

***Topsfield Conservation Commission  
Minutes of Meeting February 24, 2021  
By Video/audio conference***

**Present:** Dodds Shamroth – Chair, Nicholas Betts – Vice Chair, Jennifer DiCarlo, Holger Luther, and Heidi Gaffney – Administrator

**Other Attendees:**

Carol Lloyd, ECTA  
Devon Morse, Hancock Associates  
Thor Akerley, Williams & Sparages  
John Morin, The Morin-Cameron Group, Inc.

Dodds Shamroth, Chairperson, called the meeting to order, by video/audio conference, at 7:04 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.

“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

Shamroth announced that the applicant has requested a continuance to March 10, 2021.

*Luther moved to continue the hearing for ANRAD 307-0776: 5 East Common Street to March 10, 2021. Betts seconded the motion and it was approved by roll call vote:*

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

**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.

No action needed, vote was taken on February 10, 2021 to continue this hearing to March 10, 2021.

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

Gaffney reviewed the discussion at the meeting February 10, 2021 at which time the TCC felt the revised (Dec. 15, 2020) Trail Maintenance Plan was in compliance and addressed DEP comments. Outstanding was language for the Continuing Conditions for Perpetual Trail Maintenance. Draft language prepared by Gaffney was discussed. DiCarlo provided input on the continuing conditions, and commented it must be clear that the continuing condition would be superseded in the event of a new Notice of Intent. Gaffney asked if the TCC preferred the Order be continued in perpetuity or for a certain number of years. Luther commented that the TCC should be able to abrogate it if the need arises on either side. The TCC agreed that the draft as presented was sufficient.

*Luther moved to close the hearing for NoI 307-0792: ECTA Town Wide Trail Maintenance Plan. Betts seconded the motion and it was approved by roll call vote:*

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

*Luther moved to accept the proposed ECTA Trail Maintenance Plan as revised December 15, 2020 with the included language of the Continuing Conditions for Perpetual Trail Maintenance and issue an Order of Conditions. Betts seconded the motion and it was approved by roll call vote:*

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

Documents:

- Email from Heidi Gaffney to TCC dated February 24, 2021 re: Continuing Conditions Language
- DEP Comments for ECTA NoI as of 1-8-21
- 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

**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

Representing the applicant, Devon Morse, Hancock Associates, requested a continuance to February 24, 2021. Luther commented on the hard surface needed for a horse riding rink and asked how water runoff will be handled in a 25-year rainstorm. Gaffney commented that the current revised plan shows only full restoration and that further revisions are expected. Shamroth commented she would like to see larger plantings than are proposed.

*Luther moved to continue the hearing for NOI 307-0803: 148 Washington Street to March 10, 2021 at the request of the applicant. Betts seconded the motion and it was approved by roll call vote:*

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

Documents:

- Plan titled “Wetland Restoration Plan, 148 Washington Street, Topsfield”, dated December 29, 2020 prepared by Hancock Associates, Revised February 16, 2021
- Complete Notice of Intent Application with required attachments dated December 30, 2020
- Photos
- Emails dated February 5, 2021 from Abutters at 42 Fox Run Road and February 8, 2021 from Abutters at 40 Fox Run

**Continuation NOI 307-0805: 8 Coppermine Road** (Map 79, Lot 002) Ypsilantis/Williams & Sparages – construct an addition, in-ground pool, patio and cabana in Riverfront Area and Buffer Zone to Bordering Vegetated Wetlands

Shamroth announced that the applicant requested a continuance to March 10, 2021.

*Luther moved to continue the hearing for NOI 307-0805: 8 Coppermine Road to March 10, 2021 at the request of the applicant. Betts seconded the motion and it was approved by roll call vote:*

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

**Continuation NOI 307-0804: 45-49 Salem Road** (Map 63, Lot 004) DiGrazia Salem Road Realty Trust/Williams & Sparages – construct an in-ground pool, patio & retaining wall in Buffer Zone to Bordering Vegetated Wetland

Representing the applicant, Thor Akerley, Williams & Sparages, reviewed the discussion at the February 10, 2021 meeting regarding the proposal to construct an inground pool, patio and retaining wall. Alternative locations for the pool are limited due to the location of the patio, a sewer main in the back of the house and the topography. The patio size has been reduced. All proposed work is within existing lawn area. The TCC asked for additional plantings and Akerley showed on the plan where the two new trees will be installed. It was recommended that the trees be moved back from the road away from power lines and also asked that a different native species be planted. Gaffney visited the site and agreed with the location of the flags. She noted that she was able to auger down to 18 inches to confirm the wetland line.

*Luther moved to the close the hearing for NOI 307-0804: 45-49 Salem Road. Betts seconded the motion and it was approved by roll call vote:*

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

*Luther moved to approve the plan titled “Plan to Accompany Notice of Intent 45-49 Salem Road, Topsfield MA” as presented with revision date February 17, 2021 and issue an Order of Conditions. Betts seconded the motion.*

DiCarlo commented that the motion should include conditions for the new trees.

