

Topsfield Conservation Commission

Minutes of Meeting January 18, 2023

By Video/audio conference

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

Other Attendees:

Chuck Johnson, C.G. Johnson Engineering Inc.

Bobbi Whiting

Gordon Rogerson, Hayes Engineering Inc.

Dodds Shamroth – Chair, called the meeting to order, by video/audio conference at 7:01 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.

- No Action Needed – previously continued to February 8, 2023.

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 process of obtaining peer review is underway and that Beals & Thomas will do the review for ZBA and TCC. The applicant has requested a continuance to February 8, 2023.

- *Shea made a motion to continue NOI 307-0832: 10 High Street (Map 33, Lot 36A), until the next TCC meeting February 8, 2023. Mulholland seconded the motion, and it was approved by a roll call vote.*
Mulholland – yes Shea – yes Dodds – yes

Mulholland made a motion to recess until 7:20. Shamroth seconded that motion, and it was approved by a roll call vote.

Mulholland – yes Shamroth – yes Shea – yes

DiCarlo arrived at 7:24. Mulholland made a motion to reconvene the meeting of the TCC meeting at 7:24. DiCarlo seconded the motion, and it was approved by a roll call vote.

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

Continuation NOI 307-0833: 32 Gail Street (Map 40, Lot 026) Giovannacci – repair septic system, dismantle deck, install carport, deck, brick patio, dwelling addition, widen driveway

Gaffney stated the Board of Health has approved the septic plan and the approval letter was received. Gaffney noted the septic system portion of the work in Riverfront Area is exempt under 310 CMR 10.58(6)(c). Chuck Johnson presented the project overview; which was a continuation due to small revisions on the plan. Plan shown was dated 12/29/22, Johnson explained the two plan revisions were: adding notes stating that the existing carport is to be rebuilt with a formed & poured concrete foundation to 4' below grade, future addition will include a formed & poured concrete foundation 4' below grade. New plan notes revisions as requested are highlighted in yellow on the plan. Roof runoff infiltration is provided.

- *Mulholland made a motion to close the hearing for continuation NOI 307-0833: 32 Gail Street (Map 40, Lot 026). DiCarlo seconded the motion, and it was approved by a roll call vote.*

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

- *Shea made a motion to issue an Order of Conditions approving the project for NOI 307-0833, 32 Gail Street, as shown on the plan with final revision date of 12/29/2022 and as discussed with the usual and special conditions. Mulholland seconded the motion, and it was approved by a roll call vote.*

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

Documents: Board of Health Approval Letter by Mark Carleo, Tri-Town Health Inspector dated 1/12/2023

Plan of Proposed Wastewater Treatment Pg 1 & 2 by C.G. Johnson Engineering dated 12/29/2022

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.

Gordon Rogerson of Hayes Engineering reviewed the project and stated the project started in 2013 and at that time the wetlands were flagged and the plan was drawn up based on these findings. The applicants (Wilson), paused on project for several years. The applicants now wish to proceed with the project. Rogerson checked on the prior wetland flags and noted that most of the flags were still there. Gaffney noted that, per the Bylaw, activity should be outside of the buffer zone as much as possible for tear down and rebuild and noted that the zoning setbacks would allow the house to be closer to the road than the house is currently proposed. Gaffney noted the flags were based on a 2011 delineation that was never reviewed or approved and the Bylaw specifies the delineation review time frame to be between April 15 and October 1. Waivers of the review timeframe are typically reserved for urgent projects such as failed septic systems or very minor work. Shamroth and DiCarlo suggested wetland delineation flags should be updated and reviewed due to 10 years having passed.

Mulholland agreed as well. Gaffney noted that the Board of Health has approved the Septic Plan however stormwater still needs to be addressed. Discussion ensued regarding next steps and continuing the hearing.

- *DiCarlo made a motion to grant a waiver for the wetland boundary delineation required between April 15 and October 1 each year, for NOI 307-0834: 160 Washington Street (Map 39, Lot 073). Mulholland seconded the motion, and it was denied by a roll call vote.*

DiCarlo – no Mulholland – no Shea – no Shamroth – no

- *DiCarlo made a motion to continue NOI 307-0834: 160 Washington Street (Map 39, Lot 073) to TCC meeting on March 22, 2023. Mulholland seconded the motion, and it was approved by a roll call vote.*

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

Documents: Complete Notice of Intent Packet by Hayes Engineering dated 11/15/202

Revised Septic Plan by Hayes Engineering dated 12/16/2022.

REQUESTS:**RDNI 2023-01: 15 Brookside Road** (Map 26, Lot 055), King

Applicant requests permission to place two above ground propane tanks next to the house. Gaffney shared plan indicating the exact location of both propane tanks.

- *Mulholland made a motion to issue a Determination of Negligible Impact for the propane tanks as proposed for RDNI 2023-01: 15 Brookside Road, (Map 26, Lot 055). Shea seconded the motion, and it was approved by a roll call vote.*

Mulholland – yes Shea – yes Shamroth – yes

Documents: Request for Determination of Negligible Impact by Shannon & Bill King dated 1/11/2023

MEETING MINUTES:

- *Shea made a motion to approve the meeting minutes for September 28, 2022 and October 26, 2022. Mulholland seconded the motion, and it was approved by a roll call vote.*

Mulholland – yes Shea – yes Shamroth – yes

November 2, 2022 – tabled

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)
DeRosa will be filing an RDA for the next TCC meeting. Gaffney explained those involved are setting up a meeting with USDA as to what is agricultural activity and what is not, they will need an extension to Feb 8, 2023.
 - *Mulholland made a motion to grant an extension for Enforcement Order 2022-06: 37 River Road (Map 48, Lot 013) until the TCC meeting February 8, 2023. Shea seconded the motion, and it was approved by a roll call vote.*
Mulholland – yes Shamroth – yes Shea – yes

ADMINISTRATOR'S REPORT:

Gaffney working on Stormwater issues for compliance with various projects.

ADJOURNMENT

Shea made a motion to close the meeting at 8:08 pm., Mulholland seconded the motion, and it was approved by a roll call vote.

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

The next meeting will be held on February 8, 2023, at 7:00 pm, by Videoconference.

Respectfully submitted,

Chris Lahiff

Chris Lahiff

Recording Secretary

Minutes approved at the TCC meeting on March 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.