

***Topsfield Conservation Commission
Minutes of Meeting November 14, 2018***
Topsfield Library Conference Room

Present: Cheryl Jolley, Chair; Dodds Shamroth, Vice Chair, Holger Luther, Heidi Gaffney, Administrator, and Theresa Coffey, Recording Secretary

Absent: James Carroll, Jennifer DiCarlo

Other Attendees:

Name	Address	Agenda Item
Ryan O'Donnell	IRWA	Stream Maintenance
Dick Gandt	31 Timber Lane	
Kim Sherwood	29 Perkins Row	
Kyle Lally	Hancock Associates	Perkins Row
Gordon Rogerson	Hayes Engineering	120 Salem Road
Steve & Eva Haley	120 Salem Road	120 Salem Road
Geoff & Nora Neale	31 Perkins Row	

Jolley called the meeting to order at 7:01 p.m. with a quorum present.

HEARINGS:

Continuation ANRAD 307-0767: 43, 45 & 53 Perkins Row (Map 58, Lots 026, 027 & 028)
Chitro/Hancock Associates

Kyle Lally of Hancock Associates presented on behalf of the applicant. Lally reviewed flagged areas that were identified as wetlands by the Conservation Administrator. Lally also identified a concrete structure / culvert that goes under the road and discussed the water flow and source of hydrology in this area. Gaffney has visited the site and this area and noted that there is clear evidence of overland flow, and identified it as an Intermittent Stream under the Bylaw. She confirmed that she has thoroughly reviewed the site and is comfortable with the flags and Buffer Zone limits.

Discussion continued on the two possible vernal pools on the property. Gaffney explained that under the Bylaw land within 100 feet of a vernal pool is considered a resource area and that the vernal pool does not have to be certified. Discussion ensued regarding the possible vernal pools and the appropriate time of year to properly evaluate them.

Lally stated that his goal for this meeting was confirmation of wetlands, the buffer zones and the intermittent stream. They will revisit in the spring for vernal pool classification. Gaffney stated that she agrees with the flags as shown on the most recent plan, but that the additional resource areas under the Bylaw remain to be evaluated.

Luther moved to continue the hearing to the first meeting in April, likely to be April 10, 2019, for the final determination of vernal pools and/or other resource areas.

Kim Sherwood, 29 Perkins Row, asked for clarification of next steps and soil testing. Gaffney explained that soil testing applications are signed off by the Conservation Administrator and that work can be done in the area outside of the Buffer Zone with an expectation for reasonable margin of error, typically 120 feet from the resource area.

Gaffney clarified that this vote is not approval of the ANRAD because more information is needed on the vernal pools. Interested parties may submit a request to the Conservation Office to be notified of the next hearing on this matter.

Shamroth seconded. The vote was unanimous in favor.

RDA 2018-06: 120 Salem Road (Map 70, Lot 007), Haley/Hayes Engineering – demo existing house, install new driveway & utilities

Luther read the legal notice and proof of abutter notice was submitted.

Gordon Rogerson, Hayes Engineering, presented on behalf of the applicant. Rogerson reviewed the proposal to remove a shed, a house and garage and a pool, and to install 47 feet of new driveway and underground utilities. The house is partially within the Buffer Zone to a Bylaw intermittent stream which is roadside drainage for Salem Road and within the Buffer Zone to an estimated BVW on 123 Salem Road, across the street from this property. The existing bituminous concrete driveway would be left in place. Gaffney discussed a particular area thought to be wetlands. She confirmed that she thoroughly reviewed this area and found no evidence of overland flow.

Rogerson confirmed that access to the work site for equipment is by the driveway.

Luther moved to close the hearing for RDA 2018-06. Shamroth seconded. The vote was unanimous in favor.

Luther moved to issue a Negative Determination of Applicability with the provision that the work be done in accordance with the plan shown tonight, titled "Plan to Request a Determination of Applicability 120 Salem Road Topsfield MA 01983" by Hayes Engineering, Inc., dated November 1, 2018. Shamroth seconded. The vote was unanimous in favor.

REQUESTS:

Continuation CoC 307-0688: 78 Alderbrook Drive (Map 68, Lot 023), Montana Development LLC/Hayes Engineering

No action was taken on this item.

Continuation CoC 307-0492: 8 Coppermine (Map 78, Lot 002), Ypsilantis/Meridian Associates – request to withdraw without prejudice

The TCC agreed that the applicant could withdraw the application for CoC 307-0492 without prejudice.

MEETING MINUTES:

Luther moved to accept the meeting minutes of September 12, 2018, September 26, 2018 and October 10, 2018 as written. Shamroth seconded. The vote was unanimous in favor.

OTHER:

Stream Channel Maintenance Plan for fish passage for Pye Brook and Howlett Brook - Ipswich River Watershed Association: permission to implement Mass. Div. of Marine Fisheries Stream Channel Maintenance Protocol for Diadromous Fish Passage along Pye Brook and Howlett Brook.

Ryan O'Donnell of the Ipswich River Watershed Association presented the General Maintenance Plan as outlined in the IRWA letter of October 18, 2018. The plan addresses concerns raised by the TCC regarding private property access to conduct stream channel maintenance along Pye Brook and Howlett Brook. The plan proposes that private property owners will be notified when work will cross boundary lines. Permission from the owners will be requested in writing. Workers will be in waders or in canoes to do hand clearing of cattails and other plants that are choking the main channel. He reviewed access points noted on the map as public and private properties. The plan is for a period of three years with reports due on November 1st of each of the three years.

Luther moved to approve the Stream Channel Maintenance Plan as presented and requested an update of the anniversary of the approval date to indicate progress or problems that may have occurred.

Dick Gandt, 31 Timber Lane, requested clarification of the method of removal and if the work would create sedimentation in the stream. O'Donnell confirmed that the work would be done by hand tools. Luther pointed out the fact that it is a narrow stream and this will limit the siltation. There will be no change in topography or hydrology, the clearing will allow fish to migrate. O'Donnell will notify Gaffney when work begins.

Shamroth seconded. The vote was unanimous in favor.

ADMINISTRATOR'S REPORT:

- Update on 25 John's Lane restoration

APPROVED


Gaffney reported that the restoration of 25 John's Lane is complete and that she will follow up with a visit in the spring.

ADJOURNMENT:

Luther moved to adjourn. Shamroth seconded. The vote was unanimous in favor. The meeting was adjourned at 8:00 pm.

The next meeting will be held November 28, 2018 at 7:00 pm, Topsfield Library Meeting Room.

Respectfully submitted,


Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 12/12/2018

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:

Continuation ANRAD 307-0767: 43, 45 & 53 Perkins Row

Plan titled "Plan to Accompany an Abbreviated Notice of Resource Area Delineation for #43, 45 and 53 Perkins Row, Topsfield MA 01983", by Hancock Associates, Revision Date 10/23/18

RDA 2018-06: 120 Salem Road

Complete Application Package with Attachments

"Plan to Request a Determination of Applicability 120 Salem Road Topsfield MA 01983" by Hayes Engineering, Inc., dated November 1, 2018.

Draft Meeting Minutes of September 12, 2018, September 26, 2018 and October 10, 2018

Ipswich River Watershed Association letter dated October 18, 2018 re: Stream Channel Maintenance Plan for Fish Passage for Pye Brook and Howlett Brook