

Topsfield Conservation Commission
Minutes of Meeting April 22, 2020
By Video/audio conference

Present: Cheryl Jolley – Chair, Dodds Shamroth – Vice Chair and Nicholas Betts, Jennifer DiCarlo, Holger Luther, Heidi Gaffney – Administrator and Theresa Coffey – Recording Secretary. Beth Willis – Town Clerk was present to manage the videoconference and recording.

Other Attendees: None

Cheryl Jolley, Chairperson, called the meeting to order, by video/audio conference, at 7:03 p.m. with a quorum present. She made the following announcement:

“Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the Topsfield Conservation Commission is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can listen to this meeting while in progress by calling 1-929-205-6099 and entering the Meeting ID and Password as listed on the agenda. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment as announced by the chair, by phone during this conference call.”

Chairperson Jolley announced that the meeting was being audio recorded. Attendance was taken by roll call.

Commissioners:

Cheryl Jolley – present
Nicholas Betts - present
Holger Luther – present
Dodds Shamroth – present
Jennifer DiCarlo – absent

Staff:

Heidi Gaffney – present
Theresa Coffey – present

Others as identified by announcement or by the videoconference gallery:

Greg Bell
Richard Gandt
Bill Howlett
Paul Marchionda
Adam Marchionda
Kelly O’Connor
Mike Seekamp
Eric Walgreen

HEARINGS

Jolley read the following announcement:

“In accordance with Section 17(b)(vii) of Chapter 53 of the Acts of 2020, the following three hearings, which were pending as of March 10, 2020, “shall be automatically tolled and continued to the first hearing date of the permit granting authority following the termination of the state of emergency or to a date otherwise prescribed by law, whichever is later; provided, however, that the date is not later than 45 days from of the termination of the state of emergency or the date otherwise prescribed by law, whichever is later.”

- Continuation ANRAD 307-0776: 5 East Common Street (Map 33, Lot 36), Congregational Church/Beals Associates
- Continuation NoI (Bylaw only) TCC 2019-01: 371 Boston Street (Map 26, Lot 014), Sabino/The Morin-Cameron Group, Inc.
- Continuation NoI 307- : ECTA Town Wide Trail Maintenance Plan, ECTA/DeRosa Environmental Consulting, Inc.

Continuation NoI 307-0778: 24 Wilmor Road, (Map 10, Lot 005), Howlett/Seekamp Environmental Consulting, Inc. – install in-ground pool and remove trees.

Mike Seekamp, Seekamp Environmental Consulting, Inc. presented the new proposed location for the installation of an inground pool and new mitigation plan. The new location is in the back of the house in an area of existing lawn. Seekamp provided information on the setbacks in the new location. Gaffney commented that the patio area should have either pervious pavers or an infiltration trench around the patio.

The number of trees proposed to be removed has reduced from a total of 25 trees to a total of 10 trees. An arborist report summarizing the compromised trees was provided with the NoI application. The proposed mitigation for each tree removed is 1.5 trees and 3 shrubs. The area along the edge of the resource area that has been maintained as lawn will be planted with the trees and shrubs. This will be more beneficial to wildlife and provide a better buffer to the wetlands. The pine tree stumps will be ground to ground surface.

Tree number 11, as noted on the plan, was discussed. This tree is a black oak and provides a good canopy and acorns. The applicant agreed to leave this tree in place. The Site Plan will be modified to reflect the trees that will be removed, trees 2 through 10, as noted on the plan for a total of 9 trees to be removed.

The DEP commented that the NoI does not provide the total riverfront on the property. Gaffney commented that the total riverfront and the riverfront being used should be added to the plan. She recommended that the hearing not be closed until the final plan is submitted accurately indicating the trees to be removed and the riverfront information.

The applicant requested a continuance to May 13, 2020.

Luther moved to continue the hearing for NoI 307-0778: 24 Wilmor Road at the request of the applicant to May 13, 2020. Shamroth seconded the motion and it was approved by roll call vote:

Jolley – yes; Betts – yes; DiCarlo – yes; Luther – yes; Shamroth - yes

NoI TCC 2020-01 (Bylaw only): 96A High Street (Map 49, Lot 52), Bell/Marchionda & Associates, L.P. – repair of existing septic system

Jolley announced the hearing, Luther read the legal notice and Gaffney confirmed that proof of abutter notice was received.

