

Topsfield Conservation Commission
Minutes of Wednesday, September 23, 2015
Topsfield Library Meeting Room

Present: *Holger Luther, Jen DiCarlo, James Carroll, Lana Spillman, Administrator; Dee Wise, Minutes Secretary*

Absent: *Cheryl Jolley and Dodds Shamroth*

Other Attendees: Dick Gandt; Scott Cameron; Greg Hochmuth, Williams and Sparages; Kim Sherwood; Jeanine Cunniff; Mike DeRosa, DeRosa Environmental; Tim Sullivan; Norm Langlois; James Love; Mark Costa; Jonathan Hart; John Morin, The Morin-Cameron Group; Nancy McCann, McCann & McCann; Jeff Garber; Carol Decker, MA Audubon; Philip Whelan

Acronyms:

TCC – Topsfield Conservation Commission NoI- Notice of Intent

ANRAD – Abbreviated Notice of Resource Area Delineation

CoC- Certificate of Compliance

EC – Emergency Certification

VN – Violation Notice

PB – Planning Board

BLSF – Bordering Land Subject to Flooding

With a quorum present, Holger Luther called the meeting to order at 7:10 PM

Violation Notice 2015-02: 42 Parsonage Lane, (Map 24, Lot 035), Langlois (Request to be heard early in the meeting). This was a discussion regarding yard waste, brush; wood chips in the BVW/BLSF, adjacent to the Intermittent Stream on the property. Mr. Langlois stated that this VN came about due to a TCCAP he applied for to expand his deck. Spillman made a site visit last week and noticed that the deck is within 100 feet of the Wetlands. Langlois not aware that his property contains Wetlands and that he had altered them. In a wooded area along that border of the wetlands he has been putting clippings and such. Spillman stated it was up to the TCC as to how they wanted to handle the situation. The property also has BLSF associated with the Intermittent Stream. Green clippings could be raked and removed; however the yard waste and clippings that have started to compost should be left alone. Luther stated that the recent material should be taken out and taken to the town facility (DPW yard). Spillman would make another site visit. There is an understanding that the newer clippings would be removed and the older stuff will be left there.

PUBLIC HEARINGS:

Continuation NoI 307-0723: 199 Ipswich Road, (Map 20, Lot 055), DeIulis/Williams & Sparages, LLC. Greg Hochmuth addressed the Commission. This is a continuation of a discussion from the prior meeting, (9/09/2015). A revised plan was submitted on 09/21/2015 that discusses the mitigation; three trees are going to be planted, 2 Dogwoods and a Silver Maple. Luther suggested a motion with some conditions attached: 1) Removal of debris from the BVW. 2) All of the mitigations be started before the other construction starts. Luther

added that since it was dry, it would be a perfect time to do this. Hochmuth responded that they would get it done. 3) Planting of the resource areas. 4) Creation of the flood storage area. Hochmuth requested that the applicant be able to remove the material all at once while the machine was on site. 5) Construction of the pool and patio and deck. Luther suggested that the Commission monitor it for 2 years and Spillman stated that it should be 3 years. DiCarlo agreed due to the fact that the TCC is allowing such a deviation on the setback from BVW. It will be monitored for 3 years.

A motion was made to grant a waiver of the 25-foot setback (of the Bylaw Regulations) to allow the pool to be 14 ft. from the wetland (Carroll/DiCarlo). So Voted Unanimously.

A motion was made to accept the revised plan dated September 16, 2015, "Plan to Accompany Notice of Intent in Topsfield, MA, 199 Ipswich Road – Lot 19", with the conditions that the pool water not be dumped into the wetland or Buffer Zone, that the project follow the appropriate sequence of construction, with the mitigation done first, and that there be a 3-year restoration oversight (DiCarlo/Carroll). So Voted Unanimously.

ANRAD 307-07???: 21 & 9 Towne Lane, (Map 33, Lot 061 & Map 41, Lot 073), LeClair/Gove Environmental Services, Inc. There was a written request to continue until the October 14, 2015 meeting. Spillman stated that her intent is to show some of the pictures that were presented to her from Jeanine Cunniff. Luther asked if the Commission found somebody who would provide a seconded opinion and Spillman stated that she talked to somebody who might do it for the Commission; the Applicant would need to agree to fund the peer review. Spillman stated that there would also be a discussion regarding the photographs and that it would be a good idea to show the owner of the property the photos before the proceedings. She believes the photos are convincing. Spillman asked that the Commission review the pictures that were taken by Jeanine Cunniff in December 2014.

A motion was made to continue the hearing until October 14, 2015 (DiCarlo/Carroll). So Voted Unanimously.

