

Topsfield Conservation Commission

Minutes of Wednesday, September 14, 2016

Topsfield Library Meeting Room

Present: Chery Jolley, Chair, Jim Carroll, Jen DiCarlo (arrived at 7:25 pm), Holger Luther, Dodds Shamroth, Lana Spillman, Administrator, and Theresa Coffey, Recording Secretary
Other Attendees: Daniel Johnson, John Heliotis, Kelly Ashton, Jeanine Cunniff, Alex Tatum, John Sarkis, Rosalee DiScipio

The meeting was called to order with a quorum present at 7:15 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.

Spillman received a written request to continue this hearing to the next meeting on September 28, 2016.

Luther moved to continue the hearing to September 28, 2016 at the request of the applicant. Carroll seconded. The vote was unanimous in favor.

Alex Tatum asked for the status of the independent reviewer for this application as it has been continued for two to three months. Spillman explained that the reviewer, Mike DeRosa, a wetland scientist, was approved and in place but the applicant's attorney asked to withdraw the reviewer and then asked for him back. Spillman spoke with DeRosa last week, and DeRosa stated that he told the applicant it is very hard to delineate an Intermittent Stream during a severe drought. DeRosa plans to make a site visit and will report his findings to Spillman.

Tatum asked at what point does the Commission drop the continuations and if there is a required period of time for advance notice of a request for continuance. Spillman and Luther both replied that the hearings cannot be dropped, the continuances are at the applicant's request. Also, there are no notice requirements for continuances.

Luther explained that DeRosa would eventually submit a report to the TCC and Spillman added that there is a TCC policy that allows for at least 7 days for review, so new materials are to be submitted one week prior to the continuation date of the hearing.

The Commissioners suggested Tatum call the TCC office to see if the report has been received before he attends the meeting. Tatum also expressed regret that the TCC has no control over when they are notified of a continuance request as it is inconvenient for everyone involved.

Continuation NoI 307- 0741: 32 Gail Street, (Map 40, Lot 026), Giovannacci/C.G. Johnson Engineering – septic system upgrade in Buffer Zone/Riverfront Area of Cleaveland Brook
Spillman noted that the presentation was made at last meeting but continued because they did not have the DEP file number. The file number has now been received and Spillman recommended to close the hearing.

Luther moved to close the hearing for NOI 307-0741, 32 Gail Street. Carroll seconded and the motion was approved unanimously.

Luther moved to issue an Order of Conditions for the septic system upgrade as described and presented at the meeting August 17, 2016. Carroll seconded and the motion was approved unanimously.

Jen DiCarlo arrived at 7:25 pm.

Continuation ANRAD 307-0740: 470 Boston Street, (Map 7, Lot 003), Sarkis Development Company/Seekamp Environmental Consulting – review of Resource Area delineation
Spillman recommended confirmation of wetlands flag as shown on the plan on record.

Luther moved to close the hearing for ANRAD 307-0740, 470 Boston Street. Carroll seconded and the motion was approved unanimously.

Luther moved to issue the ORAD as modified by the Administrator. Carroll seconded and the motion was approved unanimously.

NoI 307-0742: 131 Ipswich Road, (Map 26, Lot 058), DiScipio/DSD, Inc. – septic system repair in Riverfront Area of Mile Brook

Proof of abutter notices was submitted and Luther read the legal notice. DiCarlo disclosed that her daughter played at the DiScipio home on this day but she, herself, did not appear at the home and did not feel compromised participating in the hearing.

Daniel Johnson, Domestic Septic Design, presented on behalf of the applicant. Johnson described the site and the plan for the septic system repair. He felt the water table is good to support a septic system. Spillman received a written request to include removal of a severely leaning tree at the edge of lawn in the rear yard (about 10 feet from MAHW/BVW). She made a site visit and feels it would be reasonable to include this tree. Jolley asked what would be done with the excess soil from the leaching area. Johnson replied that it depends on the contractor as they all have their own way of handling it. It could possibly be mixed in with other fill for use at a different site.

Spillman noted that the owner would be removing old Christmas trees in a brush pile, to which the owner replied that had already been taken care of.

Luther moved to close the hearing for NoI 307-0742: 131 Ipswich Road. Carroll seconded and the motion was approved unanimously.

Luther moved to endorse the plan to upgrade the septic system per the plan titled Subsurface Sewage Disposal System 131 Topsfield Road, Topsfield MA (Map 26 Log 58) dated 7/13/16, revision 8/10/16 by Daniel B. Johnson, and to issue an Order of Conditions. In addition, the removal of the tree would be authorized.

