

***Topsfield Conservation Commission
Minutes of Meeting December 16, 2020
By Video/audio conference***

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

Other Attendees: Greg Hochmuth, Williams & Sparages; John Morin, The Morin-Cameron Group, Inc.; Larry Beals, Beals Associates; Robert Kmetz; Jerry Polito; Greg Demers; Mike DeRosa and Tyler Ferrick, DeRosa Environmental Consulting, Inc.; David Cowell, Hancock Associates; Richard Gandt; Alan Berry

Dodds Shamroth, Vice Chairperson, called the meeting to order, by video/audio conference, at 7:03 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.

RE-ORGANIZATION

Luther moved to nominate Dodds Shamroth as Chairperson of the Topsfield Conservation Commission. DiCarlo seconded the motion and it was approved by roll call vote:

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

The nomination and vote for Vice Chairperson was postponed.

HEARINGS

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

Gaffney provided an overview of the status of the project. The peer review was completed by Arthur Allen of EcoTec, Inc. in April. Gaffney reviewed the report and noted the difference in the wetland line from the applicant's submission.

Representing the applicant, Larry Beals, Beals Associates, commented that potential vernal pools 1 and 2 are concluded to be vernal pools and potential vernal pool 3 was concluded to not be a vernal pool. Gaffney confirmed that she has visited the site several times and agrees with these conclusions.

A discussion was held on the criteria used by the Peer Reviewer for the depth for seasonal high water. The Peer Reviewed used Topsfield Bylaw criteria of 18 inch depth; Beals Associated used a 12 inch criteria. As a result, there is a difference in the wetland line. Beals outlined his reasons and the science behind using the 12 inch depth.

The Peer Reviewer will be invited to the next meeting for further discussion.

An abutter, Robert Kmetz, commented on the Bylaw criteria for seasonal high water.

Beals requested a continuance for the hearing to January 13, 2021.

Luther moved to continue the Hearing for ANRAD 307-0776: 5 East Common Street to January 13, 2020 at the request of the applicant. DiCarlo seconded the motion and it was approved by roll call vote:

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

Documents:

- EcoTec, Inc. Preliminary Wetland Peer Review Results – 5 East Common Street Topsfield MA dated February 26, 2020
- EcoTec, Inc. 5 East Common Street Topsfield MA Hydric Soil Evaluation, dated April 13, 2020
- Beals Associates Inc. Response to Peer Review Hydric Soil Evaluation dated May 20, 2020

Continuation 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

The applicant requested a continuance to January 13, 2021.

Luther moved to continue the Hearing for NoI (Bylaw only) TCC 2019-01: 371 Boston Street to January 13, 2020 at the request of the applicant. DiCarlo seconded the motion and it was approved by roll call vote:

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

Continuation NoI 307-0792: ECTA Town Wide Trail Maintenance Plan, ECTA/DeRosa Environmental Consulting, Inc. – town-wide trail management plan.

The applicant requested a continuance to January 13, 2021.

Luther moved to continue the Hearing for NOI 307-0792: ECTA Town Wide Trail Maintenance Plan to January 13, 2020 at the request of the applicant. DiCarlo seconded the motion and it was approved by roll call vote:

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

Continuation NOI 307-0800: 111 River Road (Map 47, Lot 30) Polito/Williams & Sparages, LLC – construct in-ground swimming pool, fence and patio, paver walkway.

Gaffney reviewed the background information for the Enforcement Order issued for 111 River Road and confirmed that the required wetland markers that were removed have been replaced.

Representing the applicant, Greg Hochmuth, Williams & Sparages, LLC, reviewed the plan for the proposed in-ground swimming pool and the restoration plan for a jurisdictional area that was cleared without authorization.

Gaffney recommended a deadline for the restoration plantings and that a finding be included in the Order of Conditions that the full amount of alteration allowed in the Riverfront Area has been used.

Luther moved to close the hearing for NOI 307-0800: 111 River Road. DiCarlo seconded the motion and it was approved by roll call vote:

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

Luther moved to issue an Order of Conditions for NOI 307-0800: 111 River Road with the provision that the planting relative to the Violation be completed on or before June 15, 2021, and that the necessary stakes be placed to denote the limit of the Riverfront Area. DiCarlo seconded the motion and it was approved by roll call vote:

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, revised November 18, 2020
- Certificate of Compliance 307-0416 Wetlands Protection Act, January 22, 2004
- Certificate of Compliance 307-0416 Topsfield General Bylaw, January 22, 2004
- Photos

NOI 307-0801: 23 Gail (Map 40, Lot 039) Merrill/The Morin-Cameron Group, Inc. – replace septic system and reconstruct existing patio.

