

***Topsfield Conservation Commission
Minutes of Meeting March 27, 2019***
Topsfield Library Conference Room

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

Absent: Nicholas Betts and Jennifer DiCarlo

Other Attendees:

Name	Address	Agenda Item
Mike DeRosa	DeRosa Environmental	215 Washington
Monica Galka	215 Washington Street	215 Washington
Dick Gandt	31 Timber Lane, Topsfield	
Roberta Tobin	53 Boxford Road	Hood Pond
Skip Tobin	53 Boxford Road	Hood Pond
Ingrid Johnson	39 Boxford Road	Hood Pond
John Vidograh	10 Fish Brook Road	215 Washington
Sam & Jenny Graves	8 Aaron Drive	Tree Removal
David Barnard	3 Howlett Street	Hood Pond
Matt Salem	SOLitude Lake Management	Hood Pond
Anne Carroll	Mass. Dept. of Conservation & Recreation	Hood Pond
Lynn Murphy	175 Haverhill Road	Hood Pond
Bobbi Whiting	119 Washington Street	Patio Rehab

Jolley called the meeting to order at 7:01 p.m. with a quorum present. She announced that the meeting was being audio recorded and asked if anyone would be recording the meeting. There was no response.

HEARINGS:

NOI 307-0772: Hood Pond (Map 02, Lot 010), MA Dept. of Conservation and Recreation Lakes and Ponds Program/SOLitude Lake Management – Hood Pond Lake Management Project

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

Matt Salem of SOLitude Lake Management, was present to discuss the proposed five-year Hood Pond Lake Management Project.

Salem provided an overview of his company and projects they have completed. He stated that his company was contacted by the Department of Conservation and Recreation (DCR) which oversees the Lakes and Ponds Program. Salem stated that most of the eastern shore line of Hood Pond is State owned and the remaining shore line is owned by the Towns of Topsfield and Ipswich. Identical Notice of Intent applications have been filed in both towns. The Ipswich hearing is scheduled for April 3, 2019.

Salem described the characteristics of the Hood Pond shore line and discussed the survey performed by volunteers of the Weed Watchers program. Invasive vegetation found included watermilfoil and water chestnuts and later in the season, fanwort was observed. Salem described the areas and density of the vegetation.

Salem discussed lake management options with budget constraints in mind and they recommended focusing on the use of herbicides. He discussed the herbicides they are recommending to use. Luther asked if the herbicides will kill all aquatic growth or just invasive species. Salem replied that they recommend application at lower rates but at rates that will maintain effective concentration. He stated that they want to focus on milfoil and fanwort in the first year.

Ann Carroll, Director of DCR Lakes and Ponds, discussed experience with aquatic plant management programs at [Rock Pond and Field Pond]. She stated that the Department of Fish and Wildlife does not have any concerns with the program. However, if they wanted to introduce a herring run, for example, they would have to re-evaluate.

Discussion continued on the treatment process. After the first year, there should be minimal regrowth. Maintaining an aggressive management strategy is their goal. Monitoring is a significant component which would include pre- and post-treatment surveys, documenting dates of surveys, results, dates of treatment, concentration of herbicide.

Salem stated that all products being proposed are registered with the Mass. Dept. of Agricultural Resources and are included in the generic environmental impact report for management of lakes and ponds. This report evaluated all management techniques and their impacts with regards to the Water Protection Act. All products proposed have no contact restrictions with swimming, though the company does recommend a one day restriction.

Salem stated that while he has only discussed the use of two herbicides, Sonar (Fluridone) and Clearcast (Imazamox), the application lists several chemicals. In subsequent years, they will be looking at using them to manage targeted regrowth and not allow invasive species the opportunity to recolonize and re-infest areas that they have been removed from. Carroll discussed the use of divers to hand pull invasive species in subsequent years if the area is small enough to pull it all in one or two days.

Discussion was held on other management strategies that were evaluated and the reasons why they will not use them.

