

***Topsfield Conservation Commission
Minutes of Meeting September 25, 2019***
Topsfield Library Conference Room

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

Other Attendees:

Name	Address	Agenda Item
John Chiachiarretta	6 Gail Street	RDA 2019-17
Joe Gibbons	9 Perkins Circle	ANRAD 307-0776
Ben Hoag,	102 River Road	COCs: 307-0429/0485/0636
Melissa Hendricks		
Brian Banusiewicz	30 Towne Lane	ANRAD 307-0776
Greg Carroll	50 Prospect Street	RDA 2019-18
Jody Latimar	14 High Street	ANRAD 307-0776
Ruth B.	22 Great Hill Drive	ANRAD 307-0776
Dan Ginley	27 Haverhill Road	27 Haverhill Road

Cheryl Jolley, Chairperson, called the meeting to order at 7:03 p.m. with a quorum present. She announced that the meeting was being audio recorded.

HEARINGS

Continuation RDA 2019-15: 26 Woodside Road (Map 18, Lot 004), Johnson – after-the-fact stump removal and restoration

Gaffney received a request to continue the Hearing for RDA 2019-15: 26 Woodside Road.

Luther moved to continue the Hearing for RDA 2019-15 26 Woodside Road. Shamroth seconded and the vote was unanimous in favor.

Continuation ANRAD 307-0776: 5 East Common Street (Map 33, Lot 36), Congregational Church/Beals Associates – request to review/confirm wetland resource area delineations

Gaffney received a request to continue the Hearing for ANRAD 307-0776: 5 East Common Street.

Luther moved to continue the Hearing for ANRAD 307-0776: 5 East Common Street. Shamroth seconded and the vote was unanimous in favor.

RDA 2019-17: 6 Gail Street (Map 40, Lot 019), Chiachiarretta – landscaping improvements & repave driveway

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

Gaffney provided an overview of the proposed project and the facts of a previous Order of Conditions. The proposed project includes landscaping improvements, a sitting area in the front, a walkway at the rear and an area of weeds to be reclaimed as lawn. The applicant proposes also to repave the driveway with a small extension. Paving only the original driveway would qualify for the driveway repair exemption under the Act, but the exemption will not apply with the additional areas. The property is in the Buffer Zone and Riverfront Area to Cleveland Brook.

The applicant, John Chiachiarretta, showed the areas of work on the displayed sketch plan and showed the area proposed for expansion along the side of the driveway to the side of the house. Roof runoff was discussed and the applicant showed that the pitch of the roof directs runoff to the front and back of the house. His contractor recommended adding a drain under the walkway that would drain into a dry well.

Luther moved to the close the hearing for RDA 2019-17: 6 Gail Street. Shamroth seconded and the vote was unanimous in favor.

Luther moved to issue a Negative Determination of Applicability for the project as proposed on the sketch, subject to the usual conditions including erosion controls. Shamroth seconded and the vote was unanimous in favor.

RDA 2019-18: 50 Prospect Street (Map 48, Lot 012), Carroll/The Morin-Cameron Group, Inc. – additions, porch & patio

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

John Morin, The Morin-Cameron Group, Inc., presented on behalf of the applicant. The history of the previous Order of Conditions and Certificates of Compliance was reviewed. The applicant is proposing to build a small addition to the house, with a small portion of the addition in the Buffer Zone. Portions of the work are outside of the jurisdictional area. The house sits between the proposed work area and resource area. The distance from the work to the wetland is 93 feet for the rear portion of the work.

The excavation plan and erosion control plans were discussed. Sonotubes will be used for the front porch structure and hand augers can be used for the sonotube excavation. There will be no change in grade in the front and a minimal change in grade in the back to even out the stone patio. An estimated 450 s.f. of impervious area would be added to the property. Access was discussed.

Infiltration was discussed. Morin stated that the roof runoff will be minimal coming off of the expanded porch.

Gaffney noted that the applicant is not seeking a delineation review and she confirmed that she reviewed the two closest flags, A6 & B2 only.

Luther moved to close the hearing for RDA 2019-18: 50 Prospect Street. Shamroth seconded and the vote was unanimous in favor.

Luther moved to issue a Negative Determination of Applicability for the project as shown on the plan titled "Site Plan of Land Topsfield MA 50 Prospect Street" prepared by The Morin-Cameron Group, dated September 6, 2019 and revised September 23, 2019, under the Act and Bylaw and subject to the usual erosion control conditions and mitigation of dirt storage. Shamroth seconded and the vote was unanimous in favor.

REQUESTS

CoC 307-0429: 102 River Road (Map 47, Lot 049), Hoag/Hendricks Family Holding Trust/The Morin-Cameron Group, Inc.

CoC 307-0485: 102 River Road (Map 47, Lot 049), Hoag/Hendricks Family Holding Trust/The Morin-Cameron Group, Inc.

CoC 307-0636: 102 River Road (Map 47, Lot 049), Hoag/Hendricks Family Holding Trust/The Morin-Cameron Group, Inc.

Gaffney provided background information on the three Orders of Condition issued for the subject property. She noted that the new property owners have worked very hard to close out the three OoCs and that the OoCs are in substantial compliance.

