

***Topsfield Conservation Commission  
Minutes of Meeting January 13, 2021  
By Video/audio conference***

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

**Other Attendees:**

Mike DeRosa, DeRosa Environmental Consulting, Inc.	Richard Gandt
Carol Lloyd, ECTA	Jon Palace
Martha Sanders, ECTA	Joanne Minichillo
Arthur Allen, EcoTec, Inc.	Patrick Osgood
Larry Beals, Beals Associates	Susie Read
Bill Manuell, Wetlands and Land Management, Inc.	Ruth Borthfield
Devon Morse, Hancock Associates	Alison Hardy
Gillian Frontinan	Eric Walgreen
Stephanie Aitchison	Kelly Walgreen
John and Yianna Speridakos	Robert Kmetz
	Bonnie Scott

Dodds Shamroth, Chairperson, called the meeting to order, by video/audio conference, at 7:00 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.”

“While we are conducting town business using remote participation via ZOOM, we ask that those of you not recognized by the chair or otherwise engaged in the discussion of the moment to please mute your microphone to avoid interruptions outside the conversation. Thank you.”

## **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 discussion at the December 16, 2020 meeting and noted the peer reviewer, Arthur Allen, EcoTec, Inc. was in attendance.

Allen discussed his site visit on April 7, 2020 to review the site and determine boundary line. His evaluation was based on Topsfield Bylaw criteria of evidence of seasonal water table within 18 inches of the soil surface. He determined that the boundary line was more expansive than the line based on the 12 inch criteria that was used by Beals Associates and displayed the site plan to show the difference. Larry Beals, Beals Associates, Inc. provided information to support his determination of the boundary line and reviewed other factors that are also taken into consideration when reviewing hydric soils.

Comments were taken from abutters Kelly Walgreen, 70 Howlett Street, Alison Hardy, 9 River Road and Robert Kmetz.

After discussion, the TCC agreed that the Site Plan must show the wetland line as determined by the Peer Reviewer.

Beals requested a continuance to January 27, 2021 to allow time to confer with the applicant.

*Luther moved to continue the hearing for ANRAD 307-0776: 5 East Common Street to January 27, 2021 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.

Gaffney informed the TCC that the applicant requested a continuance to February 10, 2021.

*Luther moved to continue the hearing for NoI (Bylaw only) TCC 2019-01: 371 Boston Street to February 10, 2021 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.

Mike DeRosa, DeRosa Environmental Consulting, LLC, and Carol Lloyd, Essex Country Trail Association, discussed the MA DEP comments on the Notice of Intent application for Town Wide Trail Maintenance Plan. The applicant's response letter to the DEP and a revised the Trail Maintenance Plan were reviewed. A discussion was held on the request for the permit to be in effect in perpetuity. Gaffney commented on the strategy being used in other communities to accomplish this. At the request of the TCC, Gaffney will work with Town Counsel for advice on this matter.

*Luther moved to direct the Conservation Administrator to clarify the point of perpetuity with town counsel. DiCarlo seconded the motion and it was approved by roll call vote:*

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

The applicant requested a continuance to January 27, 2021.

*Luther moved to continue the hearing for NoI 307-0792: ECTA Town Wide Trail Maintenance Plan to January 27, 2021 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:**

- Supplemental Information / Notice of Intent by DeRosa Environmental Consulting, Inc. dated December 15, 2020
- Essex County Trail Association Maintenance Plan, dated February 26, 2020 and revised December 15, 2020

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

Gaffney informed the TCC that the applicant requested a continuance to January 27, 2021.

*Luther moved to continue the hearing for NOI 307- : 71 Howlett Street to January 27, 2021 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*

**NOI 307-0803: 148 Washington Street** (Map 39, Lot 068) Frontinan/Hancock Associates – after-the-fact tree clearing within Bordering Vegetated Wetland and Buffer Zone with restoration proposed

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

Representing the applicant, Devon Morse, Hancock Associates, provided an overview of the history of the property and buildings and shared site photos. The applicant is the new owner of the property. The Notice of Intent was filed as a result of an enforcement order for trees removed in the Buffer Zone and BVW. Morse explained that the work was done to expand the horse paddocks and riding areas.

