

Topsfield Conservation Commission
Minutes of Meeting May 27, 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.

Other Attendees: John Dunn; Hadley Coonley; Richard Gandt; Daniel Ginley

Cheryl Jolley, Chairperson, called the meeting to order, by video/audio conference, at 7:02 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 and/or view this meeting while in progress by joining the Zoom Meeting at the link listed on the posted agenda or by calling 1-929-205-6099 and entering meeting ID and password 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 recorded by the Zoom videoconference. 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:

John Dunn
Hadley Coonley
Richard Gandt
Daniel Ginley

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.

REQUESTS:

RDNI 2020-03: 3 Surrey Lane (Map 31, Lot 096) Doumas – tree removal

A RDNI application was submitted to remove one dead tree at 3 Surrey Lane. Gaffney displayed photos of the dead tree with a split trunk. She confirmed with the Topsfield tree warden that the tree was not on town property and recommended approval of the tree removal.

Luther moved to issue a Determination of Negligible Impact for RDNI 2020-02 3 Surrey Lane, for the project as described. 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 accept the minutes of the meetings held on April 8, 2020 and April 22, 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

Acceptance of minutes of the meeting held on May 13, 2020 was postponed.

ADMINISTRATOR’S REPORT

Gaffney reviewed the following:

- Summer Hours are in affect for the Town Hall: Monday 8 am – 7 pm, Tuesday, Wednesday and Thursday 8 am – 4:30 pm and closed on Friday.
- The process to implement the use of electronic signatures is underway, as voted at the May 27, 2020 meeting. Signature pages will continue to be distributed for original signatures for the file.

OTHER

- **Enforcement Order 2020-01:** 71 Howlett Street (Map 33, Lot 19)

Gaffney provided an update on EO 2020-01 71 Howlett Street. The homeowner has hired Hancock Associates to work on compliance with the Enforcement Order. Hancock Associates has submitted an extension request for the submittal of an existing conditions plan and a restoration plan to the July 15, 2020 meeting. Gaffney recommended that the extension be granted.

Luther moved to grant the request for an extension for the submittal of an existing conditions plan and a restoration plan to July 15, 2020 to comply with the Enforcement Order. Shamroth seconded the motion and it was approved by roll call vote:

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

- **Enforcement Order 2020-02:** 46 Cross Street (Map 62, Lot 23), Ginley – update

Gaffney provided an overview of activity related to EO 2020-02. A request was received from the property owner for the waiver of an existing conditions survey plan required as part of the EO. Gaffney displayed photos of the disturbed area of which several trees and all understory was removed with soil disturbance up to the wetlands and on to neighboring properties. Bill Manuell, Wetlands & Land Management, Inc. has been hired to work with the property owner to comply with the EO. Erosion control has been installed.

The property owner, Dan Ginley, informed the TCC that he requested the waiver of the existing conditions survey plan because he is currently unemployed due to the COVID-19 shutdown and finances are an issue. He stated he did the work on his property to get rid of dead wood. He discussed his interactions with his neighbors regarding the EO.

Discussion was held on the requirement for the existing conditions survey and how to communicate with and address the involvement of neighbors where it appears from the town assessor's GIS that work may have occurred off property. She commented that the existing conditions plan would have been due in two weeks, at the June 10, 2020 meeting. A delay in completing a survey plan is expected because of a current backlog for surveys.

Luther moved to extend the enforcement process until June 10, 2020 for the specific purpose of hearing from Bill Manuell, Wetlands & Land Management, Inc. as to the extent of the damage, the existing conditions survey plan and the remediation plan. 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

The property owner, John Dunn, provided information on the work done that resulted in the enforcement order. Bill Manuell, Wetlands & Land Management, Inc. has been hired to work with Dunn on compliance with the EO. Manuell will attend the June 10, 2020 meeting.

Violations: Gaffney provided information on the following violations:

- 9 Coventry Lane – The Certification of Compliance plan has a designated “No Disturb” area. The property owner, Hadley Coonley, commented that they were unaware of the No Disturb area and described the work they have done. Bill Manuell, Wetlands & Land Management, Inc., has been hired by the property owner and an after-the-fact Notice of Intent will be submitted
 - 14 Sleepy Hollow – The new property owners were not aware of the jurisdictional areas on the property and have dumped bricks into the wetland and cut a tree down. Gaffney will visit the site.
 - 18 Candlewood – Gaffney will provide an update at the June 10, 2020 meeting.
- **Bylaw Fee Schedule Revisions** – tabled
 - **Proposed Bylaw Regulations Revisions** – tabled

ADJOURNMENT

At 8:20 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 June 10, 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:

RDNI 2020-03: 3 Surrey Lane (Map 31, Lot 096)

- Request for Determination of Negligible Impact application with required attachments, dated May 27, 2020
- Photos

Enforcement Order 2020-01, 71 Howlett Street, dated January 3, 2020

- Extension Request, received by e-mail from Erik Swanson, Hancock Associates, dated May 26, 2020

Enforcement Order 2020-02, 46 Cross Street, dated April 28, 2020

- Impact Letter 46 Cross Street by Wetlands & Land Management, Inc., dated May 26, 2020
- Site Plan by annotated Google Earth aerial photo
- Request for Waiver to Perform Site Survey, received by e-mail from Daniel Ginley, dated May 26, 2020

Enforcement Order 2020-03, 65 Rowley Bridge Road, dated May 13, 2020

Draft Minutes of the Meetings held on April 8, 2020 and April 22, 2020