the back of the house, and the patio 8 feet off the end of the house.

Luther amended the motion to add tagging of the trees and to locate the fence approximately 3 feet off the break of the hill.

Erickson seconded the motion and there was a UNANIMOUS VOTE in favor.

NOI 307-: 87 Perkins Row/Ipswich River Wildlife Sanctuary, (Map 51, Lot 21), Decker/Mass Audubon

The proposal is to restore the Mile Brook Trail and to install a canoe rack, both in multiple resource areas in the sanctuary. The applicant is Carol Decker of Ipswich River Wildlife Sanctuary. Property Manager, Rich Wolniewicz, represented in place of Decker.

Jim MacDougall disclosed that his wife works at the Sanctuary and recused himself from the hearing.

It was reported that there is no file number from DEP yet, so TCC could not close the hearing. Wolniewicz acknowledged that they would like to continue the hearing.

There was some discussion that adding the additional canoe rack at the landing of the river adjacent to the existing three racks would be helpful especially during the school field trip activities. Wolniewicz would like to get the Mile Brook Trail up and running again.

Luther raised concerns about flooding along the Mile Brook Trail. His main concern is that the proposed trail work, including addition of substantial amounts of material, would be within Bordering Land Subject to Flooding.

Wolniewicz acknowledging that they need 150 tons of crushed stone for the proposed trail restoration. Luther suggested building boardwalks instead and is not sure if the proposal for crushed stone is allowed under Wetlands laws. Extended discussion ensued between TCC members and Wolniewicz. Concerns were raised about the cost and maintenance of the recommended boardwalk.

A look at the FEMA Flood Insurance Rate Map online confirmed that the path is in the floodplain. Wolniewicz will bring to the Sanctuary's wetland scientist's attention the issue and discuss with him how to address it.

A site visit was proposed by TCC members for Sunday, October 16 between 8-9 a.m. Others will visit the site on their own prior to the continuation of the hearing.

Hall pointed out that 310 CMR 10.57 Land Subject to Flooding addresses the issue under the MA Wetland Regulations.

Erickson moved to continue the NOI until the next TCC meeting on October 26, 2011.

Luther seconded, and the motion passed with a **UNANIMOUS VOTE**.

REQUESTS:

RDNI 2011-15: Rail Trail/Topsfield Linear Commons – securing Bicycle Racks, (Maps 49 & 58, Lots 6, 44 & 81), Geller/Topsfield Rail Trail Committee

Joe Geller and Gregg Demers of the Rail Trail Committee were present to discuss the proposed work – securing bike racks within multiple Resource Areas at two locations along the Rail Trail/Topsfield Linear Common.

Geller explained that with a Federal program, they obtained \$9K of bike racks at no charge on the condition that they fasten them to the ground and they must be placed on Town property or MBTA-leased property.

There are four locations for the proposed installation of racks:

- Proctor School
- Main Street near the commemorative sign
- Two located by Route. 1 (by Signature Motors)
- Three at the Fairgrounds Route 97 entrance. Art Deco units are more decorative but bikes may be rested against them. Geller proposes securing the racks using concrete piers. Two piers per rack would be needed. Seven large racks each will hold 9 bikes.

Each rack can be stabilized using two holes placed diagonally in the ground, 8 inches in diameter and approximately 1-2 feet deep filled with cement. No sonotube is needed for the hole.

Luther made a motion to issue a letter containing a finding, which describes the proposed installation of racks at locations described, and that they would have negligible impact on the adjacent resource areas.

MacDougall seconded, and the motion passed with a **UNANIMOUS VOTE**.

RDNI 2011-16: 119 Washington Street, (Map 31, Lot 12), Marshall

The proposal is to replace a small front entrance platform with a new platform on 4 sonotubes in the Riverfront Area.

Luther moved to determine the project has negligible impact on the Resource Area in a letter.

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

CoC 307-0675: 89, 95, 103 & 107 Wenham Road, (Map 71, Lots 34, 1, 35, 36), Hebert

The project was removal of dumped materials at the edge of and within a BVW and within Riverfront Area. The cleanup has been conducted.

Spillman was asked to include language stating that based on information provided, the Topsfield Conservation Commission is not aware of any other material needing to be removed from the Resource Area. In addition, the CoC is to mention that the cleanup work satisfies the EO based on a visual inspection of the property and representation of same made by the applicant.

