

Topsfield Conservation Commission
Minutes of Meeting June 24, 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: Richard Gandt, George Simas

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 – present

Staff:

Heidi Gaffney – present

Theresa Coffey – present

Others as identified by announcement or by the videoconference gallery:

Richard Gandt

George Simas

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 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:

COC 307-0436: 70 Alderbrook Drive (Map 68, Lot 021), Simas/Hancock Associates

Gaffney displayed the as-built plan for the project completed under 2003 Order of Conditions 307-0436 for the construction of the driveway, retaining walls, grading, utilities and appurtenances related to the construction of the house at 70 Alderbrook Drive. Gaffney visited the site on June 23, 2020 and has received the engineer’s letter confirming that the construction complied with the order. A dry well was not installed as no gutters were installed on the house and the roof runoff falls to a stone drip edge around the house. Gaffney recommended that a Certificate of Compliance be issued.

Luther moved to approve the Certificate of Compliance for 307-0436, 70 Alderbrook Drive, for work substantially conducted in accordance with the Order of Conditions. Shamroth seconded the motion and it was approved by roll call vote:

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

COC 307-0515: 70 Alderbrook Drive (Map 68, Lot 021), Simas/Hancock Associates

The Order of Conditions was issued in 2005 as a result of a violation where clearing was done near the roadway. The area is now vegetated and fully filled in, but confirmation was found in the file that the plants required in the OoC were previously installed. Gaffney recommended issuing a Certificate of Compliance.

Luther moved to approve the Certificate of Compliance for 307-0515, 70 Alderbrook Drive, for work substantially completed. 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 June 10 2020, as amended. 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

New violation – 46 Alderbrook Drive

Gaffney reviewed a violation identified on June 23, 2020 and displayed photos of a new lawn in a Buffer Zone area. She will issue an Enforcement Order, to be ratified at the next meeting on July 15, 2020.

OTHER:

- **Enforcement Order 2020-04:** 14 Sleepy Hollow Rd (Map 55, Lot 3), Penta

The property owner has confirmed that Rimmer Environmental has been hired to assist with compliance with the EO.

Luther moved to ratify Enforcement Order 2020-04 for 14 Sleepy Hollow Road. Shamroth seconded the motion and it was approved by roll call vote:

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

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

Tom Hughes of Hughes Environmental has confirmed that the Notice of Intent will be submitted for the next meeting on July 15, 2020, as required.

- **Amended Enforcement Order 2020-02:** 46 Cross Street (Map 62, Lot 23), Ginley
Bill Manuell, Wetlands and Land Management presented the remediation plan at the June 10, 2020 meeting.
- **Amended Enforcement Order 2020-03:** 65 Rowley Bridge Road (Map 55, Lot 3), Dunn

Bill Manuell, Wetlands and Land Management presented the remediation plan at the June 10, 2020 meeting.

Luther moved to ratify the Amended Enforcement Orders 2020-02 for 46 Cross Street and 2020-03 for 65 Rowley Bridge Road. Shamroth seconded the motion and it was approved by roll call vote:

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

- Bylaw Fee Schedule Revisions – tabled
- Proposed Bylaw Regulations Revisions – tabled

ADJOURNMENT

At 7:23 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 July 15, 2020 at 7:00 pm, by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on July 15, 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 June 10, 2020

COC 307-0436: 70 Alderbrook Drive

- Request for Certificate of Compliance Application
- Recorded Order of Conditions 307-0436
- As-built Plan of Land 70 Alderbrook Drive and compliance letter, prepared by Hancock Associates, dated 5/15/2020
- Current photos of the site

COC-307-0515: 70 Alderbrook Drive

- Request for Certificate of Compliance Application
- Recorded Order of Conditions 307-0515
- Site Inspection Report dated 6-30-2005
- Current Photos of the site
- Letter from Hancock Associates dated 4-22-2020

Amended Enforcement Order 2019-04: 84 Perkins Row

- Email from Hughes Environmental Consulting dated June 10, 2020

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

- Amended Enforcement Order 2020-02
- 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

- Amended Enforcement Order 2020-03
- 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.

Enforcement Order 2020-04, 14 Sleepy Hollow

- Enforcement Order 2020-04
- Photos and aerial images