

# ***Topsfield Conservation Commission***

***Minutes of Meeting February 8, 2023***

By Video/audio conference

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

**ABSENT:** Molly Shea – Member

**Other Attendees:**

Paul Ellsworth, 115 South Main Street

Bill Manuell, Wetlands & Land Management, Inc.

Jill Stutz, 15 Perkins Circle

Eric Menzer, 8 Pemberton Road

Bobbi Whiting

Dodds Shamroth-Chair, called the meeting to order, by video/audio conference, at 7:12 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](mailto: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:**

**NOI TCC 2023-01: 8 Pemberton Road** (Map 49, Lot 007), Menzer – two-story addition

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

Applicant Eric Menzer seeks to construct an addition in the outer Bylaw Riverfront Area to Cleveland Brook.

Gaffney shared plans and aerial photos of the site noting where addition would be built. Only a small portion of the addition will be within the 200' Riverfront Area, most of the addition is outside the Riverfront Area. The proposed work is well under the allowed 5,000 square feet or 10% and complies with the Riverfront regulations. Roof runoff area infiltration will be required and can be conditioned. DiCarlo asked if there was a date on the plan that was included with the RDA. Gaffney confirmed there was not, as the plans were submitted with the RDA package.

- *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*

- *DiCarlo made a motion to issue an Order of Conditions for NOI TCC 2023-01, 8 Pemberton Road under the Bylaw only for the 2-story addition, conditioned upon there being; roof runoff infiltration and the project is as proposed in submission. Mulholland seconded the motion, and it was approved by a roll call vote.*

*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

Documents: Notice of Intent filed by Eric Menzer dated 1/6/2023

Site Plan by CAI Technologies stamped 12/21/22

Floor Plans/Elevations by Fulcrum Architects, Inc dated 11/2022

**RDA 2023-01: 15 Perkins Circle (Map 27, Lot 016), Stutz/Wetlands & Land Management, Inc. – repair septic system**

Mulholland read the legal notice and the Administrator confirmed the abutter receipts have been received. This is a replacement of an existing failed septic system in Riverfront Area only. Bill Manuell and Jill Stutz were both present at the meeting. Manuell shared the plan, and stated that the septic plan has been approved by the Board of Health. Manuell marked the wetlands as well as the edge of the tree line on the plan. There is 20' difference in elevation between wetland line and front yard area. Work is proposed in the outer Riverfront Area and is exempt under 310 CMR 10.58(6)(c). The installation will have no impact on the area. Gaffney confirmed erosion control will be conditioned as is standard.

- *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*

- *DiCarlo made a motion to issue a Negative Determination of Applicability for RDA 2023-01, 15 Perkins Circle, the repair of a septic system under the Act and the Bylaw with the usual and special conditions including erosion control. Mulholland seconded the motion, and it was approved by a roll call vote.*

*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

Documents: Request for Determination of Applicability by Wetlands & Land Management, Inc. dated January 2023

Site Plan by Wetlands & Land Management, Inc.

Sewage Disposal System Plan by Domestic Septic Design, Inc. dated 12/21/2022

Flood Map by FEMA dated 1/20/2023

**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**  
Mulholland read the legal notice and the Administrator confirmed the abutter receipts have been received. Michael DeRosa has a conflict tonight and requested a continuance to the next meeting, 2/22/23, so he can be present for discussion.

- *DiCarlo made a motion to continue RDA 2023-02: 37 River Road (Map 48, Lot 013), for the culvert installation and maintenance, installation of retaining wall, maintenance of stream channel, expansion of fields to February 22, 2023, as requested. Mulholland seconded the motion, and it was approved by a roll call vote.*

*DiCarlo – yes    Mulholland – yes    Shamroth - yes*

Documents: Notice of Public Hearing TCC appearing in The Salem News dated 2/1/2023

Request for Determination of Applicability by DeRosa Environmental Consulting, Inc. dated 1/25/2023

Wetlands Map by CAI Technologies, Inc. dated 11/28/2022

Site Map by The Morin-Cameron Group , Inc. dated 3/14/2022  
 Digital Flood Maps by DeRosa Environmental Consulting, Inc.

**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.

Property owner has been in touch with Gaffney and reached out to his consultant to get a timeline on getting this matter closed out. Gaffney noted the owner had to make changes and coordinate a final plan with Hancock. DiCarlo suggested to not make the motion a final one.

- *DiCarlo made a motion to continue NOI 307-0829: 71 Howlett Street (Map 33, Lot 019), for after-the-fact construction of guest house and related activities and ecological restoration to March 8<sup>th</sup>, 2023 as requested by the applicant. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – 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

Gaffney noted Beals and Thomas is the peer reviewer, the contract is in the works and the required notice with request for payment for the peer reviewer fee has been sent to the applicant. Gaffney is waiting for payment and contract before the review can proceed. Once funding has been retained, they can move forward. A request has been made to continue to February 22, 2023.

