

***Topsfield Conservation Commission
Minutes of Meeting March 9, 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:

Patrick Garner, Patrick C. Garner Co., Inc.
Wayne Castonguay, Ipswich River Watershed Association
Attorney Elizabeth Pyle, Hill Law
Michael Larkin, 57 Perkins Row

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

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 April 13, 2022.

Luther moved to grant the continuance of the Hearing for TCC 2019-01: 371 Boston Street to April 13, 2022. DiCarlo seconded the motion, and it was approved by roll call vote:

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

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

Previously continued to March 23, 2022. No action needed.

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

TCC NOI (Bylaw only) 2022-01: 69 Parsonage Lane (Map 24, Lot 049) – Erickson/Williams & Sparages LLC – construct 2-car garage and remove 5 trees.

Previously continued to March 23, 2022. No action needed.

- Complete Notice of Intent application with required attachments dated February 9, 2022
- Plan titled “Plan of Land 69 Parsonage Lane Topsfield MA”, prepared by Williams & Sparages LLC dated February 9, 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

Representing the applicant, Patrick Garner of Patrick C. Garner Co., Inc., reviewed discussions at the February 9, 2022 hearing. The hearing was continued subject to site walk with Gaffney to look at the

delineation. The site walk was pending the owner's permission to access the rear of 57 Perkins and the permission was given. Access was previously received to access 61 Perkins Row. Garner said no changes to the points were made but the flags in the field were not correctly numbered on the plan. The plan was corrected and the revised plan has been submitted.

Gaffney confirmed that Garner provided the relevant information. She and Garner walked the area and she reviewed the flags and agrees with the flags based on the delineation methods used.

Michael Larkin, 57 Perkins Row, questioned the validity of the instruments used for the survey and Gaffney responded that GPS instruments have been used for a delineation plan once before. The GPS technology used with this type of instrument is expensive and highly accurate and far different than the typical GPS that the general public is familiar with. Larkin also discussed the consultant's access to perform the delineation and asked if he trespassed. Representing property owner Natalie Wayland and the consultant, Atty. Elizabeth Pyle responded to Mr. Larkin. The commission noted that discussion regarding private issues should be held outside of the commission's meeting.

There were no further comments from the public.

Luther moved to close the hearing for RDA 2022-04: 57 & 61 Perkins Row. DiCarlo seconded the motion, and it was approved by roll call vote:

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

Luther moved to issue a Positive Determination of Applicability under the Wetlands Protection Act only under #1 & 2a. stating: 1) the area described on the referenced plan is an area subject to protection under the Act; removing, filling, dredging, and altering of the area requires filing a Notice of Intent, and 2) the boundary delineation of the following resource area described in the referenced plan are confirmed as accurate, therefore, the resource area boundary confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetland Protection Act and its regulations regarding such boundary as long as the determination is valid. DiCarlo seconded the motion, and it was approved by roll call vote:

Luther – yes; DiCarlo – 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, revised February 23, 2022

REQUESTS:

No action.

MEETING MINUTES

Shamroth noted corrections to the minutes of the meeting held on February 9, 2022.

Luther moved to accept the minutes of the meeting held on February 9, 2022, as amended. DiCarlo seconded the motion, and it was approved by roll call vote:

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

ADMINISTRATOR REPORT / OTHER BUSINESS

No action.

ADJOURNMENT

At 7:28 pm, Luther moved to adjourn. DiCarlo seconded the motion, and it was approved by roll call vote:

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

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

Respectfully submitted,

Theresa Coffey

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Recording Secretary

Minutes approved at the TCC meeting on 4/13/2022

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.