

***Topsfield Conservation Commission
Minutes of Meeting October 23, 2019***
Topsfield Library Conference Room

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

Absent: Jennifer DiCarlo

Other Attendees:

Name	Address	Agenda Item
Kathleen and Patrick Yanchus	17 Pemberton Road	17 Pemberton Road
Daniel Johnson	Domestic Septic Design	98 Pemberton Road
Rich Kirby	6 Aaron Drive	
Jeff Peacock	20 Aaron Drive	
David & Libby Culbertson	49 Timber Lane	
Peter & Deborah Hames	5 Timber Lane	
Dick Gandt	Timber Lane	

Cheryl Jolley, Chairperson, called the meeting to order at 7:01 p.m. with a quorum present. She announced that the meeting was being audio recorded.

HEARINGS:

Continuation NoI 307-0777: 17 Pemberton Road (Map 49, Lot 022), Yanchus/Wetlands & Land Management, Inc. – construct an addition

Gaffney confirmed that the legal notice was read at the October 23, 2019 meeting and that proof of abutter notice was received.

Bill Manuell of Wetlands & Land Management, Inc., presented the proposed project to construct a small addition to be used as a first floor master bedroom. Manuell described the characteristics of the 100' x 100' lot and noted that there are no wetlands on the property but is located in the Bylaw Riverfront to Cleveland Brook and Buffer Zone to BVW on neighboring property. Flags were placed on the neighboring property. The addition will have a 4' frost wall, and a low cement retaining wall for decorative purposes. Construction access is from the front yard. Erosion control measures and infiltration plans for the new roof area were discussed. The applicant would like to remove a diseased spruce tree. A new tree is required to remove a tree. Gaffney stated that she reviewed the closest flag which is located off of the property.

Luther moved to close the Hearing for NoI 307-0777: 17 Pemberton Road. Shamroth seconded and the vote was unanimous in favor.

Luther moved to approve the project as shown on plan titled "Proposed Plan, #17 Pemberton, Topsfield MA", dated 9/17/19 by Donohoe Survey, Inc., subject to usual and standard conditions. Shamroth seconded and the vote was unanimous in favor.

Continuation ANRAD 307-0776: 5 East Common Street (Map 33, Lot 36), Congregational Church/Beals Associates – verification of Wetlands Resource Area boundaries – **Continued to 11/6/19**

- *No action needed, was continued to 11/6/19 at the 10/16/19 meeting.*

NoI 307- : 48 Pemberton Road (Map 49, Lot 016), Wilkinson/Domestic Septic Design Inc. – subsurface sewage disposal system

Luther read the legal notice and Gaffney confirmed that proof of abutter notice was received. Gaffney noted that the DEP had not yet issued a number.

Daniel Johnson, Domestic Septic Design, Inc., presented a proposed septic system replacement in Riverfront Area to School Brook (WPA & Bylaw) and Cleveland Brook (Bylaw only). Portions of the work including the septic tank and access for construction are within the 100' Buffer Zone and the leach field is outside of the 100' Buffer Zone. The system is located as far from resource areas as possible. Access to the work would be from two abutting properties except when the tank is dropped in. A Presby system will be installed and there will be no grade changes. The old leaching field will stay in place and will not be disturbed.

Gaffney stated that the three closest wetland flags will be confirmed. She added that there is the rail trail in the back, off of the property and there a Bylaw Intermittent Stream next to the rail trail.

The Hearing could not be closed without the DEP number. Johnson requested a continuance to November 6, 2019.

Luther moved to continue the Hearing for NoI 307-, 48 Pemberton Road to November 6, 2019, at the request of the applicant. Shamroth seconded and the vote was unanimous in favor.

ANRAD 307-0779: 6 Aaron Drive (Map 19, Lot 021), Clark/Topsfield Solar, LLC c/o Nexamp, Inc. – verification of Wetlands Resource Area boundaries

Luther read the legal notice and Rich Kirby of LEC Environmental Consultants confirmed that proof of abutter notice will be e-mailed to Gaffney.

Rich Kirby of LEC Environmental Consultants presented on behalf of the applicant. Kirby provided information on the abutting properties, and the characteristics and condition of the 73-acre property. Access to the interior of the site is by a gravel road from Aaron Drive.