- *DiCarlo made a motion to continue NOI 307-0832: 10 High Street (Map 33, Lot 36A) for construction of 44-unit rental apartment development to February 22, 2023 as requested by the applicant.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

Documents: Independent Peer Review for Emerson Homes Affordable Housing Project (Fee Proposal) by Beals and Thomas, Inc. dated January 2023  
 Selection of independent consultant related to NOI by Heidi Gaffney, TCC Administrator dated 1/31/2023

## **REQUESTS:**

**Request for Certificate of Compliance NOI #2022-02: 228 Boston Street** (Map 49, Lot 044) Joe Geller/Topsfield Rail Trail Committee

Gaffney presented the request submitted by Michael DeRosa, an Order of Conditions was issued allowing maintenance of this area. The rail trail ditch cleaning was completed as proposed, re-vegetated and is fully stabilized. Project was supervised by the consultant.

- *DiCarlo made a motion to issue a Certificate of Compliance for Order of Conditions #2022-02, 228 Boston Street related to the Rail Trail Ditch Cleaning. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

Documents: Request for a Certificate of Compliance Application by DeRosa Environmental Consulting, Inc. dated 1/19/2023  
 Order of Conditions from TCC to Joe Geller/Topsfield Rail Trail Committee issuance 6/13/2022

**Request for Certificate of Compliance: NOI #307-0786: 115 South Main Street** (Map 49, Lot 001) Estate of John Ellsworth, Paul Ellsworth Trustee/Thomas Mannetta Inc.

This was to project was to replace a failed septic system. Gaffney shared the septic system plan, noting the owners received a variance to commence work. The site is fully stabilized, the conservation posts are installed, TCC meeting minutes 2/8/2023

and the erosion controls have been removed. The as-built plan shows that work was completed in compliance with the order. Gaffney confirmed Thomas Mannetta, the engineer, submitted the letter certifying compliance.

- *DiCarlo made a motion to issue a Certificate of Compliance for DEP File #307-0786 for 115 South Main Street for the estate of John Ellsworth. Mulholland seconded the motion, and it was approved by a roll call vote.*

*DiCarlo – yes      Mulholland – yes      Shamroth – yes*

Documents: Request for Certificate of Compliance by Estate of John Ellsworth, Paul Ellsworth Trustee dated 1/31/2023

As Built Plan submitted by Thomas Mannetta, Inc. dated 1/30/2023

## **MEETING MINUTES:**

- **November 2, 2022**
- **November 16, 2022**
- **December 14, 2022**
  - Minutes review tabled until February 22, 2023.

## **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 stated this will need to be tabled as the RDA is currently being reviewed.*
    - **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 noted DeRosa submitted an email regarding the status of the restoration plan. . They are requesting an extension until spring 2023 to allow for proper review of a potential wetland area as well as delineation review for the restoration plan. Gaffney suggested to grant an extension until April 12, 2023, the final confirmation will come soon after April 15, 2023. Gaffney noted the final restoration could be implemented by May 2023.
        - *DiCarlo Made a motion to grant an extension of time to April 12, 2023. for the restoration of Amended Enforcement Order 2022-04: 25 & 20R John's Lane (Map 76, Lot 004) and Enforcement Order 2022-05: 21 John's Lane (Map 68, Lot 041). Mulholland seconded the motion and it was approved by a roll call vote.*
- DiCarlo – yes      Mulholland – yes      Shamroth – yes*

## **ECTA Trail Maintenance Report**

Documents: 2022 Trail Maintenance Report by Carol Lloyd/Essex County Trail Association dated 2/1/2023

- The Order of Conditions requires an annual report. No work was done solely by ECTA, they worked with Greenbelt on the project in Donisbristle, which was filed for separately.

## **ADMINISTRATOR'S REPORT:**

### **Updates:**

- The MACC annual conference will be held virtually, any commission members wishing to register can reach out to Gaffney.
- The Certificate of Compliance for 33 Valley Road requires original signatures as the land court does not accept electronic signatures. Please stop by the office to sign the COC form.
- Gaffney stated that she will be on vacation in early May and that it will interfere with the first TCC meeting in May. TCC agreed to revise agenda to one meeting in May.

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- COC letters will be mailed to outstanding expired Orders of Conditions and hopefully generate compliance with submitting Requests for Certificates of Compliance to close out the old Orders.

**ADJOURNMENT:**

*Mulholland made a motion to adjourn the meeting at 7:54 pm. DiCarlo seconded the motion, and it was approved by a roll call vote.*

*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

The next meeting will be held on February 22, 2023 at 7:00 pm, by Videoconference.

Respectfully submitted,

*Chris Lahiff*

Chris Lahiff

Recording Secretary

*Minutes approved at the TCC meeting on April 12, 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.