

Topsfield Conservation Commission
Minutes of Wednesday, October 28, 2015
Topsfield Library Meeting Room

Present: Cheryl Jolley, Chairperson; Dodds Shamroth, Vice Chairperson; Holger Luther; Jim Carroll; Jen DiCarlo; Lana Spillman, Administrator; Dee Wise, Minutes Secretary

Absent: None

Other Attendees: Dick Gandt, Kim Sherwood, Mike Cerbone, Jay Kolias, Eric Walgreen, Theresa Lodewick, Jim McDowell, Gail Biermann

TCC – Topsfield Conservation Commission

ANRAD – Abbreviated Notice of Resource Area Delineation

CoC- Certificate of Compliance

NoI- Notice of Intent

With a quorum present, Cheryl Jolley called the meeting to order at 7:01PM

HEARINGS:

Continuation ANRAD 307-0726: 21 & 9 Towne Lane, (Map 33, Lot 061 & Map 41, Lot 073), LeClair/Gove Environmental Services, Inc. The representative had submitted a written request to continue to the Nov. 4, 2015 meeting.

A motion was made and seconded to continue the hearing until November 4, 2015 (Luther/Carroll). So voted unanimously

Continuation NoI 307-0724: 57 Perkins Row, (Map 58, Lot 025), New Meadows Development/The Morin-Cameron Group, Inc.

A motion was made and seconded to continue the hearing until November 4, 2015 (Luther/Carroll). So voted unanimously

Continuation NoI 307-0729: 67 Perkins Row, (Map 59, Lot 007), Iovanella/Hayes Engineering, Inc. Jim MacDowell, representing the applicant, presented to the TCC. TCC made a site visit the previous week and observed lots of debris in the probable Vernal Pool. MacDowell stated that at the previous hearing date, a discussion took place regarding the demolition of the dwelling. A culvert was discussed at that time, which goes under the existing driveway; this does not have to be replaced. A section of the driveway that has a dip will be cut out; the area will be cleaned and filled with gravel. The proposed dwelling footprint will be significantly smaller than what is there now, and there will be some reduction in the paved area as well. A new septic system will be installed in front of the dwelling instead of in back where the failed system is. There was discussion about cleaning up brush at the launch ramp/access location to the Ipswich River. The debris will be removed by hand this fall. The three pieces of concrete in the probable Vernal Pool may not be taken out until the spring, when a machine can get in there. The house will be taken down before winter.

A motion was made to close the hearing and seconded (Luther/Carroll). So voted unanimously

A motion was made and seconded to grant the proposal and issue an Order of Conditions in accordance with the plan entitled, "Sanitary Disposal System Plan 67 Perkins Row", revision 2, dated 9/30/15, prepared by Hayes Engineering (Luther/Carroll). So voted unanimously

Continuation NoI 307-0731: 52 Prospect Street, (Map 48, Lot 005), Geller/C.G. Johnson Engineering, Inc. Spillman received a message from Johnson stating he had another obligation and would not be able to attend the meeting. The Commission was waiting for a file number, which was issued.

A motion was made and seconded to close the hearing and to issue an Order of Conditions to proceed with the project as described in the plan entitled "Permit Site Plan, Proposed On-Site Wastewater Treatment & Dispersal System Upgrade for Residence Located at 52 Prospect Street, in Topsfield, MA, Prepared for Joseph & Maureen Geller, dated 9/30/15, prepared by C. G. Johnson Engineering, Inc" (Luther/Carroll). So voted unanimously

RDA 2015-05: 5 East Common Street, (Map 33, Lot 036), Congregational Church/Mulholland This request was to inquire about developing a garden plot in the Buffer Zone. Luther read the legal notice. The proof of abutter notices was received. A written request from Liz Mulholland had been received by the TCC. Jolley read the letter from Ms. Mulholland requesting that the hearing be closed with the understanding that the decision likely would be a Positive Determination. Eric Walgreen, 7 Howlett Street, addressed the TCC regarding the proposed garden with his concerns – the northwest corner is adjacent to the Vernal Pool and within the Buffer Zone. He added that the area gets extremely wet there in the springtime. Walgreen added he has two major concerns: 1) Loss of open space and 2) If food is growing downtown, it will attract a lot of wildlife. He suggested that more animals downtown is not a good thing. Spillman commented that the Topsfield Right to Farm Bylaw applies to the entire Town, encourages agriculture, and there already are farm animals in and near the downtown area. Luther responded that concerns about animals should be directed to the Board of Health. DiCarlo suggested that Walgreen approach the Church with his concerns since the Commission is closing the hearing. Spillman commented that the Church is thinking about many ideas and this is only one thing they may consider.

