

Topsfield Conservation Commission
Minutes of Wednesday, December 17, 2014
Topsfield Library Meeting Room

PRESENT: Cheryl Jolley, Chairperson; Dodds Shamroth, Vice Chairperson; Holger Luther; James Carroll; Jennifer DiCarlo (arrived during the 13 Pond Street hearing); Lana Spillman, Administrator; Dee Wise, Minutes Secretary.

ABSENT: None

Other Attendees: Bruce Bolanck, Tyler Ferrick, Todd Mungy, Steve Mollineaux, Jim MacDowell, and Ray Lawton

The Meeting was called to order at 7:05 PM with a quorum present. Commissioners welcomed Jennifer DiCarlo to the Commission.

HEARINGS:

Continuation NoI 307-0719: 13 Pond Street, (Map 02, Lot 004), Duffy/C.G. Johnson Engineering, Inc. TCC reviewed that at the hearing on November 19, John Duffy agreed to restoring the Buffer Zone/creating a no-mow area within 10 feet of the BVW, as well as Bill Manuell's invasive plant control plan. Luther moved to close the hearing and issue an Order of Conditions subject to a 10-foot no-mow zone from Hoods Pond being established and invasives control per Bill Manuell/Wetlands and Land Management and prevailing usual conditions included. Carroll seconded the motion. So voted by a majority with DiCarlo recusing herself.

RDA 2014-04: 30 Wildes Road/New Meadow Golf Club, (Map 08, Lot 005), Iovanella, New Meadows Ent. LLC/J MacDowell. Jim MacDowell was present. Steve Mollineaux, supervisor at the Golf Club, spent time looking at the trees; he indicated that some trees are not doing well. MacDowell offered to forgo the removal of three trees that were originally on the removal plan and Spillman has concerns about impact to Resource Areas if they were to be removed. MacDowell stated that the morning sun is being blocked due to the trees being overgrown. He believes trimming these trees is not an option. Spillman, MacDowell and Mollineaux conducted a walk through; Spillman stated that most of the trees are far enough away from the BVW and/or River that their removal would not be a threat to Resource Area values and functions. Luther asked that control of invasives be considered at the same time.

Luther moved to close the hearing and issue a Negative Determination with conditions that stumps be left in place and any invasives be controlled, and there be communication with the Administrator prior to taking down one oak tree. Carroll seconded the motion. So Voted Unanimously.

ANRAD 307-0720: 57 Perkins Row, (Map 58, Lot 025), New Meadows Development LLC/DeRosa Environmental. Tyler Ferrick of DeRosa Environmental was present. Ferrick submitted proof of the abutters' notifications. Spillman reviewed that according to the Bylaw Regulations, R: 10-3, the TCC is not to review Resource Area Boundaries from October 1 to April 15 of any year. Only with a waiver of the Bylaw Regulations could

such a review be authorized. Spillman suggested that no waivers to the Bylaw Regulations be granted for the new development; she does not know of the TCC granting a waiver for time of review for new development. Spillman explained that she reviewed the BVW and MAHW line in 2012; she stated the flags had been placed by DeRosa Environmental and she agreed with the locations of the BVW flags but not with the several locations of “state” MAHW flags. The more recently added “town” MAHW flags are coincident with the BVW boundary. Luther stated that it would be difficult to establish anything at this time of year. Jolley stated that this review should be right from the beginning. Ferrick asked for a specific date to have the review done; Jolley stated responded April 15, 2015. A site visit was scheduled for Friday, December 19th at 10 AM. Jolley suggested a continuation until April 22, 2015, the first TCC meeting after resumption of the review period. Luther moved to continue the ANRAD hearing to April 22, 2015; Carroll seconded. So Voted Unanimously.

