

***Topsfield Conservation Commission  
Minutes of Meeting August 12, 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, John Morin, Larry Graham, Greg Gibbs, Ara Aftandilian, John and Yianna Speridakos

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.

**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**

This item was taken out of order, please see page 5.

**NOI 307-0793: 9 Birch Lane** (Map 24, Lot 027), Ogden/Williams & Sparages LLC

Jolley announced the Hearing; Gaffney confirmed that proof of abutter notice was received; and Betts read the legal notice.

Representing the applicant, Greg Hochmuth, Williams & Sparages LLC, presented the plan for an above-ground pool and driveway improvements. The plan also includes a new garage but the garage will be out TCC jurisdictional area. An overview was provided of the characteristics of the property, the resource areas and reconfiguration of the driveway for which the pavement would be further from the wetland. The proposed pool and decking would be 75' from the wetland. Trees will need to be removed and an existing shed moved for the installation of the pool. The shed will be relocated outside of the Buffer Zone. Mulch socks are proposed for erosion controls during construction.

Discussion was held on planting replacement trees and/or shrubs in the area where the former driveway will be removed. A minimum of 4 appropriate shrubs and/or trees will be required.

*Luther moved to close the hearing for NOI 307-0793: 9 Birch 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 approve the project as shown on the plan titled “Plan to Accompany Notice of Intent, 9 Birch Lane”, dated May 26, 2020 by Williams & Sparages, LLC, subject to the special conditions noted. Shamroth seconded the motion and it was approved by roll call vote:*

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

**NOI 307-0790: 42 East Street** (Map 13, Lot 012), McCarthy/HL Graham Associates

Jolley announced the Hearing; Gaffney confirmed that proof of abutter notice was received; and Betts read the legal notice.

Representing the applicant, Larry Graham, Graham Associates, Inc., presented the plan for restoration of three sheds and animal fencing and installation of a screen porch, deck and patio. A revised plan was submitted on August 11, 2020. Graham reviewed the revisions which included a newly proposed screen porch and deck with steps. Items that were removed from the revised plan included tree removals, shed restoration and intended use for fence-enclosed areas.

Discussion was held on the applicant's request for approval of the screen porch and deck. Gaffney reviewed the process to amend the Notice of Intent application and noted that the screen porch and deck are new work and could not be added after the application was filed and abutter notice completed. A new NOI or RDA application is required for the newly proposed work.

A revised plan will be prepared for the first NOI application and a second NOI or RDA will be submitted for the new additional work. Graham requested to continue the hearing.

*Luther moved to continue the hearing for NOI 307-0790: 42 East Street at the request of the applicant. Shamroth seconded the motion and it was approved by roll call vote:*

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

**NOI 307-0794: 109 Salem Road, Lot 1** (Map 70, Lot 018), Dawson/Gibbs/Morin-Cameron Group, Inc. Jolley announced the Hearing; Gaffney confirmed that proof of abutter notice was received; and Betts read the legal notice.

On behalf of the applicant, John Morin, The Morin-Cameron Group, presented the plan for a new home and appurtenances. An Order of Conditions, #307-0639 for this property was issued in 2009 and has since expired. No work was done under that OOC. A Certificate of Compliance was issued 4/29/2020.

A small portion of the driveway and some grading is proposed in the Buffer Zone within an area that is existing field. No trees will be removed. Infiltration is proposed for the driveway. The majority of the stormwater is out of jurisdictional area. A Stormwater Permit has been filed with the Planning Board. A corner of the existing lawn area within the Buffer Zone will be replanted for mitigation, approximately 400 square feet.

Gaffney noted that the lot was created in 2008 and requires a waiver. Everything has been moved as much as possible from the wetland.

*Luther moved to grant a waiver relative to construction of impervious area pursuant to R.10-4 section 7.i. 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 close the hearing for NOI 307-0794: 109 Salem 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 permit the project as shown in the plan titled “Site Plan of Land in Topsfield MA 109 Salem Road”, Sheets 1 – 3, with a revision date of 8/7/2020. Shamroth seconded the motion and it was approved by roll call vote:*

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

**NOI 307-0791: 32 Fox Run Road** (Map 39, Lot 102), Collins/HL Graham Associates, Inc.

Jolley announced the Hearing; Gaffney confirmed that proof of abutter notice was received; and Betts read the legal notice.

On behalf of the applicant, Jerry MacDonald, Graham Associates, reviewed the plan for a septic system repair. Wetland covers about two-thirds of the lot leaving a small area for the septic repair. MacDonald described the alternative system and leach field that will be installed.