Kirby reviewed the 100-year flood plain and elevations and reviewed the many resource areas associated with the property, including Howlett Brook and Bordering Vegetated Wetlands and Isolated Vegetated Wetlands. Kirby noted that only two of the approximately six isolated

wetlands exhibit potential vernal pool properties. There are storm water swales that are jurisdictional streams under the Bylaw. Discussion was held on beaver activity and the flooding caused by the beavers in Howlett Brook.

Gaffney stated that she reviewed the property resource areas and flags with Kirby on September 30. Changes to flags and the two Bylaw Intermittent Streams are reflected on the most recent plan. Gaffney stated that parts of the site are very thick and could not be viewed. She will conduct another site visit after leaf off. She discussed areas that need further review. The Riverfront is estimated, not flagged. Riverfront Area needs to be determined under the Bylaw. Riverfront Area under the Act has not been determined or reviewed. The mean annual high needs to be determined. The river regularly floods up through a large part of the wetland and beaver activity is known in the area. There is no different delineation for beaver activity especially since it has been going on for over ten years.

Peter Hayes, 50 Timber Lane, asked why there isn't any drainage noted on the plan and stated that the stream goes through his lot and is draining onto lots on Timber Lane. Gaffney pointed to the stream shown on the plan and clarified that it has been delineated on the subject property only.

David Culbertson, 49 Timber Lane asked what the purpose of the ANRAD is. The TCC explained the purpose on an ANRAD and informed the abutter that an application for a project has not been submitted.

Kirby discussed answers to the abutters questions.

The commission discussed going on a site visit.

Kirby requested a continuance to November 6, 2019.

Luther moved to continue the Hearing for ANRAD 307-0779: 6 Aaron Drive to November 6, 2019, at the request of the applicant. Shamroth seconded the motion and it was approved with a vote of 3 in favor and 1 recused (Betts).

REQUESTS:

RDNI 2019-14: 17 North Street (Klock Park) & 15 North Street (Map 18, Lots 060 & 061), Town of Topsfield/Shepard – tree removal

Gaffney displayed an aerial photo of the location of the trees that the applicant would like to remove. One tree has already fallen and hit the deck of the house. Iron Tree has assessed the trees and several are dead Ash trees. Property ownership is being determined between the Town of Topsfield and the owner of 15 North Street.

Luther moved to issue a Determination of Negligible Impact for the removal of the trees with the standard replanting under the Tree Policy. Shamroth seconded and the vote was unanimous in favor.

MEETING MINUTES

No action taken.

ADMINISTRATOR'S REPORT

No report.

OTHER:

Corrected TCC Form 3 – Gaffney discussed a minor correction made to the form.

Luther made a motion to approve TCC Form 3. 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 8:06 pm.

The next meeting will be held on November 6, 2019 at 7:00 pm, in the Selectmen's Meeting Room, Town Hall.

Respectfully submitted,


Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 12/18/2019

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:

Continuation NoI 307-0777: 17 Pemberton Road (Map 49, Lot 022), Yanchus

- Notice of Intent Application with attachments, dated September 25, 2019
- Plan titled "Proposed Plan, #17 Pemberton, Topsfield MA", dated 9/17/19 by Donohoe Survey, Inc.

NoI 307- : 48 Pemberton Road (Map 49, Lot 016), Wilkinson

- Notice of Intent Application with attachments, dated October 2, 2019
- Plan titled "Subsurface Sewage Disposal System, 48 Pemberton Road, Topsfield MA" sheets 1 and 2, dated October 1, 2019, prepared by Daniel Johnson

ANRAD 307-0779: 6 Aaron Drive (Map 19, Lot 021), Clark

- Abbreviated Notice of Resource Area Delineation Application with attachments, dated October 11, 2019
- Plan titled "To Accompany an Application for Abbreviated Notice of Resource Area Delineation, 6 Aaron Drive, Topsfield MA", Sheets 1 and 2, dated October 3, 2019, prepared by Meridian Associates
- (6) Pictometry images – 6 Aaron Drive

RDNI 2019-14: 17 North Street (Klock Park) & 15 North Street (Map 18, Lots 060 & 061), Town of Topsfield/Shepard

- Request for Determination of Negligible Impact application received October 18, 2019

TCC Filing Form 3, revised October 16, 2019