Luther moved to issue the Certificate of Compliance including the additional language as was discussed.

The motion was seconded and the vote was **UNANIMOUS** in favor.

CoC 307-0552: 130 Rowley Bridge Road, (Map 68, Lot 27), Marotta

Luther made a motion to approve the request and issue a Certificate of Compliance under the Act and the Bylaw.

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

CoC 307-0674: 17 Towne Lane, (Map 33, Lot 63), Scarpaci

This project was creation of lawn in Buffer Zone, where authorization for removal of numerous mature trees was granted after the fact. Maija Scarpaci was present to discuss the work. There was creation of lawn after removing trees and adding fill to the property.

Spillman explained that the soils are not sufficiently stabilized for a CoC and recommended that there be no fee for a re-application for the CoC within one year.

Hall advised the TCC to deny the CoC without prejudiced until the site becomes stabilized and waive the fee if requested in a new application within one year.

Luther made such a motion.

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

OTHER:

Restoration [EPA A.O. & TCCEO] for Cross Street/Meredith Farm, (Map 62, Lot 2), Nash/Wetlands and Land Management

Nash received a second letter from EPA, addressing the first phase of Resource Area restoration. TCC discussed the follow up e-mail from Bill Manuell, Nash's wetland scientist. As a result of the recent 4-5-inch rainstorm, field modifications were made without prior approval and are a concern. Spillman had a discussion with EPA regarding two items Manuell has concerns about (request for cross section details on the actual drawing, and the requirement for the resulting restoration to withstand a 100-year storm). Manuell agreed to everything except #5 and #7 of the 7 issues raised in the second EPA letter. Manuell proposed to place stakes to mark where final grades would be. Spillman specified that the stakes should be placed by professional survey.

There was an extended discussion by members regarding conditions—specifically that the plan should withstand a 100-year storm. TCC members felt the redesign does not seem to show it will hold up.

Events of the last two weeks are bearing out concern that the design will not survive the next winter season. Spillman questioned what the status of the lower sections of the site during the recent large storm, and whether sediment traveled all the way into the Ipswich River.

Advice to Spillman from TCC members is to communicate to EPA in the next phone call scheduled for October 13 that the TCC has concerns relative to the project's ability to survive a 100-year storm event and has no confidence in the design as currently presented.

MacDougall intends to conduct a site visit via the river to see potential damage. Spillman will be attending a site visit with EPA at the site on Friday, October 14.

Amended Enforcement Order 207 & 233 Boston Street/Topsfield Fairgrounds (Maps 57 and 49, Lots 4 and 82, respectively) and 37 River Road (Map 48, Lot 13)

There was an extended discussion from the TCC members regarding the river cresting and the condition of the fields at the Fairgrounds, including review of pictures of the flooding.

Ipswich River Access at High Street/Route 97

MacDougall gave an update and explained that he has written a chronology of what has been done to date, which he sent to the person responsible for the property. Massachusetts Department of Fisheries

and Wildlife said that they would do a design and was told TCC is in the business of restoring the Ipswich River. The ADA issue has not yet been resolved. MacDougall sent communication to the agency that the environment is being degraded but the agency has not yet returned a phone call and to please respond in order for the restoration of the site to move forward.

ADMINISTRATOR'S REPORT:

307-0507, Open Space parcel at 120 High Street/Hickory Beech Subdivision – updates

- Trail markers at Lot 18 instead of on Open Space parcel

Spillman gave an update report. It appears that the Recreation Committee bought the markers and had them delivered to Geller's business address. Spillman asked the Recreation Committee to take them down so that they could be appropriately placed on the Open Space property trail after the trail has been cleared.

Proposed Easement at 12 Boston Street Open Space, Planning Board

Questions were asked about the proposed easement at 12 Boston Street/English Commons Open Space and how such an easement would relate to the existing conservation restriction which allows public access.

Spillman thought the Planning Board may be applying pressure to make the trail more accessible to the public.

MacDougall read the Conservation Restriction recorded on the property to the TCC members.

Roberta Knight would like TCC input, but Hall thought TCC did not need to vote on it formally.

Luther made motion to adjourn the meeting.

MacDougall seconded the motion, which passed unanimously.

Meeting adjourned at 9:15 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.