

***Topsfield Conservation Commission
Minutes of Meeting September 12, 2018
Topsfield Library Conference Room***

Present: Cheryl Jolley, Chair; Dodds Shamroth, Vice Chair; James Carroll, Jennifer DiCarlo, Holger Luther, Heidi Gaffney, Administrator, and Theresa Coffey, Recording Secretary

Other Attendees:

Name	Address	Agenda Item
Greg Hochmuth	Williams & Sparages, LLC	Topsfield Fair
Michael Laham	The Morin-Cameron Group	303/333 Perkins Row and 164 Washington Street
Donna Blackwell	124 Rowley Bridge Rd, Topsfield	
Luigi DiFilippo	71 Central Street, Topsfield	Enclosed Room
Anthony Caturano	78 Alderbrook, Topsfield	Patio

Jolley called the meeting to order at 7:00 p.m. with a quorum present.

REQUEST:

(this was heard first/out of order)

Extension OoC 307-0678: 207 & 233 Boston Street & 37 River Road – request for a 3 year extension for fairgrounds parking management plan OoC

This item was taken out of order at the request of Greg Hochmuth, William & Sparages. On behalf of Essex Agricultural Society, Hochmuth presented the request for a three year extension for OoC 307-0678, Topsfield Fairgrounds parking management plan. A brief discussion took place regarding a few issues identified during the first year that will be addressed again this year. The site has been stabilized 100%.

Luther moved to grant a three year extension for Order of Conditions 307-0678. Carroll seconded. The vote was unanimous in favor.

Hochmuth will schedule a Topsfield Fairgrounds site walk with Gaffney.

HEARINGS:

Continuation NOI 307-0765: 303 & 333 Perkins Row, Lot A (Map 27, Lot 043 & Map 20, Lot 043) Burhani, LLC/The Morin-Cameron Group, Inc. – raze & rebuild single family house

Luther recused himself from the discussion and vote as an abutter to the subject property. Jolley announced that Carroll can participate in discussions but cannot vote due to his absence at the August 15, 2018 meeting.

Mike Laham, The Morin-Cameron Group, presented on behalf of the applicant. Laham confirmed that a DEP file number has been received. Following up on his presentation at the August 15, 2018 meeting of the TCC, Laham pointed to the only revision on the plan which is a note that restoration work is being done under DEP file #307-0766.

Shamroth moved to close the hearing for NOI 307-0765. DiCarlo seconded. The vote was 3 in favor (Jolley, DiCarlo, Shamroth), 1 recused (Luther) and 1 abstain (Carroll).

Shamroth moved to issue an Order of Conditions under the Act and Bylaw and to follow up with any suggestions of the Administrator regarding NOI 307-0765, 303 & 333 Perkins Row Lot A as shown on the "Plan to Accompany Notice of Intent in Topsfield MA, 333 & 303 Perkins Row Lot A, dated August 1, 2018, Revision dated September 4, 2018." DiCarlo seconded. The vote was 3 in favor (Jolley, DiCarlo, Shamroth), 1 recused (Luther) and 1 abstain (Carroll).

Continuation NOI 307-0766: 303 & 333 Perkins Row (Map 27, Lot 043 & Map 20, Lot 043) Burhani, LLC/The Morin-Cameron Group, Inc. – remove pavement, gravel and lawn and replace with meadow

Mike Laham, The Morin-Cameron Group, Inc., presented on behalf of the applicant. The plan has been revised according to comments received from the TCC at the August 15, 2018 meeting. The DEP file number has been received and added to the plan. Additional changes include notes for the informational signage that will be posted on each parcel along with the conservation markers. The exact language is to be approved by the Conservation Administrator or TCC prior to installation. A notation was added to the plan that the finished grade of the restored meadow is not to exceed the existing grade of the driveway. Also added was the construction sequence. Laham reviewed the construction sequence with the TCC.

Jolley asked why they propose to have a lawn area between two meadows. Laham replied that the intent of the lawn is to keep it open for use and access to an existing storage shed at the end of the lawn that will be left in place.

Discussion turned to the Operation & Maintenance (O&M) Plan and who will be responsible for the O&M after the lots are sold. Laham stated that it has not yet been determined if the Homeowners Association or the individual lot owners would be responsible for continuing maintenance. A lengthy discussion ensued on the subject of who will be the responsible party for continuing maintenance of what will be privately owned lots. DiCarlo suggested the MLS listing include a disclosure stating that the meadow is subject to an Order of Conditions and that the meadow is to be maintained in its natural state.

Jolley noted that the lawn is in riverfront area and should be restricted from pesticide and herbicide use. Laham agreed and suggested using signage as notice of the restrictions.

