

Topsfield Conservation Commission
Minutes of Wednesday, May 24th, 2017
Topsfield Library Meeting Room

Present: Cheryl Jolley, Chairperson; Dodds Shamroth, Vice Chairperson; Holger Luther, Jennifer DiCarlo, James Carroll; Heidi Gaffney, Administrator.

Absent: Theresa Coffey, Minutes Secretary.

Other Attendees: Dick Gandt for Rail Trail discussion; Angel Portalatin Quiles for the RDNI 2017-04; Jesse Ambrosina and Jennifer Hunt for the RDA 2017-06.

The meeting was called to Order at 7:07p.m with a quorum present by chairperson Cheryl Jolley who read the policy on electronic recording of the meeting and the need to sign the attendance sheet.

HEARINGS:

RDNI 2017-06: 11 Boxford Road, (Map 31, Lot 040), Ambrosina/Hunt.

Luther read the public hearing notice: A Request for a Determination of Applicability for a proposed paving of an existing driveway currently composed of crushed stone on a lot adjacent to a wetlands and intermittent stream that feeds into the Fish Brook. The driveway, which is about 100 feet from the wetlands, has become a channel for storm-water run-off into the street and an icing hazard in the winter. Ambrosina submitted various sketches showing how run-off may be diverted into the contiguous lawns by a pavement with a crown. Also the run-off at the far end near the garage will be diverted into the back of the property. He answered various questions by members of the Commission. Luther moved to close the hearing, Carroll seconded, all voted in favor. Luther then moved to issue a negative Determination of Applicability for the proposed project as shown in the submitted sketches, Carroll seconded the motion, all voted in favor.

REQUESTS:

RDNI 2017-04: 16 Brook Rd, (Map 39, Lot 010), Portalatin-Quiles.

This request is for the construction of a PVC fence surrounding the lot located in the Riverfront Area of Fish Brook. Portalatin-Quiles submitted a Google-Earth image of the lot with the fence seen as a yellow line around the perimeter of the lot. Posts will be buried about 3 feet into the ground, and there will be a gate. The closest edge of the fence is outside of 100 feet of the MAHW of Fish Brook. Luther moved to issue a Determination of Negligible impact pursuant to the Bylaw. Carrol seconded the motion, all voted in favor.

Meeting Minutes

Acceptance of the minutes of 04/26/17 and 05/10/17. Luther moved to accept these minutes as amended. Carroll seconded, all voted in favor.

TOPSFIELD CONSERVATION COMMISSION
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Administrator's Report:

Discussion: Tree Removal Policy. The Commission received a fourth draft of the policy containing revisions by DiCarlo, Jolley, Gaffney, and Luther. All edits were viewed favorably. Shamroth indicated unease about the nature of the choice of replacement trees required by the policy. She was assured that there was adequate discretion for both location and species provided in the policy. DiCarlo recommended that the last paragraph dealing with donations to the Tree Planning Committee needs to be revised and suggested the words: "in appropriate instances ..." before the word "Where" and a substitution of "may" for "shall" to emphasize the discretionary nature of this option for both parties. All agreed. Luther made the motion to adopt the policy as most recently amended, Shamroth seconded the motion, all voted in favor.

Other:

1. **Amended EO 2017-01: 25 John's Lane**, (Map 76, Lot 004), Festa, Vista Realty Trust
Gaffney updated the Commission on the status of the EO. She met with Festa who told her that that he is determined to correct the problems and include a "Lot A" to be developed as a residential lot for his daughter. SBWB however has filed a notice that a part of Festa's lot is located in the "Zone A" of the Putnamville reservoir and therefore any development in that area will require SBWB approval. Moreover Greenbelt has a conservation restriction on a part of the lot through which Festa wants to construct his road. Therefore Gaffney advised him to ensure that all such approvals and permits have been secured before proceeding with any work on the lot.
2. **Discussion of 307-0736 OoC** regarding biodegradable hydraulic oil, and the request for stump removal. Luther noted that the previous Administrator had written a requirement into the OoC that any motorized equipment working the site must have biodegradable hydraulic fluid to avoid accidental contamination of the Ipswich River. This same requirement was inserted in the OoC for the work on the RR bridge repair. Luther noted that there is a difference in that a hydraulic line blow-out of equipment at the bridge site would spill oil into moving water with no chance of remediation, while the parking lot work is well removed from the water and separated by High Street. He suggested striking that provision. DiCarlo objected stating that Geller had plenty of time to appeal the oil stipulation. Shamroth expressed dismay that this stipulation was inserted without the Commission's knowledge and objected to its presence. Gandt noted that the present parking lot work is essentially "unfunded" as all the DCR grant money that might have been used for the parking lot went to pay for the cost differential between the rental of regular motorized equipment and such using only biodegradable hydraulic oil in the repair of the bridge. Moreover, National Grid has kindly offered to remove the trees on the lot *but with their equipment* that does not have such oil. Thus the Commission insisting on that stipulation will essentially shut down the project until further funds are found. On that note, Gaffney recommended that we allow National Grid to remove the trees using their equipment. Luther made that motion, Carroll seconded and all voted in

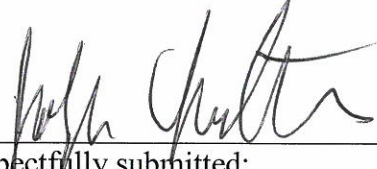
favor. The further issue of the oil stipulation for the grading of the lot and stump removal was tabled until the issues need a resolution.

3. **New Tree Planning Committee volunteer**, Robert McVoy has indicated interest to be a member of the TPC. Luther pointed out that he has appointed a number of individuals to that committee after which they found out they had no real charter, certainly no budget, and generally no clear mission over and beyond the annual arbor day plantings. He indicated reluctance to simply appoint more until the Commission understands what the TPC's mission is.
4. **Sign bills, Signatory Authorization Form for Commission members to sign payroll and warrants (new)**. All signed the required accountant's document, and Luther and Jolley signed as proxy and alternate.

Documents submitted at or used for the meeting:

1. Ambrosina-Hunt: Complete RDA Application including sketches of the proposed driveway improvements
2. Angel Portalino-Quiles: Complete RDNI Application including Google-Earth image of property at 16 Brook Rd with added view of fence line.
3. Draft of the revised Tree Removal Policy.

Adjournment: Luther moved to adjourn, Carroll seconded. The vote was unanimous in favor. The meeting was adjourned at 8:55pm.


Respectfully submitted;
Holger Luther

Minutes approved at the TCC meeting on

7/12/17

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.