

***Topsfield Conservation Commission
Minutes of Meeting May 13, 2020***
By Video/audio conference

Present: Cheryl Jolley – Chair, Dodds Shamroth – Vice Chair, Nicholas Betts, Jennifer DiCarlo, Holger Luther, Heidi Gaffney – Administrator and Theresa Coffey – Recording Secretary.

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 during the hearing.”

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 – present

Staff:

Heidi Gaffney – present
Theresa Coffey – present

Others as identified by announcement or by the videoconference gallery:

Brian Howlett
Mike Seekamp

Electronic Signatures Vote

Gaffney reviewed the provisions of M.G.L. c.110G regarding electronic signatures and explained that this provision is strictly for recording votes. A TCC vote to accept the provision was necessary to comply.

*Luther moved to accept the provisions of M.G.L. c.110G regarding electronic signatures.
Shamroth seconded the motion and it was approved by roll call vote:*

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

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.

As requested by the TCC at the April 22, 2020 hearing on this matter, changes made to the proposed project have been added to the site plan: the number of trees to be removed reduced to 9 trees; the new location for the swimming pool is now within existing lawn and more than 50 feet from BVW and MAHW; mitigation measures as described in the report dated April 15, 2020 by Seekamp Environmental; and details for the infiltration trench along the pool patio. The plan also lists the Riverfront Area numbers as requested.

Luther moved to close the hearing for NoI 307-0778: 24 Wilmor Road. 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 the accept the project and go forward with implementation based on the plan titled: “Permit Plan prepared for Brian and Meaghan Howlett”, by Graham Associates, Inc., revision no. 2 dated April 29, 2020, with the usual provisions and conditions. Shamroth seconded the motion and it was approved by roll call vote:

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

REQUESTS

RDNI 2020-02: 14 Aaron Drive (Map 12, Lot 006) Urner-Jones – tree removal

Gaffney was contacted by the homeowner at 14 Aaron Drive regarding three trees that they wanted to remove. Gaffney displayed photos of the trees to be removed. Of the three trees, two were clearly compromised but one did not meet the definition of a compromised tree under the Tree Removal Policy. While Gaffney was on-site, the applicant/owner discussed that Sav-A-Tree had recently been out to the property and identified another tree that was completely rotted at the base and leaning toward a neighbor's house and driveway. Photos of this tree were shown to the commission using screen sharing. In addition to two trees from the original request, Gaffney recommended approving the removal of the tree identified by Sav-A-Tree.

Luther moved to issue a determination of negligible impact for the removal of three trees as discussed. Shamroth seconded the motion and it was approved by roll call vote:

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

MEETING MINUTES

Approval of the meeting minutes of April 8, 2020 and April 22, 2020 was postponed to the May 27, 2020 meeting.

ADMINISTRATOR'S REPORT

- Hearings for New and Existing Filings: Gaffney provided an update on guidance received from Mass. DEP and town counsel regarding hearings for existing and new filings. For the time being, work will continue with straightforward and necessary matters. However, any filings that are complex or controversial should be postponed.
- Status of 84 Perkins Row Enforcement Order: Gaffney provided an update on the Enforcement Order issued at 84 Perkins Row. Tom Hughes, Hughes Environmental Consulting is actively working on the matter and has requested an extension to June 10, 2020. Gaffney recommended granting the extension.

Luther moved to extend the deadline and stay the fines to June 10, 2020 for the enforcement order at 84 Perkins Row. Shamroth seconded the motion and it was approved by roll call vote:

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

OTHER

- **Enforcement Order 2020-02:** 46 Cross Street (Map 623, Lot 23), Ginley – *ratify*

Gaffney discussed Enforcement Order 2020-02 for 46 Cross Street. The EO was hand delivered as the violation was very serious and appeared to be ongoing. Bill Manuell, Wetlands and Land Management, Inc., has been hired to work on compliance. The requirements include a survey plan for existing conditions and the restoration to be on the plan. The extent of the damage and how close the violations are to the wetlands should be noted on the plan. There are no site plans on file for this property. According to the GIS maps, a portion of the violation appears to be on neighboring property.

Luther moved to ratify Enforcement Order 2020-02 for 46 Cross Street as written. Shamroth seconded the motion and it was approved by roll call vote:

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

- **Enforcement Order 2020-03:** 65 Rowley Bridge Road (Map 55, Lot 3), Dunn

Enforcement Order 2020-03 was not issued in time for the homeowner to attend the meeting. Gaffney received a report that work was done in a stream. It is obvious that invasives were removed and the stream was cleaned. Salt marsh hay is already in place to stabilize the area.

- **Violations:**

9 Coventry Lane - Gaffney will go on a site walk to see the extent of the work. This property has a specific “no disturb” area that was violated. The owners contacted Gaffney after receiving the notice and will be present at the site visit.

14 Sleepy Hollow – The driveway was expanded, bricks were dumped into the wetland and a tree was cut down.

18 Candlewood – Appears that there was been tree cutting and a portion of the pond had fresh loam.

34 South Main Street – A new driveway was installed in a Bylaw riverfront area.

Many pool requests have been received.

- **Bylaw Fee Schedule Revisions** – postponed.
- **Proposed Bylaw Regulations Revisions** – postponed.

ADJOURNMENT

At 7:39 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 27, 2020 at 7:00 pm by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 6/10/2020

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., Revision No. 2 dated April 29, 2020
- 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

RDNI 2020-02: 14 Aaron Drive (Map 12, Lot 006)

- Complete Request for Determination of Negligible Impact Application with required attachments received April 30, 2020
- Photos

Enforcement Order 2020-02: 46 Cross Street (Map 623, Lot 23), dated April 28, 2020

- Photos

Enforcement Order 2020-03: 65 Rowley Bridge Road (Map 55, Lot 3)

- Photos