

Topsfield Conservation Commission

Minutes of Wednesday, December 14, 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

Absent: None

Other Attendees:

Name	Project
David Larson	470 Boston Street
Nicolette Larson	470 Boston Street
John Sarkis	470 Boston Street
Ryan Bianchetto	470 Boston Street
Alex Tatum	21 Towne Lane
Richard Thompson	9 and 21 Towne Lane
Roberta Thompson	9 and 21 Towne Lane
Jeanine Cunniff	9 and 21 Towne Lane, 16 Towne
Luke Hurley	9 and 21 Towne Lane
Jim MacDowell	New Meadows
Will Schkuta	28 Prospect Street
Daniel Butler	28 Prospect Street
Dick Gandt	

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 NoI 307-0745: 470 Boston Street, (Map 03, Lot 003), Sarkis Development Co./Allen & Major Associates, Inc.

Ryan Bianchetto, Allen & Major Associates, Inc., presented additional information that was requested by the TCC and members of the audience at the November 30, 2016 meeting.

Bianchetto requested a waiver to the 7-day prior submission policy so he could review and discuss the information at this Hearing.

Luther moved to grant a waiver from the 7-day prior submission policy. Carroll seconded. The vote was unanimous in favor.

Bianchetto reviewed the following items:

1. Peer Review Letter - A copy of the Peer Review letter that was completed for the Planning Board Special Permit application has been provided to the TCC. Bianchetto will copy the TCC on the applicant's response that is submitted to the Planning Board.

2. Secondary access road – In response to Luther's query on the material and depth of the gravel road, Bianchetto stated that this detail is on the plan and described it in detail. He noted that this road is for emergency access only.
3. Dog leash policies and pick up of dog waste – In response to this concern from David and Nicolette Larson, Bianchetto stated that there will be a condo requirement for dog leashes and dog waste pick up.
4. Signage for dog issues – Signage will be posted at four locations: either end of the walking trail, the center courtyard and the mailbox area.
5. Demolition of existing vacant house – The demolition contractor will comply with all laws and regulations, and vehicles used for demolition will use the main access road.
6. Material for surface of walking trail – After discussion, members agreed that an extra surface layer is not necessary, natural ground would be best.
7. Operation and maintenance of trail – The condominium board will maintain the trail, being responsible for safe passage, maintenance of the surface, removal of debris, etc.
8. Road de-icing – Bianchetto stated they need to research this further.
9. Details of existing pavement – the current pavement will stay in place but will likely be resurfaced due to wear and tear. The metal guardrail will be replaced with a wooden rail for aesthetic purposes.

Sarkis stated that the main access road will remain private, and will not be conveyed to the Town of Topsfield.

David Larson, abutter to 470 Boston Street, thanked Bianchetto for his quick response on the dog issues and discussed his concern about road salt and snow plowing and the potential impact on the ponds in that area, on and adjacent to his property. Larson presented Google Earth photos of the site and surrounding area. Larson relayed to the TCC his impression of the water surface flow and the results of his own water flow rate analysis performed approximately 20 years ago.

Larson stressed that from his and his wife's perspective, the water is important to the value and enjoyment of their home. The Larsons have engaged Horsley Witten Group to look at the whole site and project and come up with positive suggestions to reduce any negative impact.

Luther suggested "low salt area" signs. Nicolette Larson replied that she has spoken with Ipswich and Topsfield about reducing the salt, but due to liability issues, they can reduce only so much.

Bianchetto expressed his concern about another engineering firm (Horsley Witten Group) being involved in the process. Discussion ensued about the current state and health of the ponds.

Sarkis requested a continuance of the Hearing to January 25, 2017.

Luther moved to continue the Hearing to January 25, 2017. Carroll seconded. The vote was unanimous in favor.

Continuation NoI 307-0748: 13 Perkins Circle, (Map 27, Lot 017), Heliotis/Williams and Sparages

Spillman noted that the Hearing was continued from November 30, 2016 due to lack of DEP file number. The file number has since been received with no comment from DEP.

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

Luther moved to issue an Order of Conditions with the usual conditions attached, subject to items shown in the plan titled "Plan to Accompany NoI in Topsfield MA" prepared by William and Sparages, dated 11/15/16 and revised 11/30/16.

Carroll seconded. The vote was unanimous in favor.

Continuation NoI 307-0747: 28 Prospect Street, (Map 40, Lot 093), Wiegand /The Morin-Cameron Group, Inc.

Will Schkuta, Morin-Cameron Group, presented and reviewed revised plans for the NoI. All system components would be outside the Buffer Zone. Some activities and grading are proposed in the Buffer Zone. Prior to this Hearing, Mike DeRosa, DeRosa Environmental, submitted to the TCC a supplemental report of his findings.

Luther moved to grant a waiver to the 7-day prior submission requirement for the revised septic plan and the DeRosa Environmental report. Carroll seconded. The vote was unanimous in favor.

Spillman noted that DeRosa may not be aware that the stream that flows to the pipe starts at the top of the drumlin, at 50 Prospect Street, and flows from a Wetland Resource Area and therefore, is subject to State jurisdiction.

