

***Topsfield Conservation Commission
Minutes of Meeting September 14, 2022
By Video/audio conference***

PRESENT: Jennifer DiCarlo – Vice-Chair, Andrew Mulholland – Member, Molly Shea – Member, Heidi Gaffney – Administrator

ABSENT: Dodds Shamroth - Chair

Other Attendees:

Amanda Hicks, Guaranteed Builders & Developers, Inc.
Bill Manuell, Wetlands and Land Management, Inc.
Max Flaherty, 242 Ipswich Rd
Austin Engel, 33 Valley Rd
Julia Novotny, Tighe & Bond Engineering

Jennifer DiCarlo, Vice-Chairperson, called the meeting to order, by video/audio conference, at 7:00 pm with a quorum present. She made the following announcements:

Pursuant to Chapter 22 of the Acts of 2022, 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 on the agenda to join the meeting by Zoom videoconference or to call 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 via ZOOM to be posted on the Town Website for public viewing; is there anyone else present who wishes to record the meeting?” There were no responses.

Chair Dodds Shamroth made an announcement welcoming Chris Lahiff, the new meeting minutes clerk.

HEARINGS:

Continuation NOI 307-0829: 71 Howlett Street (Map 33, Lot 019), Djordjic/Hancock Associates – after-the-fact construction of guest house and related activities and ecological restoration.

Still working through other permits.

- *Mulholland moved to continue the hearing for NOI 307-0829: 71 Howlett Street (Map 33, Lot 019 to Oct 12, 2022 at the request of applicant. DiCarlo seconded the motion and it was approved by roll call vote:
DiCarlo – yes; Mulholland – yes; Shea - yes*

RDA 2022-08: Near 333 Perkins Row & Ipswich Road, (no map and lot given but 333 is Map 20, Lot 043) Massachusetts Electric/Tighe & Bond – Proposal is a utility pole replacement; removal of one existing utility pole, installation of new utility pole. Shea read the legal notice, the Administrator confirmed that the abutter receipts have been received.

All poles are within Bordering Land Subject to Flooding. All poles will be replaced by equipment stationed in the roadway, tree clearing will occur between poles 303 and 303-2, a map of the area was displayed. Impact will be 1 sq foot per pole. Tree clearing will be within the buffer zone. Gaffney inquired on how many trees are to be removed. Julie Novotny of Tighe & Bond addressed the tree work stating mostly branch trimming between poles, 3 live red maples, and 1 dead ash. Gaffney displayed the site plan. The original Notice of Intent indicated that the electrical was going to come from a pole shown on the site map, running entirely underground along the roadway shoulder. Now the electrical will run partially overhead due to recommendation from National Grid's engineers.

- *Mulholland moved to close the hearing for RDA 2022-08: Near 333 Perkins Row & Ipswich Road, (no map and lot given but 333 is Map 20, Lot 043). Shea seconded the motion and it was approved by roll call vote:
DiCarlo -yes; Mulholland - yes; Shea - yes*
- *Mulholland made a motion to issue a Negative Determination of Applicability for the work as proposed with the usual and special conditions. Shea seconded the motion and it was approved by roll call vote:
DiCarlo – yes; Mulholland – yes; Shea – yes*

Documents: Request for Determination of Applicability prepared by Mass Electric and Tighe & Bond dated 8/29/2022

Plan Titled “Sanitary Disposal System Plan” prepared by Burhani, LLC dated 3/25/2022

REQUESTS:

Request for a Certificate of Compliance #307-0827: 10 Surrey Lane (Map 31, Lot 045) Saturn Realty Group/Greg Bernard RS

Gaffney shared the as-built site plan showing septic system replacement in compliance with the OOC. Three new maple trees were installed to replace landscape damaged during septic installation and the conservation posts are in as well. Site seeded according to as-built plan, completed as intended. Septic system replaced. The site is stable and erosion controls have been removed.

- *Shea made a motion to issue a Certificate of Compliance for DEP File #307-0827for 10 Surrey Lane. Mulholland seconded the motion and it was approved by roll call vote:
DiCarlo – yes Mulholland – yes Shea – yes*

Documents: As-Built Sewage Disposal Plan System by Gregory Bernard dated 7/14/2022

Request for Certificate of Compliance by Greg Bernard RS dated 7/12/2022

Request for a Certificate of Compliance #307-0799: 9 Coventry Lane (Map 17, Lot 053) Martins

This was an after-the-fact permit with an as-built plan submitted with the NOI.