Regarding the annual mowing, Gaffney asked that it be made clear in O&M that mowing must be done at least once a year. Laham agreed to add this to condition to the O&M plan and markers.

Discussion continued regarding the Order of Conditions being issued to the subdivision or to individual lots. DiCarlo stated that the OoC should reference lot numbers and requested that an overlay plan be provided so that the legal lots in question are clear and known from the beginning. Laham stated that the subdivision is approved and the lot lines are determined. He will provide an overlay plan to the TCC in order for the Continuing Conditions in the OoC to follow property deeds. Laham added that they would like to receive an OoC for the subdivision plan so they can complete the restoration work and apply for a Certificate of Compliance.

Laham requested a continuance to the September 26, 2018 TCC meeting.

Shamroth moved to continue the hearing for NoI 307-0766 until September 26, 2018. DiCarlo seconded. The vote was 3 in favor (Jolley, DiCarlo, Shamroth), 1 recused (Luther) and 1 abstain (Carroll).

Continuation ANRAD 307-0767: 43, 45 & 53 Perkins Row (Map 58, Lots 026, 027 & 028)
Chitro/Hancock Associates

Gaffney informed the TCC that some wetland flags have been revised and the additional wetland area has been flagged and reviewed. They are waiting for the surveyors to update the plan.

Luther moved to continue ANRAD 307-0767 to September 26, 2018. Carroll seconded. The vote was unanimous in favor.

RDA 2018-04: 164 Washington Street (Map 39, Lot 074), Darrell Moore/The Morin-Cameron Group, Inc. – septic tank and pipe replacement

Luther read the legal notice and proof abutter notice was submitted.

On behalf of the applicant, Mike Laham, The Morin-Cameron Group reviewed the plan to repair a septic system, pointing to the location of the new leach field that will be outside of the Buffer Zone and the new septic tank and pipe which will be in the Buffer Zone but will be within existing lawn area. Laham described the system and tank size and the erosion controls that will be put in place. Gaffney noted that this project has already been approved by the Board of Health.

Luther moved to close the hearing for RDA 2018-04. Carroll seconded. The vote was unanimous in favor.

Luther moved to issue a Negative Determination of Applicability relative to the plan shown titled "Sanitary Disposal System Repair Plan in Topsfield MA, 164 Washington Street" by The Morin-Cameron Group, dated August 2, 2018. Carroll seconded. The vote was unanimous in favor.

RDA 2018-05: 71 Central Street (Map 41, Lot 120), Luigi DiFilippo, 4-season room over existing deck

Luther read the legal notice and Gaffney confirmed that proof of abutter notice has been submitted.

Luigi DiFilippo provided an overview of the proposed plan to construct a four-season room over an existing deck. He explained that he will have the same number of footings and stated that they holes will be dug by hand. Gaffney noted that the work is more than 50' from wetlands and more than 100' from the riverfront area. Access to the work area will be from driveway.

Luther moved to close the hearing for RDA 2018-05. Carroll seconded. The vote was unanimous in favor.

Luther moved to issue a Negative Determination of Applicability for the sketch plan as shown, provided by the applicant. Carroll seconded. The vote was unanimous in favor.

REQUESTS:

CoC 307-0688: 78 Alderbrook Drive (Map 68, Lot 023), Montana Development LLC/Hayes Engineering

Gaffney provided a history of the Order of Conditions explaining that in 2015 the builder submitted a Certificate of Compliance request but the plantings were not adequate; additional plantings and monitoring was required. Gaffney viewed the plantings and they are doing well and the required monitoring reports have been received. The original applicant for the Notice of Intent sold the property to Montana Development LLC who then constructed the house and sold the house to the current owner.

The as-built as displayed was from the 2015 CoC request but does not reflect the conditions as they stand today. A stormwater retention area has been filled in as a mulched planting bed and a patio has been added to the back of property. Gaffney noted that the patio is more than 50 feet from the wetland so could have been approved as a TCCAP.

The homeowner was present and explained that he filled in the retention area with dirt excavated from the patio area. He stated that he never saw any water collecting in the retention area and was not aware of the purpose of the area.

Discussion continued and it was agreed that the matters of the patio and the stormwater retention area would be separated and that after-the-fact filings are needed before a CoC could be issued.

Gaffney recommended that an after-the-fact TCCAP be filed for the patio.

Luther stated that the original engineer of the project should be consulted about the reasoning for the retention area. DiCarlo agreed that the TCC should not undo the engineering behind the original system. Gaffney will review the project file to determine options.

This matter was continued/tabled.

