

Topsfield Conservation Commission

Minutes of Meeting November 2, 2022

By Video/audio conference

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

Other Attendees:

Edmund Keliher

Dodds Shamroth-Chair, called the meeting to order, by video/audio conference, at 7:03 pm with a quorum present. She made the following announcements:

7:03 pm **OPEN MEETING:**

ANNOUNCEMENT BY THE CHAIR:

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 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. – continued to 12/14/22

- No action needed, previously continued to 12/14/2022.

Continuation NOI 307-0832: 10 High Street (Map 33, Lot 36A) Goddard Consulting/The Caleb Group-Emerson Homes – construction of 44-unit rental apartment development – continued to 12/14/22

- No action needed, previously continued to 12/14/2022.

RDA 2022-10: 39 Grove Street (Map 21, Lot 127) Keliher – construct 2 sets of stairs & a patio
Mulholland read the legal notice. Gaffney confirmed that the abutter receipts have been received. Gaffney displayed photos of the porch and patio addition, which was approved previously. The owner filed an RDA for an addition on footings last year and thought that permit included the patio.

The patio was recently completed and is less than 50' from wetland, which was not part of the original permit. An RDA was required even under the Act because the patio is closer than 50' and is not eligible for an exemption. Keliher thought they were previously permitted and apologized for the oversight. Gaffney noted the owner was very responsive once she pointed out the omission and that erosion controls were in place from the previously permitted work. When area was dug up for the patio, old existing septic components were discovered and were also removed which is part of this application. The septic was pumped out and removed and the yard was repaired. Gaffney showed the site plan of the patio addition and septic system location.

- *DiCarlo made a motion to close the hearing. Mulholland seconded the motion, and it was approved by a roll call vote.*
DiCarlo – yes Mulholland – yes Shea – yes Shamroth - yes
- *DiCarlo made a motion to issue a Negative Determination of Applicability for the patio work as presented, requiring erosion controls to remain until the soil is fully stabilized in the spring. Mulholland seconded the motion, and it was approved by a roll call vote.*
DiCarlo – yes Mulholland – yes Shea – yes Shamroth – yes

Documents: RDA prepared by Edmund J Keliher dated 10/16/2022

REQUESTS:

MEETING MINUTES:

- **September 14, 2022 and October 12, 2022** - *DiCarlo made a motion that TCC accept the minutes as written, Mulholland seconded the motion. Vote: unanimous*
- **September 28, 2022** – the draft minutes were tabled

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 gave a brief status update. No action needed, this was previously extended to December 14th.
 - **Enforcement Order 2022-06: 37 River Road** (Map 48, Lot 13)
 - DeRosa Environmental, on behalf of the property owner, is requesting an extension of time to comply with the EO. Gaffney stated she is meeting with DeRosa Environmental next week for a site visit. Gaffney stated she would have a better idea of the time frame after the site visit. Consultant requests an extension to December 14th, 2022.
 - *Mulholland made a motion to grant an extension of time for Enforcement Order 2022-06: 37 River Road (Map 48, Lot 13). 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.** TCC reviewed the 2023 schedule. The TCC and Gaffney discussed if the meetings will continue virtually and when and how they may return to in-person meetings. The only change for the 2023 meeting schedule is one meeting per month for January and November.
 - *Shea made a motion to approve the 2023 meeting dates & Filing Deadlines schedule and the September 14, 2022 & October 12, 2022 minutes as written. It was approved by a roll call vote.*
DiCarlo – yes Mulholland – yes Shea – yes Shamroth -yes

ADMINISTRATOR'S REPORT:

- **Updates** - Gaffney shared photos of 56 Boston Street restoration work and discussed the progress.

ADJOURNMENT

DiCarlo made a motion to adjourn the meeting at 7:35 pm. 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 16, 2022 at 7:00pm, by Videoconference.

Respectfully submitted,

Chris Lahiff

Chris Lahiff

Recording Secretary

Minutes approved at the TCC meeting on February 22, 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.