



entitled "As-built site plan for 367 Boston Street." Construction was finished in December of 2007. The Stormceptors were inspected and 8 inches of sediment was found after 3 years. Spillman noted salt-tolerant plantings of bearberry on the slopes next to the roads are well established and are a good native, low-maintenance groundcover . On a second document, "Stormwater Best Management Practices," proposed for attachment to the CoC, MacDougall would like to strike out a portion of part 6, "installing bird feeders", and part 4, to replace "Best Management Practices" with disposal of sediments from Stormceptors at an approved disposal site per BoH. Erickson would like to see the catch basins cleaned every three years. Luther motioned to issue the CoC with three amendments, i.e., cleanout of catch basins with 12-inch sedimentation, deletion of bird feeders, and change in disposal language. MacDougall seconded. A unanimous vote in favor.

**PUBLIC HEARING:**

**Remand Hearing 307-0638: 57 Candlewood Drive/109 R Perkins Row, (Map 43, Lot 7),** Skeffington/Hayes Engineering/Attorney Decoulos

Libby Wallis of Hayes Engineering and Attorney Nicholas Decoulos were present representing Mr. Skeffington. Merrill read the legal ad. Hall indicated that the hearing is held under the Wetlands Bylaw only. Libby Wallis reviewed the plan revisions that were made for DEP. Last revision is Revision Number 6 dated February 11, 2010. The proposal is to build a four-bedroom house and garage accessing from Candlewood Drive. She reviewed the amount of alteration proposed in the Riverfront Area listed in the Superseding Order of Conditions. Decoulos would like to submit a waiver in the future. He contends that if the Bylaw Regulations allow for considering a denial, it may become a taking. He will submit a memorandum. Hall referred to Town of Topsfield Bylaws and Regulations, Section 10-4, subsection 3, dealing with Buffer Zones.

Scott Houseman, an attorney representing Mass Audubon Ipswich River Wildlife Sanctuary, presented TCC with a Memorandum. The Audubon contends that the original EO, "WPA Form 9A-Enforcement Order" from 3/8/00 was neither complied with nor followed up on, that the TCC didn't find whether the culvert was permitted, and he urges TCC to find that the culvert was unpermitted and that Skeffington knew or should have known that he was creating his own hardship by making certain land conveyances. Houseman contends that Skeffington claims he didn't realize that Cow Pen Brook is a perennial stream. Audubon believes that is inaccurate.

Pratt asked about damage if the driveway goes from Candlewood to house. Carol Decker from the Audubon addressed that by expressing concern that if one road is allowed to go through, a second road will be allowed up to a two-acre parcel that abuts the Rockery. She indicated that Cow Pen Brook is an uncommon gravelly brook, and a rare dragonfly has been identified in the area. Pratt then asked about the impact the culvert would have. Decker is not sure, but indicated that Cow Pen Brook is now flooding residents on Candlewood. Mr. Hall asked that three questions be answered:

1. Referring to debris on the site, if it were to be removed, what would TCC identify as debris, how should the identified debris be removed in a way that would not create more damage to the environment, and how would compliance be measured?

2. Considering the culvert, what would TCC order that would not cause more damage than simply leaving it alone?

3. Taking into consideration what is the impact to the habitat of the work (cleanup) in Buffer Zone, what mitigation should be ordered with respect to that habitat alteration?

Houseman suggested a site visit is appropriate to inventory debris. Leanne DelGaizo, 53 Candlewood Drive, asked Wallis about the drainage. Norm Isler, 135 Perkins Row, President of Topsfield Historical Society, (THS) discussed that located at 129 Perkins Row, the society owns a one-room schoolhouse dating from 1851. THS has spent significant funds to maintain it. He expressed concern that the intended construction would block access to the schoolhouse. THS's plan is to disassemble the schoolhouse and remove it at some future time. Decoulos indicated he would advise the property owner to allow THS access. Spillman asked about proposed grading in the area of the septic leaching field. Wallis was unsure of the status but is sure there is septic plan. She will get back to TCC. At the request of Attorney Decoulos, Luther motioned to continue the hearing until January 12, 7pm. Pratt seconded. Unanimous vote in favor. The record will remain open to submissions.