Continuation NoI 307-0724: 57 Perkins Row, (Map 58, Lot 025), New Meadows Development/The Morin-Cameron Group, Inc. Scott Cameron addressed the Commission, along with Mike DeRosa from DeRosa Environmental. Cameron stated that in the last meeting there was a discussion regarding alternatives. Since then, they continued to review the alternatives and have received from Beals and Thomas a technical review. Luther stated that he has concerns regarding Lot #1 and Lot #5. With respect to Lot #1, his concern is that that are proposing something called a Pocket Wetland that would create a Buffer Zone. Luther stated that the Beals and Thomas report, Item #16, also flagged this area. His seconded concern is Lot #5; he did not see an onsite septic system indicated. Cameron read from the DEP Stormwater Handbook to the Commission regarding the pocket wetland, explaining that a pocket wetland is not a replication area, but rather a BMP. Luther stated that one of his concerns with the pocket wetland is that it would facilitate the hydraulic connection, to the pond and that worries him. He is concerned about eutrophication. Cameron responded that

DEP has regulations within the Handbook that regulate the setback and the design is in full compliance with Title 5. Luther is concerned with it being 20 feet higher than the level of the pool. Cameron stated that it was designed more than 50 ft. removed from the pool. It was pointed out that lots are not under discussion at this point. Luther stated that he felt it was going to be a problem for the pool. Cunniff, of the Planning Board, stated that the PB cannot consider waivers and if they are cleared through the TCC it makes it more difficult for the PB. The PB was copied on all submissions and cannot consider waivers until it knows what the plan is without waivers. DiCarlo asked what it looks like without waivers. Cameron showed a plan without waivers. Luther asked how he would deal with the pool issues. A discussion continued regarding the road, wetland, pool and Buffer Zone. Cameron stated that the regulations were being mixed up between the PB and the TCC. Cunniff stated that she has not received the review from Beals and Thomas regarding the environmental issues. Luther stated that the Planning Board requires certain widths of the roads and turn-around areas. It was noted by Cameron that the DPW has signed off on the width of the road. A discussion took place regarding the narrowing of the road, sidewalk and the reasoning behind the decision. Luther stated that no decisions were going to be made at this meeting, however he suggested that the TCC go to the PB meeting, which would be held on October 13, 2015. It would not be a joint meeting because it is not reason enough. A discussion took place as to having a joint meeting regarding 57 Perkins Row. Cameron showed photos of other projects that were completed in the same manner as he is proposing for 57 Perkins Row. Attorney Nancy McCann stated that she thought this would be a very good project for a joint meeting.

A motion was made to continue the hearing until October 14, 2015 (DiCarlo/Carroll). So Voted Unanimously.

NoI 307-07???: 32 Summer Street, (Map 41, Lot 050), Neil Property Development LLC/The Morin-Cameron Group Inc. DiCarlo read the legal notice. This proposed project is for replacement/repair of the existing deck, brick paver walkway and new entryway, addition of a second story to the existing house and re-pavement of the driveway. John Morin, representing Neil Property Development, LLC, addressed the Commission. There is an existing dwelling on the property with a failing septic system. All activities are proposed in the Buffer Zone of the BVW and Riverfront Area of School Brook. It was noted that there was no file number as of yet. Morin showed a plan of the property, Sanitary Disposal System Repair Plan; Neil Property Development, LLC; Drawing # S-3376 Sheet # 1 of 2. Received September 9, 2015. Soil testing was done as far away from the wetland and Stream as possible. There are relatively high water tables 40-57 inches from the surface. They are proposing a Presby system, which is alternative technology. A reduction in the distance from the water table was requested. There are two leach fields proposed in the back, farther from the resources areas and elevated above the water table. The septic system has been proposed with an alternative technology. Morin disused the allowances with the septic system and added that there were other improvements being proposed along with the septic system. The footprint of the house

will be exactly as it is now. The rooms are going to change in the downstairs area; that means that the deck and front entry are going to be altered. The deck off the backside of the structure, would be relocated without getting any closer to the Resource Areas. The entryway with the concrete entry, would be moved 5 ft., which would mean it would be farther from the Resource Areas. They are also removing two existing walkways and are proposing to replace both those walkways with one walkway, a paver walkway, and to repave the existing driveway. Luther asked if the foundation would hold the addition onto the house and Morin assured him it would. Morin mentioned that the proposed deck is about 40 sq. ft. larger than the existing deck. To mitigate, they decided to remove both walkways and replace with one; by doing this they have decreased the area by 174 sq. ft. The sedimentation control is set along the existing lawn. Morin stated that the next discussion is the mitigation, which is being improved. No alteration of wetlands is proposed. Waivers would allow them to repair a failed septic system. Spillman stated that she had several comments; none of the Resource Areas have been reviewed or approved. Since this property has been developed for a long time and the footprint looks as if it is not being increased, she suggested that the Commission grant a waiver from the Bylaw requirement for a separate ANRAD to review boundaries exceeding 100 linear feet, Referencing Bylaw Regulation R:10-3.a.5.

A motion was made waive the Bylaw Regulations requirement for a separate ANRAD for this project. Carroll/DiCarlo. So Voted Unanimously.

