

***Topsfield Conservation Commission
Minutes of Meeting May 8, 2019
Topsfield Library Conference Room***

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

Other Attendees:

Name	Address	Agenda Item
Dick Gandt	31 Timber Lane, Topsfield	
Geoffrey Neale	31 Perkins Row	
Nora Neale	31 Perkins Row	
Tim Collins	41 Cross Street	Meredith Farm
Tyler Ferrick	DeRosa Environmental Consulting	Meredith Farm
Christina Langone Eberhart	57 Candlewood Drive	57 Candlewood Drive
Effie Ypsilantis	8 Coppermine Road	8 Coppermine Road
Bob Marshall		30 Surrey Lane

Cheryl Jolley, Chairperson, called the meeting to order at 7:05 p.m. with a quorum present. She announced that the meeting was being audio recorded.

HEARINGS:

Continuation RDA 2019-05: Meredith Farm/41 Cross Street, (Maps 47|62|63 - Lots 037|002,035|002,006) Collins/ DeRosa Environmental Consulting, Inc.

Gaffney reviewed the discussion held at the April 24, 2019 meeting. She informed the TCC that she researched the issue of the work proposed on the streams/drainage ditches being exempt under the Agricultural Exemptions under the Act and finds that guidance received suggests that the work appears to be exempt. Work can only be done on drainage that is related to agricultural use.

Tyler Ferrick, DeRosa Environmental Consulting, and Tim Collins, owner of Meredith Farms, were present. Ferrick reviewed the status of the application, noting that the drainage ditches have been neglected for many years. The goal of the project is to improve water flow to drain the field properly and increase the production of hay. They will not be dredging the ditches. Luther asked how the embankments will be kept from falling into the drainage ditches. Ferrick replied that they will install check dams and will stabilize the embankments with plantings. Discussion and recommendations were made for conditions that should be included under the Bylaw. All agricultural work should avoid erosion and sedimentation, should use check dams,

and work should be done during dry periods. Ditches should not be widened or deepened. Brush is to be burned and leaves and debris composted. Pre-activity notifications for any and all projects should be given and the work on the drainage ditches should be overseen by an environmental consultant to make sure work is done properly. Work should stop early enough in the fall to allow for full stabilization. Conditions should be written clearly that the work is being done under an Agricultural Exemption.

The timeframe of the project was reviewed. Collins said his goal is to have it done in one summer, if possible. Discussion continued on the vegetation that will be removed from the stream/drainage ditch edges, what will be replanted and if lower shrubs could be planted on the banks. Discussion ensued.

It was agreed that during active work periods on the drainage ditches, monthly status reports would be provided to the TCC.

Luther moved to close the hearing for RDA 2019-05. Shamroth seconded and the vote was unanimous in favor.

Luther moved to issue a Negative Determination of Applicability under the Act and Bylaw citing the Ag exemption for the work as shown on the plan, described in the RDA, discussed and modified during the hearing and with conditions as discussed. Shamroth seconded and the vote was unanimous in favor.

Continuation ANRAD 307-0767: 43, 45 & 53 Perkins Row (Map 58, Lots 026, 027 & 028)
Chitro/Hancock Associates – *continued from 4/24/19*

Gaffney reviewed the history of ANRAD 307-0767 and read a portion of the May 1, 2019 letter from Hancock Associates related to the Vernal Pool assessment. She provided information of her own findings at the vernal pool. The consultant will submit their findings with photos and further evidence, if found, to the NHESP. Gaffney recommended issuing an Order of Resource Area Delineation for the resource area boundaries shown on the plan with a revision date of 10/23/18.

Gaffney noted that after reviewing attendance at previous hearings for this application, Commissioners Betts and DiCarlo should abstain from the vote.

Luther moved to close the hearing for ANRAD 307-0767. Shamroth seconded and the vote was 3 in favor (Jolley, Luther, Shamroth) and 2 abstain (Betts, DiCarlo).