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

Luther moved to approve the plan as shown in revised plan, revision date 12-7-16, and issue an Order of Conditions subject to usual requirements. Carroll seconded. The vote was unanimous in favor.

REQUESTS:

RDNI 2016-29: 78 Alderbrook Drove, (Map C8, Lot 023), Iovanella, Montana Development LLC. Jim MacDowell, Morin Engineering, representing Montana Development, reviewed the application and plan to remove invasive plants close to an Intermittent Stream. The plants are mostly bittersweet and buckthorn, and removal will be done by hand.

Luther moved to issue a Determination of Negligible Impact (DNI) for this project under the Bylaw. Carroll seconded. The vote was unanimous in favor.

RDNI 2016- 30: 30 Wildes Road, (Map 8, Lot 005), Iovanella, New Meadows Enterprises LLC., Jim MacDowell, Morin Engineering, representing New Meadows Enterprises, LLC, reviewed the application and plan to grind approximately 30-35 stumps of trees removed under previously issued DoAs 2012-01 and 2014-04.

Luther moved to issue a Determination of Negligible Impact under the Bylaw. Carroll seconded. The vote was unanimous in favor.

OTHER:

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

Jolley opened deliberations with a review of events related to this application, noting that the Hearing was closed November 30, 2017. At that point, the public does not have any more opportunity for input. The TCC will deliberate to determine their findings. Under the Mullin Rule, Carroll can deliberate but cannot vote.

Members agreed that separate Orders of Resource Area Delineation (ORAD) would be issued, under the Act and under the Bylaw.

Spillman distributed a draft ORAD under the Act. Jolley read aloud the draft and minor modifications were made. Jolley summarized that under the Act, there are two Intermittent Streams and associated BVW and this delineation was agreed to by the applicant and the TCC.

Luther moved to approve the Order of Resource Area Delineation relative to the Act as described in the draft with minor modifications.

Shamroth seconded. The vote was 4 in favor and 1 abstaining (Carroll).

Jolley opened discussion on the ORAD under the Bylaw, stating that the Bylaw has a more restrictive definition of an Intermittent Stream. Luther read into the record the draft findings he submitted for TCC consideration, "Draft Findings Relative to the ANRAD Hearing on Lots 9 and 21 of Towne Hill in Topsfield, MA."

Discussion took place on each finding, resulting in modifications to language, clarification of sources of information, specifics of property addresses referenced and the specifics of the State declaration of the 2016 drought.

Jolley read into the record Spillman's draft findings "File No. 307-0726B, 9 and 21 Towne Lane, Attachment-A to Bylaw Order of Resource Area Delineation".

Discussion took place on each finding, resulting in the addition of public hearing dates, listing of plans submitted, modifications to language, and the addition of specific reasons the contested two Intermittent Streams are being identified as Resource Areas under the Bylaw. Members discussed how to reply to the application relative to the two Intermittent streams that the TCC approves and the two additional Resource Areas that are not on the plan. DiCarlo stressed the importance of this language so the applicant understands their next steps.

DiCarlo moved that with respect to the property located at 21 Towne Lane, the TCC determines that an Intermittent Stream and associated Bordering Vegetated Wetland (exist) as shown on the plan submitted by the applicant by Beals Associates, dated January 2015 and filed February 24, 2015, and further determines that said plan and ANRAD omit a Bylaw Intermittent Stream located on the southern portion of said parcel running along Towne Lane, which was depicted on a previously submitted As Built Plan 2010 for a property at 19 Towne Lane from an unrelated applicant.

Luther seconded. The vote was 4 in favor and 1 abstaining (Carroll).

DiCarlo moved that with respect to the property at 9 Towne Lane, the TCC determines that an Intermittent Stream and associated Bordering Vegetated Wetland (exist) as shown on the plan created by Beals Associates dated January 2015 and submitted February 24, 2015, and further determine that said plan omits a Bylaw Intermittent Stream as depicted on the plan created by Beals Associates dated January 2015, submitted June 10, 2015 for purposes of soil testing and as depicted in photographs.

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Luther seconded. The vote was 4 in favor and 1 abstaining (Carroll).

Violation Notice 2016-06: 42 Washington Street, (Map 32, Lot 133), Maloney

Spillman informed members that a Violation Notice was issued for unauthorized removal of at least one white pine tree in the Buffer Zone and other activities that appear to be outside of the Buffer Zone. She has not yet heard from the Maloneys. Spillman will give them a certain date to appear or file an RDA. If no response is received, an Enforcement Order will be issued.

Amended Enforcement Order 2016-01: 25 Johns Lane, (Map 76, Lot 004), Festa/Vista Realty Trust
Spillman reported that she received a call from Festa, and he stated that Peter Ogren of Hayes Engineering started working on a proposal plan in September and that this plan will be submitted to the TCC. Spillman will follow up with Ogren directly.

Amended Enforcement Order 2016-02: 268 High Street, (Map 71, Lot 028), Silver
Spillman reported that Silver appeared at the Conservation Office today and said he only recently received the letter. He has started the process to file a RDA.