Carroll seconded and the motion was approved unanimously.

NoI 307-07__ : 63 Howlett Street, (Map 33, Lot 021), Young/Scanlan Engineering, LLC – septic system upgrade in Buffer Zone

Luther moved to delay the hearing on the NOI application for a septic system upgrade at 63 Howlett Street due to no file number and no receipt of proof of abutter notices. Carroll seconded and the motion was approved unanimously.

REQUESTS:

RDNI 2016-24: 13 Perkins Circle, (Map 27, Lot 017), Heliotis/ND Landscaping—tree removal
John Heliotis addressed the TCC and stated there is a mix of trees in the back of the house that are diseased and leaning close to the house. He would like to remove the trees as a preventative measure. Spillman did a site visit on 9/7/16 and stated they are all in the Riverfront Area and Buffer Zone but diseased and sickly. In the Bylaw Regulations, an RDNI does not limit the number of trees that can be taken down but there does have to be some kind of threat. She feels these trees meet those criteria. Stump removal options were discussed and Heliotis stated they would remove the trees, leave the stumps and address stump removal at a later time.

Luther moved to make a Determination of Negligible Impact for the removal of nine trees, including the large red oak in the front yard, and allowing the red oak stump to be ground into lawn, with the usual conditions. Carroll seconded and the vote was unanimous in favor.

Continuation CoC 307-0708: 222 Boston Street, (Map 49, Lot 041), Lawton/The Morin-Cameron Group, Inc.

Spillman reported that the applicant asked for a Certificate of Compliance approximately six months ago but she wasn't satisfied with the amount of vegetation established. She had recommended to the Topsfield Water Department they be allowed to water. She made a site visit last week and the area of concern was well vegetated. She noted chunks of asphalt which they have since removed as evidenced by a photo.

Luther moved to issue a Certificate of Compliance for 307-0708 222 Boston Street, in view of substantial compliance with the Order of Conditions. Carroll seconded and the vote was unanimous in favor.

CoC 307-0637: 132 Main Street, (Map 25, Lot 004), Mercer/Scanlan Engineering, LLC

Spillman reported that this Certificate of Compliance request was the result of TCC efforts to get past OoCs closed out. A response was received from a new owner. Spillman made a site visit on 9/12/16 and found that the property is in compliance.

Luther moved to issue a Certificate of Compliance for 307-0637 132 Main Street. Carroll seconded and the vote was unanimous in favor.

CoC 307-0400: 15 River Road, (Map 56, Lot 004), Johnson/Hancock Associates

Spillman reported that she made a site visit on 9/8/16 and found the property in compliance. They have put in two Conservation posts, and Spillman recommends allowing them to reduce the number of posts in the OoC from 4 to 2.

Luther moved to issue a Certificate of Compliance for 307-0400 15 River Road. Carroll seconded and the vote was unanimous in favor.

Spillman noted the attached plan will reflect the difference in number of posts, and it will also be noted in the CoC.

RDNI 2016-23: 53 Main Street, (Map 41, Lot 028), Qirjazi – amendment to DOA 2016-06

Spillman explained this amendment is being made because the location for the tank had to be moved into the Buffer Zone 3 feet (previously in Riverfront Area and outside of Buffer Zone). This is due to a concrete band around a previously installed nearby septic tank. She has requested a copy of the as-built plan for the TCC record when it is submitted to the Board of Health.

Luther moved to make a Determination of Negligible Impact for this amendment. Carroll seconded and the vote was unanimous in favor.

OTHER:

Enforcement Order 2016-03: 25 Johns Lane, (Map 76, Lot 004), Festa, Trustee/Vantage Point Realty Trust

Spillman reviewed the sketch plan showing a rough estimate of wetlands resource areas on the site. Wetlands Preservation, Inc., under agreement with Festa, will survey to come up with a proper plan.

Curt Young, Wetlands Preservation, Inc., asked Spillman by phone if it was necessary to review some sections of wetland not affecting the work. Festa has talked about putting in a road to Route 1. Spillman suggested he do that separately. Jolley pointed to a vernal pool area and according to the sketch plan, it will be delineated.

Town Beach Parking Area, 131 Haverhill Road

Luther stated he would not ask the TCC to endorse his discussion paper, as it may be a conflict of interest if it comes back as part of a NOI application. The TCC reviewed options and who is the responsible party to undertake and oversee this project. It was discussed that the BOS has responsibility but has not addressed it because of the cost. Luther suggested issuing a violation notice to the BOS. Luther will talk to Dave Bond about the plan and report back to the TCC September 28, 2016.

