

Topsfield Conservation Commission

Meeting of November 18, 2009

Topsfield Library Meeting Room

Abbreviations:

TCC – Topsfield Conservation Commission
DEP – Department of Environmental Protection
OoC – Order of Conditions
CoC – Certificate of Compliance
BVW – Bordering Vegetated Wetland

BoS – Board of Selectmen
NoI – Notice of Intent
EO – Enforcement Order

ECTA – Essex County Trails Association

OPEN MEETING:

The meeting was called to order at 7:05 p.m. with a quorum present: Commissioners George Hall, Chair; Holger Luther, Vice-Chair; Jennie Merrill; Jim MacDougall; Mark Erickson; and Jud Pratt
Also present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary

HEARINGS:

NoI 307-0654: 193 Perkins Row (Map 34, Lot 54), Davison/The Neve-Morin Group

Present: Greg Hochmuth, Neve-Morin Group; Mr. Davidson, applicant. Ms. Merrill read the legal ad; proof of abutter notification was collected. The proposal is to reconstruct a house recently demolished after a fire, and rebuild with a small addition plus a barrier for the septic system within the Buffer Zone of an Intermittent Stream and BVW. There was no public comment.

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

Mr. Pratt made a motion to issue an Order of Conditions under the Act and Bylaw with special conditions, amended to include subject to existing erosion controls installed under the previous DNI. Mr. Luther seconded the motion as amended and the motion carried by unanimous vote.

Amended OoC 307-0592: 118 Main Street (Map 24; Lot 75), Moore

Ms. Merrill read the legal ad; proof of abutter notification was collected. This is an after-the-fact filing for the construction of a deck within the Buffer Zone of BVW on the property. The original OoC still is in effect for a septic system replacement and an addition to the house. Ms. Spillman stated she has no concerns about the deck.

Mr. Luther made a motion to close the hearing and issue an Amended Order of Conditions, accepting the sketch modification of the plan dated 10/27/09 showing the existing new deck in Buffer Zone under the Act and Bylaw and at the same time issue the Certificate of Compliance as the work is completed. Ms. Merrill seconded and the motion carried by unanimous vote.

Amended OoC TCC2006-01: 72 Hill Street (Map 69, Lot 16), Malinowski/Hayes Engineering

Ms. Merrill read the legal ad; Abutter notification was previously received. Neither Mr. Malinowski nor Gordie Rogerson (Hayes Engineering) was present. Abutters Ken Stowe, 80 Hill Street; and Jacqueline Degan, 68 Hill Street, were present. The request is for the TCC to approve a plan revision showing modifications of the grading in the Buffer Zone. Ms. Spillman reported to

the TCC that there were three different versions of the plans, noting that the TCC approved a single plan. Stowe submitted a one-page document and expressed concern about increased water flowing from the site onto his property in volumes he had not experience in 40 years living there. Some Commissioners questioned if it is an increase in water or getting there faster. Due to the urgency of the situation, the TCC asked for a site visit (in two days) Friday citing the forecasted rain; Hayes Engineering will be asked to attend. TCC plans to discuss with Rogerson ways to mitigate water flow off the hill and how to stabilize the site for the winter as quickly as possible. Temporary controls such as check dams are needed immediately to slow down the water.

Mr. Luther made a motion to continue the hearing to the next TCC meeting, December 2, 2009.

Mr. Erickson seconded and the motion carried by unanimous vote.

MEETING MINUTES: Minutes of **October 28, 2009** and **August 26, 2009 Executive Session**

*Mr. Pratt made a motion to accept the meeting minutes of **October 28, 2009** as amended. Mr.*

Luther seconded and the motion carried by unanimous vote.

*Mr. Pratt made a motion to accept the **Executive Session** minutes of **August 26, 2009** as amended.*

Mr. Luther 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

Mr. Albright has indicated he will be attending the December 2, 2009 TCC Meeting. He is reconsidering his proposal to work with Greenbelt.

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

A letter was sent to Galka and his representative, Joe Orzel, Coast of Maine, explaining the requirement that the EO be recorded by a certain date, and the expected fines for not meeting that deadline. There has been no response from the Galkas. The TCC agreed not to extend the recording deadline date and asked the Administrator begin issuing fines starting in a week. Mr. Luther will investigate whether the site has been stabilized for the winter and will submit a report/pictures to the TCC.

OoC 307-0510 Ipswich Road Project - Violation Report and update

The TCC considered Mr. Luther's site visit report and photos of the area from the previous Saturday showing extreme runoff. Spillman reported that on Monday she met with Dave Bond, Highway Superintendent and Mike Rygiel, the Contract Supervisor for the project at the site. The site is to be cleaned up and the stabilized by the end of the workday Friday, November 19, 2009. The sumps need to be checked and pumped as necessary; silt fencing may be removed along North Street. The area from Great Hill to Pine Street needs to be stabilized before winter.

