

***Topsfield Conservation Commission***  
***Minutes of Wednesday, July 15, 2015***  
Topsfield Library Meeting Room

**Present:** *Cheryl Jolley, Chairperson; Dodds Shamroth, Vice Chairperson; Holger Luther, James Carroll, Lana Spillman, Administrator; Dee Wise, Minutes Secretary*

**Absent:** *Jen DiCarlo*

**Other Attendees:** Dick Gandt; Hannah Smith, Summer Intern; Thomas Melto; Dan Syvinski; Scott Cameron, The Morin-Cameron Group; Michael DeRosa, DeRosa Environmental; Greg Hochmuth, Williams and Sparages; Attorney John Darling; Peter Smyrnios; Jeff Garber; Natalie Whelan; Toni Hatfield; Bill Hatfield, Chuck Johnson, P.E.; Thomas Schenk; Ralph Stump; Anne Marton, LEC Environmental; Carol Decker, Director, IRWS; Joe Geller; Philip Lake; Kim Sherwood

The meeting was called to Order at 7:07p.m. Cheryl Jolley chaired the meeting.

**HEARINGS:**

**Continuation of NoI 307-0723 199 Ipswich Road:** (Map 20, Lot 055), DeLulis/Hochmuth. Written request to continue until August 19<sup>th</sup> meeting.

Luther moved to continue the hearing, Carroll seconded. So Voted Unanimously

**ANRAD TCC 2105-01: 97 Boston Street,** (Map 69, Lot 015), Essex Agricultural Society/Richardson Green, Inc., /Williams & Sparages, LLC. Luther read the public hearing notice. This request is for verification of certain BVW flags and is under the Bylaw only (an agricultural exemption is being claimed under the MA Wetlands Protection Act). Greg Hochmuth presented before the Commission. Hochmuth stated that there is a small wetland on the southwest corner of property and an Intermittent Stream flowing from it. Hochmuth stated that he and Spillman had a site visit on July 7<sup>th</sup>. Spillman summarized that she reviewed the BVW flags; she had no concerns about the 7 flag locations WF A3 through WF A9 that need to be verified by the TCC. Several of the flags were hidden by Phragmites. Submitted to the Commission was a site plan titled, "Index Plan 97 & 111 Boston Street Topsfield, MA," prepared by Williams and Sparages, dated June 1, 2015. Luther made a motion to close the hearing, Carroll seconded. So Voted Unanimously  
Luther moved to approve that portion of the wetlands delineation that exists in the southwest corner of the lot shown as flags A3 through A9, and to issue an Order of Resource Area Delineation under the Bylaw accordingly. Carroll seconded the motion, which passed unanimously.

**NoI TCC 2015-01: 97 Boston Street,** (Map 69, Lot 015), Essex Agricultural Society/Richardson Green, Inc., /Williams & Sparages, LLC (*Requesting a waiver to reduce the Bylaw filing fee*) Luther read the public hearing notice. There is a request to waive a

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portion of the filing fee for the proposed site work. The project is construction of an access road to the area proposed for Fair parking. Submitted to the Commission was a site plan "Index Plan 97 & 111 Boston Street Topsfield, MA," prepared by Williams and Sparages, dated June 1, 2015. The project currently is under MEPA review and there will be a site visit related to that review. Luther moved to continue the hearing until August 19<sup>th</sup>; Carroll seconded. So Voted Unanimously

**NoI 307-0724: 57 Perkins Row, (Map 58, Lot 025), New Meadows Development/The Morin-Cameron Group, Inc.** Luther read the public hearing notice. This hearing is for review of the infrastructure for the proposed 5-lot subdivision as shown on the submitted plan prepared for New Meadows Development, LLC, "Plan to Accompany a Notice of Intent, prepared by the Morin-Cameron Group Inc., dated June 25, 2015." Cameron stated that there are 8.2 acres of land with a single-family home on it. Construction of the roadway would make use of an existing crossing through the wetland. Cameron stated that there would be 13,500 s.f. of Buffer Zone alteration for road construction, which will include 6500 s. f. of existing driveway. They are proposing 3:1 mitigation and above ground stormwater structures, including a constructed stormwater wetland. The plan includes a bottomless box culvert with a weir with a notch at the stream crossing, engineered to maintain hydrologic conditions of the impoundment. Each house would have an individual dry well. He added that once the project (roadway and drainage) was completed it would function properly and the impact would be very minimal. In response to a question from Luther, Cameron explained that there would be a sedimentation forebay and a constructed wetland area, a culvert, and an overflow spillway to meet ratios of the MA DEP Stormwater Handbook. Jolley asked if the roadway would be close to the abutter's stormwater systems. Cameron assured her that the design would capture 100% of the runoff from the roadway and would not discharge to the near abutters' properties. Mike DeRosa of DeRosa Environmental presented the Commission with his plan for the bioretention area and the wetland mitigation planting. DeRosa stated that there would be vegetation (native) planted and numerous invasive plants would be removed. There will also be native grass planted in the area. Luther asked what kind of soil would be used; DeRosa assured him that it would be organic compost. There will be Red Oaks and American Beech, with Witch Hazel understory. Luther commented that the project is predicated on the present ponded area not being a vernal pool. Luther showed a photo taken in 2008, fairly early in the year, showing water (the Ipswich River) near the current house, and he expressed concerns that there could be a problem with high water after several days of rain. Spillman asked the size of the contributing watershed; DeRosa responded 10.85 acres. Spillman asked if they would consider fewer lots to decrease impact, Cameron stated that they started with 7 lots and brought it down to 5 and it didn't matter how many homes because they still need the roadway and all the related Planning Board requirements. Luther expressed concern about the amount of engineering needed for 5 (vs. 3) lots. Carol Decker (Director of the Audubon Sanctuary, which is an abutter) asked what would happen to the new plantings with the deer population present. DeRosa stated that they would have a two-year after care plan in place, including caging all trees and use of deer repellent. Spillman suggested having a condition that the mitigation be completed prior to any house construction; DeRosa and the Commission agreed. Abutter Kim Sherwood expressed concerns about the proposed road

