

Topsfield Conservation Commission

Minutes of Wednesday, June 22, 2016

Topsfield Library Meeting Room

Present: Chery Jolley, Chair; Dodds Shamroth, Vice Chair; Jim Carroll, Jen DiCarlo, Holger Luther, Lana Spillman, Administrator, and Theresa Coffey, Recording Secretary

Other Attendees: Walter Harmer, Brian H Gallagher, III, John Morin, Dick Gandt, Kim Daly

The meeting was called to order with a quorum present at 7:05 pm. Cheryl Jolley, Chair, announced that the meeting was being audio recorded.

HEARINGS:

Continuation ANRAD 307-0726: 21 & 9 Towne Lane, (Map 33, Lot 061 & Map 41, Lot 073), LeClair/Gove Environmental Services, Inc.

A written request was received to continue the public hearing to July 13, 2016.

Luther moved to continue the hearing under the Act and the Bylaw, until July 13, 2016. Carroll seconded. The vote was unanimous in favor.

REQUESTS:

RDNI 2016-17: 121 Hill Street, (Map 68, Lot 004), Longmuir/The Morin-Cameron Group
John Morin, Morin-Cameron Group, represented the Longmuirs. The subject OoC was for the installation of an in-ground pool and patio. The Longmuirs need a Certificate of Compliance and Morin finds that there are discrepancies between the approved plan and the as-built plan. The patio is 230 square feet larger than on the approved plan, and the infiltration trench is 12 inches wide versus 8 inches wide. Spillman visited the site and noted that the plantings are mature and offer value to the area.

Luther moved to issue a DNI, after the fact, for the change in the construction of the patio. Carroll seconded. The vote was unanimous.

CoC 307-0623: 121 Hill Street, (Map 68, Lot 004), Longmuir/The Morin-Cameron Group
Luther moved to issue the COC, considering the DNI, with the usual continuing conditions, under the Act and the Bylaw. Carroll seconded. The vote was unanimous in favor.

OTHER:

Tree Planning Committee

Terms are 1 year appointments by the TCC. Spillman has not heard from Reggie Lockwood. Christian Clemson does want to continue and Paul Harder does not want to be reappointed.

Luther nominated Christian Clemson for the Tree Planning Committee. Carroll seconded. The vote was unanimous in favor.

DiCarlo suggested posting a notice on the Town Facebook page to spread the word about the openings on the Tree Planning Committee.

Brian Gallagher, Summer Intern

Brian Gallagher, Masco senior, discussed his project of certifying and mapping vernal pools in Topsfield with a plan to post the information on the Town website. Shamroth stressed the importance of making sure that pools located on private property are clearly noted as such so there will be no trespassing. Luther asked how long it takes the MA Natural Heritage and Endangered Species Program to certify a pool. Spillman indicated that it depends on how many staff are available but it can take between two weeks to two months.

362 Boston Street, (Map 26, Lot 001) - Conservation Land

Walter Harmer discussed his progress cleaning up and removing invasive knotweed and garlic mustard from this land that was donated to the Town. He noted that the area by Route 1 is unstable so he is being cautious there to make sure it doesn't collapse. Spillman said she visited the area and noted daisies, wild strawberry, foxgloves, bittersweet and some Japanese knotweed. Luther said that Mike DeRosa may want to harvest the knotweed to donate to the zoological society (Franklin Park Zoo) for giraffes. After the knotweed is harvested, they would use an organic herbicide on the roots.

Members discussed possible uses for the land including a community garden or a butterfly garden.

Town Beach Parking Area, 131 Haverhill Road, (Map 05, Lot 015), sedimentation and erosion prevention plan – update

Luther reported that he has been working with Jim MacDougall and Dave Bond on this plan. He came to the conclusion that if they have to do anything it will not be a simple project. He is preparing a presentation, which is still a work in progress with many open questions to fill in. Bond would like to put in a French drain at the front entrance. Luther described the water flow that this drain would address. Any work done in the parking area needs to be reasonably extensive and is not only subject to 310 CMR 10 (Wetlands Protection Act) but also under the purview of the DCR (310 CMR 9 Mass. Waterways Regs).

