

***Topsfield Conservation Commission  
Minutes of Meeting November 6, 2019***  
Topsfield Library Conference Room

**Present:** Cheryl Jolley – Chair, Dodds Shamroth – Vice Chair, Jennifer DiCarlo, and Holger Luther. Heidi Gaffney – Administrator and Theresa Coffey – Recording Secretary.

**Absent:** Nicholas Betts

**Other Attendees:**

<b>Name</b>	<b>Address</b>	<b>Agenda Item</b>
John Morin	The Morin-Cameron Group	124 Rowley Bridge Road & 371 Boston Street
Jody Latimer	14 High Street	5 East Common
Lauri Dyer	7 Towne Lane	
E. Dyer	7 Towne Lane	
Janet Kmetz	32 Towne Lane	5 East Common
Mark and Carol Mzsicz	26 High Street	
Christina and Jim MacDougall	29 Campmeeting Road	29 Campmeeting Road
Randy Sabino	9 Wildes Road	

Cheryl Jolley, Chairperson, called the meeting to order at 7:00 p.m. with a quorum present. She announced that the meeting was being audio recorded.

**HEARINGS:**

**Continuation NoI 307-0782: 48 Pemberton Road** (Map 49, Lot 016), Wilkinson/Domestic Septic Design Inc. – septic system replacement

Gaffney announced that the Hearing opened at the October 23, 2019 meeting. The application and project were discussed with Daniel Johnson of Domestic Septic Design, Inc. Because the DEP number had not yet been issued, the Hearing was not closed.

*Luther moved to close the Hearing for NoI 307-0782 48 Pemberton Road. Shamroth seconded and the vote was unanimous in favor.*

DiCarlo was absent at the October 23, 2019 meeting. She confirmed that she listened to the audio recording per the Mullen Rule and would be in compliance to vote on this matter.

*Luther moved to issue a permit for the project NoI 307-0782: 48 Pemberton Road subject to the drawing and specifications dated October 1, 2019 drawn by Daniel Johnson, with no revisions. The Order will be issued with the usual and standard conditions. Shamroth seconded and the vote was unanimous in favor.*

**Continuation ANRAD 307-0776: 5 East Common Street** (Map 33, Lot 36), Congregational Church/Beals Associates – verification of Wetlands Resource Area boundaries

Gaffney announced that Larry Beals, Beals Associates, representing the applicant, did not submit materials within the required timeframe for presentation at the meeting. Beals asked for an opportunity to provide an update to the TCC. Beals displayed photos and discussed activity that has taken place. The TCC reminded Beals he could not present and discuss new material.

At 7:16 pm, Chairwoman Jolley announced a brief recess to allow Gaffney to leave the room to address restricted access to the Town Hall by a secondary entrance. It was noted for the record that the Main Entrance to the Topsfield Town Hall was open and the TCC meeting room was fully accessible to the public. However, a secondary entrance was secured to restrict after-hours use.

The meeting reconvened at 7:18 pm.

Beals requested a continuance to November 20, 2019.

*Luther moved to continue the Hearing for ANRAD 307-0776, 5 East Common Street to November 20, 2019. Shamroth seconded and the vote was unanimous in favor.*

Jody Latimer, 14 High Street, asked the TCC if they will require an independent review of the delineation for 5 East Common Street. The TCC replied that has not yet been determined.

**Continuation ANRAD 307-0779: 6 Aaron Drive** (Map 19, Lot 021), Clark/Topsfield Solar, LLC c/o Nexamp, Inc. – verification of Wetlands Resource Area boundaries

Gaffney announced that the applicant requested a continuance to November 20, 2019.

*Luther moved to continue the Hearing for ANRAD 307-0779 to November 20, 2019. Shamroth seconded and the vote was unanimous in favor.*

**NoI 307-0780: 124 Rowley Bridge Road** (Map 68, Lot 026), Blackwell/The Morin-Cameron Group, Inc. – septic system replacement

Luther read the legal notice and Gaffney confirmed that proof of abutter notice was submitted.