Gaffney showed the as-built Sewage Disposal Plan. This was an after the fact notice of intent, which resulted from an enforcement order. On this property a patio with pergola and a fire pit were installed without proper permitting. The owner was required to submit an as built plan as part of their NOI to prove they did not encroach on the 50' no build zone which exists on this property. A tree was removed and the required replacement plantings and conservation posts were installed. The site was fully stabilized in 2020. Ready for Certificate of Compliance.

- *Mulholland made a motion to issue a Certificate of Compliance for DEP File #307-0799 for 9 Coventry Lane (Map 17, Lot 053) Shea seconded the motion.
DiCarlo - yes Mulholland - yes Shea – yes*

Documents: Request for Certificate of Compliance by Tim Martins

Request for a Certificate of Compliance #307-0826: 33 Valley Road (Map 65, Lot 042) Engel
Amanda Hicks from Guaranteed Builders & Developers, Inc. represented the owner, Mr Engel. Hicks verified the compliance of the constructed detached building, noting a stone infiltration trench dug around the sides of building. The infiltration trench was constructed as proposed. Gutters were installed, and area stabilized with loam and seed. Gaffney showed the as-built garage plan, constructed in compliance. Owner opted not to do pavement and chose to loam and seed instead. Gaffney noted the omission of pavement will show in the Certificate of Compliance. In addition, any future pavement would require a filing of additional paperwork. Engel pointed out the intent was never to pave, not mean to park cars building will be utilized for storage only, no plans to pave at this time. The site appears stabilized with grass growing.

- *Shea made a motion to issue a Certificate of Compliance for DEP File #307-0826. Mulholland seconded the motion and it was approved by roll call vote:*

DiCarlo - yes Mulholland - yes Shea – yes

Documents: As-Built Plan Conservation Plan by David Teachout dated 8/29/22
Request for Certificate of Compliance by Austin Engel dated 5/4/2022
Photos

RDNI 2022-10: 33 Winsor Lane (Map 27, Lot 027) Chatterjee – request to install patio and remove bittersweet.

The owners have been successfully battling bittersweet and have planted numerous beneficial flowering plants. They are seeking to do an open style loose laid stone sitting area which will reduce the area they need to tackle the bittersweet and a pea stone area around one tree where the bittersweet is difficult to control.

Gaffney stated that the owners have been excellent to work with and are very responsible and conscientious property owners. Gaffney noted the owner, Chatterjee was not present due to another meeting commitment. The site plan was shown, indicating bittersweet growing wild on property for 20 plus years.

- *Mulholland made a motion to issue a Determination of Negligible Impact for the work as proposed for RDNI 2022-10: 33 Winsor Lane (Map 27, Lot 027) Shea seconded the motion, and it was approved by roll call vote:*

DiCarlo – yes Mulholland – yes Shea – yes

Document: Request for Determination of Negligible Impact by Prithvish and Deepshikha Chatterjee dated 9/5/2022

RDNI 2022-11: 17 Bare Hill Road (Map 17, Lot 038) Garrity – request to install patio

This is from the prior meeting and is the separate request to build a patio in the existing lawn area. The work will be in Buffer Zone only.

Gaffney noted owners are not present, and reviewed the permitting history under the previously submitted RDA. The applicant's proposed patio was drastically different from the original proposal. Owner stated he is not building the original patio design. The confirmation to not build the originally proposed patio was received in writing from the owner. The Commission required the new patio design to have its own permit as it is a stand-alone. Owners' original proposal was a large, covered patio which they are no longer doing. Gaffney showed the site plan indicating where the patio would be constructed, which is where some old decking existed which was recently removed under the Determination of Applicability. The resource area is a pond that was dug out (permitted in the early 80's) and is identified as potential vernal pool. BLSF/flood zone exists on the property and cannot be filled.

A displayed drawing showed the proposed patio measuring 22 feet 2 inches wide with a short retaining wall on one side. Excavation is needed to install the short retaining wall; the soil must be placed outside of buffer zone as well as the flood zone. DiCarlo asked if pavers were to be installed. Gaffney reviewed the proposed specifications. Field stone boulders will be added as well.

