

***Topsfield Conservation Commission  
Minutes of Meeting August 11, 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  
Evin Guvendiren, Hancock Associates  
David Rimmer, Essex County Greenbelt  
Mary Rimmer, Rimmer Environmental Consulting

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](mailto: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**

<b><u>Continuation NoI (Bylaw only) TCC 2019-01: 371 Boston Street</u></b> (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, discussed comments from the stormwater review performed by David Bond as was agreed at the June 23, 2021 TCC meeting. Morin reviewed Bond's comments related to mitigating the rate of runoff for the 25-year storm event; and that the proposed entrance to the site from both #371 and #375 Boston Street be designed to control runoff from Rt. 1 from entering the site. Morin described the changes shown on the revised plan to the outlet control structures for the infiltration basin and the infiltration chamber system to mitigate the 25-year storm event. Morin stated that design at 371 will not allow runoff from Rt. 1 and that the applicant will work with MassDOT to raise the elevation of the curb at 375 Boston Street so the runoff does not flow down to 371.

Morin noted that at the June 23, 2021 meeting the TCC had also requested an alternative vegetation at the bottom of the infiltration basin. DeRosa Environmental Consulting assessed the area and prepared a Buffer Zone enhancement plan with proposed plantings between the wetlands and the limit of work. He also proposed different grasses for the bottom of the infiltration basin. Morin displayed and reviewed the details of the proposed buffer zone enhancement plan and landscape plan.

Gaffney stated that for a commercial property, stormwater peer review would be typical. She stated that David Bond is not reviewing the drainage system for the TCC in any way. A discussion was held on the matter of David Bond performing the drainage review and particularly, the vote taken at the June 23, 2021 meeting and if there is a statutory requirement for a peer review. Gaffney stated it would be inconsistent with common practice to not have a peer review. Gaffney will reach out to Bond for further clarification of his stormwater review.

A discussion was held on additional permits to be applied for and Morin will report back at the next Hearing on this matter.

Morin described a change to the driveway and walkway configuration to accommodate a change in a structure and noted it added 130 square feet of additional impervious surface in the Buffer Zone. He noted that they previously reduced impervious area so the total additional impervious area still remains lower than originally proposed.

Morin requested a continuance to September 1, 2021.

*Luther moved to continue the Hearing for NoI (Bylaw only) TCC 2019-01: 371 Boston Street to September 1, 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.
- Addendum to Stormwater Management Report, prepared by The Morin-Cameron Group, Inc., revised July 29, 2021
- Buffer Zone Enhancement Plan titled “Site Plan of Land in Topsfield MA 371 Boston Street”, prepared by DeRosa Environmental Consulting, Inc., dated June 15, 2021, sheet 4 of 6
- Proposed Landscaping Plan, 371 Boston St., Topsfield MA prepared by Coastal Landscape, dated July 23, 2021
- Plan titled “Site Re-development Plans 371 Boston Street Topsfield MA”, prepared by The Morin-Cameron Group, Inc., Revised July 29, 2021, sheets 1 - 6

**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 September 1, 2021.

*Luther moved to continue the hearing for NOI 307- : 71 Howlett Street to September 1, 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

**Continuation 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 applicant requested a continuance to September 1, 2021.

*Luther moved to continue the hearing for NOI 307- : 124 Haverhill Road Pye Brook Park to September 1, 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 June 23, 2021
- Aerial Photos
- Division of Fisheries & Wildlife Letter dated August 6, 2021
- Photos

**NOI 307-0815: 47 Parsonage Lane (Map 24, Lot 062), Littlehale/DeRosa Environmental Consulting Inc. – construct garage, expand driveway and other associated site improvements**

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

Representing the applicant, Evin Guvendiren of DeRosa Environmental Consulting, Inc, reviewed the proposed project to construct a garage, expand a driveway and other site improvements to a recently renovated single family home.

Guvendiren displayed the plan and reviewed the characteristics of the site including the single-family home and the BVW to an off-site intermittent stream. She reviewed the plans for the new garage, with infiltration for roof run-off, the expanded driveway and hardscape appurtenances including a fence, 3 retaining walls, pea stone drip edges and a walkway. The invasive species management plan and planting plan were reviewed as well as the erosion control areas. All proposed activities are within existing lawn or previously disturbed areas.

A discussion was held on the catch basin and Luther requested that the design detail be provided to the TCC.

Guvendiren stated the project will provide an improvement to the area. A waiver was requested to perform work in the 100-foot Buffer Zone.

There were no public comments.

*Luther moved to close the Hearing for NOI 307-0815. Betts seconded the motion, and it was approved by roll call vote:*

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

*Luther moved to permit the project as shown on the plan titled “Proposed Plan #47 Parsonage Lane Topsfield, MA”, prepared by Donohoe Survey, Inc., dated July 15, 2021 subject to the condition of*

*clarifying the detail of the replacement of the catch basin and all other standard conditions. 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 July 28, 2021
- Plan titled “Proposed Plan #47 Parsonage Lane Topsfield, MA”, prepared by Donohoe Survey, Inc., dated July 15, 2021

**NOI 307- : 76 Campmeeting Road** (Map 20, Lot 039), Massachusetts Division of Marine Fisheries/ Ipswich River Watershed Association – rebuild fishway at Howlett Brook

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

Gaffney informed the TCC that a waiver request was requested as the work is for a governmental agency (MA Division of Marine Fisheries).

*Luther moved to accept the waiver of fees under the Bylaw. Betts seconded the motion and it was approved by roll call vote:*

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

Ben Gahagan, MA Division of Marine Fisheries, provided a presentation of the proposed work to rebuild a fishway at Howlett Brook as part of the Howlett Brook Fishway Restoration project.

