

Topsfield Conservation Commission **Minutes**

Meeting held December 28th, 2011, Topsfield Town Library Meeting Room.

Present were: George Hall, Jennie Merrill, Cheryl Jolley, Jim Carroll, Jim MacDougall, Holger Luther – members, Lana Spillman, Administrator.

Absent: Mark Erickson

Attending the meeting: Andrea Norton – Mass DOT, Selectman Dick Gandt, and Andzej Galka, who appeared before the TCC at 8:45 p.m.

Chairman Hall opened the meeting at 7:15 p.m.

1. Hearing:

RDA 2011-06: Boston Street/Route 1, (Map 81), Mass DOT

Ms. Norton representing Mass DOT noted that Mass DOT is not required by law to notify abutters and is also exempted from paying filing fees. She proceeded to explain that Mass DOT wants to repair the embankment on the westerly side of Boston Street just south of the entrance to the former Nike site. This embankment is presently unstable and during a March 2010 rainstorm slumped, causing mud and debris to be washed into the road. A temporary fix was implemented by placing Jersey barriers in front of the embankment. The plan is to cut into the embankment between mile markers 66.8 and 66.6, to regrade the embankment to a slope of 2:1 and to create a swale at the top to redirect water downhill parallel to the road surface. She stated that sedimentation controls will be installed during construction. Hall asked about the resource areas and noted that no plan of such had been filed. Spillman noted an absence of detail in the RDA application, suggesting plans show pre and post topography and other details. MacDougall noted that the lot where grading would take place was formerly owned by John Peirce, who had a conservation restriction on the land; at least a portion of the work area could be within the restricted portion of the property. Ms. Norton said she would investigate this. Hall then downloaded said restriction dated 1985. Luther noted that the land is a part of a drumlin with slow draining soils and subsurface fragipan layers requiring extra care in the design of sedimentation and runoff controls, none of which were described in the application. Hall then recommended that Ms. Norton request a continuation of the hearing until Jan. 11th, 2012, as the TCC would most likely deny the request at this time. Ms. Norton requested to continue the hearing. Luther moved to continue the hearing, seconded by Merrill. All voted in favor.

2. Requests:

CoC 307-0661: 198 Central Street (Map 50, Lot 1) McCarthy – North Shore Heritage Association/Atlantic Engineering

Atlantic Engineering has requested an extension until Jan. 11th, 2012 to allow preparation of supporting documents.

Request granted.

3. Meeting Minutes:

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Luther moved to approve the minutes as amended; Jolley seconded the motion. Hall, Luther, Carroll, Jolley, and Merrill approved; MacDougall abstained.

4. Other:

(A) Enforcement Order 11-17-2011: 221 Washington Street (Map 47, Lot 2), Galka.

Mr. Galka appeared before the TCC as requested in the EO to discuss the disposition of a large amount of fill placed in the Fish Brook buffer zone to BVW/Bylaw riverfront area. Spillman passed around photos of the numerous piles of fill that appear to be covered with a layer of pine needles. Galka said that the fill was from an excavation for a foundation for an oil tank and would be needed for backfill. Spillman responded that the amount of fill far exceeds what would be needed for backfill and questioned Galka about his previous explanation to her about expanding the parking area for tenants. Galka explained to everyone that none of the trees seen in the photos have been compromised by the fill. Hall suggested that the TCC give Mr. Galka until the end of April to remove the fill not necessary for backfill to outside buffer zone, and to restore the area to its natural grade. Luther so moved, seconded by Merrill. All voted in favor. An amended EO will be issued with these conditions.

(B) Amended EO for Cross Street/Meredith Farm, (Map 62, Lot 2), Nash/Wetlands & Land Management (Bill Manuell).

Spillman reported that the attorney for the prospective buyer of the farm came to collect information from Town Hall, including on the EOs and remediation work on the site. She noted that the attorney had heard few details of the enforcement matters prior to his visit. She also reported that work was done on field 17 in the absence of Bill Manuell that resulted in a major siltation plume in the Ipswich River. Currently however, the water in the intermittent streams on the property is clear, and the plantings in the section just downstream of the corner upper field appear to be in good health.

No action was required on this item.

(C) Rail Trail and Field at 233 Boston Street (Map 49), Geller/Rail Trail Committee. Drainage discussion.

Neither Geller nor Baessler could attend the meeting. The discussion has been rescheduled for Jan. 11th, 2012.

No action was required at this time.

(D) DEP Consent Order and Bylaw EO 2008-01: 252 Rowley Bridge Road, (Map 80, Lot 13), Rowley Bridge Road Realty Trust.

DEP reports that all remediation plans have been successfully implemented in accordance with the consent agreement.

Luther moved to release the owner of record from the Bylaw EO on the property at 252 Rowley Bridge Road. Jolley seconded the motion; all voted in favor. A letter of release from the EO will be issued.

(E) Parking in Resource Areas of Topsfield Fairgrounds.

MacDougall recounted his experiences in trying to interest the DEP and the ACE (Army Corps of Engineers) in a creative restoration plan for Field #1 adjacent to the Ipswich River. He noted

that both agencies expressed no interest in such a plan. He then concluded that the present state of the field is actually one that promotes the greatest diversity of bird populations as it provides food and predator-free accommodation to a host of birds inclusive of egrets, herons, geese, ducks, etc. Therefore, he believes the best thing to do is nothing at all other than an occasional mowing of the field to keep it from brushing over. Hall noted that he believes that any permit to park cars there should be based on a decision by the TCC rather than that of the applicant with a TCC endorsement. Spillman noted that the field where the housing trailers are parked is BLSF, and therefore must also be subject to such a permit. It was noted that Greg Hochmuth is now at Hancock Associates, who has taken over the Fairgrounds NOI that will be continued on Jan. 11th, 2012.

No action on this item was required at this time.

(F) FY-2013 TCC Budget.

Spillman noted that she had distributed copies of the draft budget to TCC members and that this budget had been presented to the Board of Selectmen and approved by them. The problem with that budget however, is that there aren't sufficient monies in the Wetlands Fund to support it. Hall expressed dissatisfaction with the budgetary process and recommended to Selectman Gandt that the Town should improve the process. Luther volunteered to review the budget and make recommendations on options for a FY-2013 budget that has sufficient funds to support operations of the TCC.

No further action was taken.

5. Administrator's Report:

Videos for Cable Channel Show.

Spillman suggested that Masconomet students might be interested in participating in the preparation of films on conservation matters inclusive of invasive species, the permitting process, green pest control, etc. Jolley will investigate the Masconomet possibility.

6. Adjournment.

Luther moved to adjourn the meeting at 9:20; the motion was seconded and all voted in favor.

Respectfully submitted,



Volger Luther
Vice-Chair, Topsfield Conservation Commission

Accepted at the TCC meeting on January 11, 2012

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.