

Topsfield Conservation Commission
Minutes of Meeting April 26, 2023
By Video/audio conference

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

ATTENDEES:

None

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:

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 ~ request to continue to May 24.

Gaffney noted re-notification is required due to different commission members and length of time that has passed. Final plans are in the works.

- *DiCarlo made a motion to continue NOI 307-0829: 71 Howlett Street (Map 33, Lot 019), to May 24, 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 307-0832: 10 High Street (Map 33, Lot 36A) Goddard Consulting/The Caleb Group-Emerson Homes – construction of 44-unit rental apartment development – request to continue to May 24,2023. Gaffney noted the applicant’s consultant was unavailable this evening.

- *Mulholland made a motion to continue NOI 307-0832: 10 High Street (Map 33, Lot 36A) to May 24, 2023. DiCarlo 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 – request to continue to May 24, 2023. Gaffney noted they are still waiting on the farm plan.

- *DiCarlo made a motion to continue RDA 2023-02: 37 River Road (Map 48, Lot 013) to May 24, 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 May 24, 2023.

- *DiCarlo made a motion to continue NOI 307-0834: 160 Washington Street (Map 39, Lot 073) to May 24, 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 2023-07: 220 High Street (Map 65, Lot 031) Bidder/Snow/BFLT Outdoor Living LLC – tree removal

Gaffney is waiting for additional information. She stated she received additional input from BFLT but has not received any additional materials as requested by the commission. Gaffney suggested continuing until May 24, 2023.

- *DiCarlo made a motion to continue RDA 2023-07: 220 High Street (Map 65, Lot 031) to May 24, 2023, TCC meeting. Mulholland seconded the motion, and it was approved by a roll call vote.*
DiCarlo – yes Mulholland – yes Shamroth – yes Shea - yes

REQUESTS: -

- none

MEETING MINUTES:

- **March 22, 2023**
 - *Di Carlo made a motion to accept the meeting minutes as written for March 22, 2023. Mulholland seconded the motion, and it was approved by a roll call vote.*
DiCarlo – yes Mulholland – yes Shamroth – yes Shea - 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) – tabled pending receipt of the USDA Farm Plan.
 - **Enforcement Order 2023-01: 18 Pheasant Lane** (Map 06, Lot 020) – ratify
Gaffney showed photos of the front of the lot, as well as aerials, noting the wetland areas and stating the isolated wetland appears to function as a vernal pool. The history of the development of the property was reviewed including the historic wetland fill and created compensatory wetland area. The new owners are currently rehabbing the house, they preemptively started removing trees and brush. Thus, prompting an enforcement order requiring wetland delineation, which has been completed by Bill Manuell of Wetlands & Land Management, who will be working on the restoration plan as well. Erosion control is now in place. There is a stop work order currently in place. DiCarlo discussed the general frustration and difficulty with

enforcement action for after-the-fact actions that have affected resource area and suggested a way to ensure new owners are aware of resource areas on their property. Gaffney agreed with this scenario in order to head off situations that turn into enforcement orders. Shea discussed a method she is familiar with from her prior employment and suggested a process where a simple site plan and accompanying one-page explanation would be recorded whenever a TCC permit is issued which will become part of the title process to notate wetlands resource areas on a property so future owners are aware of potential property restrictions.

- *DiCarlo made a motion to ratify the enforcement order 2023-01: 18 Pheasant Lane (Map 06, Lot 020). Mulholland seconded the motion, and it was approved by a roll call vote.*

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

Documents: Enforcement Order 2023-01 dated April 13, 2023

Photos: Front of Lot from roadway

- Sign bills, authorizations, etc.
- Any other business that may come before the Commission, at the discretion of the Chair

ADMINISTRATOR'S REPORT:

- Gaffney noted the progression of the 10 High Street Comprehensive Permit Application process with the ZBA and suggested the commission visit the website and review the clickable links with the peer review comments and other related information.

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

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

Note: Next TCC Meeting – **May 24, 2023**

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.