

***Topsfield Conservation Commission***  
***Minutes of Wednesday, September 28, 2016***  
Topsfield Library Meeting Room

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

**Absent:** Lana Spillman, Administrator

**Other Attendees:** Donna Marie Ryan, Lan Hitchman, John Morin, Dick Gandt, Jim Scanlan, Curt Young

The meeting was called to order with a quorum present at 7:07 p.m. 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.

Jolley reported that Mr. LeClair requested a continuance.

Luther moved to continue the hearing to October 19, 2016. Carroll seconded. The vote was unanimous in favor.

**NoI 307-0743: 63 Howlett Street,** (Map 33, Lot 021), Young/Scanlan Engineering – septic system upgrade in Buffer Zone

Luther read the legal notice and abutter notices were submitted by Jim Scanlan of Scanlan Engineering, representing applicant Jonathan Young. The NoI is for a septic system upgrade for a 4-bedroom dwelling. Young reviewed the plan noting Resource Areas. The existing system was found in failure and they are proposing an entirely new system. Scanlan described the new system and stated that the majority of work is outside Buffer Zone, except for a portion of the building sewer pipe and some grading. The plan has been submitted to DEP and no comment has been received from DEP. The plan is currently under review with the Board of Health. Young stated that during a site visit, Spillman noted the chicken coop location was too close to the Intermittent Stream. Young stated the applicant was aware of Spillman's concerns about the current location of the coop. Scanlan stated that Spillman reviewed and verified the flags.

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

Luther moved to permit the project as shown on the plan titled "Subsurface Sewage Disposal System Upgrade, 63 Howlett Street, Topsfield MA 01938", dated August 25, 2016, and issue an Order of Conditions subject to the usual conditions, in addition to the movement of the chicken coop from its present location in the Intermittent Stream area. Carroll seconded. The vote was unanimous in favor.



**ANRAD (Bylaw Only) TCC 2016-01: 371 Boston Street & 130 Ipswich Road, (Maps 26, Lots, 014, 017), Morin-Cameron Group/Sabino**

Luther read the legal notice and John Morin submitted proof of abutter notices, representing the applicant, Sabino. Morin presented the plan, described the 371 Boston Street property and dwellings and pointed to the Isolated Wetland. They are filing under the Bylaw only because it previously was found to be Isolated Wetland.

Morin then described the 130 Ipswich Road property and dwellings and stated they delineated the location of the Isolated Wetland on these two properties. The wetlands were delineated by Greg Hochmuth of Williams and Sparages, who has walked the site with Spillman. An ANRAD was filed on this property in 2009 and the ORAD expired in November 2015. Morin stated that in September 2015, Hochmuth spoke with Spillman about an extension to the ORAD but she felt the time lapse was too long to extend the ORAD. At that point, it was too late to file for wetlands review under the Bylaw. Morin stated that Spillman has reviewed the line several times and has reviewed it prior to the drought. He believes that Spillman does agree it is an Isolated Wetland.

Morin discussed Mile Brook across the street and the associated Riverfront Area. He is not asking for review of the Riverfront Area and they do not anticipate doing any work in that area.

Luther stated that he spoke with Hochmuth and he reiterated all of Morin's points. Jolley asked for clarification as to why they want to delineate this now. Morin said they may do plans over the winter and they want to have it approved so they can move forward with a filing.

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

Luther moved to issue the ORAD with Resource Area boundaries as provided on the plan titled "Plan of Land in Topsfield, Mass. Showing Wetland Resource Areas 371 Boston Street and 130 Ipswich Road", dated September 7, 2016, pursuant to Chapter 62 of the Town Bylaws. Carroll seconded. The vote was unanimous in favor.

**RDA 2016-07: 5 Parsonage Lane, (Map 32, Lot 101), Ryan/Whyman Construction – Resource Area review and septic system repair**

Luther read the legal notice and proof of abutter notices was submitted. Jolley disclosed she is a long-time friend of the applicants and stated it will not compromise her decision making.

Donna Ryan presented the plan. Luther noted only a small area where the new septic system would infringe on the Resource Areas. As the applicant is anxious to start the project; Luther explained the 10 business day appeal period.

Luther moved to close the hearing for 5 Parsonage Lane. Carroll seconded and the vote was unanimous in favor.

Luther moved to issue a Negative Determination under the Act and the Bylaw. Carroll seconded and the vote was unanimous in favor.



**OTHER:**

**Enforcement Order 2016-03: 25 Johns Lane,** (Map 76, Lot 004), Festa/Vista Realty Trust – update, discussion, etc.

Curt Young of Wetlands Preservation, Inc. presented, representing Mr. Festa, and submitted full size site plans. He reported that they had surveyors onsite the previous week. Young reviewed the series of plans and described features of the property. He will continue his weekly status updates to Spillman and will return to a TCC meeting in one month. He stated he feels the site is containable and under control at this point.

