

Topsfield Conservation Commission

Meeting of Wednesday, October 26, 2011

Topsfield Library Meeting Room

Present: Commissioners George Hall (Chair), Holger Luther (Vice-Chair), Jim MacDougall, Jennie Merrill, Cheryl Jolley, and James Carroll (first meeting); Administrator Lana Spillman; Minutes Secretary Lisa-Marie Cashman.

Absent: Mark Erickson

Others Present: Carol Decker, Jeanne Li, Rich Wolniewicz, Kate Connolly, Jim O'Brien, Frank DiLuna

The meeting was called to order at 7:04 p.m. with a quorum present.

OPEN MEETING:

TCC signed bills, authorizations and time sheets.

PUBLIC HEARINGS:

Continuation NOI 307-0679: 87 Perkins Row/Ipswich River Wildlife Sanctuary, (Map 51, Lot 21), Carol Decker/Mass Audubon

MacDougall and Merrill recused themselves from the hearing.

The Ipswich River Wildlife Sanctuary is requesting approval from the TCC to install a gravel mixture in the pathway of Mile Brook Trail on the Sanctuary grounds and to install a canoe storage rack.

Carol Decker, Jeanne Li, and Rich Wolniewicz were present at the meeting. Decker presented to the TCC a map from 1944 of the Ipswich Wildlife Sanctuary indicating that history shows usage of Mile Brook Trail as a roadway.

Members of the TCC conducted site visits last week and determined that Mile Brook Trail was significantly under water. The TCC has concerns about the flooding and usage of the trail, which could have potential negative impact on the area. There was some extended discussion about beaver impact on trails and flooding.

Chairman Hall asked if there were performance standards being met to reach a determination. Luther advised that Decker would need to show how the Sanctuary would conduct installation of fill without violating State Regulations 310 CMR 10.57 (4) (a) Bordering Land Subject to Flooding general performance standards. Spillman added that performance standards for Bordering Vegetated Wetland, 310 CMR 10.55, also may need to be met. Also, the NOI does not identify which Resource Area(s) they are proposing to alter.

Decker agreed to come back to the next meeting to show how the proposed activities would meet performance standards.

Luther moved to continue the hearing to the November 9, 2011 meeting. Jolley seconded and the motion carried by unanimous vote of the four members participating in the hearing.

OTHER:

EPA Final Letter and TCC Amended Enforcement Order, Cross Street, (Map 62, Lot 2), Nash – Ratification and Discussion

The expected EPA final letter had not been issued.

Spillman discussed the proposed EPA letter for the TCC's review. There was extended discussion on the matter.

The consensus among members was to table the discussion and no action was taken at this time.

DEP Consent Order and Bylaw Enforcement Order 2008-01: 252 Rowley Bridge Road (Map 80, Lot 13), Rowley Bridge Road Realty Trust – Update

On behalf of the owners, Hayes Engineering has submitted a "final" site visit report and requested a release from the DEP ACO.

Spillman agreed to call DEP Enforcement in order to determine whether the TCC could join in the DEP site inspection. Luther, Jolley, and Carroll offered to go with Spillman.

Amended Enforcement Order: 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 – Discussion

Although the hearing for the NOI was continued to November 9, 2011, Topsfield Fair representatives Jim O'Brien and Attorney Frank DiLuna were present to ask the TCC for permission to grade and seed the fields – particularly the field along the telephone pole lines abutting the river and Rte. 97, from the poles to the paved area only. O'Brien said something must be done immediately for site stabilization, which was addressed in the conservation plan previously submitted to the TCC.

There was extended discussion among the TCC members and Fairgrounds representatives. Kate Connolly, attorney for the Fairgrounds, arrived near the end of the discussion.

An informal agreement pending the NOI and the EO was reached.

Chairman Hall moved to allow the use of machinery in Field #1 and Field #2, with raking and seeding confined to the areas that have been damaged and not to exceed 20 yards of added soil. Jolley seconded and the motion carried by unanimous vote.