Luther offered to share his presentation with the understanding that it is not a finished product.

The parking area is unpaved and over the years has been hard packed with very little infiltration so water flows down onto the beach (and beyond) near the stairs where the kiosk is. MacDougall suggested that they take the westerly end of the parking area and top dress with soil and grow grass. Luther pointed out if you grow grass, you wouldn't have parking area. Pea stone is not stable; paving with pervious pavement is very expensive. A drywell in

the place where the water ponds is possible but the question is, how big should it be? He further described this option.

In order to prepare a NOI, plans with calculations on real perc rates are needed and a plan to building the drywell to do it cost effectively. Finally, who will champion this project? Spillman replied that since it is a Town property (Town Forest property) this is under the Board of Selectmen. Luther didn't feel anything could be done until after Labor Day. What is there now (siltation socks and rip rap) seems to work fairly well but is a temporary fix.

Jolley addressed Kim Daley, president of the Topsfield Beach Association, and asked her if there has been any outreach to the beach community. Daley said that they did receive communication that a trench was being dug on the first day the beach opened but nothing happened as the DPW had another issue come up that took priority. Daley said that the Beach Association agrees that something needs to be done but also would like to wait until the end of summer to complete these projects.

The members discussed several options to get all parties involved on the same page. Spillman will contact Bond to let him know there is some confusion and will start a group e-mail for communication (Selectmen, Beach Association, Highway Department, TCC, etc.).

When his plan is completed, Luther will present it to the TCC and to the BOS.

General Permit for the Highway and Water Departments

Luther will meet with Joe Gibbons, Board of Road Commissioners, to discuss this. He hopes to have something by the next meeting. Luther requested that Spillman send him the boilerplate NOI.

Wetlands General Bylaw Regulations

DiCarlo will circulate the revisions with a goal to vote on the changes in August.

MEETING MINUTES:

Luther moved to approve the meeting minutes of May 25, 2016 and June 8, 2016, as amended. Carroll seconded. The vote was unanimous in favor.

ADMINISTRATOR'S REPORT:

- **Open Meeting Law Session** - Spillman informed members of an Open Meeting Law update session on June 13 presented by Kopelman and Page.
- **Hickory Beech Subdivision** (120 High Street) – Spillman reported that, as required, the TCC office has received the Annual Drainage Monitoring Report.
- **Commissioner Reappointments** – DiCarlo received notice from Susan Sordello that she was reappointed. Luther has not received a notice but thought his term had not yet expired. Spillman reminded him that his last appointment was for two instead of three years. Appointments are typically for three years.
- **Town Hall Expansion** – Spillman and Jolley met with the architects last week. Current plan is for the Conservation Office to be on the top floor in the new wing with the

Building Department. Files were to be stored in the basement at the other end of the building. Spillman is working to have the department files moved to the same office space.

- **Conservation Department quarterly presentations to BoS** – The BoS is instituting a new policy and asking Town departments to give presentations to the BOS. Conservation is being asked to make a quarterly presentation and the first one is in July. Jolley will attend with Spillman.
- **TCC Meeting Schedule** – only one meeting in the months of July and August.
- **Upcoming NoI's**
 - Spillman will meet with the Joe Geller/Rail Trail Committee to get the bridge wing wall repair NOI done. They are also working on a proposed parking area adjacent to Rt. 97 near the Ipswich River Bridge.

Luther distributed a legal opinion letter from John Goldrosen, Esq. of Kopelman and Paige, addressing whether or not this proposed parking area can be done in accordance with relevant laws and regulations. Luther looked up terms, such as “water dependent uses” and he found a parking lot may or may not be a part of a water dependent use. It is a discretionary situation with the DCR whether to include it. He urged Geller to get a letter from the DCR specifically stating that the proposed parking lot is indeed a part and parcel of the water dependent use. Jolley asked why they are talking about water dependent use for a rail trail, which is a bike path. Luther said the parking area is for the launching area – the cars congregating at Rt. 97 are of boat people, not Rail Trail people. Luther added that it is for the safety of the area and he feels it is appropriate.

