

***Topsfield Conservation Commission
Minutes of Meeting September 22, 2021
By Video/audio conference***

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

Other Attendees:

Elizabeth Wallis, Hayes Engineering, Inc.
Bill Manuell, Wetlands and Land Management, Inc.
Thomas Mannelta, Thomas Mannelta, Inc.
Gregory Bernard
Brian Lawler

Dodds Shamroth, Chairperson, called the meeting to order, by video/audio conference, at 7:02 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.
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No action needed, the Hearing was previously continued to October 13, 2021.

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 October 13, 2021.

Luther moved to continue the hearing for NOI 307- : 71 Howlett Street to October 13, 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 October 27, 2021.

Luther moved to continue the hearing for NOI 307-0817: 124 Haverhill Road Pye Brook Park to October 27, 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 2021-01 (Bylaw only): 72 Hill Street (Map 69, Lot 016), Malinowski/Hayes Engineering – installation of in-ground pool, hot tub, fire pit and patio

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

Representing the applicants, Elizabeth Wallis of Hayes Engineering, reviewed the proposal for the installation of a 16x40 foot inground pool, a hot tub, fire pit and patio.

Wallis displayed the site plan and reviewed the characteristics of the property including existing drainage systems and drainage trench. Wallis noted that the applicants would like to cut invasive vegetation along the drainage trench and also that Gaffney requested that grass clippings be removed from the trench in the rear of the property. She provided an overview of the proposed locations of the pool, hot tub with concrete pad, fire pit and patio.

Wallis showed photos of the existing lawn and the well-vegetated ditch with a pipe for roof runoff that flows into the ditch. A discussion was held on the determination of the ditch as a Bylaw intermittent stream with a buffer zone.

Luther shared historical information about drainage issues at the property which sits on top of a drumlin. He discussed the perimeter drain, noted as a ditch above, and commented that the drain would need to be in good shape and able to handle construction. Luther stated that the project should be treated with great deliberation.

Gaffney provided her comments:

- 1) A Certificate of Compliance has not been issued for a 2012 Order of Conditions. A Request for a COC should be applied for before the project can be considered.
- 2) The project is under the Bylaw only. The as-built plan as part of a COC application would help to determine the jurisdiction for this application pertaining to the drainage ditch / intermittent stream.
- 3) There should be a contingency plan for the pool in case there is stormwater erosion concerns during construction.
- 4) There is work proposed over the existing septic and pump tank. A review and approval by the Health Director will be needed so there are no revisions to the plan after the project starts.

The TCC discussed possibly scheduling a site visit to inspect the perimeter drain / ditch.

Wallis requested a continuance.

Luther moved to continue the Hearing for NOI 2021-01 (Bylaw only): 72 Hill Street at the request of applicant to October 13, 2021. 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 August 27, 2021
- Plan titled “Plan of Land in Topsfield MA #72 Hill Street”, prepared by Hayes Engineering, Inc., dated August 27, 2021
- Photos

NOI 307-0819: 145 Salem Road (Map 77, Lot 002) Leo/Wetlands & Land Management, Inc. – raze and rebuild single family home, installation of new utilities and associated site work

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

This Hearing was taken out of order at 8:03 pm.

Representing the applicant, Bill Manuell of Wetlands & Land Management, Inc. provided an overview of the proposed project to raze and rebuild a single-family home with the installation of new utilities and associated work.

Manuell reviewed the resource areas on the property including Riverfront Area to Wheel Brook and noted that the TCC recently permitted the installation of a septic repair. He reviewed the existing structures on the property and detailed the proposed work including the removal of the garage and house with associated features, i.e., patio. The house will be razed to the foundation and a new home will be built on the existing foundation as well as a portion of new foundation.

