

***Topsfield Conservation Commission  
Minutes of Meeting December 18, 2019***  
Topsfield Library Conference Room

**Present:** Cheryl Jolley – Chair, Dodds Shamroth – Vice Chair, Nicholas Betts, Jennifer DiCarlo, Holger Luther, Heidi Gaffney – Administrator and Theresa Coffey – Recording Secretary.

**Other Attendees:**

<b>Name</b>	<b>Address</b>	<b>Agenda Item</b>
Kellie Walgreen	7 Howlett Street	5 East Common
Jody Latimer	14 High Street	5 East Common
Bob Kmetz	32 Towne Lane	5 East Common
David Larson	109 North Street	
Joe Gibbons	9 Perkins Circle	5 East Common
Kevin Harutunian	8 West Common St.	
Paul Greenaway	2 Deer Run	5 East Common
Gary Wildes		Hill St. Culvert
Dave Bond	Highway Department	
Larry Beals	Beals Associates	5 East Common
Jeanine Cuniff	16 Towne Lane	5 East Common
Ruth Bartzfield	22 Great Hill Drive	

Cheryl Jolley, Chairperson, called the meeting to order at 7:02 p.m. with a quorum present. She announced that the meeting was being audio recorded.

**HEARINGS**

**Continuation NoI 307-0783: Hill Street Culvert,** Topsfield Highway Department – request to replace a culvert within an intermittent stream in the roadway

Gaffney stated that the Hearing for NoI 307-0783: Hill Street Culvert was opened and discussed at the November 20, 2019. She confirmed that the DEP number was received.

Gaffney reviewed the discussion at the November 20, 2019 Hearing. Under the Act, this is a Limited Project. Under the Bylaw, the proposed 5-foot extension for the existing pipe requires a waiver. The extension will provide better safety for pedestrians to walk along the shoulder of the road in this area. A written waiver request has been received.

Gaffney provided some comments and recommended the addition of a plunge pool or similar to prevent erosion of the streambed.

*Luther moved to accept the waiver request points A, B, C and D as valid to endorse the waiver. Shamroth seconded and the vote was unanimous in favor.*

*Luther moved to close the Hearing for NoI 307-0783: Hill Street Culvert. Shamroth seconded and the vote was unanimous in favor.*

*Luther moved to approve the project as submitted as shown on the plan drawing along with the waiver that was endorsed separately, and with the addition of the plunge pool to be shown in a separate sketch. Shamroth seconded and the vote was unanimous in favor.*

**Continuation ANRAD 307-0776: 5 East Common Street** (Map 33, Lot 36), Congregational Church/Beals Associates – verification of Wetlands Resource Area boundaries

Larry Beals of Beals Associates, representing the applicant, provided an overview of activity to date on the delineation of 5 East Common Street. He reviewed revisions that have been made to the plan, dated December 3, 2019.

Resident Kellie Walgreen informed the TCC that she would video and audio record the Hearing.

Beals stated that because the area is so highly disturbed, the Wetlands Resource Areas should be evaluated based on soils, not vegetation. Beals reviewed hydric indicators and criteria used to determine hydric soils. He provided an overview of test pit findings.

Beals reviewed the change to the Mean Annual High Water mark and changes to boundaries, noting that the area was not reduced.

Discussion was held on a drainage trench and pipe that feeds to a point next to High Street. Gaffney displayed a 1994 drainage plan from the Emerson Center that shows the pipe. It appears the pipe was intended to be a foundation drainage for the Emerson Center addition but drainage was rerouted to a swale instead of the pipe.

Luther asked about the tennis court area and Beals described the evaluation of this area and stated that no hydric soils were found within the tennis court area.

Gaffney provided her comments.

- The C Series flags have been reviewed and she agrees with the placement.
- The revised Mean Annual High Water flags need to be reviewed.
- Vernal pool information should be submitted and evaluated in the spring.
- Gaffney asked if the new plan has GPS located flags. Beals replied that it does. The flags will be reviewed with Gaffney and if found acceptable, they will be surveyed.

