

Topsfield Conservation Commission

Minutes of Meeting April 12, 2023

By Video/audio conference

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

ATTENDEES:

Brian Fisher, BFLT Outdoor Living, LLC
Seth Nicholson, 11 Evergreen Lane
Josh West, Howell Custom Building
Jack Sullivan

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

Gaffney noted the request to continue to April 26th, 2023, to allow applicant time to formulate their response to the peer reviewer comments.

- *DiCarlo made a motion to continue NOI 307-0832: 10 High Street (Map 33, Lot 36A) to April 26, 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 they are still waiting on the Farm Plan; therefore, applicant requests to continue to April 26, 2023.

- *DiCarlo made a motion to continue RDA 2023-02: 37 River Road (Map 48, Lot 013) to April 26, 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 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 26, 2023.

- *DiCarlo made a motion to continue NOI 307-0834: 160 Washington Street (Map 39, Lot 073) to April 26, 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 2023-06: 1 Pond Street (Map 02, Lot 006) Bresnahan/Howell Custom Building Group Inc. – replace porch, pent roof at garage, walkway, retaining wall, driveway improvement at garage.

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

Josh West, the applicant's representative, presented the scope of the project. West shared the site plan; the intent is to replace the covered porch and garage apron with pavers. Also, replace the existing 2' high retaining wall and steps. The owner would like to put a cut in along the new retaining wall for the trash cans. Lastly, replace the existing pea stone walkway with a paver on a permeable base material. Gaffney shared existing photos of the site as well.

Hoods Pond location was noted on the plan. Bordering Land subject to Flooding exists on the property, however flood storage area will not be filled or decreased and will be increased slightly. Gaffney noted this repair work is for existing conditions. This RDA is for house and landscape repairs. Erosion controls will be required as standard. (12" straw waddle). Any extra soil should be removed offsite immediately (no stockpiling of soil).

- *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 Shamroth – yes Shea - yes
- *DiCarlo made a motion for a Negative Determination of Applicability for RDA 2023-06: 1 Pond Street (Map 02, Lot 006) to replace porch, pent roof at garage, walkway, retaining wall, and driveway improvement at garage with the usual additional conditions as discussed. Mulholland seconded the motion, and it was approved by a roll call vote.*
DiCarlo – yes Mulholland – yes Shamroth – yes Shea - yes

Documents:

RDNA submitted by Maureen Bresnahan/Howell Custom Building Group, Inc. dated 3/17/2023

Schematic Design Estimate Plan by Howell Custom Building Group dated 3/28/2023

Legal Notice of Public Hearing TCC prepared by Susan Winslow dated 4/12/2023

RDA 2023-07: 220 High Street (Map 65, Lot 031) Bidder/Snow/BFLT Outdoor Living LLC – tree removal

Mulholland read the Legal Notice. Gaffney confirmed the Abutter receipts have been received.

Gaffney confirmed the request to remove nine live trees and one dead tree within Riverfront Area and Buffer Zone. Gaffney also shared the site plan noting the 200' Riverfront Area, buffer zone location and delineation.

Brian Fisher from BFLT Outdoor Living LLC, noted the trees marked for removal on the drawing and referred to the arborist letter. Gaffney noted the arborist letter describes how the trees are compromised.

Gaffney noted issues with the proposed replacement planting species:

Korean Dogwood is non-native, Flowering Dogwood is allowable.

Gaffney stated Lilac is not native

Clethra, Willow and Highbush Blueberry all grow in moist areas.

Locations and quantities are not shown for what will be planted where.

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The steep slope is a concern for erosion and Gaffney wants to see an adequate planting plan with species to address the stabilization of the slope.

TCC discussed the need for a more detailed planting plan with appropriate species to properly stabilize the slope after the trees are removed. Gaffney noted native replacements should be replanted in the original area where trees were removed. DiCarlo stated there could be a combination of trees and shrubs. Fisher noted he would work on a more specific plan indicating native trees and shrubs.

- *DiCarlo made a motion to continue RDA 2023-07: 220 High Street (Map 65, Lot 031) to April 26, 2023. Mulholland seconded the motion, and it was approved by a roll call vote.*
DiCarlo – yes Mulholland – yes Shamroth – yes Shea - yes

Documents:

RDA submitted by representative Brian Fisher of BFLT Outdoor Living, LLC dated 3/15/2023

Existing Site Plan prepared by LeBlanc Survey Assoc. dated 11/18/2021

Mayer Tree Service Inc/Tree Evaluation submitted by Daniel Mayer dated July 22, 2022

REQUESTS:

RDNI 2023-03: 11 Evergreen Lane (Map 50, Lot 036) Nicholson – tree removal

Two large white pine trees are proposed for removal within the Buffer Zone.

Seth Nicholson, the owner, was present to give a summary of the project. A large white pine partially fell in 2022 and eventually completely fell, this prompted concern by the residents, and they hired an arborist to do a risk assessment which identified 2 additional white pine trees as concerns. The two trees are approximately 75-85' from the wetland. The arborists risk assessment is included with the application.

The tree removal was recommended, and work will be done by crane which could be staged in the roadway. Replacement planting would be required per the Tree Removal Policy. Typically, when there are only a few trees the native replacement plantings can be conditioned.

- *DiCarlo made a motion for a Determination of Negligible Impact for removal of the two white pine trees with two native replacement trees to be planted within 1 month of removal related to RDNI 2023-03: 11 Evergreen Lane (Map 50, Lot 036) Mulholland seconded the motion, and it was approved by a roll call vote.*
- *DiCarlo – yes Mulholland – yes Shamroth – yes Shea - yes*

Documents:

RDNI with photos submitted by Seth Nicholson dated 3/27/2023

MEETING MINUTES:

February 8, 2023

March 8, 2023

- *DiCarlo made a motion to adopt the meeting minutes of Feb 8 and March 8, 2023 as written. Mulholland seconded the motion and it was approved by a roll call vote.*
DiCarlo – yes Mulholland – yes Shamroth – yes Shea – recused

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 that this is still tabled pending receipt of the USDA Farm Plan.

Extension of pandemic-related relief provisions: extended until 2025.

Document:

KP Law Pandemic Legal Update submitted by KP Law dated 3/30/2023

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- Gaffney noted there are bills for the peer review for Dodds Shamroth to sign.

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 Shamroth – yes Shea - yes

The next meeting will be held on April 26, 2023 at 7:00 pm, by Videoconference.

Respectfully submitted,

Chris Lahiff

Chris Lahiff

Recording Secretary

Minutes approved at the TCC meeting on 6/28/2023

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.