Manuell pointed to the erosion control line and discussed how equipment will access the house for demolition, and the installation of utilities and generator. He pointed to a portion of a hardpack driveway that will be removed and converted to lawn. He explained that they will scrape out hardpack and will restore the area with loam and seed. Luther asked that this detail be included in the narrative. Manuell said that the net effect of the proposed work will be a reduction in impervious or nearly impervious area of approximately 1788 square feet. He noted that they are below the threshold of 5000 square feet of Riverfront Area impact.

Manuell reviewed the alternative analyses that are noted on the plan.

A tree will be removed next to the Barn that is leaning over the barn. They would like to prune a tree that has limbs hanging over the house.

Gaffney provided her comments and questions:

- 1) Has the existing foundation been inspected to make sure it can be re-used? Manuell replied that the architect reported that they will have to do some masonry work but plan to re-use it.
- 2) The barn was built in 1997 and should be counted in the Riverfront alteration calculation.
- 3) A Certificate of Compliance has not been applied for, for previous septic repair. Will this be included in the as-built plan for this project with both projects being closed out at the same time? Manuell said that it would be as the septic system is not connected to the house yet.

- 4) Regarding Riverfront, under regulations, CMR 10.58(4)(d) allows the alteration of up to 5000 sf or 10%, provided that a 100-foot-wide area of undisturbed vegetation or existing vegetative cover is preserved and extended to the maximum extent feasible. Gaffney noted that if the applicant applied for the project under redevelopment the regulations are less stringent, however, it needs to result in an improvement over existing conditions. Manuell said that they are preserving all vegetation between the development and the Mean Annual High Water Line. He said the structure pre-dates Riverfront regulations. Improvement comes from reduction in impervious area by removal of gravel driveway and other impervious features such as the patio and barn. This results in approximately 1788 square feet of new pervious Riverfront Area. Gaffney discussed there is very little natural vegetation and suggest the applicant consider mitigation.
- 5) Gaffney noted there is infiltration for the driveway but no stormwater on the plan. A discussion was held on the interpretation of the Bylaw on this subject.
- 6) There is a large amount of excavation and she would like to see a dewatering detail on the plan.

A TCC site walk will be scheduled.

Manuell requested a continuance to October 13, 2021.

Luther moved to continue the Hearing for NOI 307-0819: 145 Salem Road at the request of applicant to October 13, 2021. 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 August 2021
- Plan titled “Site Plan to Accompany Notice of Intent, Mike & Elza Leo, 145 Salem Road, Topsfield MA”, prepared by Griffin Engineering Group, LLC, dated August 26, 2021

NOI 307-0818: 17 Kinsman Lane (Map 31, Lot 077) Gehr/Gregory Bernard – replace failed septic system

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

Representing the applicant, Gregory Bernard provided an overview of a failed septic system that required an emergency repair as the Board of Health declared it a public health threat. The failed system was 18 feet from the wetlands. The new septic system will be installed approximately 95 feet from the wetlands. The old tank and pump chamber will be replaced approximately 28 feet from the wetland. The tank cannot be moved further from the wetlands due to limitations with the plumbing in the house. The Board of Health has approved the plan and Gaffney issued an Emergency Certificate. Bernard described the equipment access to the work.

Luther moved to close the Hearing for NOI 307-0818: 17 Kinsman Lane. DiCarlo seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Shamroth – yes

Luther moved to permit the proposed replacement of the septic system as shown on the plan titled “Sewage Disposal System, Assessors Map 31/77 17 Kinsman Lane Topsfield MA” dated August 25, 2021 with the standard conditions. 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 September 2, 2021
- Plan titled “Sewage Disposal System, Assessors Map 31/77 17 Kinsman Lane Topsfield MA”, prepared by Gregory P. Bernard, dated August 25, 2021
- Emergency Certification Form TCC 2021-04 17 Kinsman Lane dated September 22, 2021

RDA 2021-12: 9 Perkins Circle (Map 27, Lot 018), 2014 Gibbons Family Trust/Thomas Mannetta, Inc. – replace septic system

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

Representing the applicant, Thomas Mannetta provided an overview of the proposed septic system replacement within the 200-foot Riverfront Area and Bordering Vegetated Wetland Area. The system failed inspection when tested as the house was being sold. Mannetta reviewed the location of the system and explained that the system will be placed as far away as possible from the resource areas. There is one tree that will need to be removed and will be replaced.

