

Topsfield Conservation Commission
Minutes of Meeting July 15, 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, Patrick Casey, John Speridakos, Diane Green, Gibraltar Pool representative

Cheryl Jolley, Chairperson, called the meeting to order, by video/audio conference, at 7:01 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.

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 307-0783: Hill Street Culvert, Topsfield Highway Department

Gaffney reported that the plan is prepared and that she received a request to continue to August 12, 2020.

Luther moved to continue the hearing for NoI 307-0783 Hill Street Culvert to August 12, 2020. Shamroth seconded the motion and it was approved by roll call vote:

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

RDA 2020-05: 39 Winsor Lane (Map 27, Lot 025), Lemiesz

As an abutter to the subject property, Luther recused himself from the discussion and vote. Betts read the legal notice and Gaffney confirmed that proof of abutter notice was submitted.

Gaffney displayed photos of the site and described the work to remove an in-ground swimming pool, re-seed the pool area and move an existing fence. All materials removed during work will be brought off site for disposal. The Request for Determination of Applicability application outlines all of the details of the work process. Gaffney recommended approval of the project.

Shamroth moved to close the hearing. DiCarlo seconded the motion and it was approved by roll call vote of 4 in favor with Luther recused, as follows:

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

Shamroth moved to issue a Negative Determination of Applicability for RDA 2020-05: 39 Winsor Lane. DiCarlo seconded the motion and it was approved by roll call vote of 4 in favor with Luther recused, as follows:

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

RDA 2020-06: 34-36 South Main Street (Map 41, Lot 003), Casey – install gravel driveway and paver skirt

Luther read the legal notice and Gaffney confirm that proof of abutter notice was received.

The project consists of the installation of a gravel driveway with a paver skirt to add additional parking space for a building tenant. The site is within Bylaw Riverfront Area of Cleveland Brook which is across the street from the site. The direction of snowplowing would push the snow back out of the Riverfront Area. The property owner had already started the work and said he was unaware that he was

in a jurisdictional area. Three inches of gravel has been installed and another half inch will be added and pavers for a skirt. Gaffney recommended approval of the project.

Luther moved to close the hearing for RDA 2020-06: 34-36 South Main 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 issue a Negative Determination of Applicability under 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

RDA 2020-07: 30 Timber Lane (Map 11, Lot 025), Green – install 16' x 28' above ground pool

Luther read the legal notice and Gaffney confirm that proof of abutter notice was received.

Gaffney displayed the plan and described the project to install a 16' x 28' above ground pool. The pool would be located 80 feet from the Wetland. The property, which was flagged for a previous project, was reflagged by Bill Manuell, Wetlands & Land Management, and reviewed by Gaffney. The work is in the existing lawn with easy access off the existing driveway and no trees are to be removed. A cartridge filter will be used for the pool and no backwashing will be necessary. Standard conditions will apply for discharged water to be de-chlorinated and discharged 100' from wetland as well as a pre-activity meeting.

Gaffney noted for the record that the work will be performed within existing lawn area and no trees are being cut down and qualifies for an exemption under the Act.

Luther moved to close the hearing for RDA 2020-07: 30 Timber Lane. 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 issue a Negative Determination of Applicability under the Act and Bylaw. Shamroth seconded the motion and it was approved by roll call vote:

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

REQUESTS:

COC 307-0782: 48 Pemberton Road (Map 49, Lot 016), Wilkinson/Domestic Septic Design Inc. – request for Certificate of Compliance

The Order was for a septic system replacement. Gaffney confirmed that the as-built plan and letter shows that the work was completed in compliance with the order. The site is fully stabilized and wetland posts with markers are in place. Gaffney recommended issuance of a Certificate of Compliance.

Luther moved to issue a Certificate of Compliance for 307-0782: 48 Pemberton Road, as substantially in compliance with the Order. Shamroth seconded the motion and it was approved by roll call vote:

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

COC TCC 2020-01: 96A High Street (Map 49, Lot 052), Bell/Marchionda & Associates, L.P. – request for Certificate of Compliance

The Order was for a septic system replacement, under the Bylaw only. Gaffney confirmed that the as-built plan and letter shows that the work was completed in compliance with the order. A site visit was done on July 14, 2020. The site is fully stabilized and wetland posts with markers are in place. Gaffney recommended issuance of a Certificate of Compliance.