Adam Marchionda from Marchionda & Associates, L.P. reviewed the proposed repair of a septic system. The property was test for soils and five test pits were dug. There were issues with high ground water and poor soils. The proposed location, in an existing lawn area and in the buffer zone to a bylaw intermittent stream, is the only area where they could get a perk test. Because of restrictions on the site, an alternative system was proposed that is smaller and will have less impact on the resource areas. The plan has been submitted to the Board of Health but has not yet been approved. Gaffney confirmed that the plan has been reviewed by the Health Agent. The Health Agent did not have any comments that would delay TCC approval. It is not an ideal lot and with the restrictions, there are very limited options.

Luther moved to close the hearing for NoI TCC 2020-01 (Bylaw only): 96A High Street. Shamroth seconded the motion and it was approved by roll call vote:

Jolley – yes; Betts – yes; DiCarlo – yes; Luther – yes; Shamroth - yes

Luther moved to approve the plan as submitted, titled “Proposed 3 Bedroom Repair Perc-Rite Drip Dispersal System for 96A High Street, Topsfield MA” prepared by Marchionda & Associations, L.P., dated 4-8-2020, pursuant to the Bylaw only. Shamroth seconded the motion and it was approved by roll call vote:

Jolley – yes; Betts – yes; DiCarlo – yes; Luther – yes; Shamroth - yes

REQUESTS:

COC 307-0639: 109 Salem Road (f.k.a. 103 Salem Road – Lot 1), (Map 70, Lot 18), Mooney/Tinti & Navins, P.C. – request for Certificate of Compliance

Gaffney reported that a Certificate of Compliance was requested for an Order of Conditions issued on 2/10/2009. The property is an undeveloped lot and no work was ever done. The lot is now being sold.

Luther moved to grant a Certificate of Compliance for 307-0639: 109 Salem Road, on the basis that no work was ever been performed on that lot. Shamroth seconded the motion and it was approved by roll call vote:

Jolley – yes; Betts – yes; DiCarlo – yes; Luther – yes; Shamroth - yes

MEETING MINUTES

Luther moved to approve the minutes of the meetings held on March 11, 2020 and March 25, 2020 as written. Shamroth seconded the motion and it was approved by roll call vote:

Jolley – yes; Betts – yes; DiCarlo – yes; Luther – yes; Shamroth – yes

ADMINISTRATOR’S REPORT

Gaffney will update the TCC on Ch. 53 of the Acts of 2020 as information becomes available.

ADJOURNMENT

At 7:56 pm, Luther moved to adjourn. Shamroth seconded the motion and it was approved by roll call vote: Jolley – yes; Betts – yes; DiCarlo – yes; Luther – yes; Shamroth – yes

The next meeting will be held on May 13, 2020 at 7:00 pm, by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 5/27/2020

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:

NoI 307-0778: 24 Wilmor Road, (Map 10, Lot 005)

- Complete Notice of Intent Application with required attachments dated March 6, 2020
- Permit Plan for 24 Wilmor Road dated February 20, 2020 and prepared by Graham Associates, Inc.
- Howlett Property Arborist Report 2020 prepared by Bartlett Tree Experts
- Email from H L Graham Assoc, re: Howlett riverfront area calcs
- Revised Pool Location and Mitigation Plan for 24 Wilmor Road prepared by Seekamp Environmental Consulting, Inc. dated April 14, 2020
- Photos

NoI TCC 2020-01 (Bylaw only): 96A High Street (Map 49, Lot 52),

- Complete Notice of Intent Application with required attachments dated April 8, 2020
- Plan titled “Proposed 3 Bedroom Repair Perc-Rite Drip Dispersal System for 96A High Street, Topsfield MA” prepared by Marchionda & Associates, L.P., dated 4-8-2020
- Photos

COC 307-0639: 109 Salem Road (f.k.a. 103 Salem Road – Lot 1

- Certificate of Compliance Application with required attachments
- Photos

Draft Minutes of the Meetings held on March 11 and 25, 2020

Comm. of Massachusetts Ch. 53 of the Acts of 2020