Morse reviewed the restoration plan and proposed mitigation as outlined in the application report “Wetland Restoration Plan, 148 Washington Street, Topsfield”.

The applicant, Gillian Frontinan, explained that she would like to install a fence to create a new riding area for her children. Gaffney displayed aerial photos and provided a description of the applicant’s proposal. She discussed Conservation and Board of Health regulations for new paddocks within the buffer zone. Because there were paddocks already there, more research will be done to ascertain how pre-existing facilities conform with BoH regulations. Frontinan stated that they do not yet have horses yet but plan to have manure hauled away when they do have horses on site.

The TCC agreed that a site walk would be helpful to understand the full proposal. Gaffney will schedule the site visit.

The applicant requested a continuance to January 27, 2021.

*Luther moved to continue the hearing for NOI 307-0803: 148 Washington Street to January 27, 2021 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:

- Complete Notice of Intent Application with required attachments dated December 30, 2020

- Plan titled “Wetland Restoration Plan, 148 Washington Street, Topsfield”, dated December 29, 2020 prepared by Hancock Associates
- Photos

**REQUESTS:**

**RDA 2021-01 12 Comstock Lane** (Map 17, Lot 011) Aitchison – install portion of pool patio in Buffer Zone

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

Gaffney provided an overview of the applicant for a portion of a pool patio that would be in the Buffer Zone. Gaffney confirmed that she was at the site and the wetlands were delineated and flagged. She commented that erosion controls aren’t shown on the plan and would be conditioned as normal and that access to the work should be from the west side, away from the wetlands. Gaffney displayed photos of the site and noted that because a portion of the patio will be in the Buffer Zone, a stone trench should be installed for runoff from the patio.

*Luther moved to the close the Hearing for RDA 2021-01 12 Comstock Lane. DiCarlo seconded the motion and it was approved by roll call vote:*

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

*Luther moved to issue a Negative Determination of Applicability with the condition that an infiltration trench be added in the wetland area and that erosion control be added to the plan. DiCarlo seconded the motion and it was approved by roll call vote:*

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

**Documents:**

- Complete Request for Determination of Applicability Application with required attachments, dated December 29, 2020
- Stephanie Aitchinson Certified Plot Plan, 12 Comstock Lane, Town of Topsfield, dated November 25, 2020 prepared by High Point Survey and Geo Spatial Data
- Photos

**MEETING MINUTES:**

No action.

**OTHER:**

**Enforcement Order 2020-05:** 46 Alderbrook Dr. (Map 68, Lot 015), Speridakos – *Buffer Zone Mitigation Plan submitted*

Representing the applicant, Bill Manuell, Wetlands and Land Management, Inc., shared photos and explained his determination of the Buffer Zone line in the area that was cleared and graded without authorization. Manuell informed the TCC that the applicants want to fully restore the area and not file an after-the-fact Notice of Intent. Manuell reviewed the full restoration plan as outlined in the report “Buffer Zone Mitigation Plan and Planting Schedule”. Manuell commented on an underground irrigation in the disturbed area. He proposed that the system be left in the place and used the first year to establish the plantings. After that time, the system will be disconnected but the pipes left in the ground. Posts with conservation markers will be installed and a two-year monitoring of plants and ground cover.

*Luther moved to issue an Amended Enforcement Order 2020-05 and approve the restoration plan as submitted. DiCarlo seconded the motion and it was approved by roll call vote:*

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

**Documents:**

- Buffer Zone Mitigation Plan and Planting Schedule, 46 Alderbrook Drive Topsfield MA, dated October 29, 2020 prepared by Wetlands and Land Management, Inc.

**ADMINISTRATOR’S REPORT:**

Gaffney provided updates on the search for a new Conservation Commission member, new filings, and the FY2022 budget process.

**Other Meeting Documents:**

- MA DEP Comments 37 River Road Topsfield MA, dated January 5, 2021
- FY2022 Conservation Budget

**Election of new Vice-Chair**

*Luther moved to appoint Nicholas Betts as Vice-Chair of the Conservation Commission. DiCarlo seconded the motion and it was approved by roll call vote:*

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

**ADJOURNMENT**

*At 9:10 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 27, 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.