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

John Morin, The Morin-Cameron Group, Inc., reviewed the proposal for the installation of a replacement septic system. He described the wetlands on the site and considerations for the placement of the system. A Presby System is proposed and the Board of Health has approved the design. He described how they will raise the plumbing and the grade approximately 2 feet. A rebuild of the patio is included in the NOI in the event the existing patio cracks during the septic system installation. Erosion control was reviewed and access to the work will be from the left side of the house, from Gail Street. All work will be in existing maintained lawn area.

Luther moved to close the hearing for NOI 307-0801: 23 Gail Street. DiCarlo seconded the motion and it was approved by roll call vote:

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

Luther moved to approve the project as shown on the plan as shown, dated, November 4, 2020, with the usual conditions. DiCarlo seconded the motion and it was approved by roll call vote:

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

Documents:

- Complete Notice of Intent Application with required attachments, dated November 9, 2020
- Plan titled “Sanitary Disposal System Repair Plan in Topsfield MA 23 Gail Street”, dated November 4, 2020, prepared by The Morin-Cameron Group, Inc., sheets 1 and 2
- Photos

NOI 307- : 71 Howlett Street (Map 33, Lot 019) Djordjic/Hancock Associates – after-the-fact construction activities with ecological restoration proposed

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

Representing the applicant, David Cowell, Hancock Associates, acknowledged there were errors on the Notice of Intent application that was submitted as required by Enforcement Order 2020-01. In addition, a DEP number had not yet been issued.

Gaffney displayed aerial photos to describe the unauthorized work that was done on the property.

Cowell requested a continuance to January 13, 2021.

Luther moved to continue the Hearing for NOI 307- , 71 Howlett Street to January 13, 2021 at the request of the applicant at which point the Topsfield Conservation Commission expects to hear about solutions and parameters necessary for this project and a more comprehensive Notice of Intent. DiCarlo seconded the motion and it was approved by roll call vote:

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

Documents:

- Incomplete Notice of Intent Application, dated December 2, 2020
- Aerial Photos

NOI 307-0802: 37 River Road/River Road Right-of Way (River Road ROW & Map 48, Lot 13) – River Road Water Main Extension for service to 37 River Road and 29 River Road

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

The applicant, Ara Aftandilian, 29 River Road reviewed the proposal to extend a water main in River Road to provide water service to 37 River Road and alternate water service to 29 River Road. 37 River Road is part of the Coolidge Estate property. All work is within Riverfront Area and approximately 90% in Buffer Zone. The proposed connection to 29 River Road was discussed and Aftandilian stated the connection would be outside of jurisdiction.

Wetland stakes were installed by DeRosa Environmental at the edge of the wetland across the road but are not shown on the plan. Gaffney noted that the plans are from 2001 and the wetland line couldn't be reviewed or confirmed so the water line work would be based on approximate wetland delineation.

Aftandilian provided a description of the installation of the new water lines in trenches and the route from the main water line to the buildings. They plan to begin the work immediately. Gaffney stated that there are exemptions in the WPA for work in existing roadway and/or driveway, however, the excavation would continue from the road through a field area so the exemption does not apply. Discussion ensued about how the water line would be handled at the existing drainage structures.

An abutter, Greg Demers, 15 River Road, commented on an Ash Tree close the pavement and wanted to make sure that the tree is not damaged. Aftandilian replied that they would be approximately 8 feet off from the trunk, however, could not make any representations before excavation begins. Luther commented that care should be taken that the tree is not harmed.

Luther moved to close the hearing for NOI 307-0802: 37 River Road/River Road Right-of Way. DiCarlo seconded the motion and it was approved by roll call vote:

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

Luther moved to approve the project as shown in the sketch plan titled “water main extension” dated November 30, 2020 and with the provision that no trees will be harmed or damaged by the project. DiCarlo seconded the motion and it was approved by roll call vote:

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

Documents:

- Complete Notice of Intent application with required attachments, dated November 30, 2020

- Plans included with the Notice of Intent: Hancock Engineering plans from 2001/2002 titled “Water Main Extension, Permit Site Plan, River Road, Topsfield, MA” and the sketch plan titled “Water Main Extension, River Road, Topsfield, MA”, prepared by Carroll Associates, Landscape Architects and dated Nov 30, 2020.
- Aerial images/photos

REQUESTS:

COC 307-0678: 37 River Road (Map 48, Lot 13) Aftandilian – request for a Partial Certificate of Compliance for only the portion known as 37 River Road

Gaffney explained that the property was part of an Order of Conditions issued to the Topsfield Fairgrounds for parking. The property was never used for parking under the OOC and the letter included with the request states that no parking will occur. The property is being sold and a partial CoC is being requested to release the property from the OOC.

Luther moved to issue a partial Certificate of Compliance for 37 River Road. DiCarlo seconded the motion and it was approved by roll call vote:

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

Documents:

- Complete Request for Partial Certificate of Compliance Application, dated December 7, 2020

At 9:00 pm, the TCC took a brief break. The meeting continued at 9:05 pm.

