

***Topsfield Conservation Commission
Minutes of Meeting October 27, 2021
By Video/audio conference***

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

Other Attendees: n/a

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.”

Shamroth introduced and welcomed new Conservation Commissioner Rick Muka.

HEARINGS

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

Gaffney reported that the applicant is still working with the Building Department for permits and that the consultant submitted a restoration plan. There was no representative present for an update.

*Luther moved to continue the hearing for NOI 307- : 71 Howlett Street to November 17, 2021.
DiCarlo seconded the motion, and it was approved by roll call vote:*

DiCarlo – yes; Luther – yes; Muka – 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
- Plan titled “Wetland Buffer Zone Enhancement Plan” prepared by Hancock Associates, dated October 25, 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 November 3, 2021.

Luther moved to continue the hearing for NOI 307-0817: 124 Haverhill Road Pye Brook Park to November 3, 2021. DiCarlo seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Muka – 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 307-0819: 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

Representing the applicant, Bill Manuell of Wetlands & Land Management, Inc., discussed the revisions to the plan. Gaffney and the Commission held a site visit on October 7, 2021. The revised plan provides mitigation by converting a portion of the lawn to native plantings as well as roof runoff infiltration for the house and removal of some invasives. A dewatering detail has been included on a second sheet of the plan. Gaffney commented on an area that has vernal pool like characteristics and suggested it be evaluated in the spring. A discussion was held on erosion control and access to the site. Gaffney asked if the walkway on the plan was correct. Manuell said it was not correct and would change the direction of the walkway to lead to the new driveway.

Luther moved to close the Hearing for -NOI 307-0819: 145 Salem Road. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Muka – yes; Shamroth – yes

Luther moved to permit the plan based on revised drawing titled “Site Plan to Accompany Notice of Intent, Mike & Elza Leo, 145 Salem Road, Topsfield MA”, revision date 10.15.21 with the additional requirement that the walkway be shown correctly to lead to the new driveway. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Muka – 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, 21; Sheet C-2 revised 10/15/21
- Revised Plan Submittal Letter dated October 15, 2021
- Revised NOI Page 3 of 9
- Revised Project Description Letter dated October 15, 2021

REQUESTS:

Request for COC 307-0814: 39 Parsonage Lane (Map 24, Lot 065) McCann/Domestic Septic Design, Inc. – request for Certificate of Compliance

Gaffney reviewed the As Built Plan for the septic system repair and noted that the site is fully stabilized and the two posts with conservation markers are installed. The contractor was scheduled to remove the silt socks but was delayed. Gaffney confirmed that the work was done as conditioned.

Luther moved to issue a Certification of Compliance for 307-0814: 39 Parsonage Lane as the work is done substantially as permitted. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Muka – yes; Shamroth – yes

Documents:

- Complete Request for Certificate of Compliance Application with required attachments, dated October 7, 2021
- Plan titled: “As Built Plan 39 Parsonage Lane, Topsfield MA” prepared by Domestic Septic Design, Inc., dated 8/11/21
- Photos

RDNI 2021-16: 8 Caitlin Lane (Map 50, Lot 005) O’Kelly – request to remove 5 trees

Gaffney reported that she met with owner to see the 5 trees proposed to be removed and displayed photos of the trees. The owner had an arborist evaluate the trees and the arborist report was submitted with the application.

Luther moved to issue a Determination of Negligible Impact for this project provided that the five trees be replaced with appropriate replacements in accordance with the Tree Removal Policy. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Muka – yes; Shamroth – yes

Documents:

- Complete Request for Determination of Negligible Impact application with required attachments, received October 20, 2021
- Email from Iron Tree Service dated October 11, 2021
- Photos

MEETING MINUTES:

Luther moved to accept the minutes of the meetings held on September 22, 2021 as written. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Muka - yes; Shamroth – yes

OTHER:**AmEO 2020-03: 65 Rowley Bridge Rd – Request for Return to Compliance**

Gaffney displayed photos of the site. The second Seasonal Monitoring Report was prepared and submitted by Wetlands Land and Management, Inc. The plantings and posts are installed and all work was done in accordance with the Enforcement Order. Gaffney recommending issue a compliance letter.

Luther moved to issue a letter confirming compliance with the amended Enforcement Order 2020-03: 65 Rowley Bridge Road. DiCarlo seconded the motion and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Muka - yes; Shamroth – yes

Documents:

- Second Seasonal Monitoring Report 65 Rowley Bridge Road and Return to Compliance Request prepared by Wetlands & Land Management, Inc., dated October 21, 2021
- Photos

- Seasonal Monitoring Report 65 Rowley Bridge Road prepared by Wetlands & Land Management, Inc., dated September 25, 2020

ADMINISTRATOR REPORT / OTHER BUSINESS

Gaffney will distribute the proposed 2022 schedule for review and discussion at the next meeting.

ADJOURNMENT

At 7:49 pm, Luther moved to adjourn. DiCarlo seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Luther – yes; Muka – yes; Shamroth – yes

The next meeting will be held on November 3, 2021 at 7:00 pm, by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 11/17/2021

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.