

***Topsfield Conservation Commission
Minutes of Meeting March 10, 2021***
By Video/audio conference

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

Other Attendees:

Carol Lloyd, ECTA
Devon Morse, Hancock Associates
David Cowell, Hancock Associates
Thor Akerley, Williams & Sparages
John Morin, The Morin-Cameron Group, Inc.
Wayne Castonguay, Ipswich River Watershed Association
Bob Niccoli, The Engineering Corp
Jim MacDougall, Biodiversity Consulting, LLC

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 April 14, 2021.

Luther moved to continue the hearing for ANRAD 307-0776: 5 East Common Street to April 14, 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.

Shamroth announced that the applicant requested a continuance to April 14, 2021.

Luther moved to continue the hearing for NoI TCC 2019-01: 371 Boston Street to April 14, 2021. Betts 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

Representing the applicant, Devon Morse and David Cowell of Hancock Associates, reviewed the revised plan of a full restoration of conditions before the unauthorized clearing of trees, flattening pit and mound surfaces within the corral, repairs to the stable and replacing the existing fence. In response to the TCC's request, the size of the plantings increased from 3 gallon to 5 gallon pots, with the number of plants decreased to allow adequate spacing. The stumps of trees that were cut will be ground to surface with roots left in the ground. The applicant no longer proposes expansion of the riding area. A discussion was held on the timeframe to complete the planting. Gaffney suggested a deadline in the fall to allow the applicant time to retain a restoration specialist or landscape architect. The TCC agreed to an October 15, 2021 deadline.

Gaffney reviewed two abutter letters received regarding the proposed riding ring. The riding ring is no longer in the plan. An abutter stated that they did not receive notification of the hearings. Gaffney confirmed that proof of abutter notice was submitted to the TCC.

There were no comments from the public.

Luther moved to close the hearing for NOI 307-0803: 148 Washington Street. 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 project for NOI 307-0803: 148 Washington Street Plan as shown on the plan titled “Wetland Restoration Plan, 148 Washington Street, Topsfield” revision date March 3, 2021 with the usual conditions that includes a two year monitoring as shown on the plan, the fence as depicted and plantings installed by October 15, 2021. Betts seconded the motion and it was approved by roll call vote:

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

A discussion was held on the applicant’s request for a refund of Bylaw Fees which were calculated based on alteration of the riding area. This area is no longer part of the plan. Gaffney provided information from Bylaw Regulations related to refunds of fees.

DiCarlo made a motion that the Bylaw fees be refunded in full, less the cost of one tree to be donated to the Town of Topsfield. Luther 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”, prepared by Hancock Associates, dated December 29, 2020 and Revised February 16, 2021 and March 3, 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
- Letter from Gillian Frontinan dated March 5, 2021 re Request for Bylaw Fee Refund

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 24, 2021.

Luther moved to continue the hearing for NOI 307-0805: 8 Coppermine Road to March 24, 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

NOI 307-0806: 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

Representing the applicant, John Morin, The Morin-Cameron Group, reviewed the revisions made to the proposal to construct an in-ground pool and patio, based on TCC comments at the February 24, 2021 meeting. The pool and patio were moved further from the wetland. The pool setback from the wetland is 88 feet and the patio setback is 82 feet. The TCC had requested full mitigation equal to the amount of alterations proposed in the Buffer Zone. The proposed mitigation planting area is 1390 sf. The location of the mitigation area is where the majority of runoff from the proposed pool and patio will [flow]. Morin described the dense plantings and grasses to be seeded that will slow run off and promote infiltration. The plan is noted that the restored area be maintained once a year.

A discussion the TCC's concerns about drainage issues on Prospect Street and water run-off from patio. Morin reviewed the topography of the area and the existing retention areas within the wetlands. He described how the water will pond before it discharges through the culvert and believes the runoff will be mitigated by the wetland on the property. Further discussion was held on the soils and water flow.

There were no comments from the public.

