

***Topsfield Conservation Commission
Minutes of Meeting July 7, 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 7:00 p.m. with a quorum present. She made the following announcements:

“Pursuant to Chapter 20 of the Acts of 2021, this meeting/public hearing will be conducted via remote means. Members of the public who wish to access the meeting may do so in the following manner: Zoom Meeting – see connection information below to join the meeting by Zoom videoconference or calling in by phone. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Topsfield Town Website, at <https://www.topsfield-ma.gov/>. You may also reach out to Conservation at Conservation@topsfield-ma.gov or 978-887-1510 for information/assistance. No in-person attendance of members of the public will be permitted, and public participation in any public hearing conducted during this meeting shall be by remote means only. 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 and ZOOM; is there anyone else present who wishes to record the meeting? No response.

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

<u>Continuation NoI (Bylaw only) TCC 2019-01: 371 Boston Street</u> (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 August 11, 2021.

Luther moved to continue the Hearing for NoI (Bylaw only) TCC 2019-01: 371 Boston Street to August 11, 2021 at the request of the applicant. 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

Representing the applicant, David Cowell of Hancock Associates, provided an update on the project including a site walk with the applicant, Gaffney and TCC members Shamroth and Luther. Cowell will follow up with the DEP on the status of the file number. He requested a continuance to August 11, 2021.

Luther moved to continue the hearing for NOI 307- : 71 Howlett Street to August 11, 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 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

NOI 307-0814: 39 Parsonage Lane (Map 24, Lot 065) McCann/DSD, Inc. – replace failed septic system with new Title 5 septic system using alternative technology

Gaffney reviewed discussion on this application at the hearing June 23, 2021. DEP has submitted comments that the flood zone (BLSF) is not shown on the plan. Gaffney recommended that the project be approved contingent upon the submission of a revised plan showing the flood plain (BLSF).

Luther moved to close the hearing for NOI 307-0814: 39 Parsonage 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 an Order of Conditions for septic work as proposed under the Act and Bylaw, subject to the requirement of revision of the plan [titled Subsurface Sewage Disposal System 39 Parsonage Lane Topsfield], prepared by Domestic Septic Design, Inc., dated June 1, 2021] to include BLSF on the lot and submitted to the Topsfield Conservation Commission prior to construction. 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

RDA 2021-08: 17 Bare Hill Road (Map 17, Lot 038) Garrity/Hancock Associates – patio with roof, deck removal and landscape improvements

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

Representing the applicant, David Cowell of Hancock Associates reviewed the proposed project for the removal and partial reconstruction of a deck and patio with a roof. Cowell shared the demolition plan and site plan and described the existing property structures and structures to be removed. Cowell explained that the removal of the deck will result in less impervious area. There is a manmade, ornamental pond on the property and the area around the pond is landscaped and maintained as lawn. Native plantings will be installed along the shoreline of the pond. The planting schedule is on the plan. The new plantings area would become a “no mow” area. Gaffney recommended adding conservation posts with markers for the no mow zone. Cowell reviewed the infiltration trench around the deck.

Gaffney said the pond is identified as a potential vernal pool but would need approval of the homeowner to certify the pond during the appropriate season. There has been an erosion issue for some

time. She displayed an aerial of what was there and said that aside from the patio, the project will improve the area by the pond.

Luther moved to close the hearing for RDA 2021-08: 17 Bare Hill Road. Betts seconded the motion and it was approved by roll call vote:

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

Luther moved to make a Negative Determination of Applicability provided the features as shown on the plan are executed appropriately and conservation markers are installed. 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 June 23, 2021
- Plan titled “Plan to Land to Accompany RDA in Topsfield MA/17 Bare Hill Road”, prepared by Hancock Associates, dated June 7, 2021, sheets 1 and 2

NOI 307- : 124 Haverhill Road Pye Brook Park (Map 05, Lot 002) Ipswich River Watershed Association – remove weir upstream of concrete culvert at Hovey Road (access road to Pye Brook Park)

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

On behalf of the Town of Topsfield, Ipswich River Watershed Association Restoration Program Director Neil Shea discussed the proposed project to remove a weir upstream of the concrete culvert at the access road to Pye Brook Park. Shea explained that the project is part of the Howlett Brook restoration project and that the impetus for the project is that the weir is not good for the passage of fish upstream. Shea displayed an aerial photo of the location of the weir and construction drawing for the existing weir. Jim MacDougall discussed the history of the weir including the design and reason it was installed in 2000/2001.

A discussion was held on the affect the removal of the weir will have on the water level upstream and downstream. Shamroth asked how it would affect Wilmor Road and Shea said that the removal of the weir would not affect Wilmor Road. Discussion continued on the need for beaver deceivers. Shea said they are looking at alternative beaver deceivers that are fish friendly. A beaver deceiver has been included in the NOI application but Gaffney cautioned it would have to be very detailed to be included in the same NOI and not submitted as a separate NOI.

Shea said that a DEP number has not yet been issued and requested a continuance. He will provide correspondence from National Heritage and DMF to Gaffney.

Gaffney noted the landfill is located close by. The landfill consultants will review the application and will likely have questions about the elevations of the water and monitoring requirements.

There was no public comment.

Luther moved to continue the hearing for NOI 307- : 124 Haverhill Road Pye Brook Park to August 11, 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 June 23, 2021
- Aerial Photos

REQUESTS:

CoC TCC 2012-01: 30 Grove Street (Map 40, Lot 037) Roy F. Gelineau, Jr. Representing Estate of Edmund T. Walsh/Hayes Engineering – request for Certificate of Compliance

Gaffney provided an overview of the request for a Certificate of Compliance for septic system work. She confirmed that all of the information necessary for a COC has been received and recommended that the COC be issued.

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 29, 2021
- As-Built Plan titled: “Sanitary Disposal System Plan, As Built, 30 Grove Street, Topsfield, Mass. 01983”, prepared by Hayes Engineering, Inc., dated October 1, 2012.
- Photos

MEETING MINUTES:

No action.

OTHER:

147 Asbury Street - Gaffney informed the TCC that no new information has been received.

Vacation – Gaffney will be on vacation the week of July 12, 2021. Luther will be available to cover in her absence as needed.

ADJOURNMENT

At 8:08 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 August 11, 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.