

***Topsfield Conservation Commission
Minutes of Meeting July 6, 2022
By Video/audio conference***

Present: Dodds Shamroth – Chair, Jennifer DiCarlo – Vice-Chair, Andrew Mulholland-Member and Heidi Gaffney – Administrator

Other Attendees:

Max Flaherty, Cam Mace, William Manuell, Frankie Lawlor, Nancy Luther, John Morin PE

Chairperson Dodds Shamroth called the meeting to order by video/audio conference, at 7:02 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 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

<p><u>Continuation NoI 307-0829: 71 Howlett Street</u> (Map 33, Lot 019), Djordjic/Hancock Associates– after-the-fact construction of guest house and related activities and ecological restoration. – <i>No Action Needed – at the June 22, 2022 meeting, this was Continued to August 10, 2022.</i></p>

REQUESTS:**Request for COC #307-0821: 129 Washington Street (Map 31, Lot 017) Riley – request for certificate of compliance**

Ms. Gaffney informed the Commission that the septic system replacement has been built in compliance with the Order of Conditions. The site is stabilized and erosion controls have been removed. Upon inspection on June 22, 2022, Ms. Gaffney noticed that two Conservation posts/markers had been pulled out and left on the ground. Ms. Gaffney returned to the property to confirm that the Conservation posts/markers have been reinstalled. Chair Shamroth asked if there was further Commission or public comment. There was none.

DiCarlo moved to issue CoC #307-0821 for 129 Washington (Map 31, Lot 017)with continuing conditions listed in the Order. Mulholland seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Mulholland – yes; Shamroth – yes

Documents:

- CoC Request #307-0821 129 Washington Street

Request for COC #307-0828: 204 Ipswich Road (Map 20, Lot 020) Facada Family Trust/Wetlands & Land Management – request for certificate of compliance

Ms. Gaffney informed the Commission that the septic system replacement has been built in compliance with the Order of Conditions. The site is stabilized and erosion controls have been removed. Ms. Gaffney witnessed the installation of Conservation posts/markers and confirmed they are in place. The Board of Health has processed the Certificate of Compliance for the septic system repair. Mr. Manuell will take the CoC to the Registry of Deeds. Chair Shamroth asked if there was further Commission or public comment. There was none.

DiCarlo moved to issue CoC #307-0828 for 204 Ipswich Road (Map 20, Lot 020) with continuing conditions listed in the Order. Mulholland seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Mulholland – yes; Shamroth – yes

Documents:

- CoC Request #307-0828 204 Ipswich Road

MEETING MINUTES:

6/8/22, 6/22/22 and 7/6/22 Meeting Minutes will be reviewed at the 8/10/22 Meeting.

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

Ms. Gaffney gave an update on the status of this amended enforcement order: delineation has been done and a restoration plan has been submitted from Corliss Landscaping. Ms. Gaffney reviewed the submitted plan and confirmed that proposed tree replacement appears to be one-to-one planting ratio that is consistent with what previously existed. Seeding will be completed with a meadow mix. The Conservation Agent has suggested a deadline of October 15, 2022 for planting. A site visit from the Conservation Agent will be required. There will be a two-year monitoring period after which the homeowner may request to have the enforcement order removed. Commission discussed removal of a post and rail fence and determined it to be a separate issue that may be handled with a TCCAP, and Conservation posts/markers will be installed in its place. Chair Shamroth asked if there was further Commission or public comment. There was none.

DiCarlo moved to issue an Amended Enforcement Order for 9 Millbrook Lane requiring implementation of the restoration plan that was prepared by Corliss Landscaping dated June 14, 2022 subject to those plantings being completed by October 15, 2022 and that the homeowner report back to the Topsfield Conservation Commission for a site visit to validate that those plantings took place; subject to a 2-year monitoring period and also a reminder that the fence removal depicted on the restoration plan must be separately permitted by a TCCAP and that it will require installation of posts instead of the fence. Mulholland seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Mulholland – yes; Shamroth – yes

- Documents:
- Photographs of 9 Millbrook Lane

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 consultant has been hired and surveyor has visited the property. The restoration plan is coming and there has been a request to extend the date for submission of the restoration plan to August 3, 2022 and to be heard at the August 10, 2022 meeting. Chair Shamroth asked if there was further Commission or public comment. There was none.

