

***Topsfield Conservation Commission
Minutes of Meeting June 9, 2021***
By Video/audio conference

Present: Dodds Shamroth – Chair, Jennifer DiCarlo, Holger Luther and Heidi Gaffney – Administrator.

Absent: Nicholas Betts – Vice Chair

Other Attendees:

Bill Manuell, Wetlands and Land Management, Inc
Robert Hardy, 9 River Road
David Rimmer, Essex County Greenbelt
Mary Rimmer, Rimmer Environmental Consulting, LLC
Alex Cecchinelli, Iron Ox Farm
Stacey Apple, Iron Ox Farm

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 23, 2021.

Luther moved to continue the hearing for NOI TCC 2019-01: 371 Boston Street to June 23, 2021 at the request of applicant. DiCarlo seconded the motion and it was approved by roll call vote:

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- : 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 applicant requested a continuance to June 23, 2021.

Luther moved to continue the hearing for NOI TCC 2019-01: 371 Boston Street to June 23, 2021 at the request of applicant. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

NOI 307-0813: 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

Representing the applicant, Mary Rimmer of Rimmer Environmental Consulting, LLC, reviewed discussion at the May 23, 2021 hearing on this application. At the request of the TCC, infiltration was added along the side of the driveway and at the discharge point of garage downspouts. The infiltration plan is included on the revised plan. The TCC noted that the plan did not display the contour lines only the numbers, Rimmer explained it was a printer error and will be corrected. A corrected plan to be submitted to the Conservation Office will be included in the Order as a condition.

Luther moved to close the hearing for NOI 307-0813: 43 Grove Street. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Luther moved to accept the revised plan dated June 4, 2021 subject to the usual and special conditions and a corrected plan submitted that shows the contour lines, as discussed. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

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, revision date June 4, 2021

Request to Amend Order of Conditions DEP #307-0789, 9 New Meadow Lane (Map 74, Lot 007) – proposed changes to retaining wall and pool house

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

Representing the applicant, Bill Manuell of Wetlands and Land Management, Inc., presented the proposed amendments to the existing Order of Conditions DEP #307-0789 to install an inground pool and retaining walls on the property. Proposed changes are to expand the retaining wall on one side of the pool to allow space to walk around the pool and to expand the size of the pool storage shed to 24x24. The storage shed will be converted to a pool house with a bathroom. The applicant will apply to the Board of Health for a permit to install a bathroom in the pool shed that will connect to the existing septic system. An underground infiltration chamber will be added for increased pool shed roof runoff. Manuell reviewed the changes on the revised plan and noted that all of the proposed changes are within the approved area of work. The applicant has not received approval from the Board of Health related to the pool house bathroom, and Gaffney commented that the BOH approval for the bathroom must be submitted to the Conservation Office.

There were no public comments.

Luther moved to close the hearing to Amend the Order of Conditions DEP #307-0789, 9 New Meadow Lane. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Luther moved to grant the amendments described in the plan as presented, dated May 12, 2021 and in the event that the septic system is added to the pool house, evidence of the Board of Health approval will be submitted to the Topsfield Conservation Commission. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Documents:

- Request to Amend the Order of Conditions DEP #307-789, June 2021
- Amendment Plan titled “Lombardo 9 New Meadow Lane Topsfield MA, Site Plan to Accompany Notice of Intent”, prepared by Griffin Engineering Group, LLC, revision date May 21, 2021

REQUESTS:

RDNI 2021-07 27 Central Street (Map 41, Lot 018) Hardy – remove front landscaping shrubs and contour drainage away from foundation

The applicant, Rob Hardy of 9 River Road, discussed proposed work to improve drainage at 27 Central Street. The property is in Riverfront Area, located across the street from School Brook. Hardy explained that because of the grading around the foundation, the roof runoff drains into the basement. The proposed work consists of removing landscaping shrubs from the front of house and contouring the area to drain away from the house. Landscaping fabric and crushed stone will be installed in this area.

Luther moved to issue a Determination of Negligible Impact for the project as presented. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Documents:

- Complete RDNI application including sketch plan

MEETING MINUTES:

No action.

OTHER:**147 Asbury St – continuation of violation discussion**

A discussion was held with David Rimmer, representing Essex County Greenbelt (ECG) and Stacey Apple and Alex Cecchinelli of Iron Ox Farm regarding the unauthorized clearing in jurisdictional areas at 147 Asbury Street. Iron Ox Farm is leasing the land from ECG. The clearing was done before ECG took ownership of the property. Cecchinelli reviewed Iron Ox farming practices.

Mary Rimmer of Rimmer Environmental Consulting, reviewed aerial maps that were marked to show the delineation of the parcel of land in question. The map also showed the area that is being used for farming and she explained that they would like to be able to continue to farm in the 100' Buffer Zone and 200' Riverfront Area. She pointed to the existing deer fence that extends around the property and noted that it is critical to the farm. The mesh is 6"x6" so is not a barrier to any wildlife other than deer.

A discussion was held on developing a restoration plan for the wetland that was damaged by the clearing and monumentation to ensure that no further encroachment takes place. Gaffney requested that a restoration plan and documentation of activities they want to continue be submitted to the TCC for more discussion at a future meeting.

Authorized Signatory Form

Shamroth moved to nominate Holger Luther as primary signatory and Dodds Shamroth as alternate signatory for payroll and vendor warrants. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Bylaw Fee Schedule Revisions and Proposed Bylaw Regulations Revisions

DiCarlo submitted revisions for the Bylaw Regulations to TCC members. Members were asked to review and submit their comments to Gaffney. Comments will be discussed at a future meeting.

ADMINISTRATOR'S REPORT:

Gaffney provided an update on State legislation to allow virtual open meetings to continue after the end of the state of emergency on June 15th.

ADJOURNMENT

At 8:11 pm, Luther moved to adjourn. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

The next meeting will be held on June 23, 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.