

***Topsfield Conservation Commission  
Minutes of Meeting September 11, 2019***  
Topsfield Library Conference Room

**Present:** Cheryl Jolley - Chair, Dodds Shamroth - Vice Chair, Nicholas Betts, Jennifer DiCarlo (arrived at 7:29), Holger Luther, Heidi Gaffney - Administrator, and Theresa Coffey - Recording Secretary

**Other Attendees:**

<b>Name</b>	<b>Address</b>	<b>Agenda Item</b>
Bob & Roberta Sapienza	8 Deer Run	
Donna Farrin	40 East Street	40 East Street
Abbie Zuker		40 East Street
Larry Beals	2 Park Plaza, Boston	5 East Common Street
Josh Dube	26 Woodside Road	26 Woodside Road
Jacqueline Johnson	26 Woodside Road	26 Woodside Road
Karyn Fieldstad	22 Woodside Road	
Kier Evans	22 Woodside Road	26 Woodside Road
Jay Dooley	9 Deer Run	
Jody Latimer	14 High Street	
Brian Banusiewicz	30 Towne Lane	
Lauri Dyer	7 Towne Lane	
Bill Nolan	3 S. Main Street, Ipswich	40 East Street
Janet Metz	32 Towne Lane	5 East Common Street
Carol Mscisz	26 High Street	
Mark Mscisz	28 High Street	
Bill & Bobbi Whiting	119 Washington Street	
Dick Gandt	31 Timber Lane	
Greg Hochmuth	William & Sparages LLC	Topsfield Fairgrounds
Tyler Ferrick	167 Main Street, Rowley	41 Cross Street
Tim Collins		41 Cross Street
Eric & Kellie Walgreen	Howlett Street	

Cheryl Jolley, Chairperson, called the meeting to order at 7:05 p.m. with a quorum present. She announced that the meeting was being audio recorded for recordkeeping and asked if anyone else wished to record the meeting.

Kellie Walgreen replied that she would record a portion of the meeting.

**HEARINGS:**

**RDA 2019-15: 26 Woodside Road** (Map 18, Lot 004), Johnson – after-the-fact stump removal and restoration

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

The applicant, Jacqueline Johnson, explained that a contractor hired to remove trees had removed stumps and scoured the ground in error. The removal of the trees was approved under a TCCAP. The current RDA application is for after-the fact removal of the stumps and disturbance of the ground, and the proposed removal of one more tree. The work would require minor grading and planting grass in two sections shown on the plan where [they assert] it was originally lawn. No change in the pitch or grade will be made and they will replant five trees and the grass.

Gaffney reported that she had asked the applicants to have the wetlands delineated in 2018. They did not have the wetlands delineated and instead provided an approximation of the wetlands. Gaffney and Betts conducted a site visit to review the approximated wetlands delineation. The proposed expansion of the lawn as part of the after-the-fact filing may require a Notice of Intent application.

Discussion related to the lawn area continued with the applicants. The applicants contested the TCC's assertion that the proposed expansion of the lawn would encroach on a previously undisturbed area in the Buffer Zone. They stated that they are replanting grass that was originally lawn and will try to find data to show the original lawn area. The TCC requested a more definitive plan to better understand the proposed restoration.

The applicants requested a continuation.

Luther moved to continue the Hearing for RDA 2019-15 26 Woodside Road to September 25, 2019. Shamroth seconded and the vote was unanimous in favor.

**RDA 2019-16: 40 East Street** (Map 13, Lot 011), Farrin – breezeway, deck/porch, covered entry & walkway

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

Bill Nolan, Savoie Nolan Architects, presented on behalf of the applicants. Nolan provided a description of the existing house. The renovations proposed will accommodate additional, accessible living space for elderly parents. The work is approximately 54 feet from the wetlands and all in the Riverfront Area.

Nolan reviewed the proposed renovations including a second story on the house, a breezeway connecting the house and garage, a screen porch addition, expanded deck, covered entryways and a walkway. Gaffney noted that the second story addition itself is not subject to review but construction access will affect the Buffer Zone.

Gaffney reported that she reviewed the wetlands flags and disagreed with a flag in the Riverfront Area. She has communicated this to Bill Manuel, Wetlands & Land Management, Inc. and suggested that a condition be added that a revised plan be submitted before work begins.

Gaffney commented that there are leaves and lawn clippings disposed of in the wetlands. She recommended that this area be cleaned up by hand and posts with conservation markers installed at the beginning of the path to the wetlands area.

