

***Topsfield Conservation Commission
Minutes of Meeting February 9, 2022
By Video/audio conference***

Present: Dodds Shamroth – Chair, Holger Luther, Richard Muka, Heidi Gaffney – Administrator and Theresa Coffey – Recording Secretary. Jennifer DiCarlo – Vice Chair was not present.

Other Attendees:

David Cowell, Hancock Associates
Mary Rimmer, Rimmer Environmental Consulting
Patrick Garner, Patrick C. Garner Co., Inc.
Wayne Castonguay, Ipswich River Watershed Association
Joseph Geller, Topsfield Rail Trail Committee
Greg Hochmuth, Williams & Sparages

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

Representing the applicant, David Cowell of Hancock Associates, reviewed the status of the project. A discussion was held on the draft plan showing infiltration of the additional impervious area that was added. It was discussed that the mitigation areas were reviewed at a prior meeting. After discussion, the application was expected to be considered complete and will allow Cowell to submit the plan to DEP and request a DEP file number to continue moving this item forward. Cowell discussed the process to secure the building and zoning permits.

Gaffney confirmed that the septic portion has been approved by the Board of Health.

Cowell requested a continuance to February 23, 2022.

Luther moved to continue the hearing for NOI 307- : 71 Howlett Street to February 23, 2022. Muka seconded the motion, and it was approved by roll call vote:

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
- Draft plan titled “Permit Site Plan in Topsfield MA” prepared by Hancock Associates, dated January 22, 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.

No action needed.

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

Representing Essex County Greenbelt Association, Mary Rimmer of Rimmer Environmental Consulting provided an overview of her report dated February 1, 2022 that outlines how the proposed

small culvert under an existing gravel road complies with regulations. This information was requested by the TCC at the January 26, 2022 meeting. Gaffney stated the stormwater information was previously submitted and discussed and she was satisfied with the information.

Luther moved to close the hearing for NOI 307-0822. Muka seconded the motion, and it was approved by roll call vote:

Luther – yes; Muka – yes; Shamroth – yes

Luther moved to issue an Order of Compliance under the Act and Bylaw for the remediation of the Donibristle Reservation Trail as presented by David and Mary Rimmer, subject to the standard conditions. Muka seconded the motion, and it was approved by roll call vote:

Luther – yes; Muka – yes; Shamroth – yes

Documents:

- Complete Notice of Intent Application with required attachments, dated January 12, 2022.
- Report prepared by Rimmer Environmental Consulting dated February 1, 2022

RDA 2022-04: 57 & 61 Perkins Row (Map 58, Lots 24 and 25) - Massachusetts Audubon/Ipswich River Watershed Association - delineation of the boundary & extent of Mean Annual High Water under the MA Wetlands Protection Act along Ipswich River

Shamroth announced the hearing under the Act and Luther read the legal notice. Gaffney explained that under the WPA abutter notice is not required for an RDA, however, other related notice to property owners is required and proof has been submitted.

Representing Massachusetts Audubon/Ipswich River Watershed Association, Patrick C. Garner of Patrick C. Garner Co., Inc., discussed his qualifications, experience and the methodology he used to determine the Mean Annual High Water (MAHW) of the Ipswich River behind the 57 & 61 Perkins Row properties as is outlined in Attachment B to the RDA application. He presented the plan showing the delineation under the Act.

Wayne Castonguay, Director of the Ipswich River Watershed Association, explained that the RDA application was made because of increased development going on the watershed, and they felt the regulations are being misrepresented. He stated that it is difficult to keep up with the number of cases and be able to appeal decisions. The approach is a legal way to do something to protect resources. Castonguay provided a presentation of riverfront regulations, corroborative data related to the history of MAHW of the Ipswich River near Ipswich MA, and additional corroborating evidence.

Gaffney said that her review of the site has been delayed pending permission to enter 57 & 61 Perkins Row. She explained that no action can be taken by the TCC until her review is complete and that the applicant has granted a continuance/extension to allow sufficient time for the review.

Luther moved to continue the Hearing for RDA 2022-04: 57 & 61 Perkins Row to February 23, 2022 to deal with the issue of access to the subject properties. Muka seconded the motion, and it was approved by roll call vote:

Luther – yes; Muka – yes; Shamroth – yes

- Complete Request for Determination of Applicability application with required attachments dated January 26, 2022
- Plan titled “Plan of Wetland Protection Act Mean Annual High Water 57 & 61 Perkins Row Topsfield MA”, prepared by Patrick C. Garner Co., Inc. dated January 20, 2022

REQUESTS:

RDNI 2022-01 Topsfield Linear Common – Rail Trail Washington Street to Town Line (Map 49, Lot 044) Geller/Rail Trail Committee – request to conduct trail maintenance, mowing, trimming

On behalf of the Rail Trail Committee, Joe Geller presented the request to conduct additional rail trail maintenance. He explained that the stone dust on the trail installed a few years back has washed away and there are other areas not included in the original RDNI that need maintenance. The committee will use the services of a paving company to do the work so the stone dust will be spread uniformly and compacted. Luther asked if the stone dust is eroding into wetlands and Geller said that they have no evidence this has happened. Shamroth discussed the need for immediate compaction after the material is installed to prevent any erosion into adjacent resource areas.

Luther moved to issue a Determination of Negligible Impact with the standard precautions and pre-activity meeting with the Conservation Agent and as discussed with the requirement for immediate compaction after the material is installed. Muka seconded the motion, and it was approved by roll call vote:

Luther – yes; Muka – yes; Shamroth – yes

Documents:

- Complete Request for Determination of Negligible Impact application with required attachments dated January 27, 2022
- Hand sketches of location of added materials, dated January 13, 2022

Request to Extend OoC #307-0678: 207 & 233 Boston Street (Maps 57 & 49, Lots 004 & 82 respectively) Essex Agricultural Society/Williams & Sparages - Topsfield Fair Grounds Parking Management Plan request for 3 year extension

Representing the Essex Agricultural Society, Greg Hochmuth of Williams & Sparages LLC presented the request for a three-year extension of Order of Condition #307-0678: 207 & 233 Boston Street. The Order relates to the Topsfield Fair Grounds parking lots that have jurisdictional areas.

Luther moved to grant the three-year extension of Order of Conditions #307-0678 as requested. Muka seconded the motion, and it was approved by roll call vote:

Luther – yes; Muka – yes; Shamroth – yes

Documents:

- Extension Request for DEP File Number 307-678 prepared by Williams Sparages LLC dated January 26, 2022

MEETING MINUTES

No action.

ADMINISTRATOR REPORT / OTHER BUSINESS

No action.

ADJOURNMENT

At 8:05 pm, Luther moved to adjourn. Muka seconded the motion, and it was approved by roll call vote:

Luther – yes; Muka – yes; Shamroth – yes

The next meeting will be held on February 23, 2022 at 7:00 pm, by Videoconference.

Respectfully submitted,

Theresa Coffey

Theresa Coffey

Recording Secretary

Minutes approved at the TCC meeting on 3/9/2022

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.