

Topsfield Conservation Commission

Minutes of Wednesday, October 26, 2016

Proctor School Library

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

Other Attendees: Michael DiChiara, Dick Gandt, Bob Jutras, Marissa Jutras, Chris and Sonia Delulis

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

HEARINGS:

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

Jolley stated that a request was received to continue this hearing to November 9, 2016. Spillman added that they received an invoice from Mike DeRosa of DeRosa Environmental and expect a report to arrive soon. Spillman stated that she has evidence that was not available at the time the peer reviewer was chosen and will wait to present the evidence when all parties involved are in attendance.

Luther moved to continue the hearing for ANRAD 307-0726 to November 9, 2016. Carroll seconded. The vote was unanimous in favor.

RDA 2016-08: 18 Woodside Road, (Map 18, Lot 002), Jutras/Ben Osgood, P.E.

Luther read the legal notice and Jutras submitted the tear sheet of the public notice, evidence of abutter notices and proof of service to the DEP. He stated that he has also spoken with neighbors and hand delivered a personal letter with a request for their consent to the RDA.

Jutras explained that when they bought the house they knew they were going to take down three pine trees because they were leaning over the house. The sellers and realtors did not tell them about the wetlands so they were not aware of the Buffer Zone until they received the Enforcement Order (now Violation Notice).

Jutras distributed and reviewed the site plan indicating the trees that had been taken down in the Buffer Zone before the Violation Notice, the trees that were removed under the Emergency Certification ratified at the October 19 meeting, and the additional trees that they are proposing to remove.

Jutras explained his plan to use a crane and small excavator to remove the trees and stumps, and the challenges of coordinating the timing of this work and the installation of an underground propane gas line, as well as the removal of trees close to the leaching field. He stated he originally planned to complete this work in the spring. However, his surveyor/engineer, Bob Osgood, suggested they proceed now since the site is dry and, he believes, will cause less damage to the resource areas.

Jutras discussed his plan for a post and rail fence and a wire fence, a portion of which may be on neighboring property. The TCC communicated to Jutras that they can permit only the fence that is on his own property, not neighboring property.

Jutras pointed to the current shed, located in the bottom corner of the leach field, within the 100 ft. Buffer Zone. He would like to move the shed from that area to another location in the Buffer Zone. They had already poured a slab for the new location, before they received the Violation Notice. They plan to plant vegetation around the shed. They would like the opportunity to come back to the TCC with their planting plan. Spillman stated that as long as native plants are being used, they do not need to come back to the TCC for a permit to plant in the Buffer Zone.

Jutras pointed to the walkway noting they chose crushed stone for that area because it is located in the buffer zone.

After description and discussion of work to be done, Luther lead a review of items for consideration:

- A total of 10 root systems removed: 7 existing stumps and 3 trees (24" ash, 6" spruce, 30" pine). All other stumps in the Buffer Zone will be ground. Total of 12 trees removed (2 stumps to remain).
- Permitting of fencing on the property and as depicted on the plan.
- The need to stabilize disturbed soils.

Luther moved to close the hearing. Carroll seconded. The vote was unanimous in favor.

Luther moved to issue a Negative Determination of Applicability based on the conditions shown in the Plan titled "Site Plan for 18 Woodside Road, Topsfield MA", dated October 19, 2016 which calls for the removal of roots of 3 trees and 7 stumps within the Buffer Zone Resource Area. In addition the construction of the rail fence may proceed as long as any fencing is within the property lot lines and as depicted on the plan. All disturbed soils should be stabilized for the winter as agreed by the TCC. And two further trees to be removed but stumps may be ground. The existing shed may be moved to the new location as shown on the plan and the site is to be cleaned up. The site shall be monitored periodically until such time as everything is stabilized.

Carroll seconded. The vote was unanimous in favor.

OTHER:

RDNI 2016-26: 199 Ipswich Road, (Map 20, Lot 055), DeLulis – proposed chicken coop

The DeLulis presented their plan to build a chicken coop in the Buffer Zone behind the house, sized 5' x 4' with a 10' run. Luther noted this is the property where they did the Wetland and Buffer Zone mitigation and Spillman reported that about 70% of the plants planted are viable, adding that some plants may have to be replaced.

Spillman stated the proposed coop is 30 to 40 feet from the Bordering Vegetated Wetland boundary. She communicated to the TCC the Board of Health regulation related to manure and noted that there are also Wetland Bylaw Regulations related to manure.

Luther moved to issue a Determination of Negligible Impact with the condition that manure from the chicken coop is handled in accordance with the requirements of the Board of Health and the Conservation Commission. Carroll seconded. The vote was unanimous in favor.

15 Lockwood Lane, (Map 39, Lot 032), DiChiara

Before discussion began, DiCarlo disclosed that she lives on Lockwood Lane but does not know Mr. DiChiara.

DiChiara's neighbors have asked that he remove a tree that the beavers have felled from his property into an unnamed Perennial Stream that they call the "pond". He came to the TCC seeking an opinion (letter) from the Conservation Commission to share with the neighbors, especially since estimates he

has received for removal of the tree from the stream have been high. TCC discussed the benefits of the tree remaining in the pond, determining it provides important habitat value to the area. The TCC recommends DiChiara leave the tree as it is.

