

***Topsfield Conservation Commission  
Minutes of Meeting April 14, 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:**

Larry Beals, Beals Associates  
Jon Palace  
Richard Gandt

Robert Kmetz  
Kelly Walgreen  
Eric Walgreen

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.”

“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

Representing the applicant, Larry Beals of Beals Associates, presented the revised plan dated April 7, 2021. He reviewed the resource areas on the plan and the two confirmed vernal pools. He noted that there are wetland resources shown graphically on the plan that are not part of the wetland areas being delineated. There is a note on the plan stating such.

Beals discussed the boundary line identified by the peer reviewer that was determined using the Topsfield Bylaw criteria of 18-inch depth for hydric soils. As requested by the TCC, this Bylaw wetland line has been added to the plan. Mr. Beals explained that all flags installed by the peer reviewer were located

except flags E5 and E6. Referring to the peer reviewer's plan, in which there is a straight line from flags E4 to E7, the missing flags were represented the same way on the revised plan. Beals displayed photos of the peer reviewer's flags that were tied to clumps of grass and another that was anchored to the ground but mowed over as it located on a baseball field.

Gaffney commented on the absence of a 100' Buffer Zone line from the Bylaw wetland line and stated that ANRAD plans are typically stamped and asked if the plan could be stamped and by whom. Beals replied that as a Professional Engineer he would stamp the plan.

A discussion was held about having two Buffer Zone lines shown on the plan, one for the WPA wetland line and one for the Bylaw wetland line. Beals commented that he did not dispute that the Bylaw line was correct, but it was identified by the peer reviewer and he should be consulted before the line is added to the plan.

Public comments were taken from Robert Kmetz, Kelly Walgreen and Eric Walgreen.

On behalf of the applicant, Beals requested a continuance to April 28, 2021.

*Luther moved to continue the hearing for ANRAD 307-0776: 5 East Common Street to April 28, 2021. Betts seconded the motion and it was approved by roll call vote:*

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

Documents:

- Plan titled "Abbreviated Notice of Resource Area Delineation 5 East Common Street, Topsfield MA", prepared by Beals Associates, Inc., revision date April 7, 2021.
- Email from Lawrence Beals to Heidi Gaffney dated April 5, 2021
- Peer Reviewer Sketch Plan
- Photos
- Complete Abbreviated Notice of Resource Area Delineation Application with narrative and required attachments, dated August 28, 2010

**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 May 12, 2021.

*Luther moved to continue the hearing for NoI (By-law only) TCC 2019-01: 371 Boston Street to May 12, 2021. Betts seconded the motion and it was approved by roll call vote:*

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

Documents:

- Notice of Intent Application with required attachments, dated October 23, 2019
- Stormwater Management Report 371 Boston Street, Topsfield MA, dated October 23, 2019, prepared by The Morin-Cameron Group, Inc.
- Plan titled “Site Plan of Land, 371 Boston Street, Topsfield MA”, dated October 23, 2019, prepared by The Morin-Cameron Group, Inc. sheets 1 – 6
- Permit Applications
  - o Groundwater Application Planning Board November 20, 2019
  - o Application for Special Permit and Site Plan Review with Cover Letter Zoning Board November 20, 2019
- Schematic Renderings November 18, 2019

**NOI 307- : 15 Evergreen Lane** (Map 50, Lot 035) Vocino/Williams & Sparages – install in-ground pool and paver patio

Shamroth announced that the applicant requested a continuance to April 28, 2021.

*Luther moved to continue the hearing for NoI 307-xxxx: 15 Evergreen Lane to April 28, 2021.  
Betts 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 March 3, 2021
- Plan titled “Plan to Accompany Notice of Intent – 15 Evergreen Lane, Topsfield MA”, prepared by Williams & Sparages, dated February 24, 2021
- Photos

**Continuation 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

Gaffney announced that the Hearing for RDA 2021-02 57 Perkins Row was as opened at the meeting held January 27, 2021.

Representing the applicant, Scott Cameron of The Morin-Cameron Group, Inc., presented the request to conduct soil borings. He provided a description of the process and the type of equipment that would be used over one or two days of work.

Gaffney commented that as part of the submitted application, the box under B.1.c. was checked seeking determination “whether the work depicted on the plan(s) referenced below is subject to the Wetlands Protection Act.” Since the RDA was only filed under the Bylaw, a determination could not be made regarding anything pertaining to the Act as the DEP did not receive notification.