Shamroth asked how many people would be working at once. Salem replied that there will likely be two people working together and they will use a boat. They would like to begin the project in late April or early May, reapply a booster every 3-4 weeks and then wrap up in August or September. A survey would be done in October. On the day of treatment, orange posters will be posted notifying residents not to use pond water for irrigation.

Discussion continued on pond access and private property concerns. Carroll stated that she has asked the State if the infestation started in the water, can they get permission to manage it on private property. She has not yet received a response.

Gaffney noted that the NOI application requests a five year Order of Conditions but the bylaw does not allow for a five year permit. However, a three year extension can be requested. Gaffney stated that the Conservation Office should receive copies of all monitoring reports. She asked if herbicides will be stored onsite. Salem replied that they will not be stored, everything will be transported and that the company will notify the Conservation Office prior to treatment. He also stated that an annual report will be submitted to the TCC with a forecast for the next year.

Discussion was held on options to communicate the work on the pond to the public during treatment. Discussion continued on how posters are managed and what information listed on the posters. Salem stated that the posters go up before the treatment begins and the DEP number can be added with any language that the TCC recommends. Gaffney recommended a notice be posted that treatment is underway and a telephone number to call for more information.

Gaffney stated that the Ipswich hearing is next week and recommended that the Topsfield hearing remain open to address any changes that Ipswich may require.

Skip Tobin, 53 Boxford Road, addressed the TCC. He stated that he lives on Hood Pond and was in support of the pond management plan. He spoke about attempts to keep growth under control but the explosion of milfoil and fanwort have become an issue.

Lynn Murphy, 175 Haverhill Road, also spoke in favor of the pond management plan. She asked if the TCC could communicate their support to the Ipswich Conservation Commission. Gaffney replied that delaying a vote until both towns have heard the NOI application is not uncommon and allows the applicant to address any changes to the project that may come up during the other hearing. Any communication between the two commissions would be by agent communication only.

Dick Gandt, 31 Timber Lane, asked if there would be any effect downstream from the pond. Salem replied that it would be very minimal.

Gaffney discussed the Bylaw waiver fee request as part of the application. The fee may be waived because the application is being filed by a government agency.

Luther moved to grant the waiver for the Bylaw fee. Shamroth seconded and the vote was unanimous in favor.

Salem requested a continuance for the hearing to April 10, 2019.

Jolley asked if boats are checked for invasive species before going into the pond. Tobin replied that there is a notice on each boat ramp but no in-person checking. Carroll stated that there is training available for volunteer boat monitors.

Luther moved to continue the hearing for NOI 307-0772 to April 10, 2019. Shamroth seconded and the vote was unanimous in favor.

RDA 2019-03: 8 Aaron Drive (Map 19, Lot 022), Graves – tree removal with replanting

Luther read the legal notice and Gaffney confirmed that proof of abutter notice was received.

Gaffney stated that the applicants, present at the meeting, had an arborist from Meyer Tree Company evaluate the trees they are proposing to remove. Gaffney reviewed the site plan noting the subject trees and the invasive species on the property. The house and property are entirely in the Buffer Zone and Riverfront Area to Howlett Brook. Jolley requested that scientific names be used on the replanting plan so that invasive species do not come in under a generic name. Gaffney noted that under the Tree Removal Policy, the replanting plan must be approved before the planting is done.

Luther asked how the trees will be accessed for removal. Gaffney stated that a crane would be used over the top of the house. In the worst case, access would be by the lawn and over the driveway.

Luther moved to close the hearing for RDA 2019-03. Shamroth seconded and the vote was unanimous in favor.

Luther moved to issue a Negative Determination of Applicability, subject to conditions as discussed and any that may apply for erosion control or limits of activity as seen fit by the Conservation Administrator. Shamroth seconded and the vote was unanimous in favor.

REQUESTS

RDNI 2019-05: 119 Washington Street (Map 31, Lot 018), C.G. Johnson Engineering Inc./Whiting – proposed patio improvements

Gaffney explained that this property previously had an OOC issued for septic work and trees. This request is to rebuild an older brick patio. The patio will be rebuilt with sand under the bricks. The work is in the Riverfront Area and only one planting is proposed in the Buffer Zone.

