

TOWN OF WENHAM

Conservation Commission  
Meeting of April 11, 2016  
Wenham Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Conservation Commission was held on Monday, April 11, 2016 at 7 PM in the Selectmen Chambers.

With a quorum present, Mr. Colarusso called the meeting to order at 7:03 PM.

Board Members Present: Philip Colarusso, Chair; Leo Maestranzi; Michael Novak  
Robert Burnett; Malcolm Reid

Not Present: Jerome Hunsaker

Also present; Anthony Fields, Interim Planning Administrator; Catherine Tinsley, Recording Secretary

Agenda

NOI-157 Grapevine Road

RDA - HWYS

The agenda was taken out of order.

Administrative Business:

Conservation Restriction 36 Essex Street - Notification of property transfers and proposed discontinuance of public access

Present: Molly Martins, President of the Academy at Penguin Hall purchaser of Penguin Hall.

There is a Conservation Restriction is on 4.5 acres of the property located in the middle of the property at 36 Essex Street and is land locked without public access.

One provision on the Conservation Restriction was the ability of the successor to discontinue the public access and the Academy chose to invoke that right at closing, but the Notice of Discontinuance of public access there was an error made on the closing documents when the property was sold and the Grantor/ Grantee language was inadvertently switched. To correct this error at the registrars the Conservation must vote to accept the corrected and revised Notice of Discontinuance of the public access and grant a 60-day extension to allow for the filing in land court.

Ms. Martins stated there are no current plans for this area but a master plan is in the process of being developed and it may include sports fields and or out buildings in this area.

*VOTE: Mr. Maestranzi moved and it was seconded to accept the corrected typographical error in the notice of Discontinuance and to extend the 60-day extension period for lifting that discontinuance. The motion carried unanimously.*

This voted needed to be notarized and was left with the Commission for due process.

**New Public Hearing**

Notice of Intent

Mr. Fields read the public notice.

Mr. Colarusso opened the hearing at 7:31 pm

Applicant: Charles Davis

Consultant: Domestic Septic Design Inc. Daniel Johnson, Present

Location: 157 Grapevine Road

Project: Portions of proposed driveway and septic system within the 100-foot adjacent upland resource area to a bordering vegetated wetland.

## *Approved 5.9.16*

Mr. Johnson informed the Commission that the potential buyers of the lot located at 157 Grapevine Road have requested the Commission provide feedback on the proposed septic system plan dated/ revised March 23, 2016, as a prerequisite to the sale. This lot is bordered by wetlands. It was noted that the driveway as proposed would need minimal preparation.

Mr. Johnson went on to say that permeable solids were determined to be present on the lot and suitable for a four-bedroom septic with a small portion of the system in the buffer zone; nothing is proposed for the wetlands.

The commission questioned details of the site, after which they were reluctant to make any decisions or take any votes, but strongly supported a design fully out of the buffer zone.

Mr. Maestranzi stressed the Commission has not historically granted such a variance except if not approving such a variance request meant a house would be condemned and did not want to set a precedence.

There was no public comment.

*The Commission voted unanimously to continue the bearing to a date certain of April 25, 2016 at 7 PM in the Town Hall*

### Request for Determination of Applicability

Applicant: Hamilton Wenham Youth Soccer (HWYS)

Present: Don Lake, President HWYS; Michael Byrne, Field Maintenance & Grounds Director

Location: 91 Grapevine Road

Project: Iron Rail parking lot improvements within the 100-foot adjacent upland resource area to a bordering vegetated wetland.

The Commission was updated on the details of the proposed project to stabilize the parking area of the soccer fields at Iron Rail. Crushed stone (donated) material is already on site.

The scope of work requested included:

- Removal of the top (6 "to 12") of organic material to be transported off site
- Use of barrier fabric under the stone
- Crushed stone (3/4")
- No change in grade
- Clearing of brush around the perimeter with potential of encroaching the parking area
- Tree planting in the fall
- Notify the Commission upon completion

There was a discussion that the use of stone and fabric combined with compacting would change the permeable surface character to act like an impervious surface and alter the water run-off and drainage.

Discussion followed if the work had the potential to trigger the state stormwater regulations, and if the work would benefit the area rather than adversely affect it.

*VOTE: Mr. Maestranzi moved, and it was seconded, the work be done as proposed, as soon as possible and the Commission issue a negative determination. The motion carried by majority vote with Mr. Novak and Mr. Colarusso voting in the negative.*

The HWYS was directed to use silt sock barrier until the work is completed and be used to secure any stockpile of organic materials stored on site.

The Commission requested the location of where the topsoil was disposed.

It was noted that there is cooperative effort with Gordon College to remove invasive plants from the area. The organization was directed to wait until these species have been identified before removing any brush and that this be further discussed when the Land Use Coordinator position is filled.

Other Matters:

Mr. Fields brought the following potential unauthorized work in areas under the jurisdiction of the Conservation Commission:

- Grapevine Road (332 and/or 338) / Toppan Lane area tree clearing and construction of an animal pen with in the buffer zone and possibly wetlands; illegal hook up to the fire hydrant. It was determined the City of Beverly owns the fire hydrant and the complaint was forwarded to the appropriate department. Letters were sent to the property owners requesting they contact the office and attend the next (4.25.16) Conservation meeting; there has been no response to date.
- Cedar Street (106) – tree removal possible work to improve view to lake. Homeowner responded to Conservation agent to follow process
- Topsfield Road (198) - Photos provided of a mounded septic system with additional fill brought in to level the yard. This has created run off, potentially into the wetlands.  
Several Town Departments are involved.

The Commissioners will evaluate these sites before the next meeting.

Administration

- The Commission recently voted and granted a two-year request for 9 Juniper Ave and Nelson Ave Extension and signed those forms.
- Annual MBTA Yearly Operational Plan Vegetation - A hearing will be posted for the next meeting.
- Minutes - The deferred to the next meeting.
- Membership – There is an open seat on the Conservation Commission.

Discussion of suggested candidates / reducing membership from seven to five.

The Commission unanimously adjourned at 8:30 PM

Respectfully submitted by

Catherine Tinsley  
4.25.16