Gahagan reviewed current conditions of the dam and the area where the work would take place and noted that the work occurs in a previously altered area. Gahagan discussed the details of the proposed work to be done and water and sediment control. Heavy equipment would be used on site for approximately one week with the remainder of the work to be done by hand. An O&M Plan will be established to ensure the fishway is maintained properly.

There were no public comments.

A DEP number had not yet been issued. Gahagan requested a continuance until September 1, 2021.

*Luther moved to continue the hearing for NOI 307- : 76 Campmeeting Road to September 1, 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 July 28, 2021
- MA Division of Marine Fisheries Determination Letter dated August 3, 2021
- Photos

**RDA 2021-09: 41 Cross Street** (Map 62, Lot 002), Collins/DeRosa Environmental Consulting, Inc. – rebuild stone walls, accessing across drainage swale, repair drainage swale along roadway

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

Representing the applicant, Evin Guvendiren of DeRosa Environmental Consulting, Inc, reviewed the proposed project at Meredith Farm to rebuild an existing stone wall and to make drainage improvements adjacent to Cross Street. Guvendiren displayed an aerial view of the site and showed where the work will take place. Three problem areas where water flows into the public roadway causing erosion along the side of the road, presenting public safety issues. These problems will be addressed as part of the application. The details and sequence of the proposed work were reviewed.

Gaffney commented that the beginning of the wall work is outside the 100-foot buffer zone to a State jurisdictional stream. She displayed a photo the drainage swale which is a Bylaw intermittent stream which they will need to cross with equipment to access the wall. When work is completed, they will repair the swale by hand.

There were no public comments.

*Luther moved to close the Hearing for RDA 2021-09: 41 Cross 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 Bylaw for the proposed work under the standard special 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 with required attachments, dated July 25, 2021
- Photos

**REQUESTS:****RDNI 2021-11: 44 Prospect Street (Map 40, Lot 095), Slyva/Limone – septic tank installation**

Representing the applicant, John Morin, The Morin-Cameron Group, Inc., reviewed the proposed installation of a portion of a septic tank within the 100-foot wetland buffer zone. The septic system is located outside of the buffer zone but the structure to which it will be connected is in the buffer zone. All of the work will be completed within an existing gravel driveway or lawn. Morin discussed work previously done on the property and reviewed the existing wetlands on the property flagged by DeRosa Environmental Consulting.

*Luther moved to make a Determination of Negligible Impact for the project as proposed. 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 dated July 30, 2021
- Plan titled “Sanitary Disposal System Design Plan prepared for Neil Sylvia & Leah Limone 44 Prospect Street, Topsfield MA”, prepared by The Morin-Cameron Group, Inc., dated July 14, 2021, sheets 1 and 2

**RDNI 2021-10: 15 Brookside Road (Map 26, Lot 055), King – request to install above ground pool**

Gaffney provided an overview of the application to install an above ground pool in a sensitive area in proximity to the Ipswich River and a wetland certified vernal pool. The 21’ round pool would be placed on a flat, lawn area. No grading is required. A non-backwash style filter and no dewatering should be required, no trees will be removed.

*Luther moved to Determination of Negligible Impact for the project as proposed in the Buffer Zone with the condition that a no-backwash filter is 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 Negligible Impact Application with required attachments

## **MEETING MINUTES:**

*Luther moved to accept the minutes of the meetings held on May 26, 2021; June 9, 2021; June 23, 2021; and July 7, 2021 as amended. Betts seconded the motion, and it was approved by roll call vote:*

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

## **OTHER:**

- **2021 Hickory Beech Drainage Inspection Report** – Gaffney received the drainage report, nothing of note to report to the TCC.

- **147 Asbury St – violation/restoration discussion**

David Rimmer of Essex County Greenbelt, discussed the proposed “Resource Protectional Plan for the Cleared Field at Iron Ox Farm.” Unpermitted tree clearing was done by the previous owner on 11 acres in jurisdictional area at 147 Asbury Street which is now the site of Iron Ox Farm. Rimmer displayed the aerial view marked to show different zones where the resource protection will be put into place. The Plan narrative details the restoration work for each zone as well as future activity and restrictions for the zones.

Gaffney discussed livestock restrictions within the 100-foot buffer zone and manure and storage regulations. Rimmer replied that there is no plan for permanent pasturing, there will be rotational grazing of sheep only, no large animals, i.e., cows and horses. The intent is to limit activities in the areas that have been cleared and let them grow over time.

Mary Rimmer of Rimmer Environmental Consulting noted that there is 500 square feet of BVW proposed to be restored, and will create a minimum 50’ buffer zone around the site for any BVW. There will be no tilling or grazing of livestock within the buffer zone and stones be added at the 50’ line to mark it. Gaffney commented that Conservation markers should be added. A discussion was held on the addition of fruit trees in the zoned areas. The TCC stated that they do not want to see fruit trees in the protection areas that will be maintained and harvested.

Essex County Greenbelt and Rimmer Environmental Consulting will regroup with the owners of Iron Ox Farm to update the plan for the next meeting with the TCC.

- Discussion – Gaffney informed the TCC of an Emergency Certificate for septic replacement. The Board of Health declared it a public health threat because the system is directly discharging into ground water and ordered immediate remediation.

## **ADMINISTRATOR’S REPORT:**

- Gaffney reported that 5 Maple Lane is working on getting a wetland scientist to assist with the EO, they have had some trouble getting anyone that is available.
- Nicholas Betts announced that he is moving to Rockport and, therefore, stepping down from the TCC.



**ADJOURNMENT**

*At 9:16 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 September 1, 2021 at 7:00 pm, by Videoconference.

Respectfully submitted,

*Theresa Coffey*

Theresa Coffey

Recording Secretary

*Minutes approved at the TCC meeting on 10/13/2021*

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.