On behalf of the applicant, John Morin of The Morin-Cameron Group, Inc., presented the application to replace a failed septic system. Morin reviewed the location and characteristics of the property and discussed the location of the wetlands. Morin described the proposed replacement system, required setbacks, and mitigation plans. He stated that the proposed area for the new septic system is the only location that is feasible. Access to the work will be from the driveway. Gaffney said she visited the site and reviewed the flags. She agreed that there is no alternative location for the new septic system.

*Luther moved to close the Hearing for NoI 307-0780, 124 Rowley Bridge Road. Shamroth seconded and the vote was unanimous in favor.*

*Luther moved to permit the project for NoI 307-0780, 124 Rowley Bridge Road based on the drawing titled "Sanitary Disposal System Repair Plan, 124 Rowley Bridge Road, Topsfield MA", dated October 8, 2019 by The Morin-Cameron Group, Inc. Shamroth seconded and the vote was unanimous in favor.*

**NoI (Bylaw Only) TCC 2019-01: 371 Boston Street** (Map 26, Lot 014), Sabino/The Morin-Cameron Group, Inc. – re-construction of an existing building, construction of an addition, paved parking areas and driveways, utilities, stormwater management structures & grading

Gaffney informed the TCC that the Notice of Intent Application is incomplete. The Bylaw requires that other necessary permits and variances be obtained for the application to be considered complete. Chairperson Jolley reviewed the options for the applicant to proceed.

On behalf of the applicant, John Morin, The Morin-Cameron Group, Inc., requested that the public hearing be opened with no discussion following. Morin asked for clarification on the Bylaw requirement for permits and variances and whether the applications need to be submitted or if the permits need to be issued to comply. Gaffney reviewed the Bylaw 62-4 Filing Procedure. Discussion continued on the interpretation of this section of the Bylaw. Gaffney recommended that the Hearing be opened and continued, citing that permits have not yet been applied for with other Boards.

Luther read the legal notice and Gaffney confirmed that proof of abutter notice was submitted.

*Luther moved to continue the Hearing for NoI TCC 2019-01, 371 Boston Street based on the insufficiency of the application that requires ground water overlay protection district, Planning Board site plan review and Zoning Board of Appeals approvals relative to ground water protection. Shamroth seconded and the vote was unanimous in favor.*

**NoI 307-0781: 29 Campmeeting Road** (Map 20, Lot 033), MacDougall – driveway maintenance

Luther read the legal notice and Gaffney confirmed that proof of abutter notice was submitted.

The applicant, Jim MacDougall, presented the proposal to perform maintenance to repair his driveway and to help stop sediment from entering the wetlands and Vernal Pool. MacDougall displayed photos of the existing driveway and provided an overview of how they have been managing water run-off to keep sediment away from the Vernal Pool. The proposed project will re-establish the original grades of the driveway and improve erosion control measures. The driveway was permitted and built in 1984.

Gaffney questioned on-going maintenance of the stilling basin area. MacDougall replied that he scoops out sedimentation and that he does not remove any vegetation. He described the use of a shallow berm of riff-raff as a filter. Discussion was held on invasive removal included on the

plan. MacDougall said the work is done by hand clearing only with no soil disturbance. He described his replanting efforts. Gaffney explained that since there is no soil disturbance, invasive removal would be included in the Order as on-going maintenance.

*Luther moved to the close the Hearing for NoI 307-0781, 29 Campmeeting Road. Shamroth seconded and the vote was unanimous in favor.*

*Luther moved to approve the project for NoI 307-0781, 29 Campmeeting Road as submitted with the condition of no soil disturbance except the stilling basin. Shamroth seconded and the vote was unanimous in favor.*

### **REQUESTS**

**CoC 307-0754: 15 Evergreen Lane**, (Map 50, Lot 035), Major/Williams & Sparages – request for certificate of compliance

Gaffney displayed the as-built plan and photos of the completed project and confirmed receipt of the engineer's letter stating that the work is in compliance with the Order. Gaffney said the site is stabilized and built according to plan.

