

Topsfield Conservation Commission

MINUTES of May 11, 2011

Topsfield Town Library Meeting Room

Present: Holger Luther, Acting Chair; Jim MacDougall; Jud Pratt; Mark Erickson; and Conservation Administrator, Lana Spillman.

Absent: George Hall; Jennie Merrill; Cheryl Jolley

Note: These minutes were prepared from the audio recording and Administrator's notes.

With a quorum present, the meeting was called to order at 7:23 p.m.

PUBLIC HEARINGS:

Continuation NoI 307-0673: 31 South Main Street, (Map 40, Lot 85), Guido/The Neve-Morin Group Greg Hochmuth of The Neve-Morin Group presented. Sara Guido also was present.

Hochmuth indicated a revised plan was submitted based on comments at the last hearing and comments made at the site visit. Additional trees are to be removed and an infiltration trench is to be installed around the driveway turn-around area. At the last meeting there were concerns about infiltration, so a detail was added. Also, seven dead trees, some sugar maples and a couple of pines, are proposed to be removed, one next to the wetland. The Guidos are open to letting it fall into the wetland. And there are other trees they would like removed.

Hochmuth discussed details of the proposed infiltration trench as shown on the cross section. It would be on the edge of pavement, with a four-inch layer of stone below filter fabric and more stone. It would require some maintenance.

Hochmuth reported that there is a very large culvert underground that captures Cleaveland Brook. The culvert is in sections that are not mortared and the sections separate during large storms.

The barrier proposed is the same as is used in septic systems and is of material like reinforced concrete pipe. In most years, there is an overflow that flows as the stream. There is a large section aboveground that will be repaired with a 40ml plastic material.

Erickson asked about the quality of soil around the pipe. Hochmuth explained that the septic system is old. They did test pits and found it is all good coarse sand and gravel and permeable soils.

Erickson moved to close the hearing. The motion was seconded and passed unanimously.

Erickson moved to issue an OoC with standard conditions and that the geotextile fabric needs to be maintained at least every two years as a continuing condition. The motion was seconded and passed unanimously.

Continuation NoI TCC 2011-01: 4 Wenham Road, (Map 64, Lot 10), Patkin/Hancock Associates John Dick of Hancock Associates presented.

Dick was asked to investigate: 1.) Whether there is a precedent for hand digging for test pits for soil testing and whether it would be acceptable to the health agent, and 2.) To evaluate the soils where the access path is proposed through the BVW to determine the likelihood that a small machine could traverse the wetland where proposed without causing significant alteration.

Kate Sillari and several other abutters were present.

Dick reviewed the site visit with Luther and MacDougall, addressing the second question first. He would not take down anything greater than a 4-inch tree but would be stirring up the surface. He would accept a condition that they provide 12 straw bales, to spread and mulch as they back the machinery out, in order to keep soils from leaving the site. He stated that there is not a lot of undergrowth there now and that there is no water ponding now. The plan is to go in in June or July.

Dick went on to say that testing would include a minimum of six 10-foot holes. It would take a good-sized crew a considerable time to dig, and the holes would have to be shored. Dick has an e-mail

from John Coulon saying that it's impractical and unsafe to hand dig for Title 5 inspections. Dick doesn't think hand digging is an option. He believes one would have to use a backhoe in order to dig several 10-foot holes. New proposed new path is about half the distance of the first proposal, and there is not a lot of wetland vegetation in that area. He did some probes in the lawn itself and got the handle down to the lawn two or three times. On the side, he got the probe in only just below the surface. Dick would accept, on behalf of his client, a condition to test soils only in June or July. Dick indicated he is thinking about using a backhoe mounted on tracks and believes a bobcat wouldn't work. He wants to remove only trees under 4 inches.

Dick is planning to come in along the Kane property at the breach of the stone wall, and he still will have to remove a few stones. There would need to be an application approved by the Planning Board. Anthony Sillari, 82 Salem Road, has two questions: If permission is granted how many holes will be dug, and, what will be done to protect the wetlands around the dig site?