REQUESTS:

Continuation CoC 307-0658: 5 Hickory Lane/Open Space, (Map 50, Lot 039), and 22 Evergreen Lane, (Map 50, Lot 032), Symes Associates, Inc. /Beals Associates, Inc. Larry Beals was not available to attend. Todd Morley of Beals Associates was present and represented. Spillman reminded the Commission that this OoC is for two properties, the Open Space at 5 Hickory Lane and the SFH property at 22 Evergreen Lane. Spillman explained that without the TCC’s authorization, stones were placed at the limit of work boundary within Buffer Zone. Spillman stated that a July 2014 letter summarizing remaining requirements to be met was sent by the TCC, which issued a denial of the first request for a CoC. Morley explained that six shrubs were planted in 2013 and with a subsequent planting in September 2014, four additional plants were added. Spillman visited the site last week and believes that the site is not sufficiently vegetated/restored in the Buffer Zone beyond the approved limit of work. Spillman stated that considering the TCC’s experience with Buffer Zone plantings, it takes at least a year (winter and summer) to determine if plantings will be successful. She suggested that, consistent with other properties with restoration/mitigation in the Buffer Zone, the plantings need to be monitored and evaluated a year from planting. A site visit was scheduled for Friday, December 19, 2014 at 10:45AM. Luther moved to approve the proposal as submitted by Larry Beals November 19th for the delineation of the portion of Buffer Zone area and the placement of stones. Carroll seconded the motion, which passed unanimously.

CoC 307-0618: 166 Washington Street, (Map 39, Lot 075), Licata. Spillman visited the site and found the property in compliance with the Order of Conditions. Luther moved to issue the CoC; Carroll seconded. So Voted Unanimously.

CoC 307-0718: 8 Wilmor Road (Map 10, Lot 001), Keliher/DSD, Inc. Written request for delay until spring 2015 has been received.

RDNI 2014-26: 435 Boston Street, (Map 12, Lot 029), DeBernardo, Gibraltar Pools. Spillman made a site visit and reviewed the adjacent Wetlands Resource Areas and proposed tree removals and proposed installation of a support platform for the flagpole in Buffer Zone/Riverfront Area. Luther moved to issue a DNI and Carroll seconded. So Voted Unanimously.

OTHER:

Violation Notice 2014-05: 222 Boston Street, (Map 49, Lot 041), Lawton.

Spillman made a site visit on Monday, December 15. Spillman explained that the water was high and that the water went over Rt. 1 during the storm. She observed that the limit of work boundary/sedimentation control line had not been corrected and that a worker was adding more hay mulch when she arrived, which was needed, and grass seed was also visible on the soil under the hay mulch. The supervising employee committed to getting the limit of work/sedimentation control boundary restored where it should be, with new silt sock. Luther stated that although it was not a huge storm the soil was saturated.

FY 2016 Budget Spillman stated that it was not submitted to the BoS yet, pending notification of the new pay and compensation rates. Spillman proposes to reinstate the three hours that were lost when the department was asked to reduce their budget by 10% for FY 2010. Luther requested she send him the numbers so that he can review.

Vote for Chairperson, The Commission voted for Cheryl Jolley as Chairperson and Dodd Shamroth as Vice Chairperson. Luther made the motion and Carroll seconded. So Voted Unanimously.

Pay and Compensation Plan – Implementation in process.

Conservation Fund – There is \$6,000+ in Conservation Fund for projects and work that need to be done on Conservation properties in Town.

MEETING MINUTES:

- September 24, 2014
- October 8, 2014
- November 5, 2014

Spillman suggested approval of the minutes of **September 24** and **November 19** as amended. Luther moved to approve the minutes and Carroll seconded. So Voted Unanimously.

ADMINISTRATOR'S REPORT:

Spillman stated that the Tree Planning Committing will be having a tree planting workshop; there would be 4 experts on planting trees on March 7, 2015, which has been posted on the TCC webpage. Tree Planning Committee member Paul Harder would like people to sign up for this event. It will be held at the library.

ADJOURNMENT:

There being no further business to come before the Commission, a motion was made by Luther and seconded that the meeting be adjourned. So voted unanimously.

The meeting was adjourned at 8:42 PM

Respectfully submitted



Diane Wise
Minutes Secretary

Minutes approved at the TCC meeting on January 14, 2015

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.