

***Topsfield Conservation Commission
Minutes of Meeting September 23, 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, Tyler Ferrick, Bill Manuell, Tom Hughes, Jim Laverdiere

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 announcements:

“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.”

“The meeting is being recorded by BCTV via ZOOM to be posted on the Town Website for public viewing; is there anyone else present who wishes to record the meeting?” There were no responses.

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

The Hearing was continued from September 9, 2020.

Representing the applicant, Bill Manuell of Wetlands & Land Management, Inc. presented the revised plan to install an in-ground pool, patio and shed.

Manuell reviewed the changes to the plan including a change to the wetland boundary, a revision to the flood storage table and additional erosion controls. The mitigation and planting plan of native species was reviewed. Manuell will diversify the plant selection. Gaffney noted that a Bylaw Intermittent Stream was not marked on the plan. She will note make a note on the revised plan submitted.

Luther moved to close the hearing for NOI 307-0789: 9 New Meadow 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 permit the project as shown in the 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 and revised September 14, 2020; with the additional conditions for mitigation plantings, installation of signage at the mitigation areas and cease mowing in the mitigation areas as discussed. 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 and revised September 14, 2020
- MA DEP Comments NOI 307-0789
- Photos

Continuation NOI 307-0797: 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

The Hearing was continued from September 9, 2020.

Tom Hughes, Hughes Environmental Consulting, reviewed the revised plan that shows the Buffer Zone lines and posts with markers. Gaffney noted that the commission may wish to require the restoration planting to be done by the end of the Spring growing season. The commission discussed requiring the restoration plantings to be installed by June 15, 2021.

Luther moved to close the hearing for NOI 307-0797: 84 Perkins Row. Shamroth seconded the motion and it was approved by roll call vote:

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

Betts moved to accept the project as presented on the plan titled “84 Perkins Road 2019 Orthophoto Restoration Sketch”, prepared by Hughes Environmental Consulting, revised September 22, 2020, with a planting deadline of June 15, 2021. Shamroth seconded the motion and it was approved by roll call vote:

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

Documents:

- 84 Perkins Road 2019 Orthophoto Restoration Sketch Revised September 22, 2020
- Complete Notice of Intent Application with required attachments dated August 26, 2020 including Site Photos

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

The Hearing was continued from September 9, 2020. Betts recused himself from the Hearing and vote because he is employed by the company that prepared the project plan (Meridian Associates.)

On behalf of the applicant, Tyler Ferrick of DeRosa Environmental Consulting, reviewed changes to the plan that were requested by the TCC as well as the added mitigation for tree removals. Regarding the abutter issue, the Commission was informed that the assessor has received the plot plan to confirm that the lot line is correct.

A discussion was held on the selection of Red Maple trees for replacement plantings. Discussion was held on the plantings and that native species are preferred by the TCC. The Conservation Administrator will need to approve the final species selections.

An abutter, Marc Rolfe, asked if the required replacement trees in the Buffer Zone will affect his property as the property line is in the middle of his driveway. Gaffney noted that the majority of driveway is outside of the Buffer Zone and any tree installations can be adjusted by the Conservation Administrator along with the applicant and abutter.

Ferrick discussed alternative locations for the house as is required for a waiver to build within the Buffer Zone.

Luther moved to grant a waiver to allow construction within the Buffer Zone in accordance with the waiver provision. 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

Luther moved to close the hearing for NOI 307-0795: 44 Candlewood Drive. 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

Luther moved to approve the project as shown in the plan titled “Subsurface Sewage Disposal System, 44 Candlewood Drive, Topsfield MA” prepared by Meridian Associates, dated 7/10/20, Sheets 1 and 2, revised September 16, 2020 with the provision that mitigation planting proposed by the applicant be approved by the Conservation Administrator. 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 Meridian Associates, dated 7/10/20, Sheets 1 and 2, Revised September 16, 2020
- Photos

REQUESTS:

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

Gaffney displayed photos of 5 damaged trees proposed to be removed and an additional tree that was added to the application as it is leaning toward a shed. An arborist has provided written confirmation that this tree is also compromised. Gaffney noted that this property previously removed 6 damaged trees. While the Tree Policy requires replacement of live trees only, Gaffney suggested that the 6 trees in this current application be replaced because they are so close the river. The commission discussed leaving some as snags for wildlife. She will ask the homeowner to leave the tree snags in place.

Luther moved to issue a Determination of Negligible Impact for RDNI 2020-07: 24 Willowdale Road provided that the replacement trees are planted with the species and locations approved by the Conservation Administrator. 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 Determination of Negligible Impact application with required attachments
- Letter received from the applicant requesting to revise the application to add one additional tree
- E-mail from Iron Tree dated September 15, 2020
- Photos

MEETING MINUTES:

No action.

OTHER:

Enforcement Order 2020-07: 76 Campmeeting Road (Map 20, Lot 039) – ratify

Gaffney displayed photos of work that occurred at 76 Campmeeting Road, with machinery that was used to remove an old structure. The entire property is within jurisdiction. The Enforcement Order required the site be stabilized with salt marsh hay with a restoration plan and after-the-fact Notice of Intent for the removal of the structure be submitted by October 7, 2020

Property owner, Jim Laverdiere, provided historical information on the characteristics and use of the property. An old structure was removed as they considered it a danger and liability. He discussed the restoration plan noting he would like to hydroseed with a meadow mix. Proposed additional work was discussed and he stated that DeRosa Environmental Consultants has been retained to work with the homeowner on a plan and that they will need an extension of time to prepare the Notice of Intent. The commission and application discussed the required stabilization along the Bank.

Luther moved to issue an Amended Enforcement Order to use hydroseeding of meadow mix to stabilize the area together with some salt marsh hay at the riverbank to prevent any further erosion and sedimentation to the river; and grant an extension of time for further study and evaluation to develop a plan to address the entire property to January 29, 2021. Shamroth seconded the motion and it was approved by roll call vote:

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

Documents:

- Enforcement Order 2020-07: 76 Campmeeting Road
- Photos
- E-mail from Jim Laverdiere dated September 21, 2020

Enforcement Order 2020-01: 71 Howlett Street (Map 33, Lot 019) Djordjic

No action needed, extension to September 30th was granted at the last meeting.

Enforcement Order 2020-06: 28 Parsonage Lane (Map 32, Lot 078) Sharma

DeRosa has been retained to work on the project and has requested an extension for the filing deadline to November 4, 2020.

Luther moved to the grant an extension for EO 2020-06 filing deadline to November 4, 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 – *update/discussion*

The homeowner has been responsive and is waiting for the surveyor to issue the revised plan. No further action needed.

Agricultural Exemption: 37 River Road (Map 48, Lot 013) – work was done – *discussion*

Gaffney discussed the letter sent to Ara Aftandilian re: 37 River Road dated August 24, 2020. She displayed photos of a new culvert crossing that was installed. Gaffney commented on the Agricultural Exemption and that it is not clear if it applies to the recent culvert work.

Gaffney will arrange for a MACC instructor to attend a TCC meeting to discuss Agricultural Exemption and provide guidance.

Documents:

- USDA Conservation Farm Plan - 37 River Road, Topsfield MA dated August 11, 2010
- Photos provided by Conservation Administrator

ADJOURNMENT

At 8:30 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 October 14, 2020 at 7:00 pm, by Videoconference.

Respectfully submitted,
Theresa Coffey

Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 10/28/2020

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.