

Topsfield Conservation Commission
Meeting of Wednesday, June 13, 2012
Topsfield Library Meeting Room

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

Absent: None

The meeting began at 7:05 PM

HEARINGS:

Continuation AOoC 307-0643: 30 Wildes Road/The Meadows, (Map 8, Lot 005), Iovanella/Eastern Land Survey

Present: Jim MacDowell, Eastern Land Survey Associates, and Frank Iovanella, New Meadows. A public hearing was held to consider amendments to the initial plan. McDowell explained how there is a need to have a double row of silt sock in some areas, and how they will install silt barriers in all necessary areas to meet the standards required. They are willing to provide a thirty day notice prior to any activity that involves the TCC. McDowell stated that they are willing to adopt the recommended changes, and consider the conditions recommended by Beals and Thomas reasonable. Spillman suggested ongoing monitoring reports when major soil moving activities are taking place as they are scheduled every week or so. MacDowell stated the plan is to start the project sometime after Labor Day. The TCC explained how the permit extension allows for two years and there is no need at this time for a new extension.

Luther made a motion to close hearing. Merrill seconded the motion and it passed unanimously.

Luther made a motion to issue an amended OoC based on the current plan revised on April 10, 2012, and adding recommended new conditions submitted by Beals & Thomas on June 8, 2012. Carroll seconded and the motion passed unanimously.

Continuation NoI 307-0688: 78 Alderbrook Drive, (Map 68, Lot 023), Masterson/Beals Associates

A request was received on June 11, 2012 for a continuation of the hearing to July 11, 2012. Subject to the written request of the applicant, Luther made a motion to continue the hearing until July 11, 2012, or whenever the first meeting date will be in July. Merrill seconded and the motion passed unanimously.

RDA 2012-06: 50 Prospect Street, (Map 48, Lot 012), Dunn

Present: James Dunn, Landscaper, 65 Rowley Bridge Road, Topsfield, and Greg Carroll, Property Owner of 50 Prospect Street

A Public Hearing was held to consider the RDA, after the fact, and the extensive grading, removal of vegetation and seeding of property within buffer zone of BVW and an Intermittent Stream. Jim Carroll asked if he should recuse himself from the hearing because of his relationship with the landscaper, Mr. Dunn, as a customer. He felt his relationship would not affect his ability to fairly consider the information presented as he would be impartial and had no prior knowledge of the incident. It was decided that since there was no conflict of interest, he could participate in the hearing.

The property owner apologized for any inconvenience for moving forward without contacting the TCC. He explained how the work of removing vegetation was done mostly for safety reasons, including removing poison ivy and making it safer to move from the driveway. Dunn added that he was not aware of the need to notify the TCC before work is done near wetlands; he added that he now understands that there are relevant laws and regulations. The work involved rebuilding part of the stone wall, grading, clearing land, and moving cut vegetation. Salt marsh hay was put down as recommended by Spillman when she noticed the activity. The property owner explained how the wall was rebuilt to what it was before the house lot was developed. Erickson asked for ideas on how the TCC could better educate property owners about Wetlands laws and regulations. The work is completed well and the owner brought in photographs of the finished project. This project was allowable with a permit; however the TCC would like to have had knowledge ahead of time to provide information on how to best proceed in protected areas and not harm the environment. Jolley explained how the TCC wants to help property owners do the projects they would like to do within regulations, and how contacting the TCC before a project is beneficial.

Two issues were further discussed, including consideration of a fine and a requested reduction of the Bylaw filing fee. Luther stated no fine will be levied. Luther made a motion to close the hearing, and it was seconded by Jolley. A motion was made to reduce the Bylaw fee from \$250 to \$150 based on the fact that the work is done, and there is no further need of inspections. The motion was seconded by Jolley and passed unanimously. Carroll abstained from voting.

Luther made a motion to accept the work as it happened and issue a Negative Determination of Applicability under the Act and the Bylaw. It was seconded by Merrill and passed unanimously.

MEETING MINUTES:

A motion was made by Carroll to accept the minutes from **May 23, 2012** meeting as amended. Merrill seconded the motion and it passed unanimously.

REQUESTS:

CoC: 108 Perkins Row, (Map 51, Lot 009), Philpot/Mill River Consulting

This project was a septic system replacement. The work was completed well. The Conservation posts have been reestablished. Luther moved to issue a CoC for 108 Perkins Row with the usual continuing conditions. The motion was seconded and it passed unanimously. Merrill abstained from voting.

CoC: 13 South Main Street, (Map 40, Lot 088), Brady

The septic system meets the required conditions; however the cedar conservation posts will have to be better installed so they stay in place.

OTHER:

270 Boston Street – Enforcement Order

The TCC has permission to visit the property. Monitoring will help determine if the restoration requirements of Enforcement Order are being met. Concerns include the absence of Buffer Zone restoration vegetation, the ongoing erosion offsite/downstream that is undercutting trees, and invasive vegetation that was not managed as it should have been. Some of the erosion comes from

rain storms that create a roaring stream on adjacent properties. Approved maps will be taken to a site visit to access what has been done and what needs to be done to bring the property to compliance. Spillman, Luther, Carroll, Jolley, and Erickson will try to arrange a site visit next week.