*Luther moved to approve the request for a Certification of Compliance for 307-0754. Shamroth seconded and the vote was unanimous in favor.*

### **MEETING MINUTES:**

*Luther moved to approve the minutes of the meeting held on September 11, 2019. Shamroth seconded and the vote was unanimous in favor.*

### **ADMINISTRATOR'S REPORT:**

N/A

### **OTHER**

- Enforcement Orders – Gaffney provided a brief update on outstanding enforcement orders.
- Presentation of New Material – A discussion was held about the presentation of new material at a Hearing that was not submitted in the required timeframe. The TCC agreed that the seven-day submittal requirement would be upheld and that new information will not be allowed to be presented. A written clarification of the policy will be prepared.


*Luther moved to affirm the policy that no information received in less than seven days, in verbal, electronic or written form, may be presented. Shamroth seconded and the vote was unanimous in favor.*

**ADJOURNMENT**

*At 8:42 pm, Jolley moved to adjourn. Luther seconded and the vote was unanimous in favor.*

The next meeting will be held on November 20, 2019 at 7:00 pm, in the Town Library.

Respectfully submitted,

  
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Theresa Coffey  
Recording Secretary

*Minutes approved at the TCC meeting on 12/18/2019*

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:**

NoI 307-0782: 48 Pemberton Road (Map 49, Lot 016), Wilkinson

- Complete Notice of Intent Application with attachments, dated October 2, 2019
- Plan titled "Subsurface Sewage Disposal System, 48 Pemberton Road, Topsfield MA" sheets 1 and 2, dated October 1, 2019, prepared by Daniel Johnson
- (6) Photos

ANRAD 307-0776: 5 East Common Street

- Complete Abbreviated Notice of Resource Area Delineation Application with narrative and attachments, dated August 28, 2019
- ANRAD Plan, 5 East Common Street, Topsfield, MA prepared by Beals Associates, dated August 28, 2019
- 1994 Emerson Center Drainage Plan, 5 East Common Street

ANRAD 307-0779: 6 Aaron Drive (Map 19, Lot 021), Clark

- Complete Abbreviated Notice of Resource Area Delineation Application with attachments, dated October 11, 2019
- Plan titled "To Accompany an Application for Abbreviated Notice of Resource Area Delineation, 6 Aaron Drive, Topsfield MA", Sheets 1 and 2, dated October 3, 2019, prepared by Meridian Associates
- (6) Pictometry images – 6 Aaron Drive
- Request for Determination of Negligible Impact application received October 18, 2019

NoI 307-0780: 124 Rowley Bridge Road (Map 68, Lot 026), Blackwell

- Complete Notice of Intent Application with attachments, dated October 16, 2019
- Plan titled "Sanitary Disposal System Repair Plan, 124 Rowley Bridge Road, Topsfield MA", dated October 8, 2019, sheets 1 and 2, by The Morin-Cameron Group, Inc.

NoI (Bylaw Only) TCC 2019-01: 371 Boston Street (Map 26, Lot 014), Sabino

- Notice of Intent Application with required attachments, dated October 23, 2019
- Stormwater Management Report 371 Boston Street, Topsfield MA, dated October 23, 2019, prepared by The Morin-Cameron Group, Inc.
- Plan titled "Site Plan of Land, 371 Boston Street, Topsfield MA", dated October 23, 2019, prepared by The Morin-Cameron Group, Inc. sheets 1 - 6

NoI 307-0781: 29 Campmeeting Road (Map 20, Lot 033), MacDougall

- Complete Notice of Intent Application with required attachments, received October 23, 2019

CoC 307-0754: 15 Evergreen Lane, (Map 50, Lot 035), Major

- Request for Certificate of Compliance DEP File No. 307-0754, dated October 31, 2019 Application and Narrative with Photos
- Plan titled "As-Built Conditions 15 Evergreen Lane, Topsfield", dated October 31, 2019 prepared by Williams & Sparages
- Plan to Accompany Notice of Intent, 15 Evergreen Lane, Topsfield", dated July 24, 2017 prepared by Williams & Sparages
- Order of Conditions 307-0754 15 Evergreen Lane, Topsfield