*Luther moved to close the Hearing for RDA 2019-16, 40 East Street. Shamroth seconded and the vote was unanimous in favor.*

*Luther moved issue a Negative Determination of Applicability under the Act and Bylaw subject to all conditions as discussed including infiltration for the roof runoff, a revised plan showing the corrected Riverfront, clean-up of the debris in the wetlands and installation of posts with conservation markers. Shamroth seconded and the vote was unanimous in favor.*

**ANRAD 307-0776: 5 East Common Street** (Map 33, Lot 36), Congregational Church/Beals Associates – request to review/confirm wetland resource area delineations

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

Larry Beals, Beals Associates, presented on behalf of the Congregational Church for an ANRAD application for the property at 5 East Common Street. A current aerial photo of the property and surrounding neighborhoods was displayed and Beals described the characteristics and existing conditions of the 5 East Common Street property.

The ANRAD plan was displayed and Beals explained the evaluations of the wetlands areas on the property and provided information on the topography and soils of the wetland areas. The river was discussed and Beals noted that there are no mapped natural heritage areas. There are no flood zones based on the FEMA maps. Some areas need more flags placed to better identify the Riverfront Area. Beals discussed streams that clearly were excavated; they are straight and uniform and have a cut slope.

Beals reiterated that their work is to map the wetlands and that closer evaluation of soils will be conducted.

Luther asked if there was a second pond identified. Beals said he will re-evaluate the area that Luther referred to. It is a fairly disturbed area and it appears there was a road in that area as they have found chunks of asphalt there. It is obvious that the area has been dug out and have come to the conclusion that they need to examine the land more closely and grid out the soils. Beals said he has been on the site in all seasons.

Gaffney stated that she did a site visit and feels that with the amount of disturbance that the wetlands soils need to be more closely evaluated. She noted that the pond on the ANRAD plan is a Bylaw Vernal Pool and the parking lot drains into it. She noted that there is another pond

there and believes that there is a pipe that connects the two ponds. She pointed to a pond that should be evaluated as a vernal pool.

Gaffney recommended a site visit to examine a swale that drains into a PVC pipe that eventually drains into School Brook. She also noted an old clay tennis court within the Buffer Zone that should be looked into.

Several residents addressed the TCC with comments.

Richard Cullinan, pointed to an area that he called a swamp and has been filled many times. Jay Dooley commented that there is water in his basement and that the field is always wet. His and his neighbor's property are in the flood zone. He suggested that FEMA be informed that it is a flood zone.

Eric Walgreen commented that his basement is higher than the others and he also has water in his basement. He pointed to areas on the plan that are very wet. He spoke about the vernal pools and wildlife at risk and called the vernal pool an asset to the town. Kelly Walgreen stated that she has been observing the field for the past 7 years and has photos and videos in all seasons. She stated her concern about the time of year and the time of day that observations were made. August has had less than 2 inches of rain. She felt the time of year combined with the trees and brush that has been removed would affect the value and conclusions of the submitted application. She asked that the evaluation be reviewed by a third party. Abutters are documenting the wet areas and would allow access to their properties for site walks.

Janet Metz asked for clarification of next steps. Gaffney explained that the Church's representative will do more work and if the TCC feels that there is a need for third party review, they will require it. She explained the different ways that an ORAD can be issued and reiterated this hearing is to determine the resource areas, not what can be built on.

Beals stated that the residents' comments reiterate that the need for additional work and evaluation of soils.

Beals requested a continuance to September 25, 2019.

*Shamroth moved to continue the Hearing for ANRAD 307-0776, 5 East Common Street. Betts seconded and the vote was 4 in favor. Luther abstained from the vote until the Board [of Selectmen] approves his disclosure notice.*

*At 8:49 pm, Luther moved to recess. Shamroth seconded and the vote was unanimous in favor.*

At 8:55 pm, the meeting reconvened.

### **REQUESTS:**

This item was taken out of order.

**CoC 307-0763: 119 Washington Street** (Map 31, Lot 018), Whiting/C.G. Johnson Engineering, Inc.

Gaffney reported that the site is stabilized and the work was completed as shown on the plan. She recommended a Certification of Compliance be issued.

*Luther moved to issue a Certificate of Compliance for 307-0763, 119 Washington Street. Shamroth seconded and the vote was unanimous in favor.*

**OTHER:**

**Enforcement Order 2019-05: 41 Cross Street/Meredith Farm,** (Map 62, Lot 002)

This item was taken out of order.

Gaffney reported that she found problems with check dams and unauthorized stream disturbance and brush cutting when she was on the property for a site visit. She displayed photos of the problem areas of the check dams and brush cutting done in a “No Cut” area. An issue with hay bales has been remedied.

Tyler Ferrick, DeRosa Environmental Consulting, Inc. and Tim Collins, property owner, reported that the disturbed areas have been seeded and the check dams have been fixed. The areas where the streams were disturbed with new stone wall work was discussed and the future work by the Highway Department to replace one of the culverts was discussed

The restoration of the No Cut area was discussed and Gaffney recommended that “No Cut Buffer Zone” signs be erected. Jolley asked that a report be submitted [next spring].