COC 307-0775: 4 Glen Road (Map 32, Lot 134) Roberto/Williams & Sparages – request for Certificate of Compliance

Gaffney displayed the as-built plan and photos. She confirmed that all of the items were constructed in full compliance with the Order of Conditions and that the site is fully stabilized. She recommended that a Certificate of Compliance be issued.

Luther moved to issue a Certificate of Compliance for 307-0775: 4 Glen Road for being in substantial compliance with the Order of Condition. DiCarlo seconded the motion and it was approved by roll call vote:

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

Documents:

- Complete Certificate of Compliance Application with required attachments, dated November 9, 2020
- As-built Plan titled “Plan to Accompany Request for Certificate of Compliance 4 Glen Road Topsfield MA”, dated November 11, 2020 prepared by Williams & Sparages
- Photos

COC 307-0745: 470 Boston Street (Map 7, Lot 3) Topsfield Rolling Green, LLC/Meridian Associates – request for Certificate of Compliance

Betts abstained from the discussion and vote because he is employed by project consultant Meridian Associates.

Gaffney displayed the as-built plan and provided a review of the project. She confirmed that the work was done in compliance with the Order of Conditions. She pointed to one area of the walking path that was relocated closer to the wetlands during construction because of an unexpected obstruction on the path. A discussion was held on this portion of the path. Gaffney noted that it is a quiet area which is not open to the public and has little activity.

Luther moved to grant the Certificate of Compliance for 307-0745: 470 Boston Street / Topsfield Rolling Green LLC. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes; Betts - abstain

Documents:

- Complete Certificate of Compliance Application with required attachments, dated December 9, 2020
- Plan titled “To Accompany Request for Certificate of Compliance, 470 Boston Street Drainage Plan Topsfield MA, prepared for Topsfield Rolling Green, LLC”, dated December 5, 2020 and prepared by Meridian Associates
- Photos

MEETING MINUTES:

Luther moved to approve the minutes of the meeting held on November 18, 2020. DiCarlo seconded the motion and it was approved by roll call vote:

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

Documents:

- Draft minutes of the meeting held on November 18, 2020

OTHER:

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

Representing the applicant, Mike DeRosa, DeRosa Environmental Consulting, reviewed the restoration plan to comply with an Enforcement Order for unauthorized fill in BVW and Buffer Zone. He noted that an excavator may be needed for the work and showed where the machine would access the site. DeRosa provided a description of the proposed plantings with the work to be done in the spring. Gaffney commented that two or three wetland posts should be added at the end of the lawn.

Luther moved to issue an amended Enforcement Order that the proposed implementation of a restoration plan as shown be implemented, with the addition of the placement of appropriate conservation posts with markers, commencing in the spring of 2021. DiCarlo seconded the motion and it was approved by roll call vote:

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

Documents:

- Response to Enforcement Order 2020-06, Wetland Restoration Plan dated December 2, 2020, prepared by Donohoe Survey, Inc. and DeRosa Environmental Consulting, Inc.

Emergency Certification 2020-04: Perkins Row Wellfield Beaver Dam, Water Department – *ratify*

Gaffney explained the request from the Topsfield Water Department to breach beaver dams that are flooding the town well field.

Luther moved to ratify the Emergency Certification 2020-04. DiCarlo seconded the motion and it was approved by roll call vote:

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

Documents:

- Emergency Certification Form, Topsfield Water Department, Beaver Dam Breaching, dated November 24, 2020

Enforcement Order 2020-05: 46 Alderbrook Dr. (Map 68, Lot 015), Speridakos – Wetland Restoration Plan

Gaffney informed the TCC that the applicant's consultant requested to move the discussion to the January 13, 2021 meeting. No action was necessary, the submittal of the restoration plan satisfies the requirement of the Enforcement Order.

Enforcement Order 2020-08: 148 Washington St (Map 39, Lot 068) Frontinan

Gaffney explained that the project consultant requested an extension to the Enforcement Order because the survey crew was delayed and time was needed to complete the plan.

Luther moved to extend the Enforcement Order to January 13, 2021. DiCarlo seconded the motion and it was approved by roll call vote:

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

Discussion – National Grid tree removal on Perkins Row

Gaffney informed the TCC that trees have been marked for removal by National Grid on Perkins Row for utility work. Gaffney received additional information from National Grid that was distributed to the TCC.

Documents:

- National Grid Letter to Topsfield Conservation Commission dated December 16, 2020

ADMINISTRATOR'S REPORT:

Gaffney provided an update on the search for new Conservation Commission Member.

TCC members expressed their thanks and appreciation to Cheryl Jolley for her ten years of leadership and outstanding service to the residents of Topsfield and the Topsfield Conservation Commission.

ADJOURNMENT

At 9:48 pm, Luther moved to adjourn. DiCarlo seconded the motion and it was approved by roll call vote:

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

The next meeting will be held on January 13, 2021 at 7:00 pm, by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey

Recording Secretary

Minutes approved at the TCC meeting on 1/27/2021

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.