MEETING MINUTES:

August 15, 2018 – *Luther moved to approve the minutes of the meeting held on August 15, 2018 as written. Carroll seconded. The vote was unanimous in favor.*

ADMINISTRATOR'S REPORT:

- Intern – Victoria's projects – no report
- Town Hall – Gaffney updated the TCC on the Town Hall move. *Jolley complimented Gaffney on her ability to stay on task during the move and thanked her for her work to keep the TCC meeting as scheduled.*

OTHER:

Amended EO #2 2016-01: 25 John's Lane – restoration plan review

Gaffney stated the culvert pipe length in the restoration plan is much longer than the original pipe and that the previous EO allowed the culvert pipe, which was damaged, to be "replaced in-kind". She recommended accepting the plan with a correction to the length of the pipe.


The TCC agreed to accept the restoration plan for 25 John's Lane with the correction to the length of the culvert pipe to the original length of 22 feet.

ADJOURNMENT:

Luther moved to adjourn. Carroll seconded. The vote was unanimous in favor. The meeting was adjourned at 8:47 pm.

The next meeting will be held September 26, 2018 at 7:00 pm, Topsfield Library Meeting Room.

Respectfully submitted,


Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 11/14/18

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:

Extension OoC 307-0678: 207 & 233 Boston Street & 37 River Road

207 & 233 Boston Street & 37 River Road – DEP File Number 307-678 Extension Request, by Williams & Sparages, dated September 4, 2018

Continuation NOI 307-0765: 303 & 333 Perkins Row, Lot A

Complete NOI Application and Attachments

“Plan to Accompany Notice of Intent in Topsfield MA, 333 & 303 Perkins Row (Lot A)” by The Morin-Cameron Group, Inc., Sheets 1 of 2 and 2 of 2, dated August 1, 2018, sheet 1 of 2 revised September 4, 2018

Continuation NOI 307-0766: 303 & 333 Perkins Row

Complete NOI Application and Attachments

“Plan to Accompany Notice of Intent in Topsfield MA, 333 & 303 Perkins Row” by The Morin-Cameron Group, Inc., Sheet 1 of 2- Existing Riverfront Area Plan and Sheet 2 of 2-Riverfront Area Restoration Plan, dated August 1, 2018

“Plan to Accompany Notice of Intent in Topsfield MA, 333 & 303 Perkins Row” by The Morin-Cameron Group, Inc., Sheet 2 of 2-Riverfront Area Restoration Plan, revised September 5, 2018

Operation and Maintenance Plan for the Meadow Restoration Area at 303 & 333 Perkins Road, Topsfield MA issued September 5, 2018

Continuation ANRAD 307-0767: 43, 45 & 53 Perkins Row

Complete ANRAD Application and Attachments

“Plan to Accommodate an Abbreviated Notice of Resource Area Delineation for 43, 45 and 53 Perkins Row”, by Hancock Associates dated 7/31/18

RDA 2018-04: 164 Washington Street

Complete Application and Attachments

Plan titled “Sanitary Disposal System Repair Plan in Topsfield MA, 164 Washington Street” by The Morin-Cameron Group, dated August 2, 2018, Sheets 1 and 2

RDA 2018-05: 71 Central Street

Complete Application and Attachments

Sketch Plan – 71 Central Street

CoC 307-0688: 78 Alderbrook Drive

#78 Alderbrook Drive Plant Monitoring Report DEP File #307-0699 by Hayes Engineering, Inc. dated October 16, 2017 (*report incorrectly lists the file number as 209-0699*)

Order of Conditions #307-0688, 78 Alderbrook Drive, Topsfield, Date of Issuance 11/19/2012

Request for Certificate of Compliance Application for file #307-0688, 78 Alderbrook Drive dated August 13, 2018

Photo of each the patio area and the driveway area planting bed

“As Built Plan, #78 Alderbrook Drive, Topsfield MA” by Hayes Engineering, Inc., dated 11/12/15 and “Stormwater System Plan As Built, #78 Alderbrook Drive, Topsfield MA” by Hayes Engineering, dated 11/12/15

Request for Certificate of Compliance, #78 Alderbrook Drive, Topsfield, letter by Hayes Engineering, Inc., dated August 7, 2018

#78 Alderbrook Drive Plant Monitoring Report #2 DEP File #307-0699 by Hayes Engineering, Inc. dated August 7, 2018 (*report incorrectly lists the file number as 209-0699*)

Draft Meeting Minutes of August 15, 2018

Amended EO #2 2016-01: 25 John’s Lane

“Return to Compliance Plan in Topsfield MA” by Hayes Engineering, Inc. dated August 14, 2018, Rev. August 17, 2018