

Topsfield Conservation Commission

Meeting of Wednesday, January 27, 2010

Topsfield Library Meeting Room

The meeting was called to order at 7:07 p.m. with a quorum present: Topsfield Conservation Commissioners George Hall, Chair; Holger Luther; Jim MacDougall; Mark Erickson; Jennie Merrill; Jud Pratt

Also present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary

Abbreviations used:

TCC – Topsfield Conservation Commission

BoS – Board of Selectmen

DEP – Department of Environmental Protection

BOH – Topsfield Board of Health

NoI – Notice of Intent

OoC – Order of Conditions

CoC – Certificate of Compliance

EO – Enforcement Order

ORAD – Order of Resource Area Delineation

BVW – Bordering Vegetated Wetland

SORAD – Superseding Order of Resource Area Delineation

Public Information: Agenda

OPEN MEETING:

TCC signed bills, authorizations and time sheets.

HEARINGS:

Continuation AmOoC TCC 2006-01: 72 Hill Street (Map 69, Lot 16), Malinowski/Hayes Engineering – Request to continue to 2/10/2010.

Ms. Spillman gave a brief update on the status of the site. Mr. Hall acknowledged a letter from abutter Ken Stowe dated December 29, 2009 regarding rainfall on December 26 – 27, 2009, which he stated resulted in flooding at several areas on their property. It was noted that this storm was prior to the trench being dug at 72 Hill Street.

Mr. Luther made a motion to continue the meeting at the request of the applicant to the February 10th TCC meeting. Ms. Merrill seconded and the motion carried by unanimous vote.

RDA 2009-17: 19 Blueberry Lane, (Map 6, Lot 6), Donnell/Dalton – *request to continue to February 10, 2009 for proof of abutter notification.*

Mr. Luther made a motion to continue the hearing at the request of the applicant to the February 10th TCC meeting. Ms. Merrill seconded and the motion carried by unanimous vote.

NoI 307-0657: 21 Forrest Road, (Map 39, Lot 57), Becker

Present: Ed & Sheila Becker.

Ms. Merrill read the legal ad; proof of abutter notification had been submitted previously.

The project is repair of an existing septic system within Buffer Zone and partly within Bylaw Riverfront Area of Slough Brook. Mr. Becker referenced a septic system plan dated January 12, 2010 and the submitted Alternatives Analysis. The Board of Health has granted a variance for separation from groundwater. There was no public comment.

Mr. Luther made a motion to close the hearing. Mr. Pratt seconded and the motion carried by unanimous vote.

Mr. Luther made a motion to issue the Order of Conditions based on the fact that the 10% Riverfront Area requirement has been met and there is no viable alternative to mitigate any impacts the proposal has. Mr. Pratt seconded and the motion carried by unanimous vote.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Enforcement Order, Violation Notice & Bylaw Ticket #2007-11: 270 Boston Street, (Map 41, Lot 87) Bear Albright – update and discussion

The TCC discussed the Albrights' proposal of 1/14/2010 in which they proposed payment of approximately half of the original fine with two requested conditions.

Mr. Luther made a motion to accept the proposal. Mr. Pratt seconded. Discussion followed.

Mr. Luther amended his motion, to accept Mr. Albright's offer to pay the portion of the fine mentioned in his letter subject to the two conditions he proposed, which will be qualified by a letter written by Mr. Hall. Mr. Pratt seconded the amendment and the motion carried by unanimous vote.

2nd Amended Enforcement Order #4: 215 Washington Street, (Map 46, Lot 7), Galka – Update
Ms. Spillman reported that the TCC office received a call from an abutter of one of Mr. Galka's properties in Peabody who reported that the (Peabody) property is in deplorable condition and has been condemned. DEP has taken over the 215 Washington Street case and Ron Stelline will be informed that the TCC has stopped issuing periodic fines for Galka's noncompliance because of DEP's involvement.