Luther moved to close the hearing for NOI 307-0806: 55 Prospect Street. Betts seconded the amended motion and it was approved by roll call vote:

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

Luther moved to approve the revised plan and mitigation as shown on the plan titled “Site Development Plan in Topsfield, MA, 55 Prospect Street” revision date February 26, 2021, subject to the usual standard pool conditions. 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, Revised February 26, 2021

NOI 307-0807: Pond Street Culvert (Roadway Right-of-Way), Town of Topsfield/Ipswich River Watershed Association – culvert replacement & install dry hydrant

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

Wayne Castonguay of Ipswich River Watershed Association, partnering with the Town of Topsfield, presented the project plan to replace a culvert and install a dry hydrant on Pond Street. The proposed work is part of a larger watershed wide restoration project of Howlett Brook and Pye Brook in the three communities

of Ipswich, Topsfield and Boxford. The first part of the project was already approved to clear a migratory channel in an unnamed brook between Hood Pond and Pye Brook.

Castonguay provided an overview of the goals of the replacement of the culvert that has been in place for approximately 400 years: to reduce flooding on Pond Street, improve public safety and improve fire protection on Pond Street, maintain Hood Pond water elevations and restore overall ecological integrity of system.

Castonguay displayed the plan of wetland resource areas and proposed conditions plan. He described details of the construction plan and the new open bottom box culvert structure. The replacement construction is estimated to take 30 to 45 days. Luther asked if the project will need approval from the Corp of Engineers. Castonguay replied that it is not considered a main stream so the project does not need a special permit. Castonguay provided more information about the dry hydrant that was requested by the Topsfield Fire Chief.

Castonguay noted that they are partnered with the Hood Pond Association and have engaged the entire pond community in the project.

Bob Niccoli of The Engineering Corp (TEC) answered questions from the TCC regarding the other permits required, the Water Control Plan, the restoration plan for site stabilization and beaver deceivers.

Gaffney recommended that the hearing be continued until DEP comments are received.

On behalf of the applicant, Castonguay requested a continuance pending DEP input.

Luther moved to continue the hearing for NOI 307-0807: Pond Street Culvert to March 24, 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 24, 2021
- Amended NOI Cover Letter dated March 2, 2021
- Plan titled “Notice of Intent Plan Pond Street Culverts Replacement (Hood Pond Outlet – Pond Street) Topsfield MA”, prepared by Michael O’Neill, PE, dated February 7, 2021
- Plan titled “Notice of Intent Plan, Existing Conditions Plan Pond Street Culverts Replacement (Hood Pond Outlet – Pond Street) Topsfield MA, prepared by Michael O’Neill, PE, dated February 28, 2021
Sheets 1-2

The TCC took a brief break at 8:20 pm and the meeting resumed at 8:23 pm.

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

Shamroth announced that the application requested a continuance to March 24, 2021.

Luther moved to continue the hearing for RDA 2021-02: 57 Perkins Row to March 24, 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:

- 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

RDA 2021-03: 71 Central Street (Map 41, Lot 120), DiFilippo – remove existing deck, pool and fencing; build new pavilion and install above-ground pool.

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

The applicant was not present. Gaffney reviewed the proposal to remove an existing deck, pool and fencing and build a new pavilion and install an above ground pool. Because it is in the outer Riverfront area only, the project is exempt under the Act and Bylaw. Gaffney displayed the sketches provided in the RDA application and reviewed the construction plan for the pavilion. The existing yard area where the pavilion will be built is already impervious. Roof infiltration will be required for the pavilion and a cartridge filter will be required for the above ground pool.

There were no comments from the public.

Luther moved to the close the hearing for RDA 2021-03: 71 Central Street. Betts 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 for the project as presented, under the Act and the Bylaw. Betts 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 February 15, 2021

MEETING MINUTES:

Luther moved to adopt the minutes of the meetings held on January 27, 2021 and February 10, 2021 as written. Betts seconded the motion and it was approved by roll call vote:

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

Documents:

- Draft Minutes of Meetings held on January 27, 2021 and February 10, 2021

OTHER / ADMINISTRATOR'S REPORT:

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

If any Commissioners are interested in MACC courses in April 2021, please contact the Conservation Office.

ADJOURNMENT

At 8:40 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 24, 2021 at 7:00 pm, by Videoconference.

Respectfully submitted,

*Theresa Coffey*_____

Theresa Coffey

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.