

Topsfield Conservation Commission

Minutes of Meeting October 26, 2022

By Video/audio conference

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

Other Attendees:

Suzanne Decavale, The Caleb Group

Imad Zrein, DeVellis Zrein Inc.

Erik Harvey

William Mitchell, Clean Soils Environmental, Ltd

Ryan Roseen, Wildlife Biologist & Wetlands Scientist/Goddard Consulting, LLC

Bobbi Whiting

Joel Hariton

Attorney Jeffrey Schomer, council for The Caleb Foundation

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 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 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.

The property owner met with Gaffney and has decided not to pursue zoning approvals at this time. The owner reached out to Hancock Associates to revise the plan and requested to continue to Dec 14, 2022. A final plan will be submitted reflecting changes.

- *DiCarlo made a motion to continue NOI 307-0829: 71 Howlett Street (Map 33, Lot 019), to the TCC meeting on December 14, 2022. Mulholland seconded the motion, and it was approved by a roll call.*
DiCarlo – yes Mulholland – yes Shea – yes Shamroth – yes

NOI 307-0832: 10 High Street (Map 33, Lot 36A) Goddard Consulting/The Caleb Group-Emerson Homes – construction of 44-unit rental apartment development

Mulholland read the legal notice. Gaffney confirmed abutter receipts have been received. Gaffney offered an overview of project. The project is filed as a comprehensive permit under chapter 40B, the NOI for the TCC is under the wetlands protection act only.

Gaffney gave a brief overview of the 40B process as it relates to the Conservation Commission role.

Ryan Roseen, from Goddard Consulting, gave an initial presentation of the proposed project. Roseen showed the site plan reviewing the wetland resources and the prior Order of Resource Area Delineation that was issued for the property. Roseen stated that access to the site is off High Street and the proposed building is outside of all buffer zones. He stated that the majority of overall work is also outside of buffer zones. Roseen reviewed the work that is proposed within the buffer zones and reviewed the stormwater and proposed septic system locations as well. The plan for landscaping includes the planting of close to 200 trees as well as adding more screening between the neighbors and new driveway. Roseen noted the detention basin has its own planting plan. Remaining ball field fences will be removed, and temporary erosion control will be put in place during that time. The closest point from erosion control work to the wetlands is 5 feet. Gaffney noted that a comprehensive permit was filed with the zoning board, which is typically a 6-month process. Gaffney stated that the majority of the stormwater will discharge within jurisdiction and discussed the general need for peer review. Shamroth agrees it will require peer review. DiCarlo also stated TCC should insist on peer review.

Gaffney suggests the commission direct the Administrator to draft a scope of work and seek proposals from qualified consultants to obtain peer review, under the Act only, in accordance with MGL Ch.44 § 53G.

Zrein, the project civil engineer, had first ZBA meeting yesterday, asked if stormwater peer review could be coordinated with zoning board review. Gaffney agreed coordination with one peer review company is typically more efficient if it is possible. Discussion ensued regarding the proposed project. DiCarlo said she as well as the abutters are very interested in stormwater peer review having had concerns regarding water run-off.

Roseen noted there will not be an increase in water run off according to the storm water design. Shamroth asked if there is any comment from the public. Bobbi Whiting inquired, what was the consideration for expanding from 44 to 50 units? She wanted TCC to be aware of this. Gaffney noted if there are changes, to building footprints, etc. they may have to file a new NOI. Attorney Jesse Schomer noted the proposal of 44 units is funded under the low-income tax credit program, the opportunity to increase was raised to 50 units because of the new 2023 housing standards. At that point 50 units would meet that requirement of fulfilling 10 per cent dedicated to 40B housing. With the possible increase in units, there would be 4 additional parking spaces outside of buffer zone. This means they could submit a revised plan for consideration. Applicant requests to continue to Dec 14, 2022.

- *DiCarlo made a motion to continue NOI 307-0832: 10 High Street (Map 33, Lot 36A) to Dec 14, 2022 hearing. TCC directs Administrator Gaffney to draft scope of work in connection to peer review. Shea seconded the motion and it was approved by a roll call vote.*

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

Documents: Notice of Intent prepared by Goddard Consulting LLC dated 10/12/2022, including attachments and plans.