FY2018 Proposed Budget

Luther moved to adopt the budget for FY2018 as presented. Carroll seconded. The vote was unanimous in favor.

Clerical position - Spillman requested a one-month extension of the temporary clerk position, to the end of January 2017.

Luther moved to extend the money for the temporary clerical position through the end of January 2017. Carroll seconded. The vote was unanimous in favor.

5 William Road

Spillman discussed her concern regarding an application before the Board of Health for a septic system upgrade in an area that she believes is in jurisdictional area. In her signoff for soils testing, she wrote that a NOI for the system would very likely be needed. The installer informed Spillman that he would design the system all out of jurisdictional areas. Upon further discussion, members agreed that Enforcement Orders would be issued to both the installer and the owner if work commences without the appropriate paperwork filed.

ADMINISTRATOR'S REPORT:

- **DNI 2016-05: 7A Howlett Street, (Map 33, Lot 031)** – Spillman reported that she signed off on the Gotts' ice rink and that she requested photos of the completed installation.
- **Town Hall move to temporary location, 461 Boston Street** – Spillman updated members on the office move and described the new space for the Conservation Office.
- **Administrator Position** – Spillman noted that the position was posted on MACC last Friday and has been posted internally.

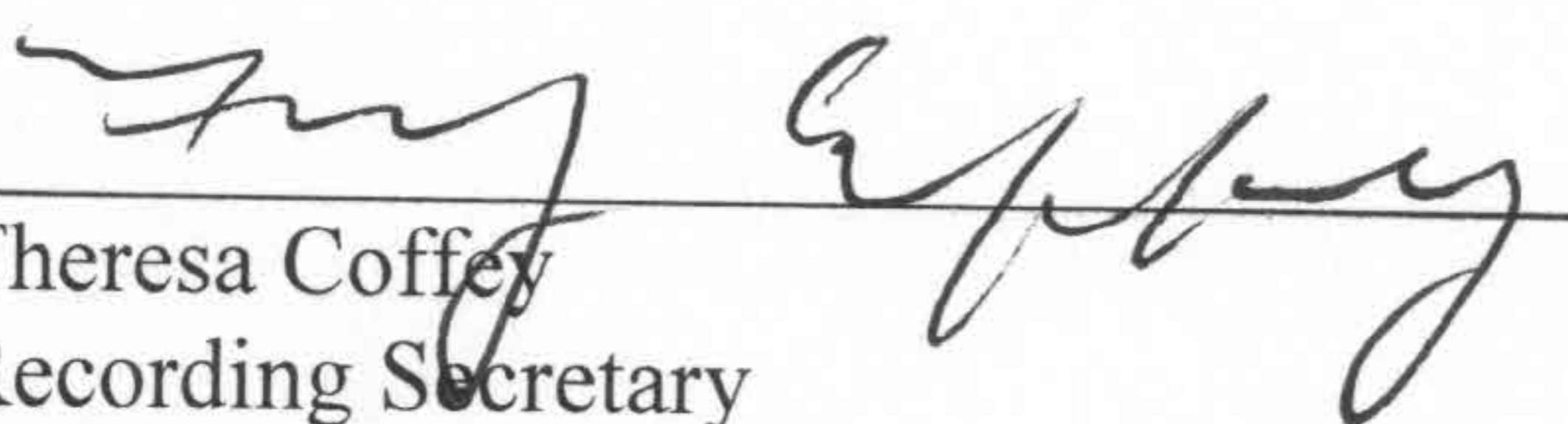
Note: Next TCC Meeting – **January 11, 2017**

ADJOURNMENT:

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

The meeting was adjourned at 10:29 p.m.

Respectfully submitted,


Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on January 11, 2017

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.

Documents used at or for the meeting:

- NoI 307-0745: 470 Boston Street
 - Additional Information to TCC from Ryan Bianchetto, Allen & Major Associates, Inc.
 - Peer Review Letter addressed to Town Topsfield Planning Board
 - Letter from Nicolette and David Larson to the TCC dated December 14, 2016 including Google Earth Maps
- NoI 307-0748: 13 Perkins Circle
 - Site Plan titled: Plan to Accompany NoI in Topsfield MA” prepared by William and Sparages, dated 11/15/16 and revised 11/30/16.
- NoI 307-0747: 28 Prospect Street
 - Exhibit Plan
 - NoI Plan Revision
 - Report from DeRosa Environmental
- RDNI 2016-29: 78 Alderbrook Drove
 - Application and Plan
- RDNI 2016- 30: 30 Wildes Road
 - Application and Plan
- ANRAD 307-0726: 9 & 21 Towne Lane
 - Draft WPA Form 4B, 9 and 21 Towne Lane, Tospfield
 - Draft Findings Relative to the ANRAD Hearing on Lots 9 and 21 Towne Lane, Topsfield, MA, submitted by Holger Luther
 - Draft Attachment-A to Bylaw Order of Resource Area Delineation, File No. 307-0726B, 9 and 21 Towne Lane, submitted by Lana Spillman
- FY2018 Conservation Office Budget