

***Topsfield Conservation Commission
Minutes of Meeting May 26, 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:

Chuck Johnson

Mike DeRosa, DeRosa Environmental Consulting, Inc.

David Cowell, Hancock Associates

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 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 the applicant requested a continuance to June 9, 2021.

Luther moved to continue the hearing for NOI TCC 2019-01: 371 Boston Street to June 9, 2021 at the request of applicant. 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 307-0811 : 76 Campmeeting Road (Map 20, Lot 039) Laverdiere/DeRosa Environmental Consulting, Inc.- after-the-fact removal of shed, proposed riverfront restoration, resurfacing of a timber footbridge

Representing the applicant, Mike DeRosa of DeRosa Environmental Consulting, Inc., discussed the after-the-fact NOI to restore the area where a shed was removed, replant an area with native vegetation where a structure was removed and for work related to the resurfacing of a timber bridge. DeRosa and Gaffney toured the site and found that the location of monuments was not included in the original plan. Three monuments have been added and will be installed at the time of plantings and invasive removals.

Gaffney commented that the TCC was satisfied with the plan as presented at the April 28, 2021 meeting. Betts asked why the proposed planting date is not on the plan. DeRosa explained the difficulty sourcing material because of the pandemic. When material is sourced, they will install it as soon as possible, and some may have to be installed in the fall. An October 15 deadline to install the plantings was discussed. Invasive removal will be done so the site is prepared before new plantings. Gaffney will include this condition in the OOC.

Luther moved to close the hearing for NOI 307-0811: 76 Campmeeting Road. Betts seconded the motion and it was approved by roll call vote:

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

Luther moved to issue an Order of Conditions under the Act and Bylaw for the work to be completed as shown in the plan titled “Figure 2B” prepared by DeRosa Environmental

Consulting, Inc., dated April 12, 2021 including 2 year monitoring and additional two posts with markers as discussed. Betts seconded the motion and it was approved by roll call vote:

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

Documents:

- Plan titled “Figure 2b. Resource Area Restoration Plan, 76 Camp Meeting Road, Topsfield, MA”, prepared by DeRosa Environmental, dated April 12, 2021. Plan was included in the NOI application.
- Complete After the Fact Notice of Intent Application with required attachments dated April 14, 2021
- Photos

Continuation NOI 307-0812: 141 Washington Street (Map 30, Lot 034) Moriarty/C.G. Johnson Engineering, Inc.- septic system upgrade

Representing the applicants, Chuck Johnson of C.G. Johnson Engineering Inc., reviewed the plan for a septic system upgrade that was presented and discussed at the May 12, 2021 TCC meeting. The hearing was continued pending the DEP file number, which has now been received.

Luther moved to close the hearing for NOI 307-0812: 141 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 issue an Order of Conditions under the Act and Bylaw with the usual special conditions per the plan titled “Proposed On-Site Wastewater Treatment and Dispersal System Update for Residence Located at 141 Washington Street Topsfield MA” revised April 27, 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 April 27, 2021
- Plan titled “Proposed On-Site Wastewater Treatment and Dispersal System Update for Residence Located at 141 Washington Street Topsfield MA”, prepared by C.G. Johnson Engineering, Inc., dated April 27, 2021
- Letter from R. Moriarty re: Tree Removal Policy Request

RDA 2021-05: 33 Winsor Lane (Map 27, Lot 027) Quill Family Trust/Gregory P. Bernard – replacement of failed septic system

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

The applicant, Anne Timbrell was present. Gaffney displayed the plan for septic system replacement and showed resource areas and location of system and tank. Gaffney noted that the Health Agent had no concerns. Timbrell confirmed that that no trees would be removed. Gaffney explained that exemption 310 CMR 10.58(6)(c) applies and as such the application is filed as an RDA.

Luther moved close the hearing for RDA 2021-05: 33 Winsor Lane. 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 subject to the usual and standard conditions. 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 May 10, 2021
- Plan titled “Sewage Disposal System 33 Winsor Lane Topsfield MA” prepared by Gregory P. Bernard, dated May 6, 2021

NOI 307- : 43 Grove Street (Map 32, Lot 126) DeAmario/Rimmer Environmental Consulting, LLC – garage addition, driveway & walkway work, patio expansion, basement access, septic system replacement and associated work

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

Representing the applicants, Mary Rimmer of Rimmer Environmental Consulting, LLC, reviewed the components of project including a garage addition, a change in the configuration of the driveway, a new walkway, addition of outside basement access and septic system placement.

Rimmer noted that the change in the driveway layout will increase the impervious area approximately 146 square feet but moves it approximately 3-4 feet further away from the edge of the wetland. The basement access will require a small excavation. There currently is no exterior basement access.

Rimmer reviewed the proposed mitigation for the increased impervious surface and removal of shrubs, as included in the NOI application. In response to a question about infiltration, Rimmer will add a 2x2 gravel infiltration strip along the side of the driveway and garage and this will be added to the plan. Also, runoff from the pitch of the roof will be made clear on the plan.

A DEP file number had not yet been issued so the meeting was continued.

*Luther moved to continue the hearing for NOI 307- : 43 Grove Street to June 9, 2021.
Betts seconded the motion and it was approved by roll call vote:*

Betts – yes; Luther – yes; Shamroth – yes; DiCarlo could not be heard due to technical difficulties.