**REQUEST:**

**CoC 307-0666: 139 High Street, (Map 50, Lot 2),** Bonanno

Frank Bonanno was present. Spillman indicated this is a septic system associated with the sale of a house. The work appears to be in compliance. Erickson motioned to issue a CoC. Luther seconded. Unanimous vote in favor.

**MEETING MINUTES:**

Luther motioned to approve the meeting minutes as corrected and amended as listed in the agenda:

**2008:** September 10, September 24, and October 15

**2009:** May 13 Ex. Session, May 27 Ex. Session, June 10, June 24, July 8 Ex. Session, September 23 Ex. Session, October 14, November 4, November 4 Ex. Session, and December 2

**2010:** January 13 Ex. Session, February 24, March 10, May 13 Ex. Session, May 26, May 26 Ex. Session, June 9, June 9 Ex. Session, June 23, July 7, August 11, August 11 Ex. Session, September 8, September 8 Ex. Session, September 29, October 13, and October 27

MacDougall seconded. Unanimous vote to accept minutes.

**ADMINISTRATOR'S REPORT:**

Topsfield Fair Parking/Essex Agricultural Society.

Luther asked if there could be a basis for a legal argument that fields can be fertilized with manure. Pratt wants to aggressively protect the Ipswich River. Hall suggests not using the area for parking until TCC gets a management plan. MacDougall suggested including the property on South Main Street and the corner with Salem Road. Hall will work with Spillman to send out an EO by Friday.

72 Hill Street, AmOoc TCC 2006-01/Malinowski.

In the trench at the site, Luther is concerned that if boards aren't keyed in properly, the trench will increase in size and sediments will wash away. The soil is hard clay and is not going to erode easily. Pratt thinks it will last through next spring. Spillman will let Malinowski know that the consensus is to wait and see how the trench fares during spring storms.

Cross Street/Nash

Spillman indicated the EPA has accepted Nash's explanation that the pond was constructed as a farm pond for irrigation purposes. EPA is ordering Nash to produce a restoration plan by January; Nash has hired Bill Manuell to prepare the plan. Restoration is to include work to modify the dug

trench in the corner field, removal of pipes that were placed in the stream, including at the pond inlet, making a transition area between the wetland and the pond. Spillman indicated that with each big storm, the state of the streams gets worse.

279 High Street/Crocker. Spillman will schedule a visit for daylight.

19 and 19A Pheasant Lane

MacDougall passed out a map of proposed exchange of properties on Pheasant Lane. The O'Malleys are waiting to hear from TCC before going ahead with survey and appraisal. Hall will work with Spillman for a concept plan of what TCC would support so O'Malleys can take the plan to a registered surveyor. MacDougall observed that when the survey is done, adequate monumentation should be included in the survey. Hall will write the O'Malley a letter.

#### Conservation Property Resource Assessment

Document "Town of Topsfield Property under Conservation Restriction" shows TCC holds numerous conservations restrictions and properties in fee. If fee, TCC owns it. If restricted, TCC owns a certain part of the lands' rights. Spillman suggests site visits. Jolley contacted the high school and has interested students. Hall wants to make this a clear project with specific duties. Luther is concerned that students may wander on private land. Jolley and Spillman will work together. MacDougall recommended Pye Brook Park, Klock Park as next properties for documentation. Hall will take over O'Malley. MacDougall will work with students.

#### Resource Assessment Initiative

MacDougall said it's worthwhile for the town to inventory its vernal pools and rare species. Spring is the best time for that. To certify vernal pools and rare species, photographs and photos of egg masses are needed. Reviewer will ID the species. With geo-located photographs, TCC can attest to the accuracy of the system. MacDougall suggested having a presentation by vernal pool experts Leo Kenny and Matt Burne in January at TCC on vernal pools. He asked if TCC can offer a stipend for speakers, maybe a donation to the Vernal Pool Association. Jolley and MacDougall will make their contacts.

Luther moved to adjourn. Erickson seconded. Unanimous vote in favor. The meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Lisa Nihan-Demeule, Minutes Secretary

*Accepted at the TCC meeting on December 15, 2010*

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.