Shamroth felt that the period September 28 – November 10 would be the best time to do site work, before the winter sets in. At the least, do the top and put the silt socks back, then finish in the spring before it opens up for the season.

Topsfield Fair monitoring

The schedule for TCC site visits with Greg Hochmuth was discussed (September 23, September 30, and during the Fair September 30 – October 10). Jolley and Luther will attend the site visits.

Wetlands General Bylaw Regulations

DiCarlo and Spillman will schedule time for further review of amendments.

MEETING MINUTES:

- **July 13, 2016** – Luther moved to accept July 13, 2016 meeting minutes as amended. Carroll seconded and the vote was unanimous in favor.
- **August 17, 2016** – will be reviewed at the September 28, 2016 meeting.

ADMINISTRATOR'S REPORT:

- **Administrative Assistant** – Spillman has interviewed four candidates and plans to conduct a second interview for one candidate.

- **Rail Trail/National Grid Restoration Project** - Pre-Activity meeting was held. The project will start week of September 19, 2016. Spillman asked them to send some pictures as work proceeds.
- **MACC Fall Conference**
 - Saturday, October 29 – Holyoke, MA
 - Topic is Managing MA Forests: Conservation, Stewardship, Regulation
- **Water Restriction Policies** – Jolley and Spillman are considering sending a letter to State Representatives regarding water restrictions that vary from town to town. They would like to see a uniform State policy put in place. DiCarlo felt it was a lack of education and suggested an outreach to the town Conservation Commissions to work together as signers of this letter.

ADJOURNMENT:

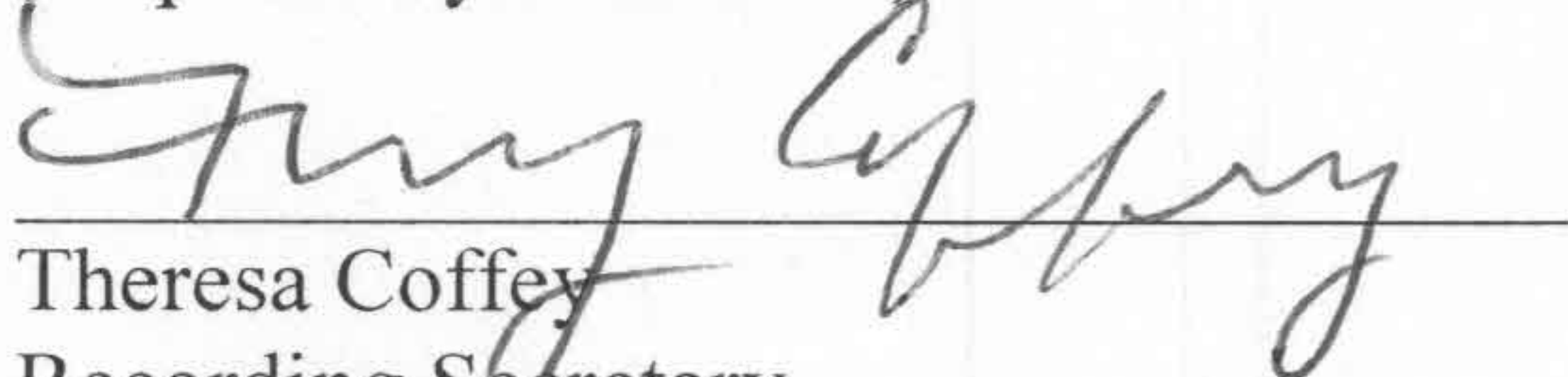
Luther moved to adjourn. Carroll seconded. The vote was unanimous in favor. The meeting was adjourned at 9:05 pm.

Next Meeting: September 28, 2016

Documents used for or submitted at the meeting:

1. September 14, 2016 Meeting Agenda
2. TCC Draft Minutes – July 13, 2016
3. NoI 307-0741: 32 Gail Street and Site Plan, C.G. Johnson Engineering, Inc. August 3, 2016
4. ANRAD 307-0740: 470 Boston Street and Site Plan, Allen & Major Associates, Inc. August 2, 2016
5. NoI 307-0742: 131 Ipswich Road and Site Plan, Domestic Septic Design, Inc. July 13, 2016 and revised August 10, 2016
6. CoC Request 307-0708: 222 Boston Street
7. CoC Request 307-0637: 132 Main Street
8. CoC Request 307-0400: 15 River Road
9. RDNI 2016-23: 53 Main Street
10. RDNI 2016-23: 13 Perkins Circle

Respectfully submitted,


Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on November 9, 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.