

***Topsfield Conservation Commission***  
***Minutes of Meeting October 12, 2022***  
By Video/audio conference

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

**Other Attendees:**

Max Flaherty, property owner  
Bill Manuell, Wetlands & Land Management, Inc.  
Greg Hochmuth, Williams & Sparages, LLC  
John Morin, Morin Cameron Group

Dodds Shamroth-Chair, 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 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 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 Topsfield Cable TV and ZOOM; is there anyone else present who wishes to record the meeting?

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 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.

Gaffney updated the commission. The request is for an extension and update for next meeting.

- *DiCarlo made a motion to continue hearing for NOI 307-0829: 71 Howlett Street (Map 33, Lot 019), Shea seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes      Shea – yes      Shamroth- yes*

**Continuation NOI 307-0830: 242 Ipswich Road** (Map 21, Lot 005) Flaherty/Wetlands and Land Management Inc. – repair tennis court, install cabana, remove concrete water garden, brick walk repair, repair pond deck, relocate fence.

Manuell shared and discussed the revised site plan. He stated all notes that reference all work have been included on the notice of intent plan and also shown is the dewatering area and a notation that all work related

to the fieldstone wall is to be from the court side only. As per TCC prior request, dimensions were added to the cabana and wood deck. This proposed work does not supersede the restoration of areas 1, 2, 3 & 4 being done as required by the Amended Enforcement Order. Manuell outlined the job progress noting four trees were installed in area two last week. The excavation begins tomorrow on area 1 to remove the gravel and replace it with topsoil. The plants will be delivered for installation on 10/18/22. The intent is to do the tennis court work this fall. Shamroth inquired about the repair and replacement of the deck footings, asking if the 4 or 5 footings could be reused. Flaherty, the property owner, noted the existing deck near the pond edge has 4 or 5 posts set on hemlock rounds sunk into ground. Underneath the deck there are 4 footings. Cinderblocks next to footings may be replaced by posts. Currently the deck structure is over supported. Footings are believed to be reusable, upon the building inspectors' approval. TCC is comfortable with this plan, stating the footings should not increase in quantity.

- *Shea made a motion to close the public hearing for NOI 307-0830: 242 Ipswich Road (Map 21, Lot 005) DiCarlo seconded the motion and it was approved by a roll call vote.*  
*DiCarlo – yes    Shea – yes    Shamroth- yes*
- *Shea made a motion to issue an Order of Conditions for MA DEP File #307-0830 for the work as shown on the plan with a revision date of October 3, 2022, as discussed with the usual and special conditions, subject to maintaining the existing or fewer number of footing for the wood deck.*  
*DiCarlo seconded the motion and it was approved by a roll call vote.*  
*DiCarlo – yes    Shea – yes    Shamroth- yes,*

Documents: Revised Site Plan by LeBlanc Survey Assoc. dated October 3, 2022  
Revised Project Narrative

**NOI 307-0831: 130 Main Street (Map 25, Lot 003) Thompson/Williams & Sparages LLC – replace septic system**

DiCarlo read the legal notice. Gaffney confirmed that abutter receipts have been received. Greg Hochmuth of Williams & Sparages presented the proposed work on behalf of the applicant. Hochmuth shared the septic design plan. This lot has extensive wetlands behind the house, limiting options for a new septic location. It wasn't possible to build the system 100 feet away from wetland areas, the buffer zone extends almost out to the street. The engineer located the septic system as best they could in compliance with Title 5. Hochmuth discussed the Local Upgrade Approvals that were requested from the Board of Health. Erosion control line will be installed prior to start of work and will remain until all areas are stabilized. Gaffney confirms board of health has approved the septic plan. The septic system been moved as far from the wetlands as possible.

- *DiCarlo made a motion to close the public hearing for NOI 307-0831: 130 Main Street (Map 25, Lot 003). Shea seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Shea – yes    Shamroth- yes*
- *DiCarlo made a motion to issue an Order of Conditions for MA DEP File #307-0831 for the work shown on the plan dated 8/23/2022. Shea seconded the motion and it was approved by a roll call vote.*  
*DiCarlo – yes    Shea – yes    Shamroth- yes*

Documents: Septic System Site Plan prepared by Domestic Septic Design dated 8/23/2022  
Notice of Intent prepared by Williams & Sparages, LLC dated 9/21/2022  
Notice of Public Hearing TCC by Salem Evening News dated 10/3/2022  
Photos

**REQUESTS:**

**Request for a Certificate of Compliance #307-0545: 45 Gail Street (Map 40, Lot 031) Link/Mercier-Link/Morin-Cameron Inc.**

This is a request to close out an Order of Conditions from 2006.

