

Topsfield Conservation Commission  
Minutes of **December 15, 2010**  
Topsfield Library Meeting Room

Present: George Hall, Chairman; Mark Erickson; Jennie Merrill; Jud Pratt; Cheryl Jolley; Jim MacDougall; Lana Spillman, Conservation Administrator; Lisa Nihan-Demeule, Minutes Secretary.

Acronyms:

BoH - Board of Health  
BoS - Board of Selectmen  
BVW - Bordering Vegetated Wetlands  
CC - Conservation Commission  
CoC - Certificate of Compliance  
DEP - Department of Environmental Protection  
DNI - Determination of Negligible Impact  
ECTA - Essex Country Trail Association  
EO - Enforcement Order  
Fin Com - Finance Committee  
NoI - Notice of Intent  
OoC - Order of Conditions  
RDNI - Request for Determination of Negligible Impact  
TCCAP -- Topsfield Conservation Commission Administrator Permit

With a quorum present, Hall called the meeting to order at 7:08 p.m.

**PUBLIC HEARINGS:**

**NoI 307-0670: 13 South Main Street, (Map 40, Lot 88)**, Grady/The Neve-Morin Group

Dr. Grady was present. Merrill read the legal ad. Greg Hochmuth described the property which has three septic systems. Of the three systems, two passed and one failed at inspection in August of 2010. The property owner wants to fix the failed leaching facility. Hochmuth described the proposed trench system and the location. There is only one area on the property that could accommodate the project; however, a corner of the system will clip the 100-foot buffer. The location is above the flood plain. Waivers have been requested from the BoH. This septic system serves one apartment and one office. BoH variances were clarified. Hochmuth indicated that the system is two feet higher than existing grade, the design done with a 34-inch water table. They are looking to begin work next spring. Pratt made a motion to close the hearing. Merrill seconded. A unanimous vote in favor. Pratt motioned to issue an OoC. Merrill seconded. A unanimous vote in favor.

Other:

Hochmuth added a further comment about the fairgrounds relaying that O'Brien received the EO and intends to comply.

**NoI 307-0668: 30 Wildes Road/New Meadows Golf Course, (Map 8, Lot 5)**, Iovanella, James MacDowell

Merrill read the legal ad. MacDowell is representing the golf course. He described their 60-year-old irrigation system as leaking and in need of replacement. Much of the system is in the Riverfront Area of Hobbs Brook. He couldn't find an exemption for replacement of irrigation pipes for a golf course and is seeking permission to do that. Work has started on the alteration of a 2,200-square foot trench using a light excavator. Work has started on the 4th, 5th and 6th fairways on a local permit (TCCAP) issued by Spillman. MacDowell described the trenches and piping around the greens. The existing main 6-inch

line crosses through wetland area between fairways 1 and 2. A new route for piping will still land it in the Riverfront Area. Most of the areas with BVW are flat. A silt fence is proposed to be used. Another project is in the area of the 2nd green. MacDowell surmises that a concrete channel must be clogged because of spring flooding and would like to construct a new 8-inch pipe in the buffer zone to deal with overflow. Erickson asked if the pond had a steep bank. MacDowell estimates it's pretty shallow. Hall asked about elevation analysis. MacDowell will do that. Dana Williamson described after draining down the pond 15 inches, two men go in the pond and pick up golf balls twice a year, wash them and sell them back to the course. MacDougall wants to know if they've reviewed the Rare Species Habitat and suggests that workers do whatever they can to help from a slope management and an environmental perspective, citing that Hobbs Brook is one of the highest ecological values in Topsfield. MacDougall further suggested that Harvard University has a webpage that is an environmental resource. MacDowell says they haven't fertilized. Merrill motioned to continue the meeting to January 12, 2011. Erickson seconded. A unanimous vote in favor.

**NoI 307-0669:12 Boston Street/English Commons, (Map 81, Lot 1), English Commons, LLC/Beals Associates, Alan Berry**

Merrill read the legal ad. Alan Berry presented and described the proposal as part of a Planning Board decision for Berry to appear before TCC and apply to install a boardwalk in an effort to continue walking trails through the area. Berry would install the boardwalk if the plan is accepted. Berry described the process for installing a 4.5 foot wide, 30-inch high boardwalk that would be approximately 260 feet in length through the BVW. It would be beneficial to install it in the cold weather when plants are dormant. Pratt asked whether Berry had installed similar boardwalk projects. Berry described one in Amesbury at Bartlett's Reach. Berry had used 1-inch space between boards so sunlight will penetrate. Berry said the area is open with no trees presently. MacDougall added that a healthy trail system is an asset to the town over time. Berry said Myopia Hunt Club goes through the trails two or three times a year. MacDougall has mapped the area. Berry suggested the option of walking on the Guinee driveway rather than building a boardwalk. MacDougall said that the wetland itself is not high quality. Exotic plants are scattered everywhere. Pratt made a motion to close the hearing. Merrill seconded. A unanimous vote in favor. Hall would like to quantify how much wetland loss will result from shading, and if any, require replication. Berry insists no wetland will be lost and added there is the additional restriction of no motorized vehicles. MacDougall would like to see other options exhausted before impacting the wetlands and would like to place the burden on trail advocates, e.g. a subset of ECTA. Erickson asked how long the project would take. Berry indicated a few days.

TCC discussed holding off on approval until receiving information about whether or not there is a possible alternative. There was a proposal to postpone to next meeting, asking the two Selectmen who suggested the boardwalk to Planning Board come to the meeting and make their presentation.

