

***Topsfield Conservation Commission
Minutes of Meeting November 17, 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:

Gordon Rogerson, Hayes Engineering, Inc.
John Riley, 2 Pemberton Road
Peter DeBernardo, Gibraltar Pool
Peter Laubner, 3 Perkins Circle

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.
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Shamroth announced the applicant requested a continuance to December 15, 2021.
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Luther moved to continue the hearing for (Bylaw only) TCC 2019-01: 371 Boston Street to December 15, 2021 at the request of the applicant. DiCarlo seconded the motion, and it was approved by roll call vote:

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

Continuation NOI 307-0820: 2 Pemberton Road (Map 07, Lot 063) Riley – build 1-car garage

The applicant John Riley was present. The Hearing was opened on November 3, 2021 and Gaffney reviewed the discussion on the project at that meeting. The Hearing was continued at that meeting pending a DEP number and Gaffney confirmed the DEP number was issued.

Luther moved to close the Hearing for -NOI 307-0820: 2 Pemberton 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 project as proposed for NOI 307-0820: 2 Pemberton Road with the additional requirement for infiltration for stormwater. 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 October 12, 2021
- Photos
- Plot Plan for 2 Pemberton Road
- Elevation Renderings of Proposed Garage October 2021

Continuation 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 commented that the TCC held a site visit on November 2, 2021. Representing the applicant, Gordon Rogerson of Hayes Engineering, discussed the changes made to the plan in response to concerns raised by the Board of Health relating to the deck stairs and the access manholes on the septic tank and pump chamber. Also, the concrete patio has been changed to pavers to comply with Board of Health septic requirements and allow infiltration. A copy of the revised plan was submitted to the Health Agent for review and comment.

Luther asked for a response to his request for a 25-year storm calculation. He reviewed his concerns about the history of the site's drainage issues. The property owner Scott Malinowski replied that many improvements have been made to the site and felt that the previous drainage issues being referred to have been resolved. Further discussion was held on the sufficiency of the current drainage system. DiCarlo commented that the 25-year flood calculation should be completed by the engineer to confirm

that this property or neighboring properties would not flood because of the grade. She noted that the TCC is charged with having additional information based on the history of the site.

Malinowski requested a continuance to December 15, 2021 to respond to the request for the 25-year flood calculation.

Luther moved to continue the Hearing for NOI 2021-01 (Bylaw only): 72 Hill Street at the request of applicant to December 15, 2021 to obtain the outstanding calculations. 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 27, 2021
- Plan titled “Plan of Land in Topsfield MA #72 Hill Street”, prepared by Hayes Engineering, Inc., dated August 27, 2021, revision date of November 17, 2021.
- Photos
- NOI Supplemental Information prepared by Hayes Engineering, Inc., dated October 5, 2021

RDA 2021-14: 22 Boxford Road (Map 31, Lot 026) Riley – grading and installation of above-ground swimming pool

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

Gaffney displayed an aerial photo of the property and explained that the application was made because there is a drainage easement from Heritage Lane on the property and it was previously deemed jurisdictional and identified as possibly functioning as a vernal pool.

Representing the applicant, Peter DeBernardo from Gibraltar Pool provided information on the installation of the proposed above ground swimming pool with a self-contained cartridge filter. He noted that no fill will be brought in and there will be minimal grading. No soil will be removed and no retaining wall will be built.

Luther moved to close the Hearing for RDA 2021-14: 22 Boxford Road. DiCarlo seconded the motion and it was approved by roll call vote:

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

Luther moved to issue a Negative Determination of Applicability with no impact to the resource area. 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 Applicability with required attachments dated October 28, 2021
- Photos
- Notated Plot Plan for 22 Boxford Road

RDA 2021-15: 3 Perkins Circle (Map 27, Lot 020) Laubner – rebuild porch and add deck

Shamroth announced the hearing, Luther read the legal notice, and Gaffney confirmed that proof of abutter notice was submitted. Luther recused himself from the Hearing because Luther is the applicant's neighbor.

The property owner Peter Laubner was present to discuss the proposed project to rebuild a porch and add a landing area with stairway going to the driveway. Gaffney displayed the construction plan. There are no trees to be removed and Gaffney instructed Laubner that roof runoff infiltration is required. Laubner said he may add some pavers to a gravel area and Gaffney recommended that gravel and pavers be added to the current request so no amendment would need to be made.

DiCarlo moved to the close the Hearing for RDA 2021-15: 3 Perkins Circle. Muka seconded the motion and it was approved by roll call vote of 3 in favor and 1 recused as follows:

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

DiCarlo moved to issue a Negative Determination of Applicability for RDA 2021-15: 3 Perkins Circle with the acknowledgement that the applicant may install gravel as is presently under the porch or concrete pavers in the area below the porch and deck, with infiltration. Muka seconded the motion, and it was approved by roll call vote of 3 in favor and 1 recused as follows:

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

Documents:

- Complete Request for Determination of Applicability Application with required attachments dated September 10, 2021
- Construction plans titled “Proposed New Screened Porch Laubner Residence, 3 Perkins Circle Topsfield MA”, 8 sheets, drawn by Martha MacInnis, dated April 15, 2021

REQUESTS:**Request for COC 307-0791: 32 Fox Run Road (Map 39, Lot 102) Collins/H.L. Graham & Associates**
- request for Certificate of Compliance

Gaffney explained the Order of Conditions was issued for a septic replacement. She confirmed that the as-built plan shows the work was done in compliance with the Order and that the site is stabilized and wetland posts with markers have been installed. She shared photos of the markers.

Luther moved to issue a Certificate of Compliance for 307-0791: 32 Fox Run Road as the work being completed in substantial compliance with the Order of Conditions. 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 September 27, 2021
- Plan titled: “Record Plan of Subsurface Sewage Disposal System Repair prepared for James R. Collins 32 Fox Run Road Topsfield MA” prepared by Graham Associates, Inc., dated August 30, 2021
- Photos

MEETING MINUTES:

Luther moved to accept the minutes of the meetings held on October 13, 2021 and October 27, 2021 as written. DiCarlo seconded the motion and it was approved by roll call vote:

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

OTHER:

2022 Meeting Dates and Filing Deadlines schedule – The November 2022 meeting dates were changed to November 2 and 16, 2022.

Luther moved to accept the 2022 Meeting Dates and Filing Deadlines calendar as amended. DiCarlo seconded the motion and it was approved by roll call vote:

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

ADMINISTRATOR REPORT / OTHER BUSINESS

No action.

ADJOURNMENT

At 7:56 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 December 15, 2021 at 7:00 pm, by Videoconference.

APPROVED

Respectfully submitted,

Theresa Coffey

Theresa Coffey
Recording Secretary

Minutes approved at the TCC meeting on 12/15/2021

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.