- *DiCarlo made a motion to grant an extension for the submission of a restoration plan for Enforcement Order 2022-02 for 56 Boston Street (Map 69, Lot 001) to August 3, 2022 to be then heard at the August 10, 2022 Meeting. Seconded by Mulholland and it was approved by a roll call vote:*

DiCarlo – yes; Mulholland – yes; Shamroth – yes

Enforcement Order Update: 2022-03: 242 Ipswich Road (Map 21, Lot 005) – unauthorized activities

Bill Manuell from Wetlands & Land Management, representative for the homeowner Max Flaherty, discussed the status. Mr. Manuell gave the Commission a history of the activities on the property dating back to the 1970s including but not limited to the installation of a tennis court, a pond with a concrete bottom that was excavated between 1972 and 1978, a water garden, foot bridges, a shed and pathways. Mr. Manuell explained that the restoration of the tennis court required the removal of 36 trees in the Buffer Zone (18 in Area 1 and 18 in Area 2) and the introduction of gravel for a type of roadway access to the tennis court area. Mr. Manuell submitted a survey plan and written narrative describing the

methodology to restore the property, but asked that the access road be allowed to remain until the restoration of the tennis court is complete. Mr. Manuell informed the Commission that Mr. Flaherty purchased the property in 2020 and he proposed a restoration plan that would retain the functionality of the landscape. Mr. Manuell proposed to replace the 36 trees during the Fall 2022 planting season followed by removal of the gravel road once the tennis court restoration is complete. Mr. Manuell proposed additional projects that would be included in a future NOI application. The Commission asked Mr. Manuell to focus solely on the items to be restored under the Enforcement Order. The Conservation Administrator showed side-by-side photographs illustrating the scope of the violation. The restoration of the tennis court will require an NOI application. Additional research will be required regarding the 8-foot grass area behind the tennis court and restoration will be required in both Area 1 and Area 2. Mr. Manuell will revise the restoration plan based on the comments of the Commission. The Commission will conduct a site visit. Chair Shamroth asked if there was further Commission or public comment. There was none.

DiCarlo moved to extend discussion on Enforcement Order 2022-03, 242 Ipswich Road (Map 21, Lot 005) to August 10, 2022. Mulholland seconded, and it was approved by roll call vote:

DiCarlo – yes; Mulholland – yes; Shamroth – yes

Documents:

- land and aerial photographs of 242 Ipswich Road
- existing conditions survey for 242 Ipswich Road
- restoration plan for 242 Ipswich Road

Enforcement Order Update: 2022-04: 25 John's Lane (Map 76, Lot 004) and 2022-05 21 John's Lane (Map 68, Lot 041) – unauthorized activities

Ms. Gaffney gave an update on the status of the enforcement order: a wetland scientist is involved, a survey has been done, and resource areas have been flagged. The fill is being removed and the field crew was on site this week to review the flags along the six acre parcel that was clear cut. Erosion control is in place. Tree species are being identified for replacement. The current owners are not responsible for causing the violations but they are working with the Conservation Commission to comply with the restoration. Aerial photographs showed before and after extensive tree clearing and an area with fill. Zone A for the Beverly/Salem Water Board is affected and Essex County Greenbelt Association has a conservation restriction along the driveway area. Hayes Engineering is working on the restoration plan. Ms. Gaffney suggested the Commission consider an extension to August 3, 2022 for submission of a revised restoration plan for the August 10, 2022 Meeting. Ms. Gaffney informed the Commission that areas outside the Buffer Zone should have been subject to a stormwater permit. Chair Shamroth asked if there was further Commission or public comment. There was none.

DiCarlo moved to grant an extension to August 3, 2022 for submission of a revised restoration plan for Enforcement Order 2022-04 for 25 Johns Lane (Map 76, Lot 004) and Enforcement Order 2022-05 for 21 John's Lane (Map 68, Lot 041) and to place this on the August 10, 2022 Agenda. Mulholland seconded the motion and it was approved by a roll call vote:

DiCarlo – yes; Mulholland – yes; Shamroth - yes

- Documents:
- Aerial and location photographs of 21 Johns Lane and 25 Johns Lane

POND STREET CULVERT

The guardrails are to be installed Friday, July 8, 2022 and the culvert is complete.

Documents: photos of culvert

68 RIVER ROAD

This property, locally known as the Coolidge Mansion, was purchased by the current owner approximately twenty years ago and has been abandoned. The buildings on the site are in disrepair and heating oil has leaked from the oil tanks into standing water in the basement. MA DEP is involved and the basement has been sealed due to high levels of asbestos. An asbestos abatement plan has been submitted to MA DEP. Essex County Greenbelt has a conservation restriction on this property.

Documents: photos of 68 River Road

CONSERVATION ADMINISTRATOR VACATION

The Conservation Administrator will be on vacation from July 18, 2022 to July 26, 2022. The Chair will handle any emergencies during her absence.

ADJOURNMENT

At 8:27 pm, DiCarlo moved to adjourn. Mulholland seconded the motion, and it was approved by roll call vote:

DiCarlo – yes; Mulholland – yes; Shamroth – yes

The next meeting will be held on August 10, 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.