

***Topsfield Conservation Commission
Minutes of Meeting November 18, 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: Mike Toohill, Jerry Polito, Greg Hochmuth, Tina Langone Eberhart

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 was no response.

HEARINGS

Gaffney informed the TCC that Chapter 201 of the Acts of 2020 reinstates all deadlines as of December 1, 2020. The applicants for the following three Continued Hearings have been notified that the hearings must be resumed and the applicants have submitted Continuance requests.

Continuation ANRAD 307-0776: 5 East Common Street (Map 33, Lot 36), Congregational Church/Beals Associates

The applicant requested a continuance to December 16, 2020.

Luther moved to continue the Hearing for ANRAD 307-0776 5 East Common Street to December 16, 2020. 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 Continuance by Larry Beals, e-mail dated November 16, 2020

Continuation NoI (Bylaw only) TCC 2019-01: 371 Boston Street (Map 26, Lot 014), Sabino/The Morin-Cameron Group, Inc.

The applicant requested a continuance to December 16, 2020.

Luther moved to continue the Hearing for NoI 2019-01: 371 Boston Street to December 16, 2020. 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 Continuance by John Morin, e-mail dated November 18, 2020

Continuation NoI 307-0792: ECTA Town Wide Trail Maintenance Plan, ECTA/DeRosa Environmental Consulting, Inc.

The applicant requested a continuance to December 16, 2020.

Luther moved to continue the Hearing for NoI 307-0792 to December 16, 2020. 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 Continuance by Michael DeRosa, e-mail dated November 18, 2020

NOI 307- : 111 River Road (Map 47, Lot 30) Polito/Williams & Sparages, LLC – construct in-ground swimming pool, fence, patio and paver walkway.

Jolley announced the meeting, Luther read the legal notice and Gaffney confirmed that proof of abutter notice was submitted.

Representing the applicant, Greg Hochmuth of Williams & Sparages, LLC reviewed the history of the property. The lot was created in 2002 and a single family dwelling was constructed. A Certificate of

Compliance was issued in 2004. Waivers were granted for portions of the work in the Buffer Zone including the limit of disturbance shown on the COC as-built plan.

The proposed work includes the construction of an in-ground swimming pool, fence, patio and paver walkway. Hochmuth displayed the site plan and reviewed the resource areas. The pool is only within the Riverfront and not proposed with Buffer Zone. The portion of the pool beyond the previously approved limit of work is 600 s.f. This is within the .3% of the Riverfront Area that was left of the 10% allowable to alter. The proposed paver walkway is within existing lawn area within the approved limit of work and is the only work proposed within the Buffer Zone.

Conservation posts that were required in the 2002 Order have been removed and additional clearing was done on the lot beyond the limit of work after the COC was issued.

Hochmuth explained that the applicants do not yet own the property. They are in the process of buying and seeking permission to build a pool before they do so. They propose to replant the area that was cleared and to stop maintenance of that area. Erosion controls will be installed during construction remain in place until the stabilized.

DEP has not yet issued a file number.

Gaffney commented on the proposal and recommended that an Enforcement Order be issued to reinstall the Conservation Posts and restoration of the area cleared beyond the limit of work.

Hochmuth requested a waiver for delineation of the lot outside of the delineation season. Gaffney stated that she agrees with the wetland line and recommended the waiver be approved due to the low probability of error.

Luther moved to issue a waiver for delineation of wetland area outside of the acceptable delineation time period. 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 an Enforcement Order relative to the lack of Conservation Markers and the illegal clearing of the resource area. Shamroth seconded the motion.

Discussion was held on how to structure the Enforcement Order, to address both issues or separate the installation of the Conservation Posts and restoration with the replanting to be done as part of a Notice of Intent.

Luther withdrew the motion on the floor.

Luther moved issue an Enforcement Order for the installation of the Conservation Markers immediately. Shamroth seconded the motion and it was approved by roll call vote:

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

Hochmuth requested a continuance for Hearing to December 16, 2020.

Luther moved to continue the Hearing for NOI 307- 111 River Road to December 16, 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 November 4, 2020
- Plan titled: “Plan to Accompany Notice of Intent 111 River Road, Topsfield MA”, prepared by Williams & Sparages LLC, dated November 4, 2020
- Certificate of Compliance 307-0416 Wetlands Protection Act, January 22, 2004
- Certificate of Compliance 307-0416 Topsfield General Bylaw, January 22, 2004
- Photos

REQUESTS:

RDNI 2020-09: 57 Candlewood Drive (Map 43, Lot 007) Langone

Applicant Tina Langone described the work proposed to install to additional light poles along the edge of her driveway. She described the existing underground service to the first post and the connection that will be installed to the second post.

Luther moved to issue a Determination of Negligible Impact for RDNI 2020-09 57 Candlewood Drive. 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 Negligible Impact Application dated November 9, 2020
- Photos

RDNI 2020-10: Coppermine Road/Nichols Lane/New Meadow Lane (Map 79, Lot N/A)

Massachusetts Electric Co./Coneco Engineers & Scientists

Gaffney reviewed the proposal to repair and replace existing underground electrical service cables. The work will be done by direction drilling. The work in jurisdictional area is very limited. Gaffney displayed

the plan. The work qualifies for exemption under the Act under 10.02(2)(a)2. Maintain, repair or replace existing utilities. The consultant has confirmed they can stay on top of the existing culverts that will be crossed with the directional drilling.

Mike Toohill, Coneco Engineers and Scientists, described how the cable will be installed. The new line being installed will be in conduit and will be next to the existing line.

Luther moved to issue a Determination of Negligible Impact for RDNI 2020-10. 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 Negligible Impact Application dated November 10, 2020
- National Grid Plan for Ferncroft Estate, Coppermine Road, Topsfield MA, Sheets 1-4, dated October 27, 2020

MEETING MINUTES:

Luther moved to accept the minutes of the meetings held on November 4, 2020 as amended. Shamroth seconded the motion and it was approved by roll call vote of 4 in favor with Betts abstained because he was not present at the meeting:

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

OTHER:

- Gaffney provided an update on Chapter 201 of the Acts of 2020 that reinstates all deadlines as of December 1, 2020. The three hearings that were affected have been resumed as of this meeting and the applicants requested continuances to December 16, 2020.

Betts disconnected from the meeting at 7:59 pm.

- The 2021 Meeting Dates and Filing Deadlines schedule was reviewed and discussed. Gaffney will make changes as requested.

Luther moved to accept the full schedule for 2021 Meeting Dates and Deadlines with changes as discussed. Shamroth seconded the motion and it was approved by roll call vote:

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

ADJOURNMENT

At 8:02 pm, Luther moved to adjourn. Shamroth seconded the motion and it was approved by roll call vote:

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

The next meeting will be held on December 16, 2020 at 7:00 pm, by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 12/16/2020

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.