width; this is more of a Planning Board concern. Cameron acknowledged the importance of the waiver needed to work in the Buffer Zone and offered to provide more information about the work to be done to the BVW/ponded area. He agreed to expand on the Alternatives Analysis, bring in a topo map of this area of Topsfield for all to review, and provide a list of replication areas designed and/or implemented by DeRosa in Topsfield. The Commission agreed that a peer review of proposed stormwater management and wetland mitigation will be done by Beals and Thomas. A review of the impounded area for evidence of a vernal pool will be sought from vernal pool expert Matt Burne.

Luther moved to continue the hearing until August 19, Carroll seconded. So Voted Unanimously

**ANRAD 307-07\_\_ : 21 & 9 Towne Lane**, (Map 33, Lot 061 & Map 41, Lot 073), LeClair/Gove Environmental Services, Inc. (*Written request to continue to August 19*) Abutters had not yet been notified.

Luther moved to reschedule the hearing for August 19<sup>th</sup>; Carroll seconded. So Voted Unanimously

#### **REQUESTS:**

**RDNI 2015-10: 96** (Map 12, Lot 039), & **96R** (Map 12, Lot 038), **North Street**, Hatfield

This is an application for a shed where a paved driveway is now, at 96 North Street (previously proposed on 96R North Street, but that is not an allowable activity under the CR on that property). Driveway pavement is to be removed and replaced with plastic liner prior to shed replacement. Bill Hatfield stated that he and his wife, Toni Hatfield, have been working closely with Spillman. Hatfield stated that he noticed some soil erosion and wants to mitigate the erosion by using seed and loam. Spillman asked if this was just to stabilize, not to be maintained as lawn, and Hatfield stated it was. Luther moved to issue a DNI; Carroll seconded. So Voted Unanimously

**RDNI 2015-11: 22 Towne Lane**, (Map 33, Lot 054), Smith/C.G. Johnson Engineering, Inc.

This project is for installation of a septic system upgrade nearly entirely outside of Buffer Zone. Spillman made a site visit and reviewed the BVW flags with Chuck Johnson, P.E. The flags were reviewed and Spillman would approve all that they found (three were missing) if that were the application. Luther moved to issue a DNI; Carroll seconded. So Voted Unanimously

**RDNI 2015-12: 6 Hickory Lane**, (Map 50, Lot 018), Bader. This project is for the removal of two dead trees and one diseased tree in outer Buffer Zone to BVW and an Intermittent Stream. Spillman made a site visit on July 14 and suggested the RDNI, similar to previous tree removal requests for 10 and 20 Hickory Lane. Luther moved to issue a DNI for 6 Hickory Lane; Carroll seconded. So Voted Unanimously

**Continuation CoC 307-0718: 8 Wilmor Road**, (Map 10, Lot 001), Domestic Septic Design, Inc./Elwell Spillman made a site visit on July 13 and found the formerly bare soil areas

sufficiently stabilized with new grass. Luther moved to issue a CoC; Carroll seconded. So Voted Unanimously

**Continuation CoC 307-0119: 207 Boston Street - Fairgrounds,** (Map 57, Lot 004), Essex Agricultural Society/Williams and Sparages, LLC (*Written request was received to continue all 4 CoC requests related to the Fairgrounds to August 19.*) [No vote necessary]

**Continuation CoC 307-0384: 207 & 233 Boston Street - Fairgrounds,** (Map 57, Lot 004 & Map 49, Lot 082), Essex Agricultural Society/ Williams and Sparages, LLC

**Continuation CoC 307-0403: 233 Boston Street,** (Map 49, Lot 082), Essex Agricultural Society/ Williams and Sparages, LLC

**Continuation CoC 307-0646: 207 Boston Street,** (Map 57, Lot 004), Essex Agricultural Society/ Williams and Sparages, LLC

#### **OTHER:**

**Enforcement Order 2015-02: 2R Valley Road,** (Map 65, Lot 036), Salem and Beverly Water Supply Board – ratification and discussion with SBWSB.