SORAD 307-0640: 57 Candlewood Drive & 109R Perkins Row, (Map 43, Lot 7), Skeffington – update.

Ms. Spillman updated the TCC regarding this issue.

REQUESTS:

Continuation CoC 307-0592: 118 Main Street, (Map 24, Lot 75), Moore
(See hearing, above.)

CoC 307-0645: 84 Parsonage Lane (Map 17, Lot 1), Cantor

The project was an addition to the rear of the house in Buffer Zone of a Vernal Pool and BVW. *Mr. MacDougall made a motion to issue the Certificate of Compliance with the usual Continuing Conditions under the Act and the Bylaw. Mr. Erickson seconded and the motion carried by unanimous vote.*

Emergency Certification 09-05 River Road Culvert at Fish Brook – Ratification

The TCC discussed the certification. The Topsfield Highway Dept is performing the work. *Mr. Luther made a motion to ratify the Emergency Certification. Ms. Merrill seconded and the motion carried by unanimous vote.*

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

Unauthorized human activities related to beavers.

Mr. Luther identified that he and Mr. MacDougall made a site visit to Bradley Palmer with Carol Lloyd of ECTA to look at the spillways, and culverts. They found the pipe under Asbury Street totally blocked. Near the boardwalk along the river there are a couple of beaver dams, but any backup of water would not do damage to trails. Beaver deceivers were found and they heard from the park manager that traps had been set in several locations at the park. Mr. MacDougall stated that he later spoke with the superintendent of Bradley Palmer State Park regarding the need for an emergency permit and proper procedure. Any flow device would require a BoH Emergency permit and TCC approval. Spillman explained that she had spoken with the BoH Agent, who is unaware of the activities in Bradley Palmer; no emergency permits have been issued to date.

Merrill moved to approve the non-routine beaver deceiver. The motion passed with Luther and Pratt abstaining.

TCC asked Spillman to communicate to Carol Lloyd that TCC is not convinced that anything needs to be done, but TCC does not have any objection to installation of the additional beaver deceiver.

General Permit

Ms. Spillman will post the proposed General Permit on the Town website. A public hearing will be set and advertised for December 16, 2009. Mr. Pratt will attend the BOS meeting on December 7, 2009 and present the draft to the Selectmen. Spillman will send an electronic version to Ginna Wilder for distribution to the BoS.

Bylaw amendments will be on the next TCC meeting agenda.

Rail Trail NoI

Ms. Spillman stated that she has been working for a year to get a Notice of Intent for the Rail Trail from the Rail Trail Committee and reported that more work was done than authorized with the recent Determination. Pictures of unauthorized extended fence were exhibited to the TCC; each post was hand dug and crushed stone installed. The permit issued by the TCC was for the resurfacing of the bridge decking. The Rail Trail Committee will be contacted to discuss filing for the work done beyond what was permitted. Mr. Hall will speak with the Committee and report TCC Minutes for 11/18/2009

back to the TCC.

207 Boston Street, Topsfield Fairgrounds

The TCC followed up on a previous discussion about whether the TCC would issue an enforcement letter to residents providing fair parking in Resource Areas and to require a management plan and TCC approval. Concerns include damaged wet areas, oil and gas drippings, added fill, etc. A list of property owners will be populated and how best to precede will be further discussed at the next meeting. A form letter will be written.

Bylaw Amendment for Annual Town Meeting

This discussion was deferred to the next meeting.

Review 2010 Meeting and Deadline dates for TCC

The TCC will meet the second and fourth Wednesdays of the month except for when holidays affect the schedule.

Mr. Hall made a motion to approve the 2010 meeting dates and filing deadlines. Ms. Merrill seconded and the motion carried by unanimous vote.

Partial reimbursement of Bylaw Filing Fee

The revised plan shows a reduction in the footprint of the proposed alterations of Riverfront Area and Buffer Zone Resource Area at 20 Wilmor Road. Mr. Hochmuth of the Neve-Morin Group submitted a letter on behalf of the Pratts requesting partial reimbursement of the Bylaw filing fee.

Mr. Luther made a motion to refund \$757.50 of the Bylaw fee for the 20 Wilmor Road NoI filing to be paid from the Bylaw Fees Revolving Account. Ms. Merrill seconded. The motion carried by majority vote with Mr. Pratt abstaining.

ADMINISTRATOR'S REPORT:

Ms. Spillman gave a brief report on the Annual AMWS meeting, which she had attended.

No Executive Session was held.

10:10 PM Mr. Luther made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley, Minutes Secretary

Accepted at the TCC meeting on February 24, 2010.

<p>Pursuant to the 'Open Meeting Law,' M.G.L. Ch. 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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