A motion was made and seconded to close the hearing (Luther/Carroll). So voted unanimously

A motion was made and seconded to issue a Positive Determination of Applicability for the proposal under the Act and the Bylaw. So voted unanimously

RDA 2015-06: 43 Alderbrook Drive, (Map 62, Lot 014), Giacchino. Luther read the legal notice. Proof of abutter notification was given to the Commission. The application is for removal of a porch, construction of an addition with stairs and, after-the-fact for hockey rink, all in Buffer Zone of BVW containing an Intermittent Stream. Mike Cerbone represented and addressed the Commission. Spillman had made a site visit to review the area where the replacement structure will be; a slightly larger structure is proposed. Luther asked if it was on sonotubes now and Cerbone stated that it was, but they would like to put a slab with a frost wall there and then build up. He proposes to come two feet to the side of where it is, and four feet below. Cerbone explained where removed soil would be stored, and that it will not go into the wetland. The hockey rink is existing and large; it is 25 feet from the stream. It is a winter

hockey rink. Sand was added then a plastic tarp put over it. Jolley asked where the water goes when the rink is emptied. Cerbone was not sure. Luther suggested that the hearing be continued until the Commission received additional information regarding the size of the rink and where the water goes. The Commission requested more detailed information regarding the hockey rink. **A motion was made and seconded to continue the hearing until November 4, 2015 (Luther/Carroll). So voted unanimously**

REQUESTS:

CoC 307-0169: 14 Aaron Drive, (Map 12, Lot 006), Honey. Spillman made a site visit and found a huge amount of brush and grass clippings and other lawn debris along with sizable metal debris in the Buffer Zone/Riverfront Area, in some areas, in the BVW. Since the last sale, the new owners knew nothing about the Order of Conditions for this property. The house is now being sold again; the problems persist, so the owners hired people to go out and remove the debris. A large amount of brush and debris were removed to restore the Resource Areas. Spillman recommended the issuing of the CoC with the usual continuing conditions. **A motion was made and seconded to issue the CoC (Luther/Carroll). So Voted Unanimously**

OTHER:

131 Haverhill Road/Town Forest Land, (Map 05, Lot 015), Erosion near Hoods Pond, – discussion with Topsfield Beach Association (TBA). Jolley stated that this would be a general discussion. Dave Bond did a temporary fix. Therese Lodewick, Topsfield Beach Association, explained that the association wishes to replace sand on the beach. She has been in discussions with Spillman, who explained that the beach erosion has been going on for a very long time. The sand could be raked up from the water, but in order for new sand to be brought in a NoI would have to be filed. The sand size would have to be the same and from the same area to avoid disruption of the natural habitat. Spillman explained that in the winter the wind blows the sand across the ice and once the water melts the sand ends up in the bottom of the pond. The first thing would be a NoI for additional sand. Spillman stated that she has been doing an investigation with the help of an engineer, and the major part of the erosion problem is stormwater flowing across the site, starting from Route 97/Haverhill Road. Therefore, the solution should start at Haverhill Road and would have to be done with the Highway Department's help. Luther stated that there is a need to find a way to slow down the water. Spillman stated that maybe a series of water bars would be a start. A discussion regarding the solution to the erosion at the site took place among the Commission members. Spillman will continue her discussions with Dave Bond and stated that stabilization is in place for the winter. Lodewick asked if they should wait to file a NoI. DCR rules and regulations should be followed.

107 Wenham Road, (Map 71, Lot 036) – discussion with Jay Kolias. Since there is no application before the TCC, this was a general discussion only. Jolley stated that TCC would not be talking about specific plans; Mr., Kolias was there for a general discussion. About two years ago, Kolias came before the TCC to request that he fill in about 10% of the Riverfront Area on his yard to level it out for his three boys to play on. The TCC issued a CoC for that project.

