

***Topsfield Conservation Commission  
Minutes of Meeting September 9, 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, Marc Rolfe, Joe Galietta, Bill Manuell, Greg McCarthy, Dana Vesty, Larry Graham, Mike Lombardo

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 307-0792: 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 DEP is satisfied with the plan. Proposed headwalls shown on the plan are precast concrete however the commission may want to consider allowing for concrete or stone / boulder style, there will be no difference in impacts.

*Luther moved to close the hearing for NoI 307-0783 Hill Street Culvert. 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 accept the project as presented on the plan titled “Construction Plan Hill Street, Topsfield MA”, prepared by The Engineering Corp., dated July 23, 2020, with the additional provision that either a stone headwall or precast concrete are acceptable. Shamroth seconded the motion and it was approved by roll call vote:*

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

**Documents:**

- Complete Notice of Intent Application with narrative and attachments, received November 8, 2019.
- Topsfield Highway Department Proposed 24” Culvert Replacement Hill Street near Meredith Farm Waiver Request received December 10, 2019
- (12) photos
- Project Narrative: “Culvert Replacement Hill Street, Topsfield MA”, prepared by The Engineering Corp., dated July 23, 2020
- Plan Titled: “Construction Plan Hill Street, Topsfield MA”, prepared by The Engineering Corp., dated July 23, 2020

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

The hearing was continued from August 12, 2020, at which time the TCC requested a project plan containing only the items under consideration. The revised plan submitted, dated 8-13-2020, Rev. 3, shows specific work being presented for approval including a screen porch, deck and patio with fire pit.

*Luther moved to the close the Hearing for NOI 307-0790: 42 East 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 accept the plan as presented, titled: “Permit Plan prepared for Gregory McCarthy 42 East Street Topsfield”, Revision No. 3 dated August 13, 2020, with the provision that no work other than*

*that shown on the plan is permitted. Shamroth seconded the motion and it was approved by roll call vote:*

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

Documents:

- Notice of Intent Application with required attachments, dated May 13, 2020
- “Permit Plan prepared for Gregory McCarthy 42 East Street Topsfield”, Revision No. 2 dated August 11, 2020 and Revision No. 3 dated August 13, 2020
- “Permit Plan prepared for Gregory McCarthy 42 East Street Topsfield”, dated May 13, 2020
- Site photos

**Continuation NOI 307-0789: 9 New Meadow Lane** (Map 74, Lot 007), Lombardo/Wetlands & Land Management, Inc.- install in-ground pool, patio and shed

The Hearing for NOI 307-0789 was opened at the August 12, 2020 meeting; proof of abutter notice was submitted at that time. Representing the applicants, Bill Manuell of Wetlands & Land Management, Inc. reviewed follow-up activities related to the proposal to install an in-ground pool, patio and shed.

Gaffney walked the site with Manuell to review wetlands boundaries and revised some flags. The revised plan will reflect this change.

Manuell reviewed the property characteristics including Wetlands and Buffer Zone, the FEMA flood line and the leach field on the eastern side of the property. The proposed work is entirely in pre-disturbed area of lawn that was already established. A waiver under the bylaw is requested for the proposed work within 100 Buffer Zone.

Manuell reviewed other locations that were considered for the pool and explained why the pool was limited to the proposed location. Construction access is through grass on right side of the property and the entire area is ringed by erosion controls. Manuell noted that due to the topography, a retaining wall is part of the project to minimize further encroachment into the buffer zone. A pine tree is proposed to be removed.

Discussion was held on the drainage ditch that catches water from the circle on New Meadow Lane. DiCarlo asked if this ditch should be called an intermittent stream.

Gaffney stated that Bylaw Riverfront area was previously determined to exist on this site and she displayed the plan that was in the file. Considering this, the pool is within 50 feet of the wetland and 50 feet within bylaw riverfront area. Discussion was held on whether a commission site visit should be done.

Betts discussed concerns about erosion control. The patio and pool deck are impervious surface, the water on the pool deck would typically shed away from the pool onto the lawn. Applicant Mike Lombardo stated the water filtration will be a UV light system so the water will not be chlorinated.

The project plan will be revised to reflect DEP comments about calculating the BLSF compensatory storage numbers and erosion control and mitigation plans.

The applicant requested a continuance to September 23, 2020.