Gaffney recommended a Peer Review for flags A1 through A29. She provided clarification of the Peer Review regulations, the process and the timing.

Kellie Walgreen, 7 Howlett Street, asked that videos she submitted to Gaffney be added to the record. Gaffney displayed the videos.

Discussion was held on the prior removal of trees and brush by the on-site Joyful Noises Preschool and the after-the-fact filing that was submitted and approved for this work.

Discussion was held on the FEMA flood area that stops just before the 5 East Common Street property. Gaffney explained that she contacted FEMA to ask about the limit of study for the flood area which does not include the 5 East Common property and asked about the process for evaluating flood area beyond the limit of study line and received an e-mail response from the State NFIP Coordinator.

The TCC agreed a Peer Review with a distinct scope of A1 – A29 is appropriate and requested information from the applicant on the vernal pools. Beals agreed to both the vernal pool evaluation and the peer review. Luther stated that the scope of work should be specifically related to a review of the wetland flags A1 through A29.

*Luther moved to request a Peer Review for ANRAD 307-0776: 5 East Common Street relative to flags A1 – A29, and to request the Conservation Administrator to seek a Peer Reviewer. Shamroth seconded and the vote was unanimous in favor.*

*Luther moved to continue the Hearing for ANRAD 307-0776: 5 East Common Street at the request of the applicant to January 8, 2020. Shamroth seconded and the vote was unanimous in favor.*

At 9:03 pm Chairwoman Jolley announced a brief recess. At 9:09 pm the meeting reconvened.

**Continuation ANRAD 307-0779: 6 Aaron Drive** (Map 19, Lot 021), Clark/Topsfield Solar, LLC c/o Nexamp, Inc. – verification of Wetlands Resource Area boundaries

*Luther moved to continue the Hearing for ANRAD 307-0779: 6 Aaron Drive to January 8, 2020 at the request of the applicant. Shamroth seconded and the vote was 4 in favor and 1 abstain (Betts).*

**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

*Luther moved to continue the Hearing for NoI (Bylaw only) TCC 2019-01: 371 Boston Street to January 8, 2020 at the request of the applicant. Shamroth seconded and the vote was unanimous in favor.*

## **REQUESTS**

**RDNI 2019-06 139 Ipswich Road** (Map 26, Lot 042), Shannon – remove dead tree

Gaffney reviewed the application to remove a dead tree due to safety concerns at 139 Ipswich Road. A letter from Cicoria Tree Company was submitted with the application. The dead maple tree is in a Wetland Resource area and will simply be pushed over and left as habitat.

*Luther moved to issue a Determination of Negligible Impact for RDNI 2019-06: 139 Ipswich Road. Shamroth seconded and the vote was unanimous in favor.*

**MEETING MINUTES**

*Luther moved to approve the minutes of the meetings held on October 16, 2019, October 23, 2019 and November 6, 2019. Shamroth seconded and the vote was unanimous in favor.*

**ADMINISTRATOR'S REPORT**

Gaffney referred to status reports on Enforcement Orders.

**OTHER**

- **Amended Enforcement Order 2019-04: 84 Perkins Row** (Map 51, Lot 002), Davis

Gaffney noted that the 90-day period for filing a Notice of Intent expired on December 10, 2019. Discussion was held to determine the fine for non-compliance of Enforcement Order 2019-04 for 84 Perkins Row. TCC agreed to issue an initial fine with a notice of a new compliance date.