221 Washington Street – Enforcement Order

Spillman explained how the site looks exactly the same as it did last fall and it appears nothing has been done. Spillman will write a letter reminding the owner of his responsibilities to bring the property to compliance. A copy of the enforcement letter will be sent to the DEP.

Appointment of Tree Planning Committee Member

Present: Reggie Lockwood

Lockwood provided a brief background of his experience and expressed his interest in participating on the Tree Planning Committee. He is currently the Chair of the Open Space Committee. He explained how he has an interest in, and knowledge of trees, and is willing to invest the time needed to be a member of this committee. The TCC is the appointing authority for the Tree Planning Committee, and Lockwood would be the first of at least three members. Luther made a motion to appoint Reggie Lockwood to the Tree Planning Committee for a term of one year beginning on July 1, 2012 and ending on June 30, 2013. Merrill seconded and the motion passed unanimously. The TCC welcomed Lockwood to the Tree Planning Committee and stated that they look forward to working with him.

The TPB and National Grid will be contacted as they have been involved in planting trees. Spillman will provide some information for the committee. It was recommended that the committee meet briefly once a month with the TCC until established.

Review and Modification of the July/August Meeting Dates

Spillman will be away in July and there was discussion on consolidating the two meetings to one in July, and changing the August dates so there will be two instead of three weeks before the first September meeting. Luther made a motion to accept the proposed dates of July 18, August 15, and August 29 for TCC meetings. Merrill seconded and the motion passed unanimously.

RDNI Fee

There was discussion on raising the RDNI fee to be the same as the TCCAP fee. The last adjustment was several years ago. A motion was made by Merrill to increase the fee from \$50 to \$75, and to modify the Bylaw Regulations accordingly. The motion was seconded by Luther and passed unanimously.

TCC Policy Updates

Spillman suggested discontinuing TCC policy #2003-1A Minor Project Resource Area Delineation Policy and the #2006-1 Beaver Management Policy as they are irrelevant now. Luther moved that the TCC remove the Minor Project Resource Area Delineation and the Beaver Management Policies. MacDougall seconded and the motion passed unanimously.

The TCC policy regarding course requirements was discussed and a decision was made to modify requirements requiring the completion of at least three courses/trainings a year. The policy will be amended to state that members are encouraged to take relevant courses and trainings, but not

required. Luther made a motion to amend Policy #2008-01, including to remove the first declaratory sentence, use the word “encouraged” instead of “will,” and strike the third paragraph. Merrill seconded the motion and it passed unanimously.

Pheasant Lane Land Swap

Spillman spoke with State officials and learned that the status is that it has to go back for final votes by the Senate and the House. Merrill recommended a letter be written to inquire of the status and encourage the process to move forward. Spillman said she talk with George Hall and look into writing a letter.

Dam Removal Process

MacDougall attended a three-day international conference on fish passage at UMass. There were many creative designs on fish ladders that could be considered for some cases. The better functioning ladders worked at two feet rather than the six to eight feet typically installed. However, fish ladders are a poor substitute for dam removal and are only capable of handling one or two species. The dam being discussed in Topsfield serves a function to provide water for nearby Town wells. MacDougall said we need to determine the effect of the dam system on the Town wells and determine sedimentation effect. The Town would need assurance that the wells will remain at their current capacity. From an ecological perspective, removing the dam would improve the area. In the short term, MacDougall will see if the map committee can put together a more detailed map of the site with information on the topography.

Computer for Administrator

A new computer has been ordered for the Administrator.

Vernal Pool presentation

Spillman invited Phillips to show her Vernal Pool presentation at a future TCC meeting.

Strawberry Festival Booth

The Strawberry Festival Booth was a successful experience. Spillman brought in photos of the event. The Strawberry Festival Booth offered information on invasive species, including actual samples of local invasive species that Spillman brought for visitors to see firsthand. Information was also offered on how to effectively control the Winter Moth, which is active in the fall. Visitors learned how the end of October is an appropriate time to protect trees with sticky tape as moth activity increases in November and December. The TCC enjoyed having the students participate in educating and creating awareness about invasive species, and would like to keep the Environmental Club at the high school involved. Jolley will keep in contact with the school.

ADMINISTRATOR’S REPORT:

TCC Reappointments

Jolley and MacDougall are up for reappointment. There is a vacancy as Hall has resigned. MacDougall’s initial commitment on the TCC was for one year. MacDougall enjoys environmental science, and, as a wetlands scientist, is considering becoming a wetlands scientist for the TCC rather than being a member. There was discussion on the value of being an associate member and how they would participate, but currently there is no such provision in the Wetlands General Bylaw. The TCC will advertise for the Commission vacancy.

New Secretary

Spillman has hired Joan Abare as the new TCC department secretary. She will be in the office on Monday, Wednesday, and Thursday.

Soil Maps Update

The soil maps created by Luther and MacDougall have been very helpful in the TCC office. There is a soil map available from the government on the web that can be downloaded to learn detailed information about the soil anywhere using GPS technology.

ADJOURNMENT:

Luther made a motion to adjourn the meeting at 8:54 PM. Merrill seconded and the motion passed unanimously.

Respectfully submitted,

Debbie Rogers
Minutes Secretary

Accepted at the TCC meeting on June 27, 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.