*Luther moved to continue the Hearing for NOI 307-0789 9 New Meadow Lane to September 23, 2020. Shamroth seconded the motion and it was approved by roll call vote:*

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

Documents:

- Complete Notice of Intent Application with Required Attachments dated May 2020
- Plan titled: “Site Plan to Accompany Notice of Intent, Lombardo, 9 New Meadow Ln Topsfield”, prepared by Griffin Engineering Group, LLC, dated May 7, 2020
- MA DEP Comments NOI 307-0789
- Site photos

**NOI 307-0795: 44 Candlewood Drive** (Map 43, Lot 020) Coughlin/DeRosa Environmental – construction of single family home and appurtenances

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

Betts recused himself from the Hearing because he is employed by the company that prepared the project plan (Meridian Associates.)

Representing the applicant, Evin Guvendiren of DeRosa Environmental Consulting, presented the proposal for construction of a single family home and appurtenances. This application is a refile of an Order of Conditions issued in January 2017 that expired before work commenced.

The plan showed the proposed house footprint. The commission asked about the box area shown for the footprint and about the final house design. Guvendiren commented that when the house design is finalized, the applicant will request a formal amendment to the Order of Conditions. Discussion was held on roof runoff mitigation, erosion control and grading. TCC members expressed concern that issues could not be adequately evaluated until the house design was finalized and presented to the TCC.

Gaffney displayed photos of the site and pointed to pine trees that are proposed to be removed and a pond that is a landscaping feature.

DiCarlo noted that a waiver under the Bylaw is needed and typically requires an evaluation of alternatives. However, without a firm house design proposal, no alternatives can be considered.

Discussion was held on a drainage on abutting property that would need to be relocated. Gaffney noted that the plan for the relocation of the drainage would also be required on the plan.

An abutter asked some questions and pointed out a lot line discrepancy between 44 and 48 Candlewood.

The applicant requested a continuance to September 23, 2020.

*Luther moved to continue the Hearing for NOI 307-0795 44 Candlewood Road to September 23, 2020 at the request of the applicant. Shamroth seconded the motion and it was approved by roll call vote of 4 in favor and 1 abstain as follows:*

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

Documents:

- Complete Notice of Intent application with required attachments, dated August 17, 2020
- Plan titled “Subsurface Sewage Disposal System, 44 Candlewood Drive, Topsfield MA” prepared by Meridien Associates, dated 7/10/20, Sheets 1 and 2
- Site photos

**Request for Certificate of Compliance for 307-0746: 44 Candlewood Drive**

The Order of Conditions was issued in January 2017 and has expired. There was no work done.

*Luther moved to issue a Certificate of Compliance for 307-0746 on the basis that no work was ever started. Shamroth seconded the motion and it was approved by roll call vote:*

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

At 8:41 pm, the TCC took a brief break. The meeting reconvened at 8:52 pm.

**NOI TCC 2020-02: Lot 5, 10 Pearl Way** (Map 20, Lot 043E) Orvin/The Morin-Cameron Group, Inc. – construction of single family home and appurtenances

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

Representing the applicant, John Morin, Morin-Cameron Group, Inc., presented the proposed plan for the construction of single family home and appurtenances.

Morin provided background information on the property. The lot is located in a subdivision for which an OOC was issued in 2018 for restoration work in Riverfront Area. The approved plan for that project was displayed and approvals applicable to this application were reviewed.

Morin reviewed the site plan for the proposed project and pointed to the Riverfront area under the Bylaw. The work will be done within 200' of the riverfront area including a portion of the house, proposed porches, walkway, pool area and grading and dry well for pool backwash. Gaffney displayed a photo of the lot.

Gaffney noted that a standard condition for a pool in jurisdiction must be cartridge filter. The dry well should be removed from the plan.

The application under the Bylaw only so there is no DEP number.

