

# ***Topsfield Conservation Commission***

***Minutes of Meeting March 22, 2023***

**By Video/audio conference**

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

## **ATTENDEES:**

Bill Manuell, Wetlands & Land Management, Inc.

Don Steele, 85 Perkins Row

Max Flaherty, 242 Ipswich Road

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:

## 7:02pm **OPEN MEETING:**

*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: Please see the 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](http://Topsfield-ma.gov). You may also email [Conservation@topsfield-ma.gov](mailto:Conservation@topsfield-ma.gov) or call 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 noted the building permit has been submitted to permit the structure as a workshop (instead of a guest house), this will be the last permit needed before the TCC can issue the Order and require the mitigation.

Request to continue to April 26<sup>th</sup> to get the building permit inspections completed before confirming final plan.

- *DiCarlo made a motion to grant a continuance for NOI 307-0829: 71 Howlett Street (Map 33, Lot 019), to the next TCC meeting on April 26, 2023. Mulholland seconded the motion, and it was approved by a roll call vote.*

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

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

Gaffney noted the plan revisions were made as part of the ZBA review and have been submitted to the peer reviewer. The applicant has requested a continuance to allow for review of the revised plans just received last week.

- *DiCarlo made a motion to continue NOI 307-0832: 10 High Street (Map 33, Lot 36A), to April 12, 2023, TCC meeting. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea – yes*

**Continuation RDA 2023-02: 37 River Road** (Map 48, Lot 013), Mscisz/DeRosa Environmental Consulting, Inc. – culvert installation and maintenance, installation of retaining wall, maintenance of stream channel, expansion of fields. Gaffney stated the USDA Farm Plan is still in process and has not been received yet.

The applicant's representative requests to continue to April 12, 2023, to wait for the Farm Plan.

- *DiCarlo made a motion to continue RDA 2023-02: 37 River Road (Map 48, Lot 013), to April 12, 2023, TCC meeting. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea – yes*

**Continuation RDA 2023-03: 367 Boston Street** (Map 26, Lot 015), LEXA LLC/Serpa/Wetlands and Land Management, Inc. – repair septic system

Bill Manuell, consultant for the applicant, presented the septic system repair plan, stating the area is located at the intersection of Rt 1 and Ipswich Road and currently operates as a Dunkin Donuts. Mr. Manuell discussed the resource areas on and near the property and the prior delineation that was done for construction several years ago. Everything around the interior of the site is paved. A planted perimeter surrounds the site. Existing septic system is under the pavement and is in failure needing replacement in the same location. Manuell explained they will reuse septic tank & pump chamber. When project is completed, site will be repaved. There is a small amount of work in the buffer zone. Standard conditions of erosion control will be required.

Gaffney showed the aerial photos of the site, she stated there is no need to review or verify wetland line as the repair is going in the exact same area. The septic repair location is in the Riverfront Area only and because it complies with the exemption under 310 CMR 10.58(6)(c), it is filed as an RDA and not a NOI. Gaffney confirmed they have Board of Health approval.

- *DiCarlo made a motion to close the hearing for RDA 2023-03: 367 Boston Street (Map 26, Lot 015). Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea – yes*
- *DiCarlo made a motion to issue a Negative Determination of Applicability for RDA 2023-03, 367 Boston Street (Map 26, Lot 015), for the septic repair work as proposed with the condition that they receive official written approval from the Board of Health. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea – yes*

Documents:

Sewage Disposal System site plan prepared by Domestic Septic Design; Inc. dated February 6, 2023  
Request for Determination of Applicability Application (site plan included) by Wetlands & Land Management, Inc. dated February 13, 2023.

**Request to Amended Order of Conditions DEP #307-0830: 242 Ipswich Road** (Map 21, Lot 005)

Flaherty/Wetlands & Land Management, Inc. – request to amend existing OoC to incorporate proposed plan changes.

Mulholland read the legal notice and Gaffney confirmed the abutter receipts have been received.

Bill Manuell presented the proposed amendment request. Manuell showed the revised site plan and discussed the request as well as the history of the property and project. Gaffney confirmed Board of Health has approved the revised plan for the septic connection piece indicating a new force main line from the cabana.

There is a tall dead pine tree on the shared property line with the neighbor. Gaffney noted that the property owner at 238 Ipswich Road has submitted written permission for the tree to be removed. Erosion control will be installed where applicable for all proposed work. DiCarlo discussed the concerns with the manner of additional changes that are happening. Manuell noted most of the changes are repairs, not overly burdensome. The TCC stated all changes need to have been included in this Amendment Request.

- *DiCarlo made a motion to close the hearing for the Request to Amended Order of Conditions DEP #307-0830: 242 Ipswich Road. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea – yes*

- *DiCarlo made a motion to issue an Amended Order of Conditions for DEP File #307-0830: 242 Ipswich Road approving the changes shown on the revised plan dated March 7, 2023, as discussed during our hearing with the requirement that the proposed plantings in Area 1 are required as a replacement for the tree being removed. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea – yes*

Documents:

Notice of Intent Plan by LeBlanc Survey associates revised March 7, 2023

Request to Amend the Order of Conditions (photos included) prepared by William Manuell dated March 7, 2023

**Continuation NOI 307-0834: 160 Washington Street** (Map 39, Lot 073) Wilson/Hayes Engineering – demolition of existing house and construction of new single-family house and new septic system.

