

## ***Topsfield Conservation Commission***

**Meeting of Wednesday, March 28, 2012**

Topsfield Library Meeting Room

**Present:** Commissioners George Hall (Chair), Holger Luther (Vice-Chair), Jim Carroll, Mark Erickson, Cheryl Jolley, Jim MacDougall, Jennie Merrill; Administrator Lana Spillman; Minutes Secretary Debbie Rogers; Liaison Selectman Dick Gandt..

**Absent:** None.

### **HEARINGS:**

**Continuation NoI 307-0684: 87 Perkins Row**, (Map 51, Lot 21), Mass. Audubon Society/Decker

Present: Carol Decker, representing Massachusetts Audubon Society, 87 Perkins Row, and Jeanne Li.

MacDougall and Merrill recused themselves from the hearing and left the room.

Discussion included the importance of communication and contacting the TCC office of trail maintenance projects prior to any activity in resource areas. Sanctuary trails and resource areas in TCC jurisdictional areas were discussed. The DEP issued a file number and will require a Fish and Wildlife review for dam breaching activities. Spillman stated that she had received the \$100 Bylaw fee from Decker and suggested the TCC vote to waive all but that amount.

A motion was made to close the hearing by Luther, seconded by Jolley, and passed with a unanimous vote.

Luther made a motion to issue an Order of Conditions subject to following appropriate care for the trailwork in areas of wetlands as shown in the NoI plans submitted; and in the case of the addition of fill, prior that such fill being deposited, the TCC office should be notified for an inspection and advice on special conditions. All dam breaching exceeding six inches will require a permit from the Fisheries and Wildlife, which shall be secured prior to work. Hall added that prior to installation of beaver deceiver, notice of that shall be required, and an inspection may be required to determine if alteration of the resource area would require a separate NoI. Erickson seconded. With these precautions and conditions, a vote was taken and passed unanimously.

Luther moved to reduce the Bylaw fee to \$100.00; it was seconded by Erickson, and passed with a unanimous vote.

**Continuation NoI 307-0686: 15 Kinsman Lane**, (Map 31, Lot 78), Whyman/Magnus

The Board of Health had requested a revised plan to correct inaccuracies in wetland identification and location measurements. A DEP file number was issued on March 27 and a revised plan was received by the TCC today. The revised plan includes more precise information, including elevation of the nearest wetland flag to the proposed work. Spillman stated that the revised plan is adequate for conservation purposes as the proposed septic leaching system location meets the minimum 50-foot setback. All the wetlands are located behind the house and the system is proposed in front. Spillman recommended an OoC with the usual special conditions be issued.

Luther moved to close the hearing, Carroll seconded, and the motion passed unanimously.

Luther moved to approve the plan as presented in a revised format dated March 25, 2012, revision 3, seconded by Jolley, and passed with a unanimous vote.

**RDA 2012-03: 92 Parsonage Lane**, (Map 17, Lot 4), EnergySquid, LLC/Dikan  
Present: Les Simon of EnergySquid, representing 92 Parsonage Lane for the Dikan geothermal project; Mike Dikan, 92 Parsonage Lane, homeowner; Ed Holden, 96 Parsonage Lane, abutter to the project.

The request of applicant Mike Dikan of 92 Parsonage Lane to install a geothermal well on property located in a Buffer Zone, partly in BLSF, and on the edge of BVW was considered. Discussion included project access, ground disturbance, environmental impact, and abutter concerns. Simon stated that the completely sealed system is installed using a standard drill rig into a 405 foot hole using a concentric well system. The dug well will bury a long vertical pipe in a closed loop system, which will go up in concentric circles to extract heat from the ground. An excavation trench will be required and slurry will be contained in a constructed slurry pit. Disturbed ground areas include the trench, the well pit, and the slurry pit located behind the patio. The hole will be placed as close as possible to the rear of the house. Erosion control will be in place to minimize the environmental impact; and excavated material will be stored on a tarp, covered, and replaced into the ground when possible. Excess slurry would be hauled offsite. Since the location of the property is in a Buffer Zone and some land is subject to flooding, Spillman suggested the proposed activities be upslope as much as possible because of potential flooding. Abutter Holden and property owner Dikan are in agreement that the property line dispute is no longer an issue. The project site ground is reasonably solid and at a higher level to address issues. The applicant is responsible for the accuracy of property lines and for containing the project so it does not impact the abutters. TCC asked for a revised plan more accurately showing the property features and locations of proposed activities prior to issuance of a determination.