Luther moved to issue a Determination of Negligible Impact for RDNI 2019-05 at 119 Washington Street. Shamroth seconded and the vote was unanimous in favor.

RDNI 2019-04: 78 Alderbrook Drive (Map 68, Lot 023), Caturano – request to remove invasive species and replant native greenery

Gaffney explained that the proposal is to remove invasive species, mostly bittersweet. Corliss Landscaping developed the plan and the scope of work is written on the plan. No poison will be used, there are erosion controls and access from the lawn. The landscape company will do the work.

Luther moved to issue a Determination of Negligible impact for this project as shown on the Landscape Plan by Corliss Landscaping & Irrigation dated 2-12-2019. Shamroth seconded and the vote was unanimous in favor.

OTHER:

Amended Enforcement Order 2019-01: 215 Washington Street, (Map 46, Lot 007), Galka

Mike DeRosa, DeRosa Environmental Consulting, Inc., was present. DeRosa Environmental has been retained by Galka and DeRosa provided an overview of the work to be done. They will delineate the resource areas and then meet with the Galkas and their design group. They are proposing to do a project in the Riverfront Area and may complete the restoration as part of the Notice of Intent filing. DeRosa will come back to TCC with a plan to remedy the violation.

Luther asked if the bushes that were supposed to be planted by the riverfront survived. DeRosa stated that they were lost in flooding.

Gaffney asked if the area is stabilized. DeRosa replied there are hay bales (salt marsh hay) and a silt fence in place. Gaffney stated that as long as the site is stabilized, the consultant can assess the situation and decide the appropriate steps to remedy the violation.

MEETING MINUTES:

Luther moved to accept the minutes of the meetings held on February 13, 2019, February 27, 2019 and March 13, 2019. Shamroth seconded and the vote was unanimous in favor.

ADMINISTRATOR'S REPORT:

- Grow Spring Expo April 13, 2019 – Gaffney will finalize plans closer to the date.
- Potential Vernal Pool letter – Gaffney discussed an intern project completed the summer of 2018. Property owners of [possible] vernal pools were identified. Gaffney stated she would like to draft a letter to be sent to property owners to determine if any would be willing to have the vernal pools certified. Gaffney provided a brief overview of the bylaw and WPA and NHESP certification process.

ADJOURNMENT

Luther moved to adjourn. Shamroth seconded and the vote was unanimous in favor. The meeting was adjourned at 8:36 pm.

The next meeting will be held April 10, 2019 at 7:00 pm, Topsfield Library Meeting Room.

Respectfully submitted,


Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 5/8/2019

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 307-0772: Hood Pond

Complete Notice of Intent Application with Attachments

Attachment A – Abutter Notification

Attachment B – Project Description, Hood Pond Aquatic Management Program
prepared by SOLitude lake Management, dated March 2019

Attachment C – Figures

Attachment D – Herbicide/Algaecide Information

Product Labels:

Captain XTR (Liquid Copper Algaecide)

Clearcast Herbicide

Clipper Herbicide

Copper Sulfate Crystals

ProcellaOR EC Herbicide

Reward Landscape and Aquatic Herbicide

Sonar Genesis Aquatic Herbicide

SonarOne Aquatic Herbicide

Topsfield Wetlands By-law Fee Waiver Request by SOLitude Lake Management dated
3-11-2019

RDA 2019-03: 8 Aaron Drive

Complete Request for Determination of Applicability Application with attachments
Letter from Meyer Tree Service

RDNI 2019-05: 119 Washington Street

Complete Request for Determination of Negligible Impact Application
Patio Improvements Plan by C.G. Johnson Engineering, Inc. dated 3-19-2019

RDNI 2019-04: 78 Alderbrook Drive

Complete Request for Determination of Negligible Impact Application
Landscape Plan by Corliss Landscaping & Irrigation dated 2-2-2019

Draft Minutes of Meetings held on February 13, 2019, February 27, 2019 and March 13, 2019