Dick Gandt asked if there would be one NOI for both the bridge repair and the parking area. Spillman replied no, they are separate; one is actually in the Ipswich River and the other in the Riverfront Area.

- Water Department – removal of entire beaver dam just upstream of Stone Bridge, Mile Brook
Spillman will meet with Greg Krom. Krom has drafted a NOI to remove the entire beaver dam north of the stone bridge on Perkins Row. The application would go to both Fisheries and Wildlife and TCC/DEP. Spillman said the removal must be done carefully and slowly. She described a situation in which property was damaged as a result of a beaver dam removal.
- 470 Boston Street - Spillman received a request for soil testing signoff at 470 Boston Street and was reminded that the owner previously told the TCC that as soon as he got authorization at Town Meeting for the new elderly housing district, he would file the ANRAD. Luther pointed out it is in the middle of summer and one can't determine wetlands but Spillman replied that the Regulations under the Bylaw don't prohibit testing in the summer. The owner showed Spillman three rectangles where he wants to test. Two of the rectangles are far enough away from the wetlands, but they would have to go through the Buffer Zone to access these areas, so would need a signoff

under the Soil Testing Policy. The site closest to the entrance may be in the Buffer Zone. Unless those flags are reviewed, Spillman isn't willing to sign off on the soil testing.

Members discussed whether summer testing should be addressed in the Bylaw Regulations revisions. Spillman said a well-qualified wetland scientist who is knowledgeable about soils can do the testing. At a minimum she would like to review the flags already in place. The question is would the TCC require an ORAD before the testing? Luther stated it makes more sense to come in with a request for an ANRAD before the testing than trying to do it backwards instead of finding out they are in the Buffer Zone. Spillman will talk to the owner about this.

- Last week, Liz Mulholland brought Katie Tyler, an intern for The Congregational Church doing research about future possibilities for the Emerson Field to the Conservation Office to meet Spillman.

Spillman showed her some town maps and gave her contact information for NRCS, agricultural resources online, resource areas for the site, etc. She showed her the soils map and book so she can study the soil to see if it is good for agriculture. Her project is to not only consider agriculture but other possibilities as well. Spillman feels she convinced them that given ground water elevations, and other features of the site, it is not a good spot for house development.

Jolley asked if this is a revisit of the project where they wanted to put a community garden there and Spillman said it is an expansion beyond that. Luther pointed out it is very marshy at the east end. Spillman said she thinks the intent long term is to have a change of use but they haven't specifically said that. The church is looking at all the options.

- Spillman handed out the trail flyer Masco Intern Dante Che created and used at the intern fair. The flyers were well received especially as it included parking information.
- Jolley asked about the activity at the Fairgrounds property at 97 Boston Street (south on Route 1). Luther said the TCC had already approved this work, a circumferential dirt road around the field for auxiliary parking. Spillman will follow up with them as they should have had a pre-activity meeting.

Documents used for or submitted at the meeting:

1. June 22, 2016 Meeting Agenda
2. TCC Draft Minutes – May 25, 2016
3. TCC Draft Minutes – June 8, 2016
4. TCC Continuation Form – ANRAD 307-0726, 21 & 9 Towne Lane
5. RDNI Application & Plan 2016-17, 121 Hill Street

6. Request for CoC & Plan, 307-0623, 121 Hill Street
7. June 2, 2016, Legal Opinion, John J. Goldrosen, Esq., Kopelman and Paige, P.C.


Next Meeting: July 13, 2016

ADJOURNMENT:

Luther moved to adjourn. Carroll seconded. The vote was unanimous in favor.

The meeting was adjourned at 8:49 p.m.

Respectfully submitted,


Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on July 13, 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.