

Topsfield Conservation Commission
Minutes of Meeting June 10, 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.

Other Attendees: Kaitlyn Shaw, Ipswich River Watershed Association; Bill Manuell, Wetlands & Land Management, Inc.; Dan Ginley; John Dunn; Richard Gandt

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 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 – present

Staff:

Heidi Gaffney – present
Theresa Coffey – present

Others as identified by announcement or by the videoconference gallery:

Kaitlyn Shaw
Bill Manuell
Daniel Ginley
John Dunn
Richard Gandt

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 2020-04: Pond Street Culvert (Roadway Right-of-Way) Ipswich River Watershed Association

Gaffney provided an overview of the request to conduct two test borings within the roadway to gather data for engineering of the Pond Street culvert. The work is exempt under the WPA. The culvert is stable but is too small and does not meet current stream crossing standards.

Kaitlyn Shaw, Ipswich River Watershed Association, confirmed that the Topsfield Town Administrator and Highway Superintendent are aware of this project. The test will evaluate the soils on both sides of the existing culvert to provide information for the engineer to use in the design of a new culvert and footings.

Luther moved to issue a Determination of Negligible Impact for RDNI 2020-04 Pond Street Culvert. Shamroth seconded the motion and it was approved by roll call vote:

Jolley – yes; Betts – yes; Luther – yes; Shamroth – yes. DiCarlo joined the meeting during the discussion and abstained from the vote.

MEETING MINUTES

Luther moved to accept the minutes of the meetings held on May 13, 2020 and May 27, 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 announced that the Town Meeting is confirmed for Saturday, June 20, 2020 at 8:30 am Masconomet Regional High School.

OTHER

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

Gaffney reported that Tom Hughes, Hughes Environmental Consulting, has been working on compliance and has requested another extension and a continued stay of fines to June 24, 2020. She recommended granting the extension.

Luther moved to grant an extension for Enforcement Order 2019-04 and to continue to stay the fines, until June 24, 2020. 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

Gaffney confirmed that the restoration plan was submitted to the Conservation Office. Bill Manuell, Wetlands & Land Management, Inc. displayed the Google Earth image of the property that he annotated. Manuell proposed to use the image/sketch instead of an existing conditions survey. He felt it was sufficient given he would have periodic oversight as the work progresses and will be in the field directing the restoration.

Manuell reviewed the sections outlined on the sketch, noting characteristics of the topography and resource areas including a BVW, an intermittent stream and buffer zone. He reviewed the unauthorized work done by the property owner and the proposed mitigation for each area as is outlined in the narrative titled “Wetland and Buffer Zone Mitigation Plan and Planting Schedule”, dated June 8, 2020.

A portion of Area 3 appears to be located on neighboring property and this is noted in his report as some impact occurring off property. Recommendations to stabilize those areas are included. Manuell commented that it is the property owner’s (Ginley) responsibility to get permission from neighbors to do restoration on their property. Gaffney confirmed that she received e-mails from the neighbors located at 5 Alderbrook Drive and 80 Rowley Bridge Road indicating that they are aware of the activity.

Manuell commented that this time of year (summer) is a bad time to establish plantings. The mitigation plan consists of planting varieties of grasses but no nursery plantings as there is a dense overstory and there is no method of irrigation to the affected areas. He will monitor plantings over two seasons and will provide reports in July and October 2021. Discussion was held on how grass would grow without irrigation. Hydroseeding and mulching were discussed as options.

Betts discussed his concern about the extent of the disturbance on the property, the proposed use of a Google Earth image in place of an existing conditions survey and the lack of nursery stock to replace the

vegetation that was removed. DiCarlo also expressed her concern about the extent of the work done and the loss of trees. Luther agreed that the remediation was insubstantial in relation to the violation but nursery stock would not survive in a forest environment.

Discussion was held on going beyond the two year monitoring to include a three year invasive management program to monitor and control invasive vegetation that will likely grow in the now disturbed area. Gaffney recommended that hand work to remove fill from the edge of the wetland be done immediately. In addition, wetland posts and markers should be required.

Betts moved to amend Enforcement Order 2020-02 46 Cross Street to approve the proposed restoration plan and two year monitoring program with an additional three years, after the two year period has expired, of invasive removal and monitoring including two written reports per year. Also, a one year site walk with the Conservation Commission, the appropriate written permission from all neighboring properties, wetland markers with posts installed and hand work and shovel work be done immediately. Luther 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

Bill Manuell, Wetlands & Land Management, Inc. reviewed five areas on the property impacted by the unauthorized work. Gravel was added to an intermittent stream channel and large rocks along the stream edge. Manuell proposed removing the gravel but leaving the large rocks in place. Cut firewood was pushed into the wetlands along the Ipswich River. This wood will be removed immediately and a wetland seed mix will be added to the disturbed ground. Manuell will oversee this work.

Gaffney recommended wetland markers and posts, removal of the gravel from the steam by hand, and immediate removal of the wood/fill from the wetlands. Gaffney should be notified before the work is done. Removal of the wood/fill should be overseen by a wetland professional.

Luther moved to issue an Amended Enforcement Order per discussion and specifically, the removal of the firewood in the wetlands, shoveling the gravel out of the intermittent stream and installing the wetland markers and posts. Shamroth seconded the motion and it was approved by roll call vote:

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

- **Violations**

- 14 Sleepy Hollow - Gaffney displayed old photos of the property and pointed to the resource areas. She compared the old photos to recent photos and described unauthorized work that has been done by the new property owners including grading, wetland disturbance/fill, and new paved driveway area. She recommended that an Enforcement Order be issued requiring restoration of the wetland of shrub and trees removed and an after-the-fact Notice of Intent for the grading work, fence and driveway. Remaining to be determined is if flood zone was filled.

Luther moved to issue an Enforcement Order at 14 Sleepy Hollow requiring wetlands restoration, filing an after-the-fact Notice of Intent due to be submitted by August 12, 2020, and notification to the Conservation Office that the process has started as of June 24, 2020. Shamroth seconded the motion and it was approved by roll call vote:

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

- Discussion was held on how to notify and educate new homeowners about jurisdictional areas. Gaffney is looking into a process to send information about wetlands to new homeowners.
- 18 Candlewood – No action was needed, upon viewing aerial photos, it appears to have only been repairing of existing lawn area.
- Bylaw Fee Schedule Revisions – tabled
- Proposed Bylaw Regulations Revisions – tabled

ADJOURNMENT

At 9:18 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 24, 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:

Draft Minutes of the Meetings held on May 13, 2020 and May 27, 2020

Amended Enforcement Order 2019-04: 84 Perkins Row

- Email from Hughes Environmental Consulting dated June 10, 2020

RDNI 2020-04: Pond Street Culvert

- Complete Request for Determination of Negligible Impact Application with required attachments, dated June 1, 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
- Report titled "Wetland and Buffer Zone Mitigation Plan and Planting Schedule", 46 Cross Street, dated June 8, 2020 by Wetlands & Land Management, Inc.
- E-mail from Bob Marshall, 5 Alderbrook Drive, dated May 29, 2020
- E-mail from Dan Maher, 8 Rowley Bridge Road, dated June 9, 2020

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

- Photos
- Report titled "Wetland, Riverfront Area and Buffer Zone Mitigation Plan and Planting Schedule", 65 Rowley Bridge Road, dated June 3, 2020 by Wetlands & Land Management, Inc.

14 Sleepy Hollow Photos and aerial images