MEETING MINUTES:

- **September 14, 2011**
- **September 28, 2011**
- **October 12, 2011**

Commissioners Luther and Spillman had submitted edits. Spillman is to combine edits and redistribute for the next meeting.

ADMINISTRATOR'S REPORT:

DEP Commissioner's Draft Action Plan for Regulatory Reform at MassDEP, 10/24/2011

Revisions including a proposed General Permit for work in the outer 50 feet of Buffer Zone and electronic submissions were briefly discussed.

Hall got an e-mail from Leldon Langley (DEP) indicating DEP would be streamlining the previous Buffer Zone permit. Hall has been asked to sit on the committee and will update members of this status.

Pye Brook – Beaver Activity

Spillman reported that there is flooding of properties along Bare Hill Road. At issue is the maintenance of a beaver deceiver at 60 Haverhill Road for which a CoC in 2004 allows for the maintenance of the beaver deceiver without further filings.

Spillman gave Bare Hill Road owner Reggie Lockwood contact information for Mike Callahan, who had installed the water flow control piping. Lockwood had contacted Spillman via e-mail, notifying her that he believes his septic system is possibly being jeopardized from the flooding. Lockwood is the new chair of the Open Space Committee.

Spillman told TCC members that the beaver deceiver had been maintained once that she knew of. Permission was granted to the Highway Department to clear the culvert at the entrance to Pye Brook Park. That resulted in releasing water and backing up at the second beaver dam and onto the properties at Bear Hill Road.

David Bond, Highway Superintendent, was to follow up with Health Agent John Coulon at the BOH office. Reportedly nothing could be done according to Coulon.

The TCC recommends having Lockwood, Bond and Coulon come before the Commission to report on the progress.

2010 Open Space Plan

A letter of approval from the State was received by the Open Space Committee last week. It is good for eight years, until 2018 (formerly good for five years). Reggie Lockwood is the new chair.

Site visits prior to winter and proposed winter work

- Ferncroft Country Club – dredging
Spillman gave an update, explaining that a site inspection is being planned for this fall.

- 120 High Street/Hickory Beech Subdivision
Luther had walked the relevant lots with Larry Beals and observed that there was a good delineation of the proposed trail on the Open Space parcel. Luther gave Beals boardwalk trail guidelines from the Acton Boardwalk trails.

- Ipswich River launch area
MacDougall is to contact Dave Rimmer at Essex County Greenbelt to explain the situation and ask for intervention with MA Fisheries and Wildlife.

Letter from Attorney Mark Johnson re: expiration of the ORAD for the Hickory Beech Subdivision.

Luther asked what the deadline for renewal of the ORAD was and Spillman noted Lot 23 in the subdivision has a separate OoC from the infrastructure OoC.

The ORAD for the subdivision has been extended until April 30, 2012. No response to the letter was deemed needed by the Commissioners.

86 Salem Road, Proposed work between the barn and Salem Road

Spillman notified the TCC that the supports of the barn on this property need to be replaced due to a buildup of sand and sediment coming off of Salem Road. There is an Intermittent Stream flowing from 4 Wenham Road, under Salem Road and beside the area of the barn. Steve Hall wants to remove accumulated material, modify the drainage to a very gentle swale, and install a new catch basin.

Luther suggested the applicant present before the TCC in order to get a better sense of his written proposal.

Hall said that as a drainage project, if the installed catch basin would connect to the existing catch basin near the stream instead of going directly into the stream, there is no filing needed with the TCC for discharging into the Town's existing system. A filing with TCC would be needed for discharge directly into the stream. Hall did indicate that there is a need to connect and coordinate with Dave Bond, Highway Department, regarding any additional discharge into Town storm drainage and how Town Bylaws might apply in this instance.

Luther moved to adjourn the meeting at 9:08 p.m. Jolley seconded and the motion carried by unanimous vote.

Respectfully submitted,

Lisa-Marie Cashman
Minutes Secretary

Accepted at the TCC meeting on November 9, 2011

<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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