

***Topsfield Conservation Commission
Minutes of Meeting January 26, 2022
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:

Elizabeth Wallace, Hayes Engineering
Bob Grasso, Engineering Land Services, LLC
David Rimmer, Essex County Greenbelt Association
Bill Manuell, Wetlands and Land Management, LLC
Jay Polakiewicz, Hancock Associates
Brian Fisher
Steven Cogger and Shera King
Greg Bernard

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

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

No action required.

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 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

Representing the applicant, Elizabeth Wallace of Hayes Engineering, provided an update on two open items. As requested by the TCC, the plan was submitted to the Board of Health for review. Health Agent Wendy Hansbury commented on septic system access covers and the location of the stairway coming off of the pool. These comments were addressed on the revised plan. Also as requested, Hayes Engineering performed an analysis of the drainage swale capacity and concluded there was negligible change in swale during the 25-year storm. Luther agreed with this conclusion.

Gaffney recommended a condition that dewatering detail be submitted as part of the pre-activity requirements.

Luther moved to close the Hearing for NOI 2021-01 (Bylaw only): 72 Hill Street. DiCarlo seconded the motion, and it was approved by roll call vote:

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

Luther moved to approve the project as presented in the revised drawing dated November 17, 2021, with the special condition that a dewatering of the construction site be incorporated into the proposal. 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, revised September 30, 2021 and November 17, 2021
- Photos
- NOI Supplemental Information prepared by Hayes Engineering, Inc., dated October 5, 2021
- Drainage Swale Capacity Analysis by Hayes Engineering, Inc. dated January 18, 2022

Continuation NOI (Bylaw only) TCC 2019-01: 371 Boston Street (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.

Shamroth announced the applicant requested a continuance to March 9, 2022.

Luther moved to continue the hearing for (Bylaw only) TCC 2019-01: 371 Boston Street to March 9, 2022 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

NOI 307-0821: 129 Washington Street (Map 31, Lot 017) Schiff/Engineering Land Services, LLC – replace failed septic system.

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

Representing the applicant, Bob Grasso of Engineering Land Services, LLC reviewed the plan to replace a failed septic system. He discussed the flood plain and showed the wetlands setbacks and buffer zone, 100' riverfront and 200' riverfront area. Grasso described the proposed construction of the leach field and stated that it will be a Presby system. The Board of Health has approved the system. The proposed system will be installed in mostly lawn area. The new system will be placed as far as possible from resource areas. Grasso confirmed that no trees will be removed.

Luther moved to close the hearing for NOI 307-0821: 129 Washington Street. 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 under the Act and the Bylaw as presented on the plan with revision date December 15, 2021 pursuant to the standard conditions. 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 December 9, 2021
- Plan titled “Sanitary Disposal System Upgrade Plan (Repair)”, prepared by Engineering Land Services, LLC, dated 12-08-21, sheets 1 and 2

NOI 307-0822: 190 Rowley Bridge Road – Donibristle (Map 75, Lot 023) Essex County Greenbelt Association/Rimmer Environmental – trail maintenance, installation of bog bridge and boardwalk

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

David Rimmer of Essex County Greenbelt Association, reviewed the proposed trail improvements at the Donibristle Reservation including a cross culvert and a bog bridge. The proposed culvert is in resource area and a portion of the bog bridge is in the buffer zone. Rimmer noted that very little vegetation is being cleared and hand tools that can be hand carried to the site would be used. A discussion was held on the culvert and the size of the pipe. Gaffney asked for a written description and stated that the application was filed as a limited project for the bog bridge, but the culvert may not be a limited project. More information is needed to determine how the culvert meets the regulations. Rimmer requested a continuance to respond to the request for more information on the culvert.

Luther moved to grant a continuance for NOI 307-0822: 190 Rowley Bridge Road – Donibristle to February 9, 2022. 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 January 12, 2022.

NOI 307-0823: 220 High Street (Map 65, Lot 031) Bidder-Snow/Wetlands & Land Management, Inc. – completion of extension and deck, mudroom, rebuild shed, install modular block wall

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

Representing the applicant, Bill Manuell of Wetlands and Land Management, Inc. discussed the project that was started in November 2021. He explained that a building permit was issued but the property owner was not aware that TCC approval was needed. The proposed work is within the buffer zone to wetlands and Bylaw Riverfront area to the Ipswich River. Manuell stated that the wetlands were flagged and Gaffney confirmed that she reviewed and agrees with the flags but noted the review was outside of the delineation season.

The proposed project consists of the completion of an extension to the house, a mudroom on the existing deck footprint, rebuilding a shed and the installation a modular block wall. The remaining work is carpentry work with hand digging to install sonotubes. He described the construction method and location of the proposed modular block wall.