*Luther moved to amend the motion on the floor to include the condition that the two trees be moved to an appropriate location and that the species be changed to accommodate for soil condition. Betts seconded the amended 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 January 27, 2021
- Plan titled “Plan to Accompany Notice of Intent 45-49 Salem Road, Topsfield MA”, prepared by Williams & Sparages, dated January 27, 2021, Revision date February 17, 2021

**NOI 307- : 55 Prospect Street** (Map 40, Lot 001) Pike/The Morin-Cameron Group, Inc. – construct an in-ground pool and related work in Buffer Zone to Bordering Vegetated Wetland

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

Representing the applicant, John Morin, The Morin-Cameron Group, reviewed the proposal to construct an in-ground pool in the Buffer Zone to BVW. DeRosa Environmental Consultants flagged the wetlands in October 2020 and flags were reviewed by Gaffney in October. Morin displayed the plan and reviewed

the topography of the property, pointing to the desired location of the pool. Morin described four alternatives that were considered for the pool. The proposed location will work with the existing patio and deck and will maximize setbacks to the wetland. All of the work is in existing maintained lawn area, however, one spruce tree and one shrub would need to be removed. The installation of 4 trees is proposed mitigation for the loss of one tree and one shrub. The species are noted on the plan. Discussion was held regarding how approval of accessory structures within existing maintained yard area has been handled previously.

Luther expressed his concern about water runoff to neighboring properties as the result of the project. He noted that this area is considered a “red” area where special care has to be taken for development. He requested more analysis and calculations that verify this project will not flood nearby properties. Discussion ensued on this matter. DiCarlo noted that an alternative location would put the pool out of the buffer zone but would not change the concerns brought up by Luther. Betts suggested that the alteration of the entire 1600 sf be mitigated with plantings of shrubs and ground cover that will slow water runoff.

Morin requested a continuance to March 10, 2021. A DEP number has not yet been issued. Morin will review original plans to find topography maps of the entire property and will also look into mitigation plantings.

*Luther moved to continue the hearing for NOI 307-XXX: 55 Prospect Street to March 10, 2021.  
Betts seconded the amended 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 February 9, 2021
- Plan titled “Site Development Plan in Topsfield, MA, 55 Prospect Street”, prepared by the Morin-Cameron Group, Inc., dated February 9, 2021

**REQUESTS:**

**RDA 2021-02: 57 Perkins Row** (Map 58, Lot 025) Perkins Landing LLC/The Morin-Cameron Group, Inc. – soil borings within Buffer Zone, 100’ Inland Bank Setback and 200’ Riverfront Area

No action needed, vote was taken on February 10, 2021 to continue this hearing to March 10, 2021.

Documents:

- Complete Request for Determination of Applicability under the Town of Topsfield General Wetlands Bylaw only, dated January 13, 2021

- Plan titled “Plan to Accompany Request for Determination of Applicability in Topsfield MA 57 Perkins Row”, prepared by The Morin-Cameron Group, Inc., dated January 11, 2021

**Continuation COC 307-0569: 45 – 49 Salem Road** (Map 63, Lot 004) DiGrazia/Williams & Sparages – request for Certificate of Compliance

Representing the applicant, Thor Akerley, Williams & Sparages, presented photos of the installed Conservation posts with markers. Gaffney confirmed that the site has been stabilized.

*Luther moved to issue a Certificate of Compliance for 307-0569: 45-49 Salem Road as being in substantial compliance. Betts seconded the amended motion and it was approved by roll call vote:*

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

Documents:

- Complete Request for Certificate of Compliance Application with required attachments, dated January 27, 2021
- 307-0569 OOC Recorded
- Amended 307-0569 OOC Recorded
- 49 Salem Street As Built Plan, prepared by Meridian Associates, Inc., Sheets 1 – 3, dated November 6, 2007
- Photos

**MEETING MINUTES:**

This item was postponed to the next meeting, March 10, 2021.

**OTHER:**

- **Amended Enforcement Order 2020-07: 76 Campmeeting Road** (Map 20, Lot 039), Laverdiere – *discussion*

Gaffney reported that the property owner’s attorney replied to the TCC request to attend a meeting to discuss the status of compliance with Amended Enforcement Order 2020-07. DeRosa Environmental Consulting, Inc. has been retained. DeRosa requested an extension to April 28, 2021. He informed Gaffney he will file a Notice of Intent by the April 14 filing deadline. Gaffney recommended the extension.

*Luther moved to grant the extension request for Amended Enforcement Order 2020-07, 76 Campmeeting Road, to April 28, 2021. Betts seconded the amended motion and it was approved by roll call vote:*

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

Documents:

- Amended Enforcement Order 2020-07, 76 Campmeeting Road, dated September 28, 2020
- Email from Mike DeRosa, DeRosa Environmental Consulting, Inc., dated February 23, 2021

**ADMINISTRATOR’S REPORT:**

Gaffney provided an update on the search for a new Conservation Commission member and the MACC courses in April 2021.

**ADJOURNMENT**

*At 8:26 pm, Luther moved to adjourn. Betts 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 March 10, 2021 at 7:00 pm, by Videoconference.

Respectfully submitted,

*Theresa Coffey*

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Recording Secretary

*Minutes approved at the TCC meeting on 3/24/2021*

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.