Documents:

- Complete Notice of Intent Application with required attachments dated April 26, 2021
- Plan titled “Site Plan / Proposed Addition; 43 Grove Street, Topsfield MA 01983”, prepared by Benjamin Nutter Architects, LLC, dated May 11, 2021

NOI 307- : 71 Howlett Street (Map 33, Lot 019) Djordjic/Hancock Associates – after-the-fact construction of guest house and related activities and ecological restoration within 100’ Buffer Zone

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

Representing the applicant, David Cowell of Hancock Associates, reviewed the after-the-fact Notice of Intent that was submitted in response to an enforcement order for the construction of guesthouse in the BVW without a permit. Cowell displayed the As-Built Plan and pointed to the driveway that was resurfaced and where the guesthouse was constructed. He reviewed the resource areas. Cowell proposed that the TCC do a site walk for a better perspective of resource areas and limits of work. He said he would use aerial imagery pre-work as a reference of where alteration and impervious area have expanded.

Gaffney displayed an aerial view of the property from 2008, 2017 & 2020 and showed where alterations were made. The ponds on the property were created out of a stream so they are jurisdictional. She showed where clearing work was done. She commented that the guesthouse was built without permits, so other permits will need to at least be applied for before this can move forward.

Cowell said he would schedule the site walk with the TCC and requested a continuance to June 9, 2021.

*Luther moved to continue the hearing for NOI 307- : 71 Howlett Street to June 9, 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 May 12, 2021
- Plan titled “As-Built Plan of Land in Topsfield MA” for 71 Howlett Street prepared by Hancock Associates, dated April 27, 2021

RDA 2021-06: 141 Perkins Row (Map 42, Lot 030) Warner/C.G. Johnson Engineering, Inc. – replace existing septic tank & distribution box and water jet existing leach trenches

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

Representing the applicants, Chuck Johnson of C.G. Johnson Engineering, Inc., presented the plan to replace an existing septic tank and distribution box and water jet existing leach trenches. The property owners are selling the house and the Title 5 results were a conditional pass for these three items to be repaired. The work is being done to bring the system into compliance. John described the work to be done and explained that the septic tank will be replaced with a 2 compartment plastic tank. He described where straw wattle would be placed before construction. There is a 12 foot maple tree 5-6 feet away from the leaching trenches. This tree and roots may have to be removed. If so, the tree would be replaced. A discussion was held on the water jetting of the leach trenches and the equipment that would be needed. Johnson stated that a rubber tire backhoe could be used.

The design plan is filed with the Board of Health but it has not yet been approved.

Gaffney commented that she visited the site and reviewed the flags. She noted special conditions of tree removal that would require replanting and the pump truck being on site for the jetting.

Luther moved to close the hearing for RDA 2021-06: 141 Perkins Row. 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 as presented on plan titled Proposed On-Site Wastewater Treatment & Dispersal System Repair for residence located at 141 Perkins Road, Topsfield MA, dated May 10, 2021, subject to the usual and special conditions possible removal of the tree and addition of intercepting pump trucks to catch the effluent of the pipe cleaning operation. 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 with required attachments dated May 21, 2021
- Plan titled “Proposed On-Site Wastewater Treatment & Dispersal System Repair for residence located at 141 Perkins Road, Topsfield MA”, prepared by C.G. Johnson Engineering, Inc., dated May10, 2021

RDA 2021-07: 52 South Main Street (Map 41, Lot 131) Roth/DSD, Inc. – replacement of failed septic system

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

Representing the applicant, Dan Johnson of Domestic Septic Design, presented the plan to replace a failed cesspools. The proposed work is in the outer Riverfront Area only. Johnson confirmed that access will be through the driveway, which is located in the Buffer Zone and that there is no plan to remove any trees.

Luther moved to close the hearing for RDA 2021-07: 52 South Main 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 under the Act and Bylaw for the project presented on plan titled “Subsurface Sewage Disposal System, 52 S. Main Street, Topsfield”, dated May 3, 2021. 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 May 3, 2021
- Plan titled “Subsurface Sewage Disposal System, 52 S. Main Street, Topsfield”, dated May 3, 2021, prepared by Domestic Septic Design, Inc., sheets 1 and 2
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MEETING MINUTES:

Luther moved to adopt the minutes of the meetings held on April 14, 2021, April 28, 2021 and May 12, 2021, as written. Betts seconded the motion and it was approved by roll call vote:

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

OTHER / ADMINISTRATOR'S REPORT:

Gaffney provided updates on the following activity:

- Ipswich River Wildlife Sanctuary Annual Report was received.
- 147 Asbury Street Violation – a wood area was converted to a farm field around 2011 under prior ownership without any permits. David Rimmer of Essex County Greenbelt was present and explained the history of the clearing. This matter will be on the TCC agenda on June 9, 2021.
- DEP is appealing the ECTA Order of Conditions
- A press release will be distributed seeking a new commissioner

ADJOURNMENT

At 8:37 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 June 9, 2021 at 7:00 pm, by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey

Recording Secretary

Minutes approved at the TCC meeting on 8/11/2021

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.