Luther moved to confirm the resource areas as shown on the plan with a final revision date of 10-23-18, prepared by Hancock Associates for #43, 45 and 53 Perkins Row, Topsfield MA, together with evidence of the vernal pool to be submitted to the NHESP. To the extent there are

additional resource areas not shown on the plan, this order makes no determination with respect to those. Shamroth seconded. The vote was 3 in favor (Jolley, Luther, Shamroth) and 2 abstain (Betts, DiCarlo).

RDA 2019-07: 8 Coppermine Road (Map 79, Lot 002), Ypsilantis – tree, vine, shrub removal, landscaping, install shed

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

Gaffney reviewed the application and the applicant described the work that she is proposing including the clearing of invasive brush and ornamental grass along the driveway, removing a dead tree along the driveway and further work in the wooded area adjacent to the driveway. All areas are located in the Buffer Zone. No replanting plan has been submitted. The applicant provided some information on the proposed shed with storage space proposed to be built in the backyard.

After discussion with the applicant, the TCC recommended that she consult a landscaper to develop a more detailed plan for the project to be submitted for consideration at a future meeting.

The Applicant requested a continuance to May 22, 2019.

Luther moved to continue the hearing RDA 2019-07 to May 22, 2019. Shamroth seconded and the vote was unanimous in favor.

REQUESTS:

RDNI 2019-08: Rt. 97 Topsfield Linear Trail Crossing, Geller/Topsfield Rail Trail Committee

Joe Geller, 52 Prospect Street, representing the Rail Trail Committee, provided details of the proposal to replace existing flashing safety lights and install new flashing safety lights at the Rt. 97 trail crossing area. The proposal is being made to increase pedestrian safety at this crossing. Digging would need to be done to enlarge the holes for the bases for the existing lights and for the new poles. The lights are solar powered and there are no electrical lines for the lights. It was stated that the Highway Superintendent and police are aware of and approve of the project.

Luther moved to issue a Determination of Negligible Impact for the placement of the advance warning lights at Rt. 97 trail crossing area. Shamroth seconded and the vote was unanimous in favor.

CoC DEP 307-418: 30 Surrey Lane (Map 31, Lot 051), Marshall/Morin-Cameron - request for Certificate of Compliance

The applicant, Bob Marshall, was present and provided a brief history of the project. Upon applying for a CoC in 2008, further improvements were recommended by the Conservation Administrator.

Gaffney confirmed that those recommendations have been completed. The site is stabilized, the conservation markers are installed and the plantings have been completed. An after-the-fact TCCAP was issued for the driveway extension.

Luther moved to grant a Certificate of Compliance for work done at 30 Surrey Lane being in substantial compliance. Shamroth seconded and the vote was unanimous in favor.

OTHER:

57 Candlewood Drive: underground propane tank discussion request from property owner

Gaffney provided background information for discussion with Christina Langone-Eberhart regarding the project at 57 Candlewood Drive. A preliminary as-built plan was submitted showing that there is a 500 gallon propane tank installed in the 100 foot Buffer Zone. Gaffney explained her concern that it may violate a continuing condition of the OoC that restricts the storage or parking of Chemicals, Oil or Gas in the Buffer Zone or Riverfront areas.

The applicant explained how the installation error occurred. The property has a superseding Order under the Act. Eberhart said she contacted the DEP about this matter and they consider this a minor modification to the plan. She asked that the TCC also consider this a minor modification.

A lengthy discussion was held on the intent of the continuing condition. Luther maintained that the condition is to protect against contamination of the wetlands and that propane would not cause contamination in the case of leaking. Commissioners also expressed concern of setting a precedent for future propane projects.

Eberhart noted that the tank was permitted and inspected by the Town of Topsfield inspector. Jolley requested that documentation of the inspection confirming the tank was properly installed be provided to the TCC.

The TCC agreed that with confirmation from the gas inspector, a copy of the invoice and proof that it was properly permitted, installed and inspected, the propane tank will be considered a minor modification.