John Morin, The Morin-Cameron Group, Inc., presented on behalf of the applicant, and reviewed the facts of the previous OoCs. A discrepancy related to the driveway between the as-built plan and one of the approved plans was discussed. The approved plan shows a gravel driveway and the as-built plan shows a paved driveway. No condition requiring gravel was found.

A replication area was incorrectly constructed in area that was previously delineated as wetland. After discussion, the TCC agreed that the area be left alone. DeRosa Environmental conducted a review of the replication area and submitted a report, proof that the replication area was completed was submitted by Greenbelt and contained within the TCC file. Two new posts with markers have been added in front of the replication area to prevent any encroachment.

Luther moved to issue Certificates of Compliance for 307-0429, 307-0485, and 307-0636 for 102 River Road with each certificate to include a brief history of events that evidence exists that the wetland replication was completed in the approximate area of the approved revised location which was field located and that the site is in substantial compliance, with monuments in place to ensure that the resource areas are protected.

Shamroth seconded and the vote was unanimous in favor.

CoC 307-0769: 42 East Street (Map 13, Lot 012), Rafferty/The Morin-Cameron Group, Inc.

John Morin, The Morin-Cameron Group, Inc., presented on behalf of the applicant. The Order of Conditions for replacement of a failed septic system was completed in full compliance with the OoC and the site is stable.

Luther moved to issue a Certificate of Compliance for 307-0769 42 East Street, as being in substantial compliance. Shamroth seconded and the vote was unanimous in favor.

Extension Request: OoC 307-0739: Topsfield Highway and Water Departments – request for 3-year extension

Gaffney informed the TCC that the Order of Conditions is for regular and routine maintenance activities. She recommended the extension.

Luther moved to grant the three year extension for Order of Conditions 307-0739. Shamroth seconded and the vote was unanimous in favor.

OTHER

Enforcement Order 2019-06: 27 Haverhill Road (Map 24, Lot 078), Ginley

Gaffney reviewed the facts of the violation. Fill was brought in to the Buffer Zone of an intermittent stream and wetland area. The fill does not appear to be clean and appears to contain concrete debris. She recommended the TCC visit the site to view the fill. The date of the site visit was confirmed. Mr. Ginley discussed briefly with the commission.

Luther moved to ratify Enforcement Order 2019-06: 27 Haverhill Road. Shamroth seconded and the vote was unanimous in favor.

MEETING MINUTES

Luther moved to accept the minutes of the meeting held on July 17, 2019. Shamroth seconded and the vote was unanimous in favor.

Shamroth moved to accept the minutes of the meeting held on August 14, 2019. Betts seconded and the vote was 4 in favor. Luther abstained from the vote because he was absent from the August 14, 2019 meeting.

ADMINISTRATOR'S REPORT


- **Enforcement Order 2019-05: 41 Cross Street/Meredith Farm**, (Map 62, Lot 002) – Work has been progressing, posts for the No-Cut Area are installed.
- **Fairgrounds** - Gaffney reminded the TCC about the site visit to view the parking lots and beaver areas.

ADJOURNMENT

Luther moved to adjourn. Shamroth seconded and the vote was unanimous in favor. The meeting was adjourned at 8:15 pm.

The next meeting will be held on October 16, 2019 at 7:00 pm, Topsfield Library Meeting Room.

Respectfully submitted,



Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 11/20/19

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.

Documents used at or for the meeting:

RDA 2019-17: 6 Gail Street (Map 40, Lot 019), Chiachiaretta

Complete Request for Determination of Applicability Application with attachments, received September 11, 2019

Sketch Plan over Front Yard Planting Plan dated 7-9-19

RDA 2019-18: 50 Prospect Street (Map 48, Lot 012), Carroll

Complete Request for Determination of Applicability Application with attachments, dated September 10, 2019

Plan titled "Site Plan of Land Topsfield MA 50 Prospect Street" prepared by The Morin-Cameron Group, dated September 6, 2019 and revised September 23, 2019

CoC 307-0429: 102 River Road (Map 47, Lot 049), Hoag/Hendricks Family Holding Trust

CoC 307-0485: 102 River Road (Map 47, Lot 049), Hoag/Hendricks Family Holding Trust

CoC 307-0636: 102 River Road (Map 47, Lot 049), Hoag/Hendricks Family Holding Trust

Complete Requests for Certificate of Compliance Applications, dated September 16, 2019

Recorded Orders of Conditions: 307-0429, 307-0485, 307-0636

As-Built Plan of Land, 102 River Road, Topsfield MA, prepared by The Morin-Cameron Group, dated September 9, 2019

Wetland Replication Assessment for 102 River Road, Topsfield MA, prepared by DeRosa Environmental Consulting, Inc., dated May 20, 2019

Extension Request: OoC 307-0739: Topsfield Highway and Water Departments, dated September 10, 2019

Order of Conditions 307-0739, with cover letter dated November 1, 2016

Certificate of Compliance 307-0769: 42 East Street (Map 13, Lot 012), Rafferty

Complete Request for Certificate of Compliance Application, dated September 17, 2019

As-Built Sanitary Disposal System, 42 East Street Topsfield MA, prepared by The Morin-Cameron Group, dated February 8, 2019

Draft Minutes of Meetings held on July 17, 2019 and August 14, 2019