*Luther moved to close the Hearing for NOI 307-0791: 32 Fox Run 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 permit the project as shown in the plan titled “Subsurface Sewage Disposal System Repair Plan prepared for James Collins”, Sheets 1-2, dated February 11, 2020 by Graham Associates, Inc. Shamroth seconded the motion and it was approved by roll call vote:*

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

**NOI 307-0789: 9 New Meadow Lane** (Map 74, Lot 007), Lombardo/Wetlands & Land Management, Inc.

Jolley announced the Hearing; Gaffney confirmed that proof of abutter notice was received; and Betts read the legal notice.

Gaffney informed the TCC that the applicant’s consultant requested a continuance to September 9, 2020.

*Luther moved to continue the Hearing for NOI 307-0789: 9 New Meadow Lane to September 9, 2020. Shamroth seconded the motion and it was approved by roll call vote:*

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

### **REQUESTS:**

**Extension Request OOC 307-0759: 21 Valley Road** (Map 65, Lot 044)

The work permitted in Order of Conditions 307-0759 included a pool, gravel parking area and garage. The garage has not been completed. A three-year extension to the OoC has been requested.

*Luther moved to grant the extension for Order of Conditions 307-0759: 21 Valley Road. Shamroth seconded the motion and it was approved by roll call vote:*

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

**RDNI 2020-06: 8 Pine Ridge Road** (Map 06, Lot 077) Holloway

Gaffney reviewed the request to remove six overgrown trees that sit on a property line. The trees were planted long ago. The applicant is working with the neighbor on the project to remove and replace the trees. The plan is to replant arborvitae or holly.

*Luther issued a Determination of Negligible Impact for RDNI 202-06: 8 Pine Ridge Road. Shamroth seconded the motion and it was approved by roll call vote:*

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

**Discussion:** Agricultural exemption/Conservation Farm Plan - 37 River Rd (Map 48, Lot 13), Aftandilian

Ara Aftandilian discussed the farm plan outlining work that will be done at the agricultural fields, 37 River Road. He reviewed the work consisting of the installation of two culverts and a crossing over a drainage swale. He described the proposed work.

Gaffney commented that while the plan indicates the work is subject to an exemption, she will research regulations for the agricultural exemption to determine if any filings are needed for the proposed culvert work. The proposed new crossing is not exempt.

*At 9:15 pm, a brief recess was taken. The meeting reconvened at 9:20 pm. Jennifer DiCarlo left the meeting.*

**HEARINGS**

**Continuation NoI 307-0783: Hill Street Culvert**, Topsfield Highway Department

Gaffney reported that a revised engineering plan was recently submitted.

*Luther moved to continue the hearing for NoI 307-0783 Hill Street Culvert to September 9, 2020. Shamroth seconded the motion and it was approved by roll call vote:*

*Jolley – yes; Betts – yes; Luther – yes; Shamroth – yes*

**MEETING MINUTES**

*Luther moved to accept the minutes of the meetings held on July 15, 2020, as written. Shamroth seconded the motion and it was approved by roll call vote:*

*Jolley – yes; Betts – yes; Luther – yes; Shamroth – yes*

**OTHER:**

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

The field schedule for survey work was delayed and the consultant requested an extension to September 9, 2020. Gaffney recommended that an extension be granted.

*Luther moved to extend the deadline for compliance for Enforcement Order 2020-01 71 Howlett Street to September 9, 2020. Shamroth seconded the motion and it was approved by roll call vote:*

*Jolley – yes; Betts – yes; Luther – yes; Shamroth – yes*

**Amended Enforcement Order 2019-04:** 84 Perkins Row (Map 51, Lot 002), Davis  
Gaffney reported that she received an e-mail from the consultant requesting an extension to August 26, 2020 for the submission of a Notice of Intent.

*Luther moved to grant a final extension for the submission of a Notice of Intent until August 26, 2020, and failing that timeline, fines will commence. Shamroth seconded the motion and it was approved by roll call vote:*

*Jolley – yes; Betts – yes; Luther – yes; Shamroth – yes*

**Enforcement Order 2020-04:** 14 Sleepy Hollow Rd (Map 71, Lot 006), Penta  
Gaffney reported that the consultant requested an extension to August 26, 2020 to file the Notice of Intent and restoration plan. She recommended granting the extension.

*Luther moved to extend the filing deadline for a Notice of Intent and Restoration Plan for EO 2020-04: 14 Sleepy Hollow Road. Shamroth seconded the motion and it was approved by roll call vote:*

*Jolley – yes; Betts – yes; Luther – yes; Shamroth – yes*

**Enforcement Order 2020-05:** 46 Alderbrook Dr. (Map 68, Lot 015), Speridakos  
Gaffney reported that the property owner requested an extension to September 30, 2020 for the wetlands to be delineated and a restoration plan submitted. They have been delayed hiring a consultant and were not able to complete the work by the July 29, 2020 deadline. The area is stabilized.