A meeting recess was taken from 9:20 pm – 9:25 pm

MEETING MINUTES:

Luther moved to approve the minutes of the meetings held on March 27, 2019 and April 10, 2019. Shamroth seconded and the vote was unanimous in favor.

ADMINISTRATOR'S REPORT:

No action.

OTHER:

Enforcement Order 2019-02: 254 Rowley Bridge Road, (Map 80, Lot 012), Wetherbee

Gaffney reported that the conservation posts are installed, bushes are planted and the owner will stop mowing behind posts. The last outstanding item is to remove erosion controls and submit the request for a certificate of compliance.

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

Gaffney reported that DeRosa Environmental Consulting is still working with Mr. Galka. DeRosa will delineate the wetlands and submit a plan to the TCC.

Conservation Commission Meeting location change for November 6, 2019.

Gaffney informed the TCC that the meeting room in the Topsfield Library is not available on November 6, 2019. The TCC meeting will need to meet in the Selectmen's meeting room at Town Hall.

Luther moved to change the venue of the November 6, 2019 meeting to the Selectmen's meeting room at Town Hall. Shamroth seconded and the vote was unanimous in favor.

Revisions to the RDA, NOI, ANOI & ANRAD instructions, TCC Form 5 - Abutter Notification Form & TCC Form 4

Luther moved to adopt the amended language for TCC Form 4 and Form 5 – Abutter Notification and RDA, NOI, ANOI & ANRAD instructions. Shamroth seconded and the vote was unanimous in favor.

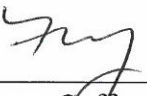
Luther moved to adopt the amended language for the RDA Instructions. Shamroth seconded and the vote was unanimous in favor.

ADJOURNMENT

Luther moved to adjourn. Shamroth seconded and the vote was unanimous in favor. The meeting was adjourned at 9:37 pm.

The next meeting will be held May 22, 2019 at 7:00 pm, Topsfield Library Meeting Room.

Respectfully submitted,



Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 6/12/19

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:

RDA 2019-05: Meredith Farm/41 Cross Street & Forest Management Plan: Meredith Farm/41 Cross Street

Complete Request for Determination of Applicability with attachments including the USDA Conservation Plan, dated April 10, 2019

Forest Management Plan Amendment dated April 13, 2018

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

Hancock Associates Vernal Pool Assessment Letter dated May 1, 2019

Plan to Accompany ANRAD for 43, 45 and 53 Perkins Row, Topsfield, Final Revision date 10-23-18 prepared by Hancock Associates

RDA 2019-07: 8 Coppermine Road

Complete Request for Determination of Applicability with attachments, received April 24, 2019

RDNI 2019-08: Rt. 97 Topsfield Linear Trail Crossing

Complete Request for Determination of Negligible Impact Application with attachments, received May 2, 2019

CoC DEP 307-418: 30 Surrey Lane

Complete Request for Certificate of Compliance dated April 25, 2019

As-Built Site Conditions 30 Surrey Lane Topsfield MA, dated April 25, 2019 prepared by The Morin-Cameron Group, Inc.

57 Candlewood Drive

Email from Tina Langone dated May 1, 2019
Portion of As Built Plan for 57 Candlewood Drive, Topsfield MA

Enforcement Order 2019-02: 254 Rowley Bridge Road

Enforcement Order 2019-02 dated April 2, 2019

Letters from Topsfield Conservation Commission to Scott Wetherbee dated March 14, 2016 and April 2, 2019

Topsfield Conservation Commission Forms – Proposed Revisions

TCC Forms 4 and 5

RDA (TCC Form 1) – TCC Application Instructions

NOI (DEP Form 3), Abbreviated NOI (DEP Form 4), ANRAD (DEP Form 4A) – TCC Application Instructions

Draft Minutes of Meetings held on March 27, 2019 and April 10, 2019