RDA 2022-09: 68 River Road (Map 48, Lot 009) Clean Soils Environmental, Ltd./McLaughlin – activities related to the cleanup and remediation of an oil release

Mulholland read the legal notice. Gaffney confirmed that abutter receipts have been received. The consultant William Mitchell is present at the meeting.

This is submitted to facilitate the necessary work related to the soil testing and clean-up of the oil release, as required by the MA DEP Immediate Response Action Plan. (Which is approved). Mitchell noted the work proposed is in the basement of a vacant mansion, they will be inside doing majority of work. Structure was built in 1920 and has been abandoned for 20+ years. There were two 330 gallon above ground storage tanks that were left in place when mansion was vacated. Some oil releases occurred onto the concrete floor. Soil

sampling below the floor was done, concentrations are less than clean-up standards. They will be removing 25 tons of contaminated concrete. This work will not affect any outside resource areas. Mitchell's priority is to localize petroleum clean up. Gaffney reviewed that there are other regulatory entities involved and that the action plan has been approved by Mass DEP. Scope of the project entails outside staging and excavation in basement. Staging locations will be in the driveway. There are 2 underground cisterns that will be filled and a concrete pool that will be drained per Board of Health orders. Mitchell will be drilling holes through pool to drain; additional work is to backfill the cisterns. Mitchell stated any necessary erosion controls will be in place. Gaffney showed the site plan, indicating the general resource areas and the location of the work. Gaffney noted the RDA is to allow work as necessary to comply with the MA DEP Immediate Response Action Plan. The work will occur in the outer portion of the Riverfront Area.

- *Mulholland made a motion to close the hearing for RDA 2022-09: 68 River Road (Map 48, Lot 009) DiCarlo seconded the motion, and it was approved by a roll call vote.
DiCarlo – yes Mulholland – yes Shea – yes Shamroth - yes*
- *Mulholland made a motion to issue a Negative Determination of Applicability for the work as required to comply with the MA DEP Immediate Response Action Plan for RDA 2022-09: 68 River Road (Map 48, Lot 009) inclusive of proper erosion controls. DiCarlo seconded the motion as amended, and it was approved by a roll call vote.
DiCarlo – yes Mulholland – yes Shea – yes Shamroth - yes*

Documents: RDA application with site plan, submitted by Clean Soils Environmental, Ltd, dated 10/11/2022
Notice of Public Hearing in the Salem Evening News dated 10/17/2022

REQUESTS: (none)

MEETING MINUTES: will be tabled until Nov 2, 2022

- September 14, 2022
- October 12, 2022

OTHER:

- **Enforcement Orders** – update/status of compliance, report review and/or restoration plan review:
 - **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 updated the status of the EO's, she did a site walk with the engineer, wetland scientist and owners on Friday. New owner hired a different engineer (Morin Cameron) they did a survey and preliminary plan of all trees taken down within buffer zone. Areas to be restored were reviewed and a final restoration plan will be prepared. Gaffney stated that they have removed the fill as required in the Amended EO 2022-04. They are seeking an extension of time to prepare the restoration plan.
 - *Mulholland made a motion to grant an extension of time for compliance for 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) to the TCC meeting December 14, 2022. DiCarlo Seconded the motion and it was approved by a roll call vote.
DiCarlo – yes Mulholland – yes Shea – yes Shamroth -yes*
- **2023 Meeting Dates & Filing Deadlines schedule:** under review until next meeting.

ADMINISTRATOR'S REPORT/OTHER BUSINESS:

- No action

ADJOURNMENT

DiCarlo made a motion to adjourn the meeting at 8:00pm. Mulholland seconded the motion, and it was approved by a roll call vote.

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

The next meeting will be held on November 2, 2022 at 7:00pm, by Videoconference.

Respectfully submitted,

Chris Lahiff

Chris Lahiff

Recording Secretary

Minutes approved at the TCC meeting on 1/18/2023

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.