Attorney John Darling presented an Enforcement Order issued for unauthorized alteration of Wetlands Resource Areas that was up for ratification. Members of Salem and Beverly Water Supply Board (SBWSB), including Peter Smyrnios, John Darling, counsel for SBWSB, and Ann Marton of LEC Environmental Consultants were present. Darling stated that the Water Board came before the TCC in 2013 to build a replacement bridge and explained why it was exempt from the WPA and the Bylaw. The bridge was completed in 2014, and then from that point work was done by SBWSB and staff. Darling continued that access road work was done recently and acknowledged that there was not proper erosion control in place when the work was performed. He added that the Water Board views that road as part of the canal facility. Darling explained that the gravel way was 12 feet wide, that the width at the bridge was 13+ feet; they tried to preserve a width of 12 feet, although it may be 13 feet in some areas. He accepted that the area is not as stable as the Rail Trail. Luther expressed concerns about the stability of the stone dust; it appears unstable on both sides. Representative Ann Marton of LEC Environmental stated that vegetation used to grow along the slope, which held it in place. She feels it is sufficiently stable and they are waiting for the vegetation to grow. Spillman pointed out that there is evidence that the soil in the pathway was disturbed and spread out, expanding the footprint into the adjacent wetlands (fill in BVW), before they added the crushed stone. Marton confirmed that the crushed stone is not compacted. When questioned about the purpose of “improving” the cart path, Darling responded that the SBWSB has had many complaints from hikers, bikers and walkers. Luther stated that the Water Board encouraged foot travel there. Jolley acknowledged that the former bridge was unsafe and discouraged walkers. Darling stated that now it is a good place to walk. Joe Geller, chair of the Rail Trail Committee, stated that he understood that nobody could work in the area due to the adjacent Vernal Pool. The Rail Trail Committee would like to see documents of the SBWSB request to TCC. Darling responded that they don’t have such

documentation. Geller explained that Topsfield has a 99 year lease with the MBTA, with 25 feet on both sides, a 50-foot right of way for the Rail Trail. Jolley stated that she knew about the bridge work, because it was not safe, but not about the other work being done on the path adjacent to the Wetlands. Darling acknowledged that the Water Board should have contacted the TCC. Joe Geller recalled that there was not to be work done on the path due to the adjacent vernal pool. Ann Marton stated that stabilization requested, i.e. siltation sock installation, has been completed. Carol Decker of the Ipswich River Wildlife Sanctuary stated that the Water Board has had 3 incidents where they did not go through the right channels, 2 in Topsfield and 1 in Wenham. Spillman summarized that she has basic concerns, i.e. numerous Resource Areas have been altered, and fill was placed in BVW, BLSF (floodplain) and likely in or near a vernal pool. Abutter Ralph Stump commented that prior to the path being made bigger by bulldozers, it was a compacted path. He added that there is a big Vernal Pool in the wetland, and his property has had flooding up to 50 feet into the property. After Darling stated that the path provides access to the canal, Jolley asked if there is access off Cherry Street and Darling replied, "Yes, there is." Jolley asked if there was emergency access (also off Cherry Street), and Darling answered that there could be. Spillman commented that measurements of width show that the added crushed stone is in excess of 12 feet, as much as several additional feet in width, the full length from the Rail Trail to the bridge. In response to concerns about the unstable side slopes, Marton suggested that native plants be planted on the slopes and Luther suggested that they plant lots of elders. Marton and Decker both agreed with that recommendation. There was no vote on the ratification. TCC will make further investigation.

**Violations: 22 Evergreen Lane**, (Map 50, Lot 032), Melto. A Violation Notice was issued for unauthorized activities in Buffer Zone, including replacement of two drainage pipes and excavation of a 20 ft. x 20 ft. patio area in Buffer Zone of BVW and a certified Vernal Pool. Following notice to the TCC office, Spillman made an unannounced site visit and found work in progress. She allowed workers to proceed with addition of crushed stone/soil already mixed onsite and required subsequent stabilization of bare soil areas. Spillman recommends a RDA filing (after the fact) to authorize the activities. Spillman added that submission of the application was done in record time and was submitted earlier in the day. Luther moved to allow the work to proceed under the usual conditions and still proceed with the RDA; Carroll seconded. So Voted Unanimously

**Proposal for layout of 255 High Street/Morningside River Estates Open Space**, (Map 65, Lot 001), The Morin Cameron Group, Inc. – review and discussion.  
John Morin was not available for the meeting.

### Meeting Minutes

- **June 24, 2015** – waiting for updated draft

### Administrator's Report:

**Note:** Next TCC Meeting – **August 19, 2015**


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**ADJOURNMENT:**

Luther moved to adjourn the meeting, Carroll Seconded. So Voted Unanimously

The meeting was adjourned at 10:02p.m.

Respectfully submitted,

  
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Diane Wise,  
Recording Secretary

*Minutes approved at the TCC meeting on August 19, 2015*

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.