Request to continue to April 12, 2023, as the stormwater design has not been finalized.

- *DiCarlo made a motion to continue NOI 307-0834: 160 Washington Street (Map 39, Lot 073) to April 12, 2023 TCC meeting. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea – yes*

**RDA 2023-04: 83 Perkins Row** (Map 51, Lot 023) Lucy/Wetlands & Land Management, repair septic system

Mulholland read the legal notice and Gaffney confirmed the abutter receipts have been received.

Bill Manuell shared a site plan, showing the proposed septic repair. The new septic system has been moved as far from the wetlands as possible and an alternative Presby System is proposed. The leaching field is outside of the Buffer Zone and only the tank & connection and the abandoning of the old system are within the Buffer Zone, allowing for this to be filed as an RDA. The new septic tank is noted with a new vent line, the intent is to save all trees except for one tree in the leaching field. Erosion control will be put in place. The existing leaching pits will be pumped out, and backfilled with clean earth. The Board of Health asked for straw wattles to be installed prior to backfilling this area. Gaffney confirmed that she visited the site and confirmed the closest flag, WF-11 is accurate. However, it is outside of the typical delineation review season and due to the septic being proposed as far as possible from the wetland, no confirmation of the wetland line is necessary. Erosion controls will be required as a standard condition.

Don Steele, neighbor at 85 Perkins Row, noted his property is very wet, his backyard was flooded. He wanted to confirm if this work will have any effect on his water table? Bill Manuell explained this project will not have an impact on the neighbors' yard due to the system being installed on the highest point of the

property. System will be elevated above the water table. Gaffney confirmed none of the work is in BLSF/flood zone.

- *DiCarlo made a motion to close the hearing regarding RDA 2023-04, 83 Perkins Row (Map 51, Lot 023). Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea - yes*
- *DiCarlo made a motion to issue a Negative Determination of Applicability for RDA 2023-04, 83 Perkins Row for the septic repair work as proposed. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea – yes*

Documents:

Sewage Disposal System Site Plan prepared by Domestic Septic Design, Inc. dated February 13, 2023  
Request for Determination of Applicability prepared by Wetlands & Land Management, Inc. dated March 4, 2023.

**RDA 2023-05: Washington Street, Grove Street, Colrain Road, Town of Topsfield Highway Department – improvement of Washington St, Grove St & Colrain Rd intersection and sidewalks**

Mulholland read the legal notice and Gaffney confirmed the abutter receipts have been received.

Gaffney shared a site plan and discussed that the work is related to intersection safety improvements at the Washington/Grove/Colrain intersection. Most roadway projects have exemptions. The intersection is being straightened and walkways are being moved to provide a safer zone for pedestrians. The plans and engineer letter confirm that there is an overall reduction in impervious surface and no impacts to Bordering Land Subject to Flooding. All work will occur within the existing roadway Right-of-Way and mainly within existing paved areas. The reduction in pavement areas will be loamed and seeded. Gaffney stated this was a grant funded project which includes erosion controls.

- *DiCarlo made a motion to close the hearing for RDA 2023-05: Washington Street, Grove Street, Colrain Road for the improvements of the streets at the intersection of the sidewalks. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea - yes*
- *DiCarlo made a motion to issue a Negative Determination of Applicability for RDA 2023-05 for the intersection improvements as proposed at Washington Street, Grove Street, & Colrain Road. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes    Shea - yes*

Documents:

Request for Determination of Applicability by Topsfield Highway Department dated March 8, 2023.

**REQUESTS:**

- none

**MEETING MINUTES:**

- **December 14, 2022**
  - *DiCarlo made a motion to accept the meeting minutes for Dec 14, 2022. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shea - yes*
- **January 18, 2023**
  - *DiCarlo made a motion to accept the meeting minutes for January 18, 2023 as drafted. Mulholland seconded the motion, and it was approved by a roll call vote.*

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

- **February 8, 2023** – tabled for review
- **February 22, 2023**
  - *DiCarlo made a motion to accept the meeting minutes for February 22, 2023. Shea seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Shea – yes    Shamroth - yes*

**OTHER:**

- **Enforcement Orders** – update/status of compliance, report review and/or restoration plan review:
  - **Enforcement Order 2022-06: 37 River Road** (Map 48, Lot 013) Gaffney noted this continues to be tabled pending receipt of the USDA Farm Plan.

**ADMINISTRATOR’S REPORT:**

- **Updates**
  - New commission member social media ad will be posted throughout town.

*DiCarlo made a motion to adjourn the meeting at 8:22pm. Mulholland seconded the motion, and it was approved by a roll call vote.*

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

The next meeting will be held on April 12, 2023 at 7:00pm, by Videoconference.

Respectfully submitted,

*Chris Lahiff*

Chris Lahiff

Recording Secretary

*Minutes approved at the TCC meeting on April 26, 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.