The streambed / culvert filled with stones and rocks was discussed. Gaffney noted that armament in a stream is not typically allowed and recommended that an amended Enforcement Order be issued to remove the unauthorized armament from the two streams and restore the streams to their original conditions.

*Luther moved to ratify the Enforcement Order for 2019-05, 41 Cross Street/Meredith Farm. Shamroth seconded and the vote was unanimous in favor.*

*Luther moved to issue an amended Enforcement Order to address No Cut Signage to restore the cut area; remove and restore and immediately stabilize the streams which is to be overseen by a wetland specialist; allow the work on the stone walls to continue as originally approved; and require a status report on September 25, 2019, Shamroth seconded and the vote was unanimous in favor.*

**RDNI 2019-13: 8 Pine Ridge Road** (Map 06, Lot 077), Holloway – remove 2 trees

Gaffney reviewed the application to remove two dying and leaning oak trees. She recommended issuing a Determination of Negligible Impact.

*Luther moved to make a Determination of Negligible Impact with standard conditions. Shamroth seconded and the vote was unanimous in favor.*

**MEETING MINUTES:**

No action taken.

**ADMINISTRATOR'S REPORT:**

N/A

**OTHER:**

**Discussion request:** Fairgrounds beaver management & schedule for initial site visits for fair

Greg Hochmuth, Williams & Sparages, LLC, was present representing Essex Agricultural Society. Two fairgrounds parking site visits were set with the TCC. Hochmuth asked that the TCC view the beaver areas when they are at the site. He described the beaver dam that is putting a nearby septic system at risk. A management plan is needed but they are not yet prepared to do this.

**Amended Enforcement Order 2019-04: 84 Perkins Row (Map 51, Lot 002), Davis – ratify**

Gaffney read the Amended Enforcement Order requiring a complete Notice of Intent within 90 days of the issuance of the Enforcement Order.

*Shamroth moved to ratify the amended Enforcement Order 2019-04, 84 Perkins Row. Betts seconded and the vote was 4 in favor. Luther abstained due to his absence from the discussion on this matter at the August 14, 2019 meeting.*


**Amended Enforcement Order #2 2019-01: 215 Washington Street, (Map 46, Lot 007), Galka – ratify**

*Shamroth moved to ratify the amended Enforcement Order 2019-01, 215 Washington Street. Betts seconded and the vote was 4 in favor. Luther abstained due to his absence from the discussion on this matter at the August 14, 2019.*

*At 9:53 pm, Luther moved to adjourn. Shamroth seconded and the vote was unanimous in favor.*

The next meeting will be held September 25, 2019 at 7:00 pm, Topsfield Library Meeting Room.

Respectfully submitted,

  
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Theresa Coffey  
Recording Secretary

*Minutes approved at the TCC meeting on \_\_\_\_\_*

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:**

RDA 2019-15: 26 Woodside Road

Complete Request for Determination of Applicability application with attachments, received April 24, 2019

RDA 2019-16: 40 East Street

Complete Request for Determination of Applicability Application with attachments, dated August 26, 2019

Preliminary Site Plan, Farrin Residence, 40 East Street, Topsfield MA, prepared by Savoie Nolan Architects LLC, dated August 19, 2019

Existing Conditions Site Plan, 40 East Street, Topsfield MA, prepared by Donohoe Survey, Inc., dated May 13, 2019

First and Second Floor Plans, 40 East Street, Topsfield, MA, prepared by Savoie Nolan Architects LLC, dated August 20, 2019

ANRAD 307-0776: 5 East Common Street

Complete Abbreviated Notice of Resource Area Delineation Application with narrative and attachments, dated August 28, 2019

ANRAD Plan, 5 East Common Street, Topsfield, MA prepared by Beals Associates, dated August 28, 2019

RDNI 2019-13: 8 Pine Ridge Road

Complete Request for Determination of Negligible Impact application with attachments, received August 22, 2019

Work Area Plan, 8 Pine Ridge Road, Topsfield MA, dated August 28, 2019

CoC 307-0763: 119 Washington Street

Certificate of Compliance Request received August 4, 2019

As-Built Plan, 119 Washington Street, Topsfield MA prepared by C.G. Johnson Engineering, Inc., dated December 27, 2018



Enforcement Order 2019-05: 41 Cross Street/Meredith Farm

Enforcement Order 2019-05: 41 Cross Street/Meredith Farm with cover letter, dated August 31, 2019

Topsfield Conservation Commission Site Visit Report, 41 Cross Street/Meredith Farm, dated August 29, 2019 with photographs

Topsfield Fairgrounds

Recorded Order of Conditions 307-0678, 207 & 233 Boston and 37 River Road, June 15, 2012

E-mail from G. Hochmuth, Williams & Sparages, LLC, dated August 19, 2019