Now as Kolias looks at his property, he is still not satisfied that there is enough land for his boys since he feels it is close to the street and balls etc. could go into the street. Kolias stated that he talked with Pam Merrill at DEP-NERO regarding this issue and she stated that, given the information he provided, he could, with a new NoI, propose to go back and alter an additional 10% of Riverfront Area. Spillman also spoke with Merrill and received a similar answer. There is not language that includes the word “cumulative” in the Wetlands Protection Act and Regulations. In comparison, Spillman pointed out, and Jolley read the following from the Bylaw: “The purpose of this bylaw is to protect the wetlands, floodplains, water resources and adjoining land areas in the Town of Topsfield by prior review and control of activities deemed by the Conservation Commission (“the Commission”) likely to have a significant or **cumulative effect** (*bold added*) on the wetland values...” Kolias stated that he thinks that the proposed additional fill would have negligible effects. Spillman responded that it would be an alteration of resource areas. The Bylaw is stricter than the Act. In response to a question, Kolias explained that the proposal would double what he did the last time. Kolias stated that he was just trying to get the Commission’s thoughts on his possible request. A site visit was discussed but Spillman commented that an application should be filed first. DiCarlo suggested seeking an opinion from Town Counsel. Spillman will contact MACC for an opinion and get back to Kolias and the TCC.

67 Perkins Row - Gail Biermann addressed the Commission regarding 67 Perkins Row. She does not own any part of the driveway so she had to get permission to have an easement to access her property. Concerning 67 Perkins Row, she had first refusal on it for several decades. The price that the property sold for was never offered to her. They wanted to reunite the property and she is concerned that changes to the property at 67 affect her property. She was given a plan that was two dimensional and very hard to interpret. She needs more visual information. She was allowed a site review but then Frank Iovanella denied her due to insurance not covering her to go. Biermann feels that it is a wonderful privilege to live in Topsfield and is extremely upset at what is taking place at 67 Perkins Row. Her property has been changing over the years and she feels that the wildlife will be disrupted. She stated that the entire wetland is also sinking and when the snow melts the water comes up very high; it’s like having waterfront property. She sees it as an indication of where the town is going. Biermann stated that there have been several incidents around town where developers did not stick to their proposed plans, i.e. Masconomet Nursing Home, where trees were supposed to hide the structure and do not. Luther assured Biermann that the footprint is going to be smaller than it is now.

Kim Sherwood addressed the TCC. She was concerned about the agenda changes and when they change and where the new agenda will be online. TCC explained that it is a courtesy that the updated agenda is put on the website. The TCC office also could be called the morning of the meeting to determine if there are changes.

362 Boston Street, Conservation Property, (Map 26, Lot 001) – management, discussion. Luther has been trying to talk with Steve Shepard in regards to mowing. Spillman replied that she had spoken to him and he is going to fit it into his schedule. Jolley expressed some concerns

about invasive species. Walter Harmer, as part of his senior tax work-off, is cutting and removing the Japanese Knotweed. Spillman will follow up on it.

MEETING MINUTES:

- August 19, 2015
- September 9, 2015
- September 23, 2015

Minutes were not ready for approval at this time.

ADMINISTRATOR'S REPORT:

Winter Moth Outreach – update. A workshop was held at the Essex County Co-Op. There is a video that will be put up on YouTube and the local cable channel. Spillman mentioned a complication – the manufacturer of Tanglefoot went bankrupt and now part of the Ortho business has acquired the business. So, Tanglefoot is scarce, but some product remains on hardware shelves. Tanglefoot is a very sticky substance that can be put on bands around the tree and the “wingless” female moths gets stuck and cannot go up further and lay their eggs. Fly paper may work, DiCarlo stated.

Conservation Department Survey – discussion. There will be a short questionnaire on the website and in the office to be filled out, e.g. before people leave the office, to evaluate and improve service.

ADJOURNMENT:

Luther moved to adjourn the meeting; Carroll Seconded. So voted unanimously
The meeting was adjourned 9:05 at p.m.

Respectfully submitted,


Diane Wise, Recording Secretary

Minutes approved at the TCC meeting on January 27, 2016

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.