Spillman stated that that area floods frequently; the previous owner called the TCC several times saying that there was water on his property. One of the problems is that this is an area where a previous town employee had many pipes placed in streams and this is what happens over time is that they clog. Morin confirmed that it is a 3-foot culvert in the stream; it's hard to find it due to it meandering in and out of the ground. A discussion took place regarding the flooding of the property. Luther stated that it might be worth a site visit. Spillman will contact DeRosa to arrange to visit the site.

A motion was made to continue the hearing until October 14, 2015 (DiCarlo/Carroll). So Voted Unanimously.

NoI 307-07???: 53 Bare Hill Road (Topsfield Linear Common/Rail Trail), (Map 17,Lot 026), Mass Electric Co/VHB. This is a Notice of Intent for repair of two washouts and a Resource Area restoration within the Buffer Zone and Isolated Land Subject to flooding/potential Vernal Pool and adjacent utility right of way. Tim Sullivan of VHB and National Grid addressed the TCC. DiCarlo read the legal notice. Luther stated that he was out earlier in the day to look at the repair and stated that it was very nice but would not hold up in the first major storm. Sullivan responded that this was a washout that occurred last December. The washout occurred along the Massachusetts Company's Transmission line corridor that runs along the former Boston and Maine Railroad. He explained the path of the stormwater, which eventually washed out into the isolated wetland, an Isolated wetland which meets the

Bylaw criteria for being jurisdictional. It may function as a Vernal Pool. The proposal is to restore and make repairs to the old railroad drainage system and clean out the culvert, make sure that is functioning properly, and make additional repairs of the temporary repairs already in place. Luther asked if it made any sense to haul out all the stone and questioned the possibility that it may make more damage than is already there. Silt fencing is proposed and an excavator would be onsite to help in the restoration. A small backhoe that has a longer reach will be used. Luther asked if they then would have to dig out the ditch on the westerly side. Mark Costa addressed the Commission to clarify the situation. The Culvert is completely blocked with natural leaves, etc. They are going to enlarge the channel and slow down the water. They are going to reuse the existing culvert there. They considered about 25 acres to get the flow rates. A discussion took place regarding the flow rate and the damage that can be done. Spillman stated that she looked at the analysis of source and found the results similar to some observations she made back in January, showing on a sketch she had prepared then where the sources of the water seem to be. The flow starts in Boxford and is shown as an Intermittent Stream on Oliver (GIS) maps; the stream was interrupted at some point. Spillman stated that there was no file number yet.

A motion was made to continue the hearing until a file number is assigned, to October 14, 2015 (DiCarlo/Carroll). So Voted Unanimously.

REQUESTS:

CoC 307-0710 10 Boardman Lane, (Map 18, Lot 064), Massaro/The Morin-Cameron Group, Inc. Spillman made a site visit and everything was in compliance.

A motion was made to issue the CoC (Carroll/DiCarlo). So Voted Unanimously.

OTHER:

Emergency Certification 2015-02: 230 Boston Street, (Map 49, Lot 045), Gideon – ratification. A large tree was removed after a branch fell on a pickup truck. Spillman stated that this is the site where about three years ago three trees were removed from Buffer Zone/Riverfront Area without prior authorization. There will be a follow-up RDA filing. Three tree removals are after-the-fact.

Carroll moved to ratify the Emergency Certification. The motion was seconded and passed unanimously.

Fairgrounds Field #1 site visit, Hochmuth stated that Saturday or Sunday works for him but not between 1:30 - 4:30. A discussion took place as to the time that they would meet for a site visit. It was agreed to meet on September 26, 2015 at 10:30 a.m. at field one, 207 Boston Street (Topsfield Fairgrounds) for a site visit with Greg Huchmuth.

MEETING MINUTES:

- August 19, 2015
- September 9, 2015

No minutes were approved.

ADMINISTRATOR'S REPORT:

Winter Moth Project: Update. Jack Donaher at the Essex County Co-Op is willing to have a workshop. Hannah prepared a nice brochure and Spillman would like to have some made to put in the library and around Town. Luther agreed that the TCC should pay for them.

Vernal Pool Certified – TCC received notice from the Natural Heritage and Endangered Species Program that the Vernal Pool at **60 Willowdale Road** (Harmer) has been certified.

Fairgrounds –Hydro-seeding. Spillman drove by and they were hydro-seeding with a huge water truck and they were spraying in the air. We are in a drought. Luther stated that these low-lying areas are normally wet and now are totally dry and bare. The Fairgrounds decided to hydro-seed, but it does not make sense to do this at this time, in a drought.

Site visit scheduling - 67 Perkins Row ??


Winter Moth Project - Hannah Smith –Intern –update. Spillman Hannah visited the Co-Op and they are willing to provide a 10% discount for the Tangle foot and they are willing to have an educational program.

ADJOURNMENT:

Carroll moved to adjourn the meeting; DiCarlo Seconded. So Voted Unanimously

The meeting was adjourned at 9:07p.m.

Respectfully submitted,


Diane Wise
Recording Secretary

Approved at the TCC meeting on December 16, 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.