**PUBLIC MEETINGS:**

**CoC 307-0610: 12 Boston Street, (Map 81, Lot 1), English Commons**

Alan Berry described work on the water pipe project; trees had to be cut. The work is completed and pictures have been submitted. MacDougall visited the area and believes the area looks as it did before the project. Merrill motioned to issue CoC. Pratt seconded. A unanimous vote in favor.

**Continuing CoC 307-0583: 80 Alderbrook Drive, (Map 68, Lot 24), Masterson/Beals, Jeff Masterson**

Masterson described a change to his original plan, his use of stone instead of grass in an area of the project. Spillman indicated there is a permit (TCAP) issued for a small addition in the back. Pratt made a motion to issue a CoC with continuing issues. Erickson seconded. A unanimous vote in favor.

**CoC 307-0664: 19 Towne Lane, (Map 3, Lot 62)**

Spillman indicated that this septic system associated with the house sale looked good. She has a letter from Johnson saying it is done. Merrill motioned to issue a CoC. Erickson seconded. A unanimous vote in favor.

**OTHER:**

**RDNI 2010-08, 2 North Street, (Map 25, Lot 41), Staley**

This request deals with a large shed on lawn in Riverfront Area of Mile Brook. Erickson motioned to issue a DNI under the bylaw. Merrill seconded. A unanimous vote in favor.

**Enforcement Order 2010-01: 207 and 233 Boston Street, and 37 River Road (Maps 57 & 49 and Map 48) Essex Agricultural Society**

Spillman repeated a Commissioner's previous contention that the parcel cannot be both a parking lot and an agricultural field with an agricultural exemption. Pratt motioned to ratify the EO dated November 19, 2010. Merrill seconded. A unanimous vote in favor.

**Meeting Minutes:**

**Approval of Meeting Minutes: November 17, 2010**

Spillman got a call from Mass. Audubon asking what the three questions were that Hall had asked, so she suggested that those be added to the minutes. Merrill made a motion to accept the minutes as amended. Erickson seconded. A unanimous vote in favor.

**2011 Filing Dates and TCC Meeting Dates**

Erickson motioned to accept the 2011 filing dates, and the TCC meeting dates as the 2nd and 4th Wednesday, as proposed. Jolley seconded. A unanimous vote in favor.

**Proposed TCC FY2012 Budget Review and Long-range Plans**

Spillman met today with BoS prior to meeting with Fin Com. Spillman reviewed how her salary and staff wages are funded and reviewed items supported by the Bylaw Revolving Fund to show how funds are spent. There is an error in Spillman's salary that will be corrected in FY 2012. Department heads were asked by the BoS about long-range plans. Spillman will share the budget numbers through December and will submit the final budget electronically. TCC is different because much of the operating budget comes from the wetland Bylaw Revolving Fund. Spillman indicated an additional \$7,400 could be used this year. There was a commitment to spend up to \$15,000 on legal fees which didn't happen. Hall expressed that continuing to have a line item in the town budget is good in exchange for continued support. Spillman suggested spending money to establish boundaries on conservation properties. MacDougall would like to see property lines identified and monumented and the ecological restoration of properties. He may get a corporate sponsor to fund the Ipswich River Canoe Landing. Hall would like to see the TCC do more work in stewardship, environment education and planning. MacDougall would like to focus more on restoration, improvements and proper sizing of culverts. In order for Topsfield to restore culverts, the town has to work with Ipswich. Case law has stymied culvert replacements due to the flooding of people downstream. MacDougall met with the chairman of Ipswich CC last week. Wenham has an infrastructure in place so when water comes to Ipswich, it can be better handled for better consequences downstream. Such things require coordination with Ipswich. Essex County precipitation has increased 38% since 1970. MacDougall indicated this town and TCC could be a model for others.

**Vernal Pool Lecture, January 27, 2010 - Leo Kenney and Matt Burne at Topsfield Town Library Meeting Room, 7pm**

MacDougall will notify interested parties, i.e., CCs, science teachers, etc. Hall suggested a specific project for students and would put teams together that would include students to certify vernal pools. MacDougall said the students need to go where we have access. The TCC secretary is working on a flyer. For the presentation, the audience could offer a donation. The two presenters are doing this presentation at their own expense.

**Administrator's Report**

Hall will write the letter to Albright (re: 270 Boston Street).

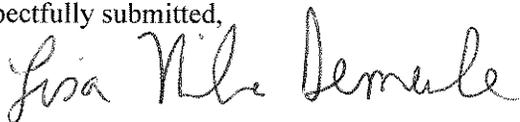
**72 Hill Street** – Jolley asked about the water flow on Hill Street, from 72 Hill Street. A discussion followed to inform her of the situation. TCC had suggested a swale to divert water to a constructed trench so that there would not be an increase in stormwater flow onto the street. Spillman contends it is not being diverted, resulting in more flow onto and adjacent to the street, and it is a safety issue when it freezes.

Erickson donated a GPS unit to TCC. Pratt motioned to accept the GPS. Merrill seconded. A vote in favor by all, except Erickson who abstained.

**19 and 19R Pheasant Lane** – Hall will write the letter for the O'Malleys.

Erickson made a motion to adjourn. Merrill second. A unanimous vote in favor. The meeting was adjourned at 10:02 pm.

Respectfully submitted,



Lisa Nihan-Demeule, Minutes Secretary

*Accepted at the TCC meeting on February 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.