Gaffney also commented that the wetland line shown is a portion of previously delineated wetland resource areas but that not all of the wetland resources shown on the plan have been reviewed or confirmed. Cameron replied that there is an existing valid Order of Conditions under the WPA on this property that does not expire until December. He stated that the permit is valid with a wetland line that they are relying on for this application.

Gaffney explained that the Order of Resource Area Delineation on the property has expired. While an Order of Conditions on the property was extended that it is not necessarily an extension of the delineation. As well, the Mean Annual High Water under the WPA was never delineated, reviewed or approved and additional resource areas shown on the plan have also not been reviewed and that the application, as it is submitted, is under TCC Bylaw only. Work is proposed within the inner 100' Riverfront Area.

*Luther moved to issue a Positive Determination of Applicability under the Bylaw only. 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

**REQUESTS:**

**RDNI 2021-03: 8 Pond Street Utility Pole** (Map 02, Lot 002) TRC/Massachusetts Electric Company – relocate one existing utility pole approximately 20 feet to the north and remove push brace. Tree and shrub trimming and removal.

Gaffney described the proposed work to move an existing utility pole and remove two trees due to the Pond Street culvert replacement project. She displayed a photo of the existing pole and where it will be relocated. Because two trees will need to be removed, a Request for Determination of Negligible Impact was filed. Replacement plantings will be planted for the two trees being removed.

*Luther moved to issue a Determination of Negligible Impact for RDNI 2021-03 8 Pond Street. 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 Negligible Impact with required attachments, dated March 30, 2021
- Photos

*At 8:34 pm, a 10-minute break was taken.*

**RDNI 2021-04: 363 Boston Street** (Map 26, Lot 060) Brady/Nelson – remove existing roof over Unit 4 and build new entry roof to Units 3 and 4.

Gaffney reviewed the request to remove and replace an entryway roof at 363 Boston Street and displayed photos of the subject roof. There is no change in footprint and the surface is currently impervious.

*Luther moved to issue a Determination of Negligible Impact for RDNI 2021-04 363 Boston Street. 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 Negligible Impact with required attachments, received April 8, 2021
- Photos

**RDNI 2021-05: Rt. 97 Topsfield Linear Common Trail (Rail Trail) Crossing Between Washington Street & Route 1** (Map 49, Lot 044) Geller/Topsfield Rail Trail Committee – install stone dust, mow and trim for 3.9 miles of Linear Common Trail

Rail Trail Committee member Joe Geller described the proposed work to install stone dust, mow and trim 3.9 miles of Linear Common Trail. The work is necessary maintenance.

*Luther moved to issue a Determination of Negligible Impact for RDNI 2021-05: Rt. 7 Topsfield Linear Common Trail. 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 Negligible Impact with required attachments, dated April 7, 2021

**RDNI 2021-06: Topsfield Linear Common Trail (Rail Trail) from Washington Street to Town of Wenham** (Map 49, Lot 044; Map 49, Lot 081; Map 58, Lot 002; Map 58, Lot 052) Geller/Topsfield Rail Trail Committee – Eagle Scout project to install stations of Saturn and Uranus on 4x4 posts in cement within jurisdictional areas

Rail Trail Committee member Joe Geller described a proposed Eagle Scout solar system project. Models of planets will be mounted on posts and installed along the Rail Trail from Washington Street to the Town of Wenham. The project will remain as long as there is interest from the public. The Select Board has reviewed and approved the project.

*Luther moved to issue a Determination of Negligible Impact for RDNI 2021-06: Topsfield Linear Common Trail. 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 Negligible Impact with required attachments, dated April 8, 2021

**MEETING MINUTES:**

*Luther moved to adopt the minutes of the meeting held on March 24, 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 March 24, 2021

**OTHER / ADMINISTRATOR'S REPORT:**

Gaffney provided an update on the Bylaw fee schedule and regulations revisions, it is anticipated that a separate meeting be held on this subject.

**ADJOURNMENT**

*At 9:03 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 April 28, 2021 at 7:00 pm, by Videoconference.

Respectfully submitted,

*Theresa Coffey*

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Theresa Coffey  
Recording Secretary

*Minutes approved at the TCC meeting on 5/26/2021*

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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.