Dick indicated a minimum of six holes would be dug more than 100 feet from the wetland. Luther asked about back fill and Dick indicated that to the extent possible, there will be mounds left. This is for deep holes for soils analysis. If acceptable deep holes were found that would be back for perc tests next spring.

Dick produced a letter from the Topsfield Health Agent saying that the deep holes could not be dug by hand. He added that if a vehicle gets stuck in the process it would be towed out the way it got in. He offered that, as a condition, at the pre-activity meeting they could make sure that the operator of the equipment was there as well as the engineer to discuss how it would be done.

Pratt moved to close the hearing on TCC 2011-01, 4 Wenham Road. The motion was seconded and passed unanimously. Commissioners will formulate Special Conditions needed, to be voted at the next meeting on May 25.

Continuation NoI 307-0674: 17 Towne Lane, (Map 33, Lot 63), Scarpaci.

Jared Scarpaci was present and submitted a sketch. The proposed project is removal of numerous very large root systems from cut trees, addition of soil, and grading to create lawn in Buffer Zone of BVW containing a sizeable Intermittent Stream. The numerous mature trees were cut previously. In addition to silt socks, entrenched siltation fencing is proposed. There will be conditions requiring use of mats or other methods to keep the seed and loam in place.

Erickson moved to close the hearing; the motion was seconded and passed unanimously.

Erickson moved to issue an OoC for 307-0674, 17 Towne Lane, with standard conditions plus silt fence and silt sock and mat or soil tackifier. The motion was seconded and passed unanimously.

RDA 2011-01: South Route 1/Boston Street, (Map 71), Mass DOT

Erickson read the legal ad. Andrea Norton of Mass. DOT presented.

The proposal is to remove pavement and resurface Route 1 from the Town line with Danvers for 0.4 mile, and to adjust and/or rebuild drainage structures along that length of road. It would end at mile marker 66.6 according to the scope of the project. Luther asked about the deceleration lane at 12 Boston Street. Norton said the project is edge of road to edge of road and that where the road meets the driveway will be taken care of. Luther noted that there is a steep embankment, maybe 20-30 feet down; there is riprap at the top and a stream at the bottom. There is also a spillway that diverts water from the pavement into the stream. In the past there have been serious washouts at this location. Luther questioned, with the silt, sand, salt, oil, diverting into that stream that feeds the Putnamville reservoir, whether that complies with the Clean Water Act. Norton offered to bring it to the attention of DOT maintenance. Luther is concerned that if towns are held accountable to MS4 permitting, so should the state. Erickson suggested putting a berm there instead of directly into the riprap. MacDougall suggested rebuilding the drainage structure. Norton added that this is not a drainage project and suggested that Spillman meet with the contractor to go over what would be needed.

Pratt moved to close the hearing; the motion was seconded and passed unanimously.

Erickson moved to issue a Negative Determination of Applicability for the proposed work in the Buffer Zone, with conditions, under the Act and the Bylaw. The motion was seconded and passed unanimously.

REQUESTS:

Continuation CoC 307-0669: 12 Boston Street/English Commons -- Boardwalk, (Map 81, Lot 1), English Commons, LLC/Beales Associates

The project was construction of a boardwalk to provide access to the Open Space parcel from Rowley Bridge Road.

Erickson moved to issue a CoC with continuing conditions under the Act and Bylaw. The motion was seconded and passed unanimously.

RDNI 2011-03: 100 Ipswich Road, (Map 26, Lot 9), Zimm

The proposal is to excavate about six inches of an existing unpaved driveway and to install a new paved driveway in Riverfront Area of Mile Brook and partly in the Buffer Zone of BVW across Ipswich Road. The new driveway would be 1600 square feet and is on a slope. Drainage from the new driveway should not go on to Ipswich Road. One pine tree would be removed. There is a patch of Japanese knotweed starting at the southwest corner of the lot.

Spillman spoke with Angela Zimm about the problems Japanese knotweed causes and the challenge of controlling it. Zimm will keep cutting it.