Luther moved to issue a Certificate of Compliance for 2020-01 96A High Street, as substantially in compliance with the Order. Shamroth seconded the motion and it was approved by roll call vote:

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

RDNI 2020-05: 119 Washington Street (Map 31, Lot 018), Whiting – request for tree removal

The project request is to remove two large dead pine trees. Gaffney displayed photos. She did a site visit and confirmed that the trees are compromised. Access to remove the trees will be off Boxford Road using a crane.

Luther moved to issue a Determination of Negligible Impact for 2020-05: 119 Washington Street. 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 24, 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 provided an update on new COVID-19 emergency orders. Order 42 was issued rescinding Order 17 but it is unknown if it applies to conservation commissions. Chapter 53 still applies which provides for extensions to the normal deadline. At this time, the TCC may be able to continue with routine items including NOIs by Zoom.

The TCC discussed holding routine NOI hearings, related to single family houses or individual businesses and not of public interest, by Zoom Meetings and Gaffney will start to work routine NOIs into August and September agendas.

OTHER:

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

Gaffney reported that the property owners are actively moving toward compliance.

Luther moved to extend the deadline for compliance for Enforcement Order 2020-01 71 Howlett Street to August 12, 2020. 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

Gaffney reported that the consultant has indicated that a NOI is being prepared but was not able to submit for the meeting deadline.

Luther moved to extend the deadline for the submission of a Notice of Intent for Enforcement Order 2019-04: 84 Perkins Row to August 12, 2020. Shamroth seconded the motion and it was approved by roll call vote:

- **Enforcement Order 2020-05:** 46 Alderbrook Dr. (Map 68, Lot 015), Speridakos

Gaffney reviewed the photos and the violation for the which the Enforcement Order was issued including a driveway turnaround area and clearing of vegetation in the Buffer Zone. Gaffney discussed the options for the property owner to respond to the Enforcement Order. Wetland delineation is required by July 17, 2020 and a restoration plan is required by July 29, 2020.

Luther moved to ratify Enforcement Order 2020-05: 46 Alderbrook Drive, as written. Shamroth seconded the motion and it was approved by roll call vote:

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

- **Vote on Commission Authorized Signatures for Payroll and Vendor Warrants**

Currently, Luther is the signatory with Shamroth as alternate. Both indicated their willingness to continue in these roles.

Betts moved to accept Holger Luther to be the primary signer and Dodds Shamroth as an alternative sign for payroll and vendor warrants. DiCarlo 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 8:07 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 August 12, 2020 at 7:00 pm, by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 8/12/2020

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 24, 2020

RDA 2020-05: 39 Winsor Lane

- Request for Determination of Applicability application with required attachments, received June 30, 2020
- Photos

RDA 2020-06: 34-36 South Main Street

- Request for Determination of Applicability application with required attachments
- Photos

RDA 2020-07: 30 Timber Lane

- Request for Determination of Applicability application with required attachments, received June 30, 2020
- Photos

COC 307-0782: 48 Pemberton Road

- Request for Certificate of Compliance with required attachments, received June 29, 2020
- 48 Pemberton Road Septic As Built Plan dated 3-23-20 by Domestic Septic Design, Inc.
- Photos

COC TCC 2020-01: 96A High Street

- Request for Certificate of Compliance dated June 25, 2020 with required attachments
- 96A High Street Septic As Built Plan dated June 22, 2020 by Marchionda & Associates, LP
- Photos

RDNI 2020-05: 119 Washington Street

- Request for Determination of Negligible Impact application with required attachments
- Photos

Enforcement Order 2020-05, 46 Alderbrook Drive dated June 29, 2020 and photos

Enforcement Order 2020-01: 71 Howlett Street

- Extension Request by e-mail Erik Swanson, Hancock Associates, July 15, 2020
- Photos