- *Mulholland made a motion to issue a Determination of Negligible Impact for the proposed patio with additional erosion controls to be installed prior to the start of work for RDNI 2022-11: 17 Bare Hill Road (Map 17, Lot 038), Shea seconded the motion and it was approved by roll call vote:
DiCarlo – yes Mulholland – yes Shea – yes*

Documents: Request for Determination of Negligible Impact by Russell and Megan Garrity dated 9/5/2022
W.T.LeRoyer Landscape & Design estimate dated 7/13/2022
Photos

MEETING MINUTES:

DiCarlo made a motion to accept meeting minutes as written. Shea seconded the motion to accept the meeting minutes as written for:

- **June 8, 2022**
- **June 22, 2022**
- **July 6, 2022**
- **August 10, 2022**

Vote: unanimous

OTHER:

- **Hickory Beech – drainage inspection report**

This is just acknowledgement of the inspection report, cleaning is not necessary at this time. Gaffney confirmed that the stormwater coordinator has also reviewed this. Gaffney reviewed stating this is a large subdivision, built between 2006-2009 with a longstanding operation and maintenance plan for their stormwater drainage system. It is not an accepted street yet and the homeowners' association is responsible for the drainage system. An annual inspection will determine need for cleanings. TCC acknowledged the annual drainage inspection report indicated nothing is broken, damaged or missing. No motions needed.

Document: Drainage Inspection Report by Beals & Associates, Christian Smith, Principal, dated 7/29/2022

- **Enforcement Orders – update/status of compliance, report review and/or restoration plan review:**
 - **Enforcement Order 2019-07: 49 Salem Rd – request to lift EO**
Gaffney reviewed that this was an enforcement order from 2020, owners are requesting to have the enforcement order officially released. Photos shown of the stream, the update status shows no soil disturbance at the edge of field, which is part of the Essex County greenbelt conservation restriction. One of the requirements was to put in posts to prevent further encroachment, photos show the area is restored nicely. Site has been restored per the EO, conservation posts are installed. DiCarlo: commented that it looked restored, no questions or comments.
 - *Shea made a motion to release/lift the Enforcement Order 2019-07: 49 Salem Rd. Mulholland seconds the motion.
DiCarlo – yes Mulholland – yes Shea – yes*
 - **Enforcement Order 2022-02: 56 Boston Street (Map 69, Lot 001)**
Gaffney updated TCC members, and reviewed the history of the violation. A Restoration Plan is expected to be submitted after the upcoming site visit. The request is to grant an extension of time to September 28, for further update or submittal of the restoration plan.
 - *Mulholland made a motion to extend the time for compliance with Enforcement Order 2022-02 for: 56 Boston Street (Map 69, Lot 001) until next meeting Sept 28, 2022, allowing adequate time for restoration plan and/or update.*

DiCarlo – yes Mulholland – yes Shea - yes

○ **Enforcement Order 2022-03: 242 Ipswich Road** (Map 21, Lot 005)

Bill Manuell and Max Flaherty discussed the revised Restoration Plan. The old shed in vegetative wetlands will be removed, a total of 36 trees were removed, 32 replacement trees will be planted in Area 1. In Area 2 a large beech tree remains as well as 7 other trees with grass underneath. They also will be adding 4 native trees in this area consisting of 1 Beech, 2 fruit trees, and 1 Dogwood. All areas underneath trees will be maintained grass.

Mulholland asked what type of posts to be installed for perimeter of protected area? Flaherty suggested split rail may follow perimeter of limit of allowed area of grass. Gaffney suggested the amended EO require demarcation, posts or split rail fence at perimeter of allowed lawn area along the edge of the tennis court. Area 3 gravel access drive will remain until the tennis court restoration is completed. Area 4 will be recreated when the gravel access drive is removed. Discussion ensued regarding planting completion deadlines. TCC will require 2-year monitoring inclusive of replacement of dead plants from date of installation deadline for each phase. DiCarlo suggested the planting completion dates for Areas 1 & 2 should be Nov 15, 2022 and Areas 3 & 4 should be Nov 15, 2023, TCC members agreed. Shea asked if any other permits are required that could possibly delay the project. Manuell verified that no other known permits are needed, only from TCC.