Gaffney commented that the application is an RDA because the septic work being is proposed within the Riverfront Area only with only a very minor portion of grading within the outer Buffer Zone.

Luther moved to close the Hearing for RDA 2021-12: 9 Perkins Circle. 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 for the replacement of the septic system as shown on the plan titled “Town of Topsfield Sanitary Disposal System, 9 Perkins Circle”, dated August 11, 2021 with the standard conditions and the replacement of the tree that will be removed. 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 16, 2021
- Plan titled: “Town of Topsfield Sanitary Disposal System, 9 Perkins Circle”, prepared by Thomas Mannetta, Inc., dated August 11, 2021
- Photos

RDA 2021-13: 59 Willowdale Road (Map 14, Lot 012), Fine/Lawler – construct new farmer’s porch entry; replace existing side deck with screen porch

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

The applicant Brian Lawler provided an overview of the proposed project to replace the front steps of his single-family home with a small farmers porch and replace a side deck with a screen room with the same footprint. The front porch will increase the footprint marginally. Gaffney commented that all work is within existing deck, entry and/or hardscape area and the wetlands are approximated from a prior plan done for septic work. Roof runoff will require infiltration.

Luther moved to close the Hearing for RDA 2021-13: 59 Willowdale Road. 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 for proposed project subject to the clarification of the infiltration of roof runoff and all standard conditions for the protection of resource areas. 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 application with required attachments dated August 18, 2021
- 59 Willowdale Road Construction Drawings, received September 7, 2021, Pages 1-3
- 59 Willowdale road – Sketch Plan / Certified Plot Plan prepared by Engineering Land Services, LLC, dated 8-10-21, received September 7, 2021

REQUESTS:

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

No action, item placed on agenda in error.

RDNI 2021-14: 23 Mansion Drive (Map 18, Lot 031) – install shed

Gaffney shared an aerial view of the property showing the Riverfront Area. The applicant is seeking to install a shed on gravel and blocks within existing lawn area. There is no tree removal proposed.

Luther moved to issue Determination of Negligible Impact for the proposed project RDNI 2021-14 23 Mansion Drive. 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 September 9, 2021

RDNI 2021-15: 10 Boardman Lane (Map 18, Lot 064) – install sports court

Gaffney displayed an As-Built plan from a previous project and pointed to the hand sketch of a proposed sports court. Luther noted that a French drain will need to be installed around the edges due to the large impervious surface.

Luther moved to issue a Determination of Negligible Impact for the proposed project RDNI 2021-15: 10 Boardman Lane. 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 September 10, 2021
- Plan titled “As-Built Plan of Land in Topsfield MA 10 Boardman Lane”, prepared by The Morin-Cameron Group, Inc., dated September 9, 2015
- Photos

MEETING MINUTES:

No action.

OTHER:**Fair OOC**

- **Fair OOC** – Gaffney will schedule a walk through at the Fairgrounds with Greg Hochmuth.

Documents:

- DEP #307-678 Pre-Activity Letter dated September 22, 2021
- Photos

- **Emergency Certification 2021-03: 17 Kinsman Lane** (Map 31, Lot 77) Gehr
Luther moved to ratify the Emergency Certification for 2021-03: 17 Kinsman Lane. DiCarlo seconded the motion and it was approved by roll call vote:
DiCarlo – yes; Luther – yes; Shamroth – yes

147 Asbury St – violation/restoration discussion

No action.

ADJOURNMENT

At 8:32 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 October 13, 2021 at 7:00 pm, by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 10/27/2021

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.