

***Topsfield Conservation Commission  
Minutes of Meeting June 23, 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:**

John Morin - The Morin-Cameron Group  
Bill Manuell - Wetlands and Land Management, Inc.  
Daniel Johnson - Domestic Septic Design, Inc.  
Thomas Mannelta - Thomas Mannelta, Inc.

Dodds Shamroth, Chairperson, called the meeting to order, by video/audio conference, at 7:01 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.”

**Announcement by Wheaton College Student Sadie Woodward, Climate Policy Specialist – Ms.** Woodward announced a training that will be coming in September on the use of Mass Audubon’s Bylaw Review Tool to assist with identifying where updates to existing bylaws and regulations can help towns achieve healthy watersheds and long-term climate resiliency.

**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.

Representing the applicant, John Morin of The Morin-Cameron Group, reviewed the history of the application and changes to the plan since the last hearing in February 2020. The property is in the Business Highway North zoning district. At the February 12, 2020 hearing the TCC asked for an alternative analysis for developing the property.

Morin discussed the soil tests for septic and drainage and found the best soils were on another property owned by Sabino, so the septic will be placed on that property, outside of the Buffer Zone. Morin discussed that the system is a bit different and said he would work with the DEP wastewater as to what he can file for an aggregate land plan. After the process with DEP, they will design the septic and file with the Board of Health.

Drainage options were explored, and they found the ideal situation was a combination of an above ground basin and below ground chamber. This area is existing maintained lawn. Betts asked for a seed mix in the drainage basin instead of grass. Morin will consult with Mike DeRosa and respond to this request and will also provide a landscape plan.

Morin reviewed their analysis of the building layout considering zoning setbacks and proximity to resource areas. He explained that they went to smaller structures as required under the zoning bylaw. They are not proposing any structures closer to the wetland than exist. Morin commented that the site is small and alternatives are limited. He described the reconfiguration of parking that would reduce the impervious surface in the Buffer Zone approximately 180 s.f. The revised plan includes this change.

Gaffney expressed concern with the alternative analysis considering the amount of work being done in the Buffer Zone. She asked about lack of infiltration for the roof runoff and if there is any mitigation proposed for the impact on the Buffer Zone for the increase in impervious area. Morin explained that they propose the drainage plan as the mitigation for the increase in impervious area.

Morin discussed the stormwater peer review. He noted that the Planning Board uses David Bond for straight forward stormwater reviews and requested that the TCC allow them to use Mr. Bond for the drainage analysis for this project. Gaffney recommended that, given it is a commercial development project and within Zone II, a stormwater peer review be done by a third party which would be consistent with usual practice. Morin provided an overview of Mr. Bond's qualifications as a 30+ year Highway Superintendent for the Town of Topsfield, a role in which he designed culverts for the town and his experience conducting stormwater reviews for the Planning Board. After discussion, the TCC agreed that they may accept the Planning Board stormwater analysis conducted by David Bond as sufficient for this project.

There was no public comment.

Morin requested a continuance to July 7, 2021.

*Luther moved to continue the Hearing for NoI (Bylaw only) TCC 2019-01: 371 Boston Street to July 7, 2021. Betts second the motion 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
- Revised Sheets 3 and 4, dated June 15, 2021 of Plan titled “Site Plan of Land, 371 Boston Street, Topsfield MA”, dated October 23, 2019, prepared by The Morin-Cameron Group, Inc.

**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 July 7, 2021.

*Luther moved to continue the hearing for NOI 307- : 71 Howlett Street to July 7, 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- : 39 Parsonage Lane** (Map 24, Lot 065) McCann/DSD, Inc. – replace failed septic system with new Title 5 septic system using alternative technology

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

Representing the applicant Dan Johnson of Domestic Septic Design, Inc. provided an overview of the project to replace a failed septic system. The entire property is within the 200’ Riverfront Area. Bill Manuell of Wetlands and Land Management, Inc. delineated the property in May 2021. Gaffney confirmed flags A9 through A13. The wetlands continue off property after flag A13. Johnson noted that the closest pump chamber is 30 feet from the wetlands and the closest point of the leaching area is 91 feet from the wetlands. Johnson said they have looked for alternative locations on the property for

the system but cannot move it any further away from the wetland. The Board of Health has not yet approved the new system but is expected to do so within the week. A DEP number had not yet been issued so the Hearing would be continued.

There were no public comments.

*Luther moved to continue the hearing for NOI 307- : 39 Parsonage Lane to July 7, 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
- Plan titled “Subsurface Sewage Disposal System 39 Parsonage Lane Topsfield”, prepared by Domestic Septic Design, Inc., dated June 1, 2021 sheets 1 and 2

## **REQUESTS:**

**CoC 307-0801: 23 Gail Street** (Map 40, Lot 039) Merrill/Morin-Cameron Group, Inc.- request for Certificate of Compliance

Representing the applicant, John Morin of The Morin-Cameron presented the request for a Certificate of Compliance for 307-0801. The project was the replacement of a septic system. Morin reviewed the system installation and shared photos of the site. Gaffney confirmed that an as-built plan has been submitted and the project was completed as conditioned.

*Luther moved to issue a Certificate of Compliance for the project as in substantial compliance. Betts seconded the motion and it was approved by roll call vote:*

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

**Documents:**

- Request for a Certificate of Compliance application dated June 9, 2021
- As-Built Plan titled “Sanitary Disposal System As-Built prepared for Widge Merrill 23 Gail Street Topsfield MA”, prepared by The Morin-Cameron Group, Inc., dated June 8, 2021
- Photos

**RDNI 2021-08: 14 Walker Road** (Map 18, Lot 042) Pagnani/Thomas Mannetta, Inc. – install combination septic tank & pump chamber and all associated piping to proposed leaching field.

Representing the applicant, Tom Mannetta of Thomas Mannetta, Inc., provided an overview of a septic system repair. The lot is in the outer portion of a Riverfront Area. The work will be done in an existing

lawn area and no work is proposed in the BVW or Buffer Zone. There are no grading changes proposed for the project.

*Luther moved to make a Determination of Negligible Impact for the project as shown on plan [dated May 22, 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 Negligible Impact application with required attachments
- Plan titled “Sanitary Disposal System Plan 14 Walker Road Topsfield MA”, prepared by Thomas Mannetta, Inc. dated May 22, 2021

**MEETING MINUTES:**

No action.

**OTHER:**

**147 Asbury St – violation discussion**

Gaffney informed the TCC that this item will be table to the next meeting as the representatives for 147 Asbury Street are working on a restoration plan.

**Enforcement Order 2021-04, 5 Maple Lane (Map 49, Lot 073) – ratify**

Shamroth recused herself from the discussion and vote. Gaffney showed photos of the area and said she would evaluate what was done. She also noted there is an outstanding Order of Conditions on the property. The property owner, Frank Lucas, said they are in the process of hiring a wetland scientist to assist with the restoration plan.

*Luther moved to ratify the Enforcement Order as written. Betts seconded the motion and it was approved by roll call vote of 3 in favor and 1 recused as follows:*

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

**Documents:**

- Enforcement Order 2021-04 dated June 17, 2021
- Photos

**ADJOURNMENT**

*At 8:31 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 July 7, 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.