

***Topsfield Conservation Commission  
Minutes of Meeting June 8, 2022  
By Video/audio conference***

**Present:** Dodds Shamroth – Chair, Jennifer DiCarlo – Vice Chair, Holger Luther and Heidi Gaffney – Administrator

**Other Attendees:**

Frank Correnti, Dick Gandt, Joe Geller, Bill Niland, Sara Niland, John Riley

Chairperson Dodds Shamroth called the meeting to order, by video/audio conference, at 7:22 pm 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](mailto: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.

No action needed. – *previously continued to June 22, 2022.*

**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 needed – *previously continued to June 22, 2022.*

**RDA 2022-06: 186 Haverhill Road** (Map 01, Lot 002) Correnti – request to pave existing driveway

Luther read the Legal Notice into the record. Ms. Gaffney confirmed that abutters were notified and displayed a map and photos to indicate the existing dirt driveway and explained the direction of road runoff from Haverhill Road that currently flows from the roadway down the driveway at 186 Haverhill Road, eventually pooling in the yard near septic components. Mr. Correnti wants to pave the driveway and berm the top of the driveway where it meets Haverhill Road to keep road runoff away from his property. Ms. Gaffney confirmed that when this is done, road runoff will remain on Haverhill Road and rain water that will run down Mr. Correnti’s driveway will flow outside of TCC jurisdiction and pond into an area with natural infiltration. The vernal pool behind the house will not be affected. Ms. Gaffney confirmed that she spoke with the downhill neighbor on Haverhill Road and the neighbor does not have an issue with this project. Chair Shamroth asked if there was further Commission or public comment. There was none.

*Luther moved to close the hearing for RDA 2022-06: 186 Haverhill Road. DiCarlo seconded the motion, and it was approved by roll call vote;*

*Luther – yes; DiCarlo – yes; Shamroth – yes*

*Luther moved to issue a Negative Determination of Applicability for RDA 2022-06 at 186 Haverhill Road (Map 01, Lot 002). DiCarlo seconded the motion, and it was approved by roll call vote:*

*Luther – yes; DiCarlo – yes; Shamroth – yes*

Documents:

- RDA Application for Determination of Applicability – 186 Haverhill Road
- 186 Haverhill Road GIS Map

**REQUESTS:****Request for COC #307-0820: 2 Pemberton Road (Map 49, Lot 005) Riley – request for certificate of compliance**

Ms. Gaffney introduced the request for a certificate of compliance for a one-car garage on an existing pea stone driveway at 2 Pemberton Road. Mr. Riley presented photos of the garage. Ms. Gaffney confirmed that the garage was built as described and is in compliance. Chair Shamroth asked if there was further Commission or public comment. There was none.

*Luther moved to grant a certificate of compliance for request #307-0820 at 2 Pemberton Road (Map 49, Lot 005). DiCarlo seconded the motion, and it was approved by roll call vote:*

*Luther – yes; DiCarlo – yes; Shamroth – yes*

**Documents:**

- CoC Request #307-0820 2 Pemberton Road

**Request for RDNI 2022-07: 21 Willowdale Road (Map 14, Lot 018) Ubaldo – request for determination of negligible impact**

Ms. Gaffney displayed a drawing showing the proposed relocation of deck stairs connecting to a proposed walkway around the garage. Ms. Gaffney explained that because there is a certified vernal pool nearby, this request must be considered as an RDNI instead of a TCCAP. Ms. Gaffney confirmed that one deck post was already installed but the stairs and walkway have not yet been done. Ms. Gaffney confirmed that vegetation near the garage will be removed but shrubs can be planted to mitigate this. Mr. Luther asked if the walkway will be impervious material. Ms. Gaffney does not know if the material will be impervious but confirmed that there is enough lawn to handle any runoff from the walkway.

Ms. Gaffney informed Commission members that as part of her research on the property, she discovered that there is a pre-existing violation on this property: the removal of 9 to 11 trees around the certified vernal pool. Ms. Gaffney will issue an enforcement order related to the tree removal and a brush pile that is in the certified vernal pool area. Chair Shamroth asked if there was further Commission or public comment. There was none.

*Luther moved to issue a Determination of Negligible Impact for RDNI 2022-07, 21 Willowdale Road (Map 15, Lot 018) DiCarlo seconded the motion, and it was approved by roll call vote:*

*Luther – yes; DiCarlo – yes; Shamroth – yes*

**Documents:**

- 21 Willowdale Road RDNI 2022-07

**Request for Minor Modification in NOI 2022-02: Topsfield Rail Trail**

Joe Geller from the Rail Trail Committee submitted a written request to use different equipment than originally requested in the application for NOI 2022-02 for the ditching project along the Rail Trail. Mr. Geller explained that Chip Cheston will be handling this project, but the machinery originally chosen for the project cannot handle the slope between the rail trail and the ditching area. Mr. Cheston has suggested the use of a small excavator with a 12 inch bucket that can be boomed out over the edge of the rail trail to conduct the ditching. Mr. Geller also confirmed that neither rocks nor geotextile material will be used to line the ditching area.

