

Topsfield Conservation Commission
Minutes of Wednesday, January 11, 2017
 Topsfield Library Meeting Room

Present: Chery Jolley, Chair; Dodds Shamroth, Vice Chair; Jim Carroll, Jen DiCarlo (arrived at 7:15 pm), Holger Luther, Lana Spillman, Administrator and Theresa Coffey, Recording Secretary

Absent: None

Other Attendees:

Name	Project
Jon Whyman	5 William Road
John E. Arathuzik	5 William Road
Frank McDonald	5 William Road
Jon Carpenter	5 William Road
John Arathuzik	5 William Road
Joe Gibbons	9 Perkins Circle
David Larson	
Andrea O'Reilly	5 William Road
Judy Mgia	5 William Road
John Wood	7 New Meadow Lane
Marco Lara	35 Prospect Street
Rob Martin	221R Washington Street
Dick Gandt	

The meeting was called to order with a quorum present at 7:01 p.m. Cheryl Jolley, Chair, announced that the meeting was being audio recorded.

HEARINGS:

NOI 307-0749: 5 William Road, (Map 39, Lot 006), Carpenter

Luther read the legal notice and Spillman confirmed that proof of abutter notice had been received.

The project contractor, Jon Whyman, reviewed the plan and the proposed project to replace the septic system, construct a small addition (including the footprint of the current deck), and a portion of a new deck in Riverfront Area of Fish Brook.

Spillman stated that as a result of her discussion with the potential property buyer, the original application for septic system repair was revised to include the addition and the expanded deck, with the Order being good for three years. Whyman reviewed the placement of the new system. Spillman made a site visit January 4th, shared pictures with the TCC and noted that the edge of the water flowing in Fish Brook was within 1 to 5 feet from the BVW flags. There was no evidence of beavers.

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

Luther moved to permit the project as shown on the plan "Sewage Disposal System Site Plan and Profile", by Joseph J. Serwatka, P.E., revised December 22, 2016, and issue an Order of Conditions subject to usual conditions imposed for sedimentation control and work area delineation. Carroll seconded. The vote was unanimous in favor.

REQUESTS:

CoC 307-0692: 7 New Meadow Lane, (Map 74, Lot 008), Wood

John Wood was in attendance to request a Certificate of Compliance for the after-the-fact installation of a tennis court and associated activities in Buffer Zone/Riverfront Area of Nicholls Brook. Spillman stated that Wood has submitted photos within the last two weeks showing the conservation posts with markers as required in the OoC and noted that she believes everything is in order.

Luther moved to issue a Certificate of Compliance for 7 New Meadow Lane. Carroll seconded. The vote was unanimous in favor.

DiCarlo arrived at 7:15 pm.

CoCs 307-0466 (Act, Bylaw): 35 Prospect Street, (Map 40, Lot 004), Lara

Marco Lara was in attendance to request a Certificate of Compliance for 35 Prospect Street. Spillman stated that during her site visit, she found four markers missing but Mr. Lara's father-in-law put them all in place the same day to complete the Order of Conditions requirements.

Luther moved to issue, separately, a Certificate of Compliance under the Act and a Certificate of Compliance under the Bylaw for 35 Prospect Street. Carroll seconded. The vote was unanimous in favor.

The TCC briefly discussed the method of attaching the markers to the posts, concerned that they are falling off.

CoC 307-0644: 35 Howlett Street, (Map 33, Lot 025), MacKinnon

The Applicant was not in attendance. Spillman reviewed the intended project for which the Order of Conditions has expired and noted that no work commenced.

Luther moved to issue a Certificate of Compliance on the basis that no work has proceeded and no further work is intended under the OoC for 35 Howlett Street. Carroll seconded. The vote was unanimous in favor.

RDNI 2016-31: 221R Washington Street, (Map 47, Lot 001), Martin

Rob Martin reviewed the plan and submitted photos for the proposed reconstruction of stone walls and installation of a blue stone patio in Riverfront Area of Fish Brook and Buffer Zone of BVW. Spillman stated that she has visited the site a couple of times and does not have any concerns about the proposed activity.

Luther moved to issue a Determination of Negligible Impact for the projects at 221R Washington Street. Carroll seconded. The vote was unanimous in favor.

RDNI 2016-32: 9 Perkins Circle, (Map 24, Lot 018), Gibbons

Joe Gibbons reviewed his request to remove 5 trees, some in Buffer Zone and all in Riverfront Area of Mile Brook. Spillman stated that she has visited the property and does not have any concerns with the proposed activity.

Luther moved to issue a Determination of Negligible Impact for tree removal at 9 Perkins Circle. Carroll seconded. The vote was unanimous in favor.

RDA 2016-11: 268 High Street, (Map 71, Lot 028), Silver

Spillman confirmed that proof of abutter notice was submitted by Silver and Luther read the legal notice. Spillman reviewed events to date related to this after-the-fact RDA for the removal of five trees in the Buffer Zone Resource Area.

Silver was not in attendance and had informed Spillman by e-mail dated December 14, 2016 that he would not attend any future TCC meetings as well. Jolley read into the record Silver's e-mail from December 14, 2016.

Luther moved to close the hearing under the Act and the Bylaw. Carroll seconded. The vote was unanimous in favor.

Luther moved to issue an after-the-fact Negative Determination of Applicability for this project. Carroll seconded. The vote was unanimous in favor.

The TCC discussed the high number of "after-the-fact" filings and the possibility of raising the fee for these filings.