Erickson moved to issue a DNI for 110 Ipswich Road under the Bylaw. The motion was seconded and passed unanimously.

OTHER:

Commissioner reappointments (expiration 6/30/11)

Four are up for reappointment: George Hall, Holger Luther, Jud Pratt and Cheryl Jolley. Assuming the Selectmen agree, Luther, and presumably Hall and Jolley each are willing to serve another term. Pratt plans to give up his position.

Tree Committee reappointments

These are annual appointments made by TCC for July 1 through June 30. The three members are Dan Peabody, Grace Peabody and Andrew Keys. They would love to have more members. MacDougall asked about Dale Johnson. TCC will send a letter to Andrew Keys and say TCC would really appreciate continued participation and send a letter to Dale Johnson as well. A certified arborist would be a valuable addition to the committee.

ADMINISTRATOR'S REPORT:

Cross Street-Meredith Farm/Nash – Enforcement

This enforcement matter is in EPA's hands. Nash is represented by Bill Manuell of Wetlands and Land Management. EPA asked to have the final restoration plan in hand by no later than May 12, and stated that the final plan must address EPA and Topsfield Conservation Commission April 1 comments as well as comments from the site walk on April 7, 2011.

270 Boston Street, (Map 41, Lot 87), **E.O., Restoration Plan**, Albright

TCC has not yet received the monitoring report from Mike DeRosa. E-mail messages from Bear Albright are bewildering to TCC.

OoC 307-0663: Rail Trail Summer Street to Wenham Line, (Maps 49 & 58; Lots 44, 88 & 2, 52)

Town of Topsfield/Rail Trail Committee – update

Spillman made a site visit two weeks ago and has not heard yet that work has resumed. Selectman Gandt, who was present, had just talked with Joe Geller; work will resume a week-and-a-half from now.

Fairview Machine, 427 Boston Street, (Map 12, Lot 31)

Spillman responded to a report of "oil" on the pavement behind the building/in Buffer Zone of a large BVW. Machine lubrications are to be removed from the premises. Pratt remembers this issue from three years ago. Spillman will ask them to come to TCC and explain what it is. MacDougall added that this is rare species habitat.

19/19R, Pheasant Lane

TCC discussed who would write the petition to the State. Spillman will contact the Division of Conservation Services for sample wording and ask George Hall about writing the petition.

30 Wildes Road – New Meadows Golf Course, (Map 8, Lot 5)

Work is resuming on the irritation line installation, etc.

TCC-Sponsored Stream Crossing/Culvert Evaluation Training

TCC will sponsor a culvert workshop on June 23, 5 p.m. to 9 p.m., with a presenter from the Division of Ecological Restoration. It is limited to 40 people and will provide the standard methodology on how to measure a culvert and the flow. UMass will put collected data in their computer and prioritize culverts for replacement and improvement. DEP is still adamant that flow remains constant and hydrologically nothing changes. DEP bases its decisions not to change hydrology on a lot of court cases. Pratt is going to attend and can work with Bond. Others plan to attend as well.

Selectman Dick Gandt asked about an April 28 letter from Ken Stowe concerning **80 Hill Street**. Luther reported on his site visit, saying that water is rushing down Hill Street and he believes there might be a slight contribution due to the status at **72 Hill Street** (Amended Bylaw OoC 2006-01). He explained that there is a trench on the side of the road and just at the beginning of Mr. Stowe's driveway at 72 Hill, the trench ends, and then there is overland flow onto 80 Hill Street. Luther added that he saw no evidence of new siltation (from 72 Hill Street); he believes any siltation he saw was at least a year old. Erickson believes the weirs in the trench are working great. Spillman will forward Luther's April 16 report to Gandt.

MacDougall moved to adjourn at 9:28 p.m. The motion was seconded and passed unanimously.

Respectfully submitted,



Lisa Nihan-Demeule, Minutes Secretary

Accepted at the TCC meeting on February 9, 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 action 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 is not certification, express or implied, is made the Commission as to the completeness or accuracy of such statements.