The submitted revised narrative includes the necessary requirements of wetland scientist oversight, and two full years of plant monitoring, these will be incorporated into the requirements in the Amended EO.

- *Shea made a motion to issue an Amended Enforcement Order requiring implementation of the Wetland and Buffer Zone Restoration Plan with revision date of September 1, 2022 with wetland scientist oversight, two full years of plant monitoring, completion dates for areas 1 & 2 to be Nov 15, 2022 and completion date for areas 3 & 4 to be Nov 15, 2023 and installation of permanent re-planting boundary to be posts and signs or split rail along that boundary.*

DiCarlo - yes Mulholland – yes Shea – yes

○ **Amended Enforcement Order 2022-04: 25 & 20R John's Lane** (Map 76, Lot 004) and **Enforcement Order 2022-05: 21 John's Lane** (Map 68, Lot 041)

Gaffney displayed photos and aerial images showing that trees along the driveway were removed, soil excavated and fill placed in buffer zone. The property has changed hands, and the previous owner did the work. The new owner is taking responsibility to fix the issue, he hired new engineer and wetland scientist and they are working on complying with the EO's. The new engineers are starting from scratch and need an extension of time.

- *Mulholland mad a motion to extend the deadline for both Amended Enforcement Order 2022-04: 25 & 20R John's Lane (Map 76, Lot 004) and Amended Enforcement Order 2022-04: 25 & 20R Johns Lane and Enforcement Order 2022-05: 21 John's Lane until the next meeting Sept 28.*

DiCarlo - yes – Mulholland – yes – Shea - yes

● **River Rd – Ag Exemption discussion**

Gaffney discussed recent work that occurred on the property. This is a large ~33 acre parcel. Essex County Greenbelt owns the Conservation Restriction on the property and there is an allowed housing envelope where the house is currently being constructed. Work has occurred in jurisdictional resource areas on the property in several locations including the hay fields. An intermittent stream was recently dredged which runs through TCC meeting minutes 9/14/2022

property and outlets into the Ipswich River. The disturbed area in the streambed has been hydroseeded and haybales have been installed at the end near the outlet. The property owner has hired a wetland scientist to figure out current situation and determine steps for compliance with the WPA and Bylaw.

Documents: Photos

- **Trash Discussion**

Gaffney reviewed that Sue Winslow, Senior Admin to Topsfield Board of Health and TCC also has Trash & Recycling program responsibilities. With the new trash contract coming due next year, this is expected to entail extra administrative time. The Board of Health is hoping the Highway Dept would take the responsibility of the Trash & Recycling program. Board of Health is hoping TCC signs on to their letter & show support. A vote to sign onto Board of Health letter identifying how trash & recycling program affects the BoH and TCC and alerting to necessary changes in how it should be handled in future:

Mulholland makes motion to sign onto this letter stating the TCC agrees with all the written points in the letter. Shea seconds the motion.

DiCarlo – yes Mulholland – yes Shea - yes

Document: Letter from Board of Health by members dated 8/17/2022

ADMINISTRATOR'S REPORT / OTHER BUSINESS

- **Topsfield Fair OOC prep**

Gaffney reviewed that parking on site for the fair within jurisdictional areas, particularly in the lower lot has been handled by a longstanding Order of Conditions. A week before the fair, Gaffney meets the Wetland Consultant and then a site walk typically takes place the Thursday before the fair starts. At this time a review of where cars cannot park due to flooding or risk of soil disturbance will occur. TCC needs to know about changing parking areas and periodic emails and updates will happen during course of the fair as needed.

- **68 River Road:** Gaffney reviewed that the asbestos abatement is completed, next step is the oil clean up and testing for soil contamination. Gaffney will keep the TCC informed.

ADJOURNMENT

Mulholland made a motion to adjourn the Sept 14 2022 TCC meeting, at 8:51. Shea seconds the motion.

DiCarlo – yes Mulholland – yes Shea - yes

The next meeting will be held on September 28, 2022 at 7:00pm, by Videoconference.

Respectfully submitted,

Chris Lahiff

Chris Lahiff

Recording Secretary

Minutes approved at the TCC meeting on November 2, 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.