OTHER

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

Spillman stated that she has spent a considerable amount of time on this Violation Notice for the removal of two trees in Buffer Zone. Stephanie Maloney came into the TCC office today and filed an RDA which will be on the January 25, 2017 meeting agenda

DiCarlo stated her concern about setting a precedent for people taking down trees for cosmetic reasons. She suggested setting parameters and a stronger review and scrutiny of the reasons for tree removal. Luther will draft a Tree Removal Policy for review by the TCC.

Amended Enforcement Order 2016-01: 25 Johns Lane, (Map 76, Lot 004), Festa/Vista Realty Trust – Spillman had no update. She will follow up with Peter Ogren of Hayes Engineering.

Conservation Commission Funds - Spillman reviewed the different Conservation Commission funds, what they were created for and how the funds can be used. She review the balances in each fund and informed the Commissioners that the Bylaw Revolving Fund spending cap of \$10,000 has been the amount authorized by ATM Warrant for at least nine years. She suggested a request be made to increase the amount authorized by ATM. Spillman also reviewed the fees charged by the town and the state.

TCC Policies - Spillman distributed and reviewed current TCC policies identifying those that she believes are most important and referred to frequently including: Summary of Beaver Laws (J. Merrill), 2002-2, Acceptance of Materials, and 2005, 1B, 2nd Amended Soil Testing Policy

Spillman recommended that two policies be discontinued: Minor Project Delineation which is not in accordance with the Bylaw Regulations and 2007-1, Proposed Rail Trail Mowing.

Mosquito Spraying - Spillman suggested Opting Out mosquito spraying for the same list of Conservation Properties as last year. DiCarlo expressed her concerns about opting out considering the Zika virus. Spillman replied that if a State health emergency is declared, the Board of Health would override the Opt Out request.

Luther moved to prepare the Opt Out papers. Carroll seconded. The vote was unanimous in favor.

MACC Letter to Governor re: new interstate pipelines - Spillman distributed and reviewed the MACC Letter to Governor Baker opposing extending gas pipelines and driving them through conservation areas.

Luther moved to add the Topsfield Conservation Commission signature to the letter. Carroll seconded. The vote was unanimous in favor.

MEETING MINUTES:

Luther moved to accept the meeting minutes of November 9, 2016, November 30, 2016 and December 14, 2016 as amended. Carroll seconded. The vote was unanimous in favor.

ADMINISTRATOR'S REPORT:

Ice Rinks in Buffer Zone Resource Areas – Spillman recommended that the TCC develop a policy for the seasonal construction of ice rinks in Buffer Zone Resource Areas. DiCarlo will draft a policy for TCC review.

Town Hall move to temporary location, 461 Boston Street – Spillman updated the TCC on the plan and activity to move in the middle of February.

Administrator Position – Jolley updated the TCC on the Administrator position. Jolley and Luther will screen applicants, and will narrow down the pool of applicants for a second interview.

Spillman Retirement – Spillman updated the TCC about the possibility of a consulting contract for her services to assist with the transition to a new Administrator.

15 Lockwood Lane – Jolley read aloud an e-mail received from Bob Moriarty. His neighbor, DiChiara of 15 Lockwood Lane, attended the October 26, 2016 TCC meeting about a tree that has fallen into a perennial stream adjacent to his property. DiChiara had stated that he was being pressured by neighbors to remove the tree which he did not want to do. DiChiara requested, and received, a letter of support from the TCC. Moriarty stated in his e-mail that he has seen the letter

from the TCC and that the tree now is on his own property, not DiChiara's. Spillman read the TCC letter aloud and it was agreed that the TCC letter was informal and not a formal decision or action on behalf of the TCC. TCC agreed that they would review a formal application from Moriarty for his proposed work.

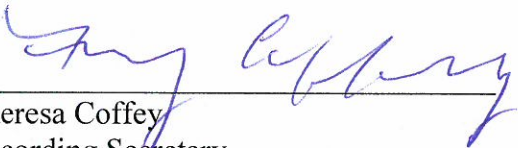
Next TCC Meeting – January 25, 2017

ADJOURNMENT:

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

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on _____ (insert date).

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 307-0749: 5 William Road

Plan titled "Sewage Disposal System Site Plan and Profile", by Joseph J. Serwatka, P.E., revised December 22, 2016

CoC 307-0692: 7 New Meadow Lane

Photographs submitted by John Wood

RDNI 2016-31: 221R Washington Street

Plan "A", No. 17 Fish Brook Road, received December 28, 2016 and photographs submitted by applicant

RDNI 2016-32: 9 Perkins Circle

Photographs submitted by Gibbons December 27, 2016

Photographs taken by Spillman December 29, 2016

TCC Policies

Summary of Beaver Laws 07-10.pdf

TCCConsLandRules&Regs 06-24-09.pdf

TCCPolicy#2002-1 Old Tapes.pdf

TCCPolicy#2002-2 AcceptanceOfMaterials.pdf

TCCPolicy#2003-1A MinorProjectDelineation.pdf

TCCPolicy#2003-2 FilingDeadlines.pdf

TCCPolicy#2005-1A Amended Soil Testing Policy5-25-05.pdf

TCCPolicy#2006-1 Beaver Policy 3-22-06.pdf

TCCPolicy#2007-1 Proposed Rail Trail Mowing.pdf

TCCPolicy#2008-1 Commissioners' Cert.pdf

TCCPolicy2005-1B 2ndAmended Soil Testing Policy 04-01-13.pdf

MACC Email January 4, 2017 Letter to Governor re: new interstate pipelines

Draft TCC Meeting Minutes: November 16, 2016, November 30, 2016 and December 14, 2016

E-mail from Bob Moriarty re: 15 Lockwood Lane