*Luther moved to close the Hearing for NOI TCC 2020-02: Lot 5, 10 Pearl Way. 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 presented in the plan titled “Sanitary Disposal System Design Plan in Topsfield, MA, Lot 5 – 10 Pearl Way”, prepared by The Morin-Cameron Group, Inc., dated August 25, 2020 with the exclusion of the backwash filter. Shamroth seconded the motion and it was approved by roll call vote:*

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

Documents:

- Complete Notice of Intent Application under the Bylaw only with required attachments dated
- Plan titled: “Sanitary Disposal System Design Plan in Topsfield, MA, Lot 5 – 10 Pearl Way”, prepared by The Morin-Cameron Group, Inc., dated August 25, 2020
- Plan to Accompany Notice of Intent at 303 & 333 Perkins Row, Topsfield MA, prepared by The Morin-Cameron Group, Inc. and part of the record plan for 307-0766
- Site photos and aerial images

**NOI 307-0796: 14 Sleepy Hollow Road** (Map 71, Lot 006) Penta/Rimmer Environmental Consulting, LLC – request for after-the-fact authorization for landscaping activities with restoration

Luther read the legal notice and Jolley confirmed that proof of abutter notice was received.

The NOI was in response to an Enforcement Order issued for landscaping work in jurisdictional area.

Representing the applicant, Mary Rimmer, Rimmer Environment Consulting, reviewed the site plan and the unauthorized landscaping in the Buffer Zone and Wetland. Grading was done in back of the house, primarily soil brought up to the house to create a steeper slope. A portion of the Wetland was filled in.

The mitigation proposal includes the fill material to be removed from the Wetland and the installation of 7 native shrubs and overlay with a wetland seed mix. Rimmer commented that the rest of the site is stable and well vegetated.

Gaffney compared aerial photos and determined that two trees were removed within Bylaw Riverfront Area and should be replaced. She reviewed jurisdictional areas on surrounding properties that should be shown on the site plan.

*Luther moved to close the Hearing for NOI 307-0796: 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*

*Luther moved to approve the plan as presented with the addition of the two trees and required wetland restoration planting as discussed and as written in the narrative. Shamroth seconded the motion and it was approved by roll call vote:*

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

Documents:

- Complete Notice of Intent Application with required attachments, dated August 26, 2020
- Plan Titled “Site Plan of Land, 14 Sleepy Hollow Road, Topsfield MA”, prepared by Hancock Associates, dated August 17, 2020
- Site photos and aerial images

**NOI 307- : 84 Perkins Row** (Map 51, Lot 002) Davis/Hughes Environmental Consulting – request for after-the-fact tree removal & new lawn with wetland & Buffer Zone Resource Area restoration

Jolley announced the Hearing and noted that the DEP number has not been issued. Betts read the legal notice, Jolley confirmed that proof of abutter notice was submitted.

The NOI was filed as a result of an Enforcement Order for unauthorized tree removal and installation of a new lawn in a jurisdictional area.

Tom Hughes, Hughes Environmental Consulting, displayed photos of the property before the work was done and photos subsequent to the unauthorized work. He described how he estimated the disturbance to the wetlands from aerial photos.

The disturbed wetland area and a buffer section will be restored with plantings of 11 red maples and restoration size shrubs. The soil is already stabilized so no overseeding is needed.

Gaffney commented that when the plants are installed, the environmental consultant should be present.

The buffer lines and wetland markers will be added to the plan.

*Luther moved to continue the Hearing for 84 Perkins Row to September 23, 2020 because the DEP number has not yet been issued. Shamroth seconded the motion and it was approved by roll call vote:*

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

Documents:

- Complete Notice of Intent Application with required attachments dated August 26, 2020 including Site Photos and 84 Perkins Road 2019 Orthophoto Restoration Sketch

### **REQUESTS:**

**RDA 2020-08: Perkins Row Utility Poles**, Massachusetts Electric/Tighe & Bond – utility pole replacement and installation

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

Dana Vesty of Tighe & Bond, presented on behalf of Mass. Electric dba National Grid. Vesty described the proposed work to replace 6 utility poles and install 3 new utility poles within the right of way on Perkins Row. Vesty stated that leftover spoils will be removed from the site.

The work is exempt under the Act under 10.02(2)(a)2. and 10.02(2)(b)2.h. Gaffney confirmed that there are no trees to be removed for this project.

*Luther moved to close the Hearing for RDA 2020-08: Perkins Row Utility Poles. 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 for RDA 2020-08. Shamroth seconded the motion and it was approved by roll call vote:*

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



Documents:

- Complete Request for Determination of Applicability Application with required attachments, dated August 2020 including Site Photos and Utility Pole Replacement and Installation Project Site Plan, prepared by Tighe & Bond

**RDA 2020-09: 26 Bare Hill** (Map 17, Lot 055) and Bare Hill Roadway, Boston Gas Company/Tighe & Bond – gas line installation

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

On behalf of Boston Gas Company dba National Grid, Dana Vesty of Tighe & Bond, presented the plan for the installation of residential gas service line and gas main extension. She described the work to be done for the installation of the gas lines within the 100 foot Buffer Zone. Erosion controls will be installed and existing conditions will be maintained in the roadway and the driveway.