A discussion was held with the property owner related to level of detail that should be included in the restoration plan and provided an explanation of the process to comply with the Enforcement Order.

*Luther moved to extend the filing deadline to September 30 for the Restoration Plan for EO 2020-05: 46 Alderbrook Drive. Shamroth seconded the motion and it was approved by roll call vote:*

*Jolley – yes; Betts – yes; Luther – yes; Shamroth – yes*

**Violations:** 9 Coventry

Gaffney reported that the property owner confirmed by e-mail that they plan to submit an after-the-fact Notice of Intent. No further action was needed.

**Enforcement Order 2020-06:** 28 Parsonage Lane (Map 32, Lot 078), Sharma Gaffney displayed pictures of the violation. The enforcement order was issued on August 11, 2020 and requires restoration.

*Luther moved to ratify Enforcement Order 2020-06: 28 Parsonage Lane. Shamroth seconded the motion and it was approved by roll call vote:*

*Jolley – yes; Betts – yes; Luther – yes; Shamroth – yes*

### **ADJOURNMENT**

*At 9:41 pm, Luther moved to adjourn. Shamroth seconded the motion and it was approved by roll call vote:*

*Jolley – yes; Betts – yes; Luther – yes; Shamroth – yes*

The next meeting will be held on September 9, 2020 at 7:00 pm, by Videoconference.

Respectfully submitted,

*Theresa Coffey*  
Theresa Coffey  
Recording Secretary

*Minutes approved at the TCC meeting on 10/14/2020*

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 July 15, 2020

NOI 307-0793: 9 Birch Lane

- Notice of Intent Application with required attachments, dated May 27, 2020
- Plan to Accompany a Notice of Intent, 9 Birch Lane Topsfield MA, dated May 26, 2020, prepared by Williams & Sparages
- Photos

NOI 307-0790: 42 East Street

- Notice of Intent Application with required attachments, dated May 13, 2020
- Revised: "Permit Plan prepared for Gregory McCarthy 42 East Street Topsfield", Revision No. 2 dated August 11, 2020
- "Permit Plan prepared for Gregory McCarthy 42 East Street Topsfield", dated May 13, 2020
- Photos

NOI 307-0794: 109 Salem Road, Lot 1

- Notice of Intent Application with required attachments, dated June 30, 2020
- "Site Plan of Lane 109 Salem Road Topsfield MA", dated June 30, 2020, Sheets 1 – 3, prepared by The Morin-Cameron Group, Inc.,
- Photos

NOI 307-0791: 32 Fox Run Road

- Notice of Intent Application with required attachments, dated May 13, 2020
- "Subsurface Sewage Disposal System Repair Plan", dated February 11, 2020 Sheets 1 and 2, prepared by Graham Associates, Inc.
- Photos

NOI 307-0789: 9 New Meadow Lane

- Notice of Intent Application with required attachments, dated May 2020
- MA DEP Comments – 9 New Meadow
- "Site Plan to Accompany Notice of Intent 9 New Meadow Lane Topsfield MA", dated May 7, 2020, prepared by Griffin Engineering Group
- Photos

Extension Request OOC 307-0759: 21 Valley Road

- Order of Conditions Extension Request, received July 9, 2020 by Michael Cosco



RDNI 2020-06: 8 Pine Ridge Road

- Request for Determination of Negligible Impact with required attachments, received July 20, 2020

Enforcement Order 2020-01: 71 Howlett Street

- E-mail from Erik Swanson of Hancock Associates requesting an extension

Amended Enforcement Order 2019-04: 84 Perkins Row

- Email from Thomas Hughes, Hughes Environmental Consulting dated August 12, 2020 re: Extension Request

Enforcement Order 2020-04: 14 Sleepy Hollow Rd

- Email from Mary Rimmer, Rimmer Environmental Consulting, LLC dated July 27, 2020

Enforcement Order 2020-05: 46 Alderbrook Dr

- Enforcement Order dated June 29, 2020 and photos
- Email from John and Yianna Speridakos dated August 8, 2020 re: Extension Request

Enforcement Order 2020-06: 28 Parsonage Lane

- Enforcement Order dated 8/11/20
- Photos

Agricultural exemption/Conservation Farm Plan - 37 River Rd, dated July 29, 2020

- Letter from Ara Aftandilian dated July 20, 2020
- USDA Farm Plan
- Maps
- Photos