Luther moved to recommend the tree that has fallen into the pond be left in place. Carroll seconded. The vote was unanimous in favor.

Spillman will draft the letter and deliver it to DiChiara.

Enforcement Order 2016-03: 25 Johns Lane, (Map 76, Lot 004), Festa/Vista Realty Trust
Curt Young communicated with Spillman that he has nothing to present at this meeting. Spillman reported that Mr. Festa proposes to meet with Greenbelt with Essex County Greenbelt Association (a portion of the property is under a Restriction held by Greenbelt) about long-term plans for the property. There is a possibility that much of the new "driveway" would be removed.

Spillman suggested that Young attend the November 9 meeting with a plan to stabilize the site for the winter.

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

Luther stated that he has visited the site and found the solution space is huge. The pedestrian sidewalk on Haverhill Street has been repaved about 400 feet to the gate, new asphalt on a ballast of crushed asphalt. He further described the work completed and plans to visit the site after the two inches of rain that is expected. Jolley asked Spillman to make sure that Dave Bond knows the TCC appreciates his efforts. Luther discussed the chevrons and silt socks that were removed by the Beach Association. The TCC agrees they should be put back in place for the winter. Luther or Spillman will ask Bond to put them back.

04/06/07 and 07/11/08 E.O.s, as Amended 07/21/08, & EPA A.O. 10-019, 29-41 Cross Street, Meredith Farm – Monitoring Report #5 from Bill Manuell, Wetlands and Land Management
Spillman distributed Bill Manuell's report at the last meeting and suggests waiting for the release letter from EPA before issuing a TCC Enforcement Order release letter.

Wetlands General Bylaw Regulations –

DiCarlo will set a meeting date with Spillman to review the Bylaw for amendments.

MEETING MINUTES:

Luther moved to approve the minutes of the TCC meeting, as amended, held **September 28, 2016** and the minutes of the **Executive Session**, as amended, held **October 19, 2016**. Carroll seconded. The vote was unanimous in favor.

ADMINISTRATOR'S REPORT:

- Spillman informed the TCC that Shelagh McElroy has accepted the part-time temporary clerical position. She will mainly be getting files consolidated especially in order for the Town Hall temporary move. She will work up to 8 hours a week until the end of December. The total amount in the Bylaw revolving fund is approximately \$20,000 with a spending cap of \$10,000 for the fiscal year. There is also \$10,000+ in the Wetlands Fees fund, which is the Town's portion of the State fee. These funds can be used for anything related to administration of the Wetlands Protection Act.

- Spillman discussed the planning for the new Conservation Office space, storage needs and her concern to have immediate (or at least within 24 hours) access to property files to respond to numerous public inquiries, review applications, etc.
- Shamroth suggested that with winter coming, a notice be published in the newspaper and posted on the TCC webpage stating that ice rink structures should be reviewed by the TCC if they are proposed to be built on property near wetlands.

Next Meeting: November 9, 2016 at Topsfield Library Meeting Room.

ADJOURNMENT:

Luther moved to adjourn the meeting. Carroll seconded. The vote was unanimous in favor. The meeting was adjourned at 9:08 p.m.

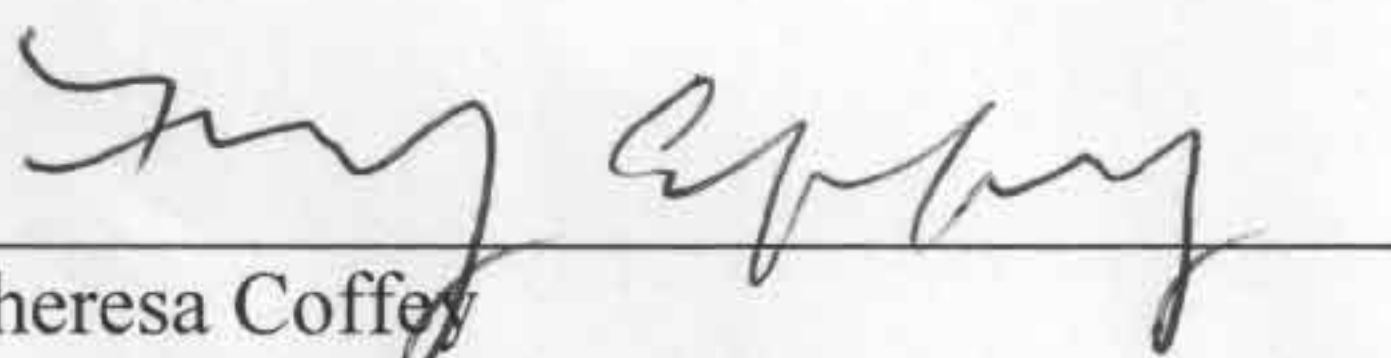
Documents used for or at the meeting:

TCC Agenda October 26, 2016

Site Plan for "18 Woodside Road, Topsfield MA", dated October 19, 2016

Plan for Proposed Chicken Coop, 199 Ipswich Road, dated October 20, 2016

Respectfully submitted,


Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on November 30, 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.