Gaffney noted that the project is exempt under the Act under 10.02(2)(b)2.i. Gaffney asked about the work in the area of the existing culvert under Bare Hill Road. Vesty stated that adequate cover exists for the gas line to be placed over the existing culvert.

*Luther moved to close the Hearing for RDA 2020-09: 26 Bare Hill. 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 for RDA 2020-09: 26 Bare Hill. Shamroth seconded the motion and it was approved by roll call vote:*

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

Documents:

- Complete Request for Determination of Applicability Application with required attachments, dated August 2020 including Site Photos and Residential Gas Service Installation Project Site Plan, prepared by Tighe & Bond

**COC 307-0780: 124 Rowley Bridge Road** (Map 68, Lot 026) Blackwell/Morin-Cameron Inc. – request for Certificate of Compliance

Gaffney displayed the As-Built Plan and confirmed that the work is complete, the site is stabilized and conservation posts with markers have been installed.

*Luther moved to issue a Certificate of Compliance for 307-0780 as substantially complete 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*

Documents:

- Request for Certificate of Compliance Application with Required Attachments dated August 20, 2020
- Plan titled “Sanitary Disposal System As-Built in Topsfield MA 124 Rowley Bridge Road”, prepared by the Morin-Cameron Group, Inc., dated January 14, 2020
- Site photos

**COC 307-0728: 53 Bare Hill Road** (Map 17, Lot 026) Massachusetts Electric Company/Vanasse Hangen Brustlin, Inc. – request for Certificate of Compliance

Sarah French, Vanasse Hangen Brustlin, Inc., presented on behalf of Mass Electric Co. dba National Grid.

Gaffney commented that the OOC was issued for an erosion issue on an area of the Rail Trail. She walked the site with a representative from National Grid and confirmed that the site is stabilized. The OOC required an As-Built Plan and restoration plan which have not been received but VHB submitted a Professional Engineer statement that the work was completed per the Order and requested that the statement satisfy the requirements for a Certificate of Compliance.

Discussion was held on the site restoration and Luther stated he was on site while the project was being completed and was satisfied with the restoration.

*Luther moved to issue a Certificate of Compliance for work completed substantially in compliance with Order of Conditions 307-0728. Shamroth seconded the motion and it was approved by roll call vote:*

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

Documents:

- Request for Certificate of Compliance prepared by Vanasse Hangen Brustlin, Inc., dated August 26, 2020
- Site photos

**RDNI 2020-07: 24 Willowdale Road** (Map 14, Lot 001) Cogger/King – tree removal

Gaffney informed the TCC that the applicant requested the hearing be postponed to September 23, 2020.

**MEETING MINUTES:**

No action.

**OTHER:**

- **Enforcement Order 2020-01: 71 Howlett Street** (Map 33, Lot 019) Djordjic  
Gaffney reported that Hancock Associates has been retained, work has started and they have communicated with her. They have requested an extension to September 30, 2020.

*Luther moved to grant an extension for EO 2020-01 to September 30, 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 2020-06:** 28 Parsonage Lane (Map 32, Lot 078) Sharma

Gaffney reported that DeRosa Environmental Consulting has been retained and they have requested an extension to September 23, 2020.

*Luther moved to grant an extension for EO 2020-06 to September 23, 2020. Shamroth seconded the motion and it was approved by roll call vote:*

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

- **Violations:** 9 Coventry

Gaffney reported that no action is needed as this is a violation notice and not an enforcement order, the homeowner has remained in touch with her. She anticipates an after-the-fact Notice of Intent to be submitted shortly. If one is not filed then the commission could issue an enforcement order.

- **Agricultural Exemption:** 37 River Road (Map 48, Lot 013)

Gaffney discussed the letter sent to Ara Aftandilian re: 37 River Road dated August 24, 2020. The matter will be discussed further at the next meeting.

## **ADJOURNMENT**

*At 10:29 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 September 23, 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.