Manuell stated that there does not appear to be any impact from the work that was already done and the new construction would impact the resource area an additional 95 sq. ft. Silt socks were installed when the owner was notified the site was in a jurisdictional area.

Gaffney recommended that the roof run-off from the deck roof be infiltrated.

Abutters to the property, Roz and Fred Smith at 2 Valley Road, asked questions about the height of the new shed as it sits high on a hill. The project contractor replied that the height of the shed would not increase.

Luther moved to close the hearing for NOI 307-0823: 220 High Street. 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 shown in the plan dated December 2, 2021, with the condition that the run-off infiltration be considered and implemented. 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 January 10, 2022
- Plan titled “Proposed Site Plan, 220 High Street, Topsfield MA” prepared by LeBlanc Survey Associates Inc., dated December 2, 2021
- Photos

RDA 2022-01: 24 Willowdale Road (Map 14, Lot 001) Cogger/King – fill in and grade sink hole caused by stumps

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

The applicants Steven Cogger and Shera King discussed the application to fill in and grade sink holes from old tree stumps. The sink holes are located next to an existing outbuilding. They expressed concern that the sink holes would affect the foundation of the outbuilding. They shared photos of one corner of the foundation that appears to have approximately one foot of soil that has sunk away from the foundation. Luther inquired about the foundation and Cogger confirmed the foundation appear to be fine at this time and restoring the soil would be a preventative measure. Gaffney shared photos of the area of the sink holes.

Luther moved to close the hearing for RDA 2022-01: 24 Willowdale 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 for the project as presented. 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 application with required attachments dated November 9, 2021.
- Photos

RDA 2022-02: 10 Walker Road (Map 18, Lot 041) Weaver/Greg Bernard RS – 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, Greg Bernard reviewed the plan to replace a failed septic system. The proposed septic system is outside of the Buffer Zone but is in the Riverfront Area. Bernard described the construction of the new system and noted that the system piping to the house will be re-routed to the left side of the house to keep it out of the Buffer Zone.

Luther moved to close the hearing for RDA 2022-02: 10 Walker 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 for the project permit the project as shown in the plan dated December 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 January 10, 2022
- Plan titled “Sewage Disposal System, 10 Walker Road, Topsfield MA”, prepared by Gregory P. Bernard, dated December 17, 2021

RDA 2022-03: 162 Perkins Row (Map 42, Lot 011) Bates/Hancock Associates – test pits for septic system upgrade

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

Representing the applicant, Jay Polakiewicz of Hancock Associates, reviewed the plan to perform soil testing for an expansion of the home. The work will be done within the 100’ Buffer Zone of two intermittent streams. The wetlands were flagged by Hancock Associates and reviewed by Gaffney.

Gaffney noted that soil tests for septic repair are exempt under the Act but because these tests are for an expansion TCC approval is needed.

Luther moved to close the hearing for RDA 2022-03: 162 Perkins Row. 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 as shown in the dated January 11, 2022. 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 January 12, 2022.
- Plan titled “Erosion Control Plan”, prepared by Hancock Associates, dated January 11, 2022.

REQUESTS:

Request for COC 307-0808: 145 Salem Road (Map 77, Lot 002) Cole/Domestic Septic Design Inc. – request for Certificate of Compliance

Gaffney discussed the application for a Certificate of Compliance for a septic system. She noted that the as-built plan was received, and the work was done in compliance with the Order. The area has not yet been stabilized because there is on-going construction, but there will be an opportunity address any issues that may arise.

Luther moved to issue a Certificate of Compliance for OOC 307-0808: 145 Salem Road in view of the fact that they are 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.
- As-Built Plan for 145 Salem Road Topsfield MA, prepared by Domestic Septic Design, Inc., dated August 11, 2021

Request for COC 307-0681: 14 High Street (Map 33, Lot 039) Latimer – request for Certificate of Compliance

Gaffney reviewed the application for a Certificate of Compliance and informed the TCC that the Order was issued in 2011 for an addition. The owner is seeking to sell the house. The applicant submitted a

letter from the contractor, Silver Builders, confirming that the work was completed in compliance with the Order and the approved plans. Because the work was completed is 2011, the site is stabilized.

Luther moved to issue a Certificate of Compliance for OOC 307-0681: 14 High Street as the work was 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 dated January 10,
- Letter from S.L. Silver Inc. dated January 13, 2022
- As-Built Plan for 14 High Street Topsfield MA, prepared by Bruce Gingrich Designs, dated 01/11/2022
- Photos

MEETING MINUTES

Luther moved to accept the minutes of the meetings held on December 15, 2021 as written. 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 8:22 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 February 9, 2022 at 7:00 pm, by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey

Recording Secretary

Minutes approved at the TCC meeting on February 23, 2022

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.