The decomposed leaves/material that will be removed in the ditching project will either be taken to the Topsfield compost facility or a compost facility in Hamilton.

Mr. Luther confirmed with Mr. Geller that the scope of the project will remain the same despite the change in ditching method.

Ms. Gaffney explained that the changes in Mr. Geller's request can be included in the Order of Conditions that she is currently working on. Chair Shamroth asked if there was further Commission or public comment. There was none.

*Luther moved to approve the requested changes from the Topsfield Rail Committee as not significant. DiCarlo seconded the motion, and it was approved by roll call vote:*

*Luther – yes; DiCarlo – yes; Shamroth – yes*

**Documents:**

- 'Requested Changes to Notice of Intent for Topsfield Rail Trail' that was approved April 27, 2022.

**MEETING MINUTES:**

April 13, 2022 and May 25, 2022 – Luther moved to approve the meeting minutes of April 13, 2022 and May 25, 2022. DiCarlo seconded. Vote: *Luther – yes; DiCarlo – yes; Shamroth – yes.*

**OTHER BUSINESS / ADMINISTRATOR'S REPORT:****Enforcement Order Update: 2022-01: 9 Millbrook Lane (Map 31, Lot 014) – *unauthorized activities***

Ms. Gaffney gave an update on the status of this enforcement order: the wetlands have been delineated by a wetland scientist and a consultant is working on a restoration plan which should be submitted by June 15, 2022.

**Enforcement Order Update: 2022-02: 56 Boston Street (Map 69, Lot 001) – *unauthorized activities***

Ms. Gaffney gave an update on the status of this enforcement order: a wetland scientist has visited the property. The wetlands have been delineated and a surveyor will visit the property. The Salem Beverly Water Board is the owner of the property but there are multiple responsible parties involved related to restoration. A consultant is involved and has asked for an extension to June 29, 2022.

<b>Enforcement Order Update: 2022-03: 242 Ipswich Road (Map 21, Lot 005) – <i>unauthorized activities</i></b>
Ms. Gaffney gave an update on the status of this enforcement order: the preliminary survey plan has been completed and a wetland scientist is involved. They have asked for a request to extend to June 29, 2022.
<b>Enforcement Order Update: 2022-04: 25 John's Lane (Map 76, Lot 004) and 2022-05 21 John's Lane (Map 68, Lot 041) – <i>unauthorized activities</i></b>
Ms. Gaffney gave an update on the status of this enforcement order: a wetland scientist is involved, a survey has been done, and all resource areas have been delineated. The preliminary survey is complete and the wetland scientist has requested an extension to June 15, 2022 to submit the restoration plan.

### SIGNATORY AUTHORIZATION

Currently, Mr. Luther is the primary signatory and Ms. Shamroth is the alternate. The primary and alternate signatories have the authority to sign payroll and bill lists for the Conservation Commission. Mr. Luther will be stepping down from the Conservation Commission at the end of June. Ms. Shamroth and Ms. DiCarlo both volunteered to act as the primary and alternate signatories for Fiscal Year 2023. Luther moved to appoint Ms. Shamroth and Ms. DiCarlo for the respective primary and alternate authorized signatories. Vote: unanimous.

- Document: Signatory Authorization Form

### POND STREET CULVERT

Ms. Gaffney has been checking on the progress of the Pond Street culvert daily. Ms. Gaffney showed photos of the project and reported that it is scheduled to be completed before the end of June.

### HOOD POND BEACH NOURISHMENT

The 10 day appeal for this project is still running, and the sand has not yet been placed on the beach. Ms. Gaffney will be present when the sand is delivered.

### NEW COMMISSION MEMBERS

At their June 6, 2022 Meeting, the Select Board interviewed prospective Conservation Commission members Molly Shea and Andrew Mulholland. It is expected that the Select Board will appoint these new members at the June 27, 2022 Select Board meeting.

Resident Stephanie Laubner has also expressed interest in joining the Conservation Commission.

**ADJOURNMENT**

*At 8:14 pm, Luther moved to adjourn. DiCarlo seconded the motion, and it was approved by roll call vote:*

*Luther – yes; DiCarlo – yes; Shamroth – yes*

The next meeting will be held on June 22, 2022, at 7:00 pm, by Videoconference.

Respectfully submitted,

*Susan Winslow*

Susan Winslow

Recording Secretary

*Minutes approved at the TCC meeting on 9/14/2022*

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.