SORAD 307-0640: 57 Candlewood Drive & 109R Perkins Row, (Map 43, Lot 7), Skeffington – update

The TCC was briefly updated on the case.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

12 Boston Street/English Commons, (Map 81, Lot 1) – update

Mr. Luther reported that he and Mr. MacDougall were onsite and vegetation as been stripped and ice was removed from the pond. Heavy equipment was brought onsite; there is one additional area where they are requesting siltation fencing be installed. They will return tomorrow to check the elevations with GPS. Mr. Luther will email dates of inspections and updates to the TCC office.

Town of Topsfield Wetlands General Bylaw, Ch. 62, Regulations R: 10-5.2 k. – Proposed
Topsfield Conservation Commission Administrator Permit (TCCAP) for Limited Buffer Zone Activity

The Commissioners were provided with copies of the revised proposed Regulation. Discussion followed.

Mr. Luther made a motion to adopt the proposed Regulation R: 10-5.2 k. as amended with the three provisions, to become effective as of February 1, 2010 and the amendments as discussed include: to strike out language referencing vernal pools, that 8- inch diameter sono tubes are to be dug to a depth of 4 feet, and to add a certificate of completion to the permit form. Mr. Erickson seconded. Mr. Hall offered an amendment to add to the motion: subsection f added in bold "not to supersede state law." The Commission accepted the amendment and the motion carried by unanimous vote.

Ms. Merrill made a motion to take the agenda out of order and address the Bylaw. Mr. Luther seconded and the motion carried by unanimous vote.

Bylaw Amendment(s) for Annual Town Meeting – Discussion

Mr. Luther made a motion to adopt the proposed Bylaw amendments and that they be brought before Town Meeting in 2010. Ms. Merrill seconded and the motion carried by unanimous vote.

Water Quality Monitoring, School Brook behind Town Library – Discussion

Mr. MacDougall updated the TCC, saying that he has talked with Jackie White, Library Director, regarding the testing of School Brook to determine the source that is causing the raised levels of

coliform bacteria. He described the proposed testing of numerous locations along tributaries of School Brook for *E. coli*, noting this requires an incubator, which Mr. MacDougall stated he has. Mr. Luther has the machine necessary for the evaluations. Mr. Luther and Mr. MacDougall will do testing to see if they can determine the source(s) of bacteria. Copies of results will be submitted to the BOH agent, and coordination with the BoH may result.

Mr. Luther made a motion to authorize Mr. MacDougall and Mr. Luther to spend \$116 on testing equipment, plus unknown shipping and handling costs. Mr. MacDougall seconded and the motion carried by unanimous vote.

Rail Trail NoI – Discussion

Mr. MacDougall reported that the flagging is done except for DEP delineation forms and the section between Route 97 and the Topsfield/Wenham Line, which will be done when the snow is gone. The delineation is strictly on vegetation, not soils.

207 Boston Street, Topsfield Fairgrounds –Follow-up

Mr. Luther will provide the TCC with a map of the parking areas around the Fairgrounds.

ADMINISTRATOR’S REPORT:

Annual Report

The TCC reviewed a draft copy of the Annual Report as prepared by the Administrator.

Mr. Luther made a motion to adopt the draft as written. Ms. Merrill seconded and the motion carried by unanimous vote.

FY 2011 Budget – discussion

The TCC discussed at length the proposed TCC FY 2011 budget.

MACC courses

Annual Conference February 27th – signup

Spillman explained that the TCC secretary would like to take some MACC Fundamentals courses; this would be paid for from the Bylaw Revolving Fund.

Mr. Luther made a motion to approve the request. Ms. Merrill seconded and the motion carried by unanimous vote.

EXECUTIVE SESSION: Pending and current litigation – updates

It was determined that an Executive Session was not necessary.

8:45 pm- Mr. Erickson made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley

Accepted at the TCC meeting on February 24, 2010.

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.