John Morin, representing the applicants, shows the as built plan and reviews compliance with the order of conditions. The scope of this project was the reconfiguration of a driveway, grading of slope, installation of a new septic system, relocation of shed, and porch construction. The majority was built in compliance. The

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proposed stone trench along the driveway, was never built, it was originally meant to slow down the velocity of run off. Instead, a stone landscape bed was installed. The driveway drains down to a 152 sq foot stone landscape bed, providing adequate surface area for run off. This is working successfully in place of the proposed trench. Owners original plan was to plant one native shrub on either side of the utility pole. However, this is the area where snow from the roadway gets plowed and dumped. As a result, shrubs wouldn't survive there. In lieu of the two shrubs, several landscape beds were provided along the driveway and porch areas. Morin feels the additional landscaping would meet the intended criteria. Gaffney confirms the infiltration trench originally proposed wouldn't work well due to the slope of the driveway and agrees that the plan showing crushed stone works better. The area is well stabilized and required conservation posts are installed.

- *Shea made a motion to issue a Certificate of Compliance #307-0545: 45 Gail Street (Map 40, Lot 031) Link. DiCarlo seconded the motion and was approved by a roll call vote*  
*DiCarlo – yes    Mulholland – yes    Shea – yes    Shamroth- yes*

Documents: As-Built Plan by The Morin-Cameron Group dated 9/22/2022

Request for Certificate of Compliance by Doug Link & Michelle Mercier Link prepared by The Morin-Cameron Group, Inc. dated 9/22/2022 (Photos attached)

### **MEETING MINUTES:**

- **September 14, 2022** - no action

### **OTHER:**

- **Enforcement Orders** – update/status of compliance, report review and/or restoration plan review:
  - **Amended Enforcement Order 2022-02: 56 Boston Street** (Map 69, Lot 001) - *ratify* Amended EO requiring implementation of the Restoration Plan, written as discussed at the previous meeting. Gaffney stated the Amended EO was written as TCC voted with all of the extra conditions.

- *DiCarlo made a motion to ratify the Amended Enforcement Order 2022-02 for 56 Boston St as written. Mulholland seconded the motion.*

*DiCarlo – yes    Mulholland – yes    Shea – yes    Shamroth-yes*

Documents: Amended Enforcement Order issued by TCC dated 10/6/2022

Revised Restoration Plan by DeRosa Environmental dated 9/28/2022

- **Amended Enforcement Order 2022-04: 25 & 20R John's Lane** (Map 76, Lot 004)
- **Enforcement Order 2022-05: 21 John's Lane** (Map 68, Lot 041)  
Gaffney noted compliance with both orders is in progress. DeRosa Environmental and The Morin/Cameron Group are working on the required site work and plans. A site walk with the engineer and wetland consultant will be scheduled for next week. They are seeking an extension until Oct 26, 2022 for further update. Schedule conflicts have delayed a site walk.
- *Shea made a motion to grant an extension for the 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) for an update at the Oct 26, 2022 meeting.*  
*DiCarlo seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shea – yes    Shamroth -yes*
- **Enforcement Order 2022-06: 37 River Road** (Map 48, Lot 13) – *ratify*  
Gaffney reviewed the EO for various violations. The property owner has hired DeRosa Environmental to address the EO. Gaffney shared the house construction site plan and aerial images reviewing the areas. DiCarlo inquired about the septic system outside of the structural building envelope, noting how far it was installed from house. It was confirmed the septic system location was approved by Greenbelt who holds the Conservation Restriction on the property.

- *DiCarlo made a motion to ratify the Enforcement Order 2022-06 for 37 River Road as written. Mulholland seconded the motion, and it was approved by a roll call vote.  
DiCarlo – yes    Mulholland – yes    Shea – yes    Shamroth -yes*

Documents: Enforcement Order by Heidi Gaffney dated 10/7/2022

#### **ADMINISTRATOR’S REPORT / OTHER BUSINESS**

No action.

#### **ADJOURNMENT**

*DiCarlo made a motion to adjourn the meeting at 8:00pm. Shea seconded the motion.*

*DiCarlo – yes    Mulholland – yes    Shea – yes    Shamroth -yes*

The next meeting will be held on October 26, 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.