*DiCarlo moved to issue a fine to the owner of 84 Perkins Row under Amended Enforcement Order 2019-04 for a single fine of \$200 for a first offense for non-compliance of said Enforcement Order plus the requirement that they must file with the Topsfield Conservation Commission a Notice of Intent by January 22, 2020 for a hearing on February 12, 2020, and failing which, they will be fined \$300 per day for a second and subsequent offense of the Enforcement Order beginning January 23, 2020 until compliance is achieved. Luther seconded and the vote was unanimous in favor.*

- **Amended Enforcement Order #2 2019-01: 215 Washington Street**, (Map 46, Lot 007), Galka – 90 days given to file expired on 12/10/19

Gaffney noted that the 90-day period for filing a Notice of Intent expired on December 10, 2019. A letter was received from the property owner but a Notice of Intent has not been filed. Gaffney recommended that this matter be turned over to the DEP.

*Luther moved to refer the infraction for Amended Enforcement Order 2019-01: 215 Washington Street to the DEP for remedy. Shamroth seconded and the vote was unanimous in favor.*


- Proposed Bylaw Regulations Revisions – no action.
- Budget review & approval – Gaffney reviewed the budget for TCC signatures. She noted the request to increase the hours of the Administrative Assistant by 1 hour per week.
- Review proposed newspaper article for tree cutting/removal – The TCC approved the article to be sent to the newspaper for printing. The article will also be posted on the TCC website.

### **ADJOURNMENT**

*At 9:49 pm, Luther moved to adjourn. Shamroth seconded and the vote was unanimous in favor.*

The next meeting will be held on January 8, 2020 at 7:00 pm, in the Town Hall, Selectmen's Conference Room.

Respectfully submitted,

  
Theresa Coffey  
Recording Secretary

*Minutes approved at the TCC meeting on* 11/8/2020

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.

**Documents used at or for the meeting:**

NoI 307-0783: Hill Street Culvert

- Complete Notice of Intent Application with narrative and attachments, received November 8, 2019.
- Topsfield Highway Department Proposed 24" Culvert Replacement Hill Street near Meredith Farm Waiver Request received December 10, 2019
- (12) photos

ANRAD 307-0776: 5 East Common Street

- Complete Abbreviated Notice of Resource Area Delineation Application with narrative and attachments, dated August 28, 2019
- ANRAD Plan, 5 East Common Street, Topsfield, MA prepared by Beals Associates, dated August 28, 2019 and Revision dated December 3, 2019
- Beals Associates, Inc. revised Presentation dated December 18, 2019
- 1994 Emerson Center Drainage Plan, 5 East Common Street

ANRAD 307-0779: 6 Aaron Drive (Map 19, Lot 021), Clark

- Complete Abbreviated Notice of Resource Area Delineation Application with attachments, dated October 11, 2019
- Plan titled "To Accompany an Application for Abbreviated Notice of Resource Area Delineation, 6 Aaron Drive, Topsfield MA", Sheets 1 and 2, dated October 3, 2019, prepared by Meridian Associates
- (6) Pictometry images – 6 Aaron Drive
- Request for Determination of Negligible Impact application received October 18, 2019

NoI (Bylaw Only) TCC 2019-01: 371 Boston Street (Map 26, Lot 014), Sabino

- Request to Continue Hearing dated December 6, 2019
- Notice of Intent Application with required attachments, dated October 23, 2019
- Stormwater Management Report 371 Boston Street, Topsfield MA, dated October 23, 2019, prepared by The Morin-Cameron Group, Inc.

- Plan titled "Site Plan of Land, 371 Boston Street, Topsfield MA", dated October 23, 2019, prepared by The Morin-Cameron Group, Inc. sheets 1 - 6

RDNI 2019-06 139 Ipswich Road (Map 26, Lot 042)

- Complete Request for Determination of Negligible Impact received November 21, 2019
- Cicoria Tree Service Estimate dated November 15, 2019

Draft Minutes of Meetings held on *October 16, 2019, October 23, 2019 and November 6, 2019.*

Amended Enforcement Order 2019-04: 84 Perkins Row (Map 51, Lot 002) dated September 11, 2019

Amended Enforcement Order #2 2019-01: 215 Washington Street, (Map 46, Lot 007) dated September 11, 2019

- Letter from 215 Washington Street received December 10, 2019