**REQUESTS:**

**RDNI 2016-25: 131 Ipswich Road,** (Map 26, Lot 058), DiScipio – fence in Buffer Zone/Riverfront Area

The Applicant for the proposed fencing at the edge of lawn in Buffer Zone/Riverfront Area was not present. TCC discussed the condition to leave a 6” gap at the bottom of the fence so that small animals could migrate through the area. Jolley expressed her disappointment of not having the applicant in attendance to provide a description and answer questions about the proposed fence. TCC discussed the importance of the applicant’s attendance or, at least, having pictures of the area for reference.

Luther moved to make a Determination of Negligible Impact. Carroll seconded and the vote was approved unanimously.

**Emergency Certification 2016-05: North Street Well Field,** (Map 35, Lot 004), Topsfield Water Department – repairs – Ratification

The Emergency Certification was issued September 21<sup>st</sup> for work to begin the 22<sup>nd</sup> to repair leaks at the North Street Well Field.

Luther moved to ratify the Emergency Certification 2016-05. Carroll seconded and the vote was unanimous in favor.

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

Luther reported that he sent his discussion paper to the BOS and Dave Bond, under his own name. He received a letter from Bond that under the current budget, the BOS can install a French drain at the entrance. However, they do not have a budget to build a dry well. Luther then had a discussion with Selectman Martha Morrison. She said she would ask Kellie Hebert to research and raise some money for the NOI filing required before they can even start on anything.

**Wetlands General Bylaw Regulations** – further review for amendments

Jolley discussed the firm hired by the Town of Topsfield to go through bylaws to organize for consistent formatting and reference.

**MEETING MINUTES:**



**August 17, 2016** – approval of the August 17, 2016 minutes was delayed until the October 19, 2016 meeting.

**ADMINISTRATOR'S REPORT:**

**Administrative Assistant** – Jolley informed the Commissioners that an offer was made and accepted. The new Administrative Assistant will start on October 20.

**Dodds Shamroth** – Shamroth informed TCC that she has completed the MACC Fundamentals Training Program.

**Next Meeting: October 19, 2016**

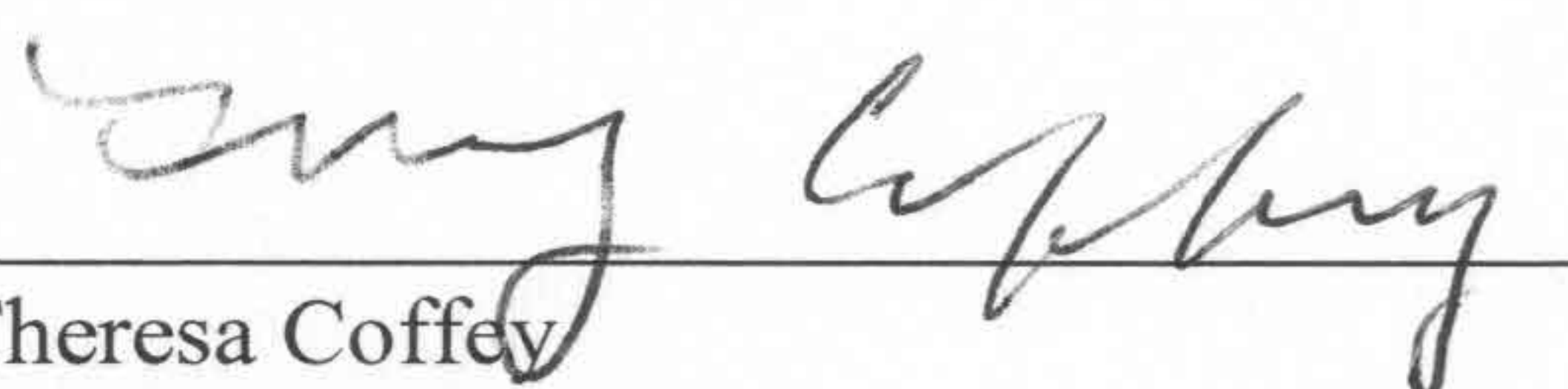
**ADJOURNMENT:**

Luther moved to adjourn. Carroll seconded. The vote was unanimous in favor. The meeting was adjourned at 8:38 p.m.

**Documents used for or submitted at the meeting:**

1. September 28, 2016 Meeting Agenda
2. NoI 307-0743: 63 Howlett Street and Site Plan by Scanlan Engineering, dated August 25, 2016
3. ANRAD 2016-01: 371 Boston Street & 130 Ipswich Road and Site Plan by The Morin-Cameron Group, Inc., dated September 7, 2016
4. RDA 2016-07: 5 Parsonage Lane and Site Plan
5. Enforcement Order 2016-03: 25 Johns Lane, "Topographic Plan in Topsfield, Mass." by Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880, 4 sheets, dated September 27, 2016.
6. RDNI 2016-25: 131 Ipswich Road
7. Emergency Certification 2016-05: North Street Well Field

Respectfully submitted,

  
Theresa Coffey  
Recording Secretary

*Minutes approved at the TCC meeting on October 26, 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.*