

***Topsfield Conservation Commission
Minutes of Meeting September 1, 2021
By Video/audio conference***

Present: Dodds Shamroth – Chair, Jennifer DiCarlo, Holger Luther, Heidi Gaffney – Administrator and Theresa Coffey – Recording Secretary

Other Attendees:

John Morin, The Morin-Cameron Group
Greg Hochmuth, Williams & Sparages, LLC
David Rimmer, Essex County Greenbelt
Mary Rimmer, Rimmer Environmental Consulting
Ben Gahagan, MA Division of Marine Fisheries

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

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| <p><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.</p> |
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Representing the applicant, John Morin of The Morin-Cameron Group, Inc., discussed two outstanding issues from the August 11, 2021 meeting: 1) under the Act and Bylaw, all applicable permits need to be applied for, and 2) acceptance of the stormwater review prepared by Dave Bond for the Planning Board.

Morin said neither the ANR and septic applications have been submitted. Morin asked if the TCC may consider approving the project with a condition that no work would begin until applications have been submitted for these two items.

Morin discussed the stormwater review report prepared by Dave Bond for the Planning Board. Gaffney confirmed that the TCC has received a copy of the report. A discussion ensued as to whether or not Dave Bond's report meets TCC criteria for the project.

Luther stated his support of Mr. Bond's qualifications and assessments of the drainage system and stands by the vote taken in support of accepting Mr. Bond's review at the July 7, 2021 meeting.

DiCarlo commented that a peer review is not specifically required, and felt that Mr. Bond is a stormwater expert and is comfortable with him in the role. DiCarlo also commented in response to Morin's request related to the permit applications, and stated that submittal of all other applicable permit applications is required by the Bylaw and cannot be waived.

After discussion, the TCC agreed that a peer review is not a requirement and at this point in the process is not necessary. If Mr. Bond's stormwater review is accepted by the Planning Board in its entirety the TCC should receive a copy.

Luther commented that a condition should be added that the underground portion of the drainage system should be inspected before it is covered.

Morin requested a continuance to October 13, 2021.

Luther moved to continue the Hearing for NoI (Bylaw only) TCC 2019-01: 371 Boston Street to October 13, 2021 at the request of the applicant. DiCarlo second the motion 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 and revised July 29, 2021, 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 22, 2021.

Luther moved to continue the hearing for NOI 307- : 71 Howlett Street to September 22, 2021 at the request of the applicant. 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 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 307-0817: 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 22, 2021.

Luther moved to continue the hearing for NOI 307-0817: 124 Haverhill Road Pye Brook Park to September 22, 2021 at the request of the applicant. 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 June 23, 2021
- Aerial Photos
- Division of Fisheries & Wildlife Letter dated August 6, 2021
- Photos

NOI 307-0816: 76 Campmeeting Road (Map 20, Lot 039), Massachusetts Division of Marine Fisheries/ Ipswich River Watershed Association – rebuild fishway at Howlett Brook

Ben Gahagan, MA Division of Marine Fisheries, presented the proposal at the August 11, 2021. Gahagan informed the TCC that a DEP number had been received. Gaffney added that the DEP had no comments.

Luther moved to close the Hearing for NOI 307-0816. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Luther moved to issue a Restoration Order of Conditions under the Act and Bylaw for restoring the fish passageway with the requirement to be operated and maintained in accordance with an Operation and Maintenance Plan approved by the DMF, all other requirements for Restoration projects outlined in 310 CMR 10.00 and the special conditions required by 10.14(7). 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 July 28, 2021
- MA Division of Marine Fisheries Determination Letter dated August 3, 2021
- Photos

RDA 2021-10: 111 Boston Street (Map 69, Lot 014), Essex Agricultural Society/Williams & Sparages LLC – repair existing foundation/wall

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

Representing the applicant, Greg Hochmuth of Williams & Sparages, LLC, reviewed the proposed work to stabilize a retaining wall that was originally part of a foundation of a barn. The retaining wall is located in a BVW that borders on an intermittent stream. A portion of the top of wall will be removed and the base part of the wall will be filled to prevent the wall from falling. Hochmuth reviewed erosion controls that will be put in place.

Gaffney displayed photos and noted that there is debris that needs to be cleaned up and should be included in the conditions.

Luther moved to close the Hearing for RDA 2021-10: 111 Boston Street. DiCarlo seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Luther moved to issue a Negative Determination of Applicability under the Act and Bylaw with special conditions as discussed. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Documents:

- Complete Request for Determination of Applicability with required attachments, dated August 10, 2021
- Plan titled “Retaining Wall Repair Plan, 111 Boston Street, Topsfield MA”, prepared by Williams & Sparages, LLC, dated July 15, 2021
- Photos

RDA 2021-11: 39 Grove Street (Map 32, Lot 127), Keliher – addition and 3-season porch on footings (no foundation)

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

The applicant, Ned Keliher, was present to discuss the proposed project to build an addition and 3-season porch. The structure will be built on footings. Keliher noted that the wetlands were delineated by Williams & Sparages LLC. A dry well will be installed for the additional roof runoff. There will be no trees removed.

There were no public comments.