Luther moved to close the hearing, Jolley seconded, and it passed unanimously.

Luther made a motion to issue a negative DoA provided the description is inclusive of truck access, erosion control, drill hole location, and a slurry pit as presented at the hearing, The motion was seconded by Merrill and passed with a unanimous vote.

**MEETING MINUTES:**

A motion was made by Luther to accept the minutes from **March 14, 2012** as amended, and was seconded by Carroll. The motion passed with a unanimous vote.

**OTHER:**

**Proposed Flood Plain Bylaw revisions – TCC review for Planning Board**

The zoning Bylaw revision is necessary to document the Town's acceptance of the updated FEMA maps to recognize potential flood zones and prevent building in these areas. The new maps will provide potential and current property owners with more precise information, and enable them to be eligible for National Flood Insurance. MacDougall has been reviewing the maps, which include contour information to make them more accurate. Following discussion, Hall summarized the Commission's recommendations that section 6.06 be stricken, that any activities or development in the Flood Plain District must be in compliance with all relevant Federal, State, and Topsfield laws and regulations, and that a reference to the Topsfield General Wetlands Bylaw, Ch. 62 and Regulations replace the line referring to Inland Wetlands Restriction, since there are no such properties in Topsfield. The new FEMA floodplain maps will become effective in July, 2012.

**Volunteer/Intern, Becca Phillips – proposed projects**

Phillips, a junior at Masconomet, presented proposed projects including the certification of a vernal pool, and creating awareness of Winter Moth prevention techniques homeowners can do to protect their trees. Education and awareness of invasive species project ideas included a booth at the Strawberry Festival to distribute Winter Moth control kits on June 9<sup>th</sup>; a video project to show in science classes at Masco; and making a poster with pictures and explaining the effect on our environment. The presentation was informative and the TCC supports the projects.

**Bylaw Regulations amendments – coordination with Planning Board, soils map, etc. – update**

Luther worked with Martha Morrison on the refinement of definitions for the amendment of the Stormwater Bylaw for the upcoming town meeting. The new maps prepared by MacDougall will be a beneficial resource for potential property owners.

**Greenscapes 2012 – Essex Agricultural Society/Topsfield Fairgrounds donation**

The Essex Agricultural Society has again offered this year to donate \$1,500.00 for the Greenscapes Program basic fee. The remaining \$300.00 fee will be split among the TCC, and the Water and Highway Departments.

Luther made motion to support the Greenscapes program by \$100.00 to be paid from the Bylaw Revolving Fund; Merrill seconded the motion, and it passed with a unanimous vote.

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**ADMINISTRATOR'S REPORT:**

**Enforcement Order to Fisheries and Wildlife regarding the canoe landing area next to Route 97**

MacDougall will follow through on the status of the previous efforts, including those of others. Hall said there is a need to take sufficient measures so heavy use of the area does not cause further erosion on the slope. Spillman will draft an enforcement order for the next meeting. Luther will provide some recent photos to present the progression of the continued erosion.

**ADJOURNMENT:**

Merrill made a motion to adjourn the meeting at 9:46 PM; it was seconded and passed unanimously.

Respectfully submitted,

*Debbie Rogers*

Debbie Rogers  
Minutes Secretary

*Accepted at the TCC meeting on April 11, 2012*

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.