Luther moved to close the Hearing for RDA 2021-11: 39 Grove Street. DiCarlo seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Luther moved to issue a Negative Determination of Applicability under the Act and Bylaw subject to infiltration and the standard conditions. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Documents:

- Complete Request for Determination of Applicability with required attachments, dated July 26, 2021 including plan titled “39 Grove Street – Keliher 2021 Proposed Plan”.
- Photos

REQUESTS:

Extension Request OOC #307-0765: Lot A, 333 Perkins Row, Burhani, LLC/Morin-Cameron Group Inc.- request to extend the OOC to October 3, 2022.

Gaffney informed the TCC an extension to the OOC is requested because work is still in progress on Lot A.

Luther noted that he had recused himself from hearings on this subject previously but Gaffney noted that because Luther is not a direct abutter, he is not in conflict.

Luther moved to grant the request for a one-year extension to Order of Conditions #307-0765 to October 3, 2022. DiCarlo seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Documents:

- Request to Extend Order of Conditions #307-0765, prepared by The Morin-Cameron Group, Inc., dated August 23, 2021

Extension Request OOC #307-0766: 303 & 333 Perkins Row Restoration Area, Burhani, LLC/Morin-Cameron Group Inc.- request to extend the OOC to October 17, 2022.

Luther moved to grant the request for a one-year extension to Order of Conditions #307-0766 to October 17, 2022. DiCarlo seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Documents:

- Request to Extend Order of Conditions #307-0766, prepared by The Morin-Cameron Group, Inc., dated August 23, 2021

RDNI 2021-09: 9 River Road (Map 57, Lot 002) Hardy - request to remove ash tree

The applicant Rob Hardy presented his request to remove a compromised ash tree in the Ipswich River riverfront Buffer Zone. He will plant a native replacement. Iron Tree has been hired to remove the tree.

Luther moved to make a Determination of Negligible Impact for the removal of one tree with replacement planting of one tree. DiCarlo seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Documents:

- Complete Request for Determination of Negligible Impact Application with required attachments, received June 28, 2021

RDNI 2021-12: 221R Washington Street (Map 47, Lot 001) Martin – request to rebuild basement retaining wall, bury and plumb propane tank, add 25” x 48” emergency generator

Gaffney displayed the plan and explained that an RDNI for basement door retaining walls had expired, the propane tank is after-the-fact and the generator is proposed. The applicant Rob Martin reviewed the location where the propane tank was installed in an existing lawn area and where the generator is proposed to be installed.

Luther moved to make a Determination of Negligible Impact for RDNI 2021-12: 221R Washington Street. DiCarlo seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Documents:

- Complete Request for Determination of Negligible Impact Application with required attachments received August 24, 2021

RDNI 2021-13: 8 Wilmor Road (Map 10, Lot 001) Elwell- request to remove 8 trees

The applicant Che Elwell reviewed the sketch plan and discussed the issues with the eight trees proposed to be removed. The trees are in the outer riverfront area. Gaffney said she visited the site to view the trees. The TCC explained that with the number of trees to be removed, an arborist letter is required per the Tree Policy.

Luther moved to issue a Determination of Negligible Impact for the removal of the trees provided the Administrator is in receipt of a letter from the arborist before proceeding to take action and that all of the trees are replaced. DiCarlo seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Documents:

- Complete Request for Determination of Negligible Impact Application with required attachments
- Photos

MEETING MINUTES:

No action.

OTHER:

EO 2021-05: 109 Salem Rd (Map 70, Lot 18) – *ratify & discuss*

Gaffney displayed the site plan for a new home under construction, under an existing Order of Conditions. Gaffney explained the erosion control issues that have occurred during the heavy rain. She shared photos of water and sediment flowing down driveway into Wheel Brook. Photos were displayed of the action the builder had taken to prevent further erosion. Gaffney asked the builder for a revised construction schedule for grading and stabilization, currently planned for October 1 and October 8, respectively. Gaffney noted the EO included a cease and desist order.

Luther moved to ratify the enforcement order 2021-05: 109 Salem Road. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

DiCarlo moved to issue an amended enforcement order permitting work to continue subject to the continuing site stabilization. Luther seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Documents:

- Site Plan for 109 Salem Road, Topsfield MA
- Photos

147 Asbury St – violation/restoration discussion

David Rimmer and Kate Bowditch of Essex County Greenbelt discussed changes made to the plan for three protection zones at the land leased by Iron Ox Farm following the TCC meeting of August 11, 2021. The revised plan includes an expanded Zone 1 and a small area in Zone 1 will be restored. Rimmer noted that in response to concerns raised by the TCC, there will be no agricultural activities or grazing of livestock in any of the three zones. Conservation markers will be installed on the 50 and 100 foot lines. After the 2021, 2022 and 2023 growing seasons, Mary Rimmer of Rimmer Environmental Consulting will submit reports to the TCC.

Documents:

- Resource Protection Plan for Cleared Field at Iron Ox Farm, prepared by Rimmer Environmental Consulting and Essex County Greenbelt Association, revised: 8/27/2021

- Conservation Commissioner Candidate - Gaffney introduced Richard Muka, a candidate for Conservation Commissioner. Mr. Muka provided information on his background and said he is looking forward to working with the TCC. The appointment will be on the Select Board agenda for September 13, 2021.

ADJOURNMENT

At 8:46 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 September 22, 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.