

***Topsfield Conservation Commission  
Minutes of Meeting January 22, 2020***  
Selectmen's Meeting Room – Topsfield Town Hall

**Present:** Cheryl Jolley – Chair, Dodds Shamroth – Vice Chair, Nicholas Betts, Jennifer DiCarlo, Holger Luther, Heidi Gaffney – Administrator and Theresa Coffey – Recording Secretary.

**Other Attendees:**

<b>Name</b>	<b>Address</b>	<b>Agenda Item</b>
Tyler Ferrick	DeRosa Environmental Inc.	57 Candlewood Road
Tina Langone-Eberhart	57 Candlewood Road	57 Candlewood Road
Tom Mannelta	Thomas Mannelta, Inc.	115 South Main Street
David Larson	109 North Street	
Rob Skeffington	82 North Street	
Dick Gandt	Timber Lane	

Cheryl Jolley, Chairperson, called the meeting to order at 7:07 p.m. with a quorum present. She announced that the meeting was being audio recorded.

**HEARINGS**

**Continuation ANRAD 307-0776: 5 East Common Street** (Map 33, Lot 36), Congregational Church/Beals Associates, Inc.

*Luther moved to continue the Hearing for ANRAD 307-0776: 5 East Common Street to February 26, 2020 at the request of the applicant. Shamroth seconded and the vote was unanimous in favor.*

**Continuation NoI (Bylaw only) TCC 2019-01: 371 Boston Street** (Map 26, Lot 014), Sabino/The Morin-Cameron Group, Inc.

No action needed. The continuance request was submitted and granted at the January 8, 2020 meeting to continue to the 2-12-20 meeting.

**Continuation NoI 307-0784: 280 Rowley Bridge Road, Lot 8** (Map 83, Portion of Lot 002), 280 Rowley Bridge, LLC/The Morin-Cameron Group, Inc.

*Luther moved to continue the Hearing for NoI 307-0784: 280 Rowley Bridge Road to February 12, 2020 at the request of the applicant. Shamroth seconded and the vote was unanimous in favor.*

**Continuation ANRAD 307-0779: 6 Aaron Drive** (Map 19, Lot 021), Clark/Topsfield Solar, LLC c/o Nexamp, Inc./LEC Environmental Consultants, Inc. – verification of Wetlands Resource Area boundaries

Betts recused himself from the discussion and vote.

Gaffney recommended that an Order of Resource Area Delineation be issued under the Act and the Bylaw as shown on the revised plan dated January 15, 2020 and described as follows: for Flags 3 through 82 & 85 through 207 (BVW); Flags F1-F9 (Act IVW, Bylaw BVW); Bylaw Intermittent Stream associated with F-Series wetland; Flags 1G-13G (Act IVW, Bylaw BVW); Bylaw Intermittent Stream associated with G-Series wetland (from northwest property line into G-Series wetland); Flags H1-H8 (IVW); Flags A1-A7 (Vernal Pool); Flags B1-B20 (Vernal Pool); Flags C1-C8 (IVW); Flags E1-E5 (IVW); MAHW under the Bylaw as shown on the revised plan dated 1/15/2020 – determined per Bylaw definition and done by elevation, not flagged; Bordering Land Subject to Flooding LSF as determined by FEMA Zone AE Elevations. Noted for findings: MAHW under the Act was not determined, flagged or reviewed. A & B Series Vernal Pools – information is expected be gathered during appropriate conditions (spring) and submitted for certification as VP's; area on the west side of the property will require further review during the growing season as discussed during the January 8, 2020 meeting.

Gaffney confirmed that Jennifer DiCarlo was not present for the hearing on October 23, 2019 and Dodds Shamroth was not present for the hearing on January 8, 2020. Both commissioners have listened to the recordings of the ANRAD 307-0779 hearings per the Mullin Rule.

*Luther made a motion to close the Hearing for ANRAD 307-0779:6 Aaron Drive. Shamroth seconded the motion and it was approved by a vote of 4 in favor with Betts recused.*

*Luther made a motion to approve the plan as submitted in Revision January 15, 2020 with the appropriate wording related to the unidentified area and the vernal pools. Shamroth seconded the motion and it was approved by a vote of 4 in favor with Betts recused.*

**NoI 307- : 115 South Main Street** (Map 49, Lot 001), Estate of John Ellsworth/Thomas Mannetta Inc., -installation of subsurface sewage disposal system to replace existing failed system.

Luther read the legal notice and Gaffney confirmed that proof of abutter notice was submitted.

The DEP number had not yet been issued so the hearing could not be closed.

Tom Mannetta, of Thomas Mannetta, Inc., representing the applicant, reviewed the proposed installation of a Presby subsurface sewage disposal system to replace an existing failed system. The existing cesspool will be abandoned as directed by Title 5. The wetlands are off property and were delineated in September. Only Flag 6 is at the property line.

Gaffney displayed photos of the property and buffer zone and noted trash in the buffer zone. She asked that the trash be removed.

*Luther moved to continue the Hearing for NoI 307- : 115 South Main Street to February 12, 2020 as no DEP number was yet issued. Shamroth seconded and the vote was unanimous in favor.*

**NoI 307-0785: 57 Candlewood Drive** (Map 43, Lot 007), Langone-Eberhart/DeRosa Environmental – implementation of ecological restoration plan and construction of stone wall along existing driveway.

Luther read the legal notice and Gaffney confirmed that proof of abutter notice was submitted.

Tyler Ferrick of DeRosa Environmental, Inc., representing the applicant, provided an overview of the proposed project to implement an ecological restoration plan and the construction of a stone wall along an existing driveway.

The ecological plan is for the removal of invasive species in Riverfront Area and the buffer zone to Bordering Vegetated Wetlands. After removal, the invasives would be burned on site or brought to a disposal site. Following removal, native plant species will be installed. Ferrick reviewed the proposed planting list. Gaffney commented on the standard condition for 2 year monitoring of the new plants. Langone stated that if watering was needed for the plants, she would bring water hoses to the planting area.

The applicant proposed building a rock wall along the existing driveway using rocks that were left on the site from previous construction activity. Gaffney stated that the sketch depicting the location of the stone wall will be part of the order. The commission discussed that the stone wall cannot impede the stormwater functions of the two swales or the ability of the stormwater to sheet flow as originally designed, permitted and shown on the CoC plan for the house construction.

The applicant discussed the request to remove a tree at the end of the driveway that is covered in bittersweet and to replant a native tree.

*Luther moved to close the Hearing for NoI 307-0785: 57 Candlewood Drive. Shamroth seconded and the vote was unanimous in favor.*

*Luther moved to approve the project as shown in the submitted plan and with the provision that the stone wall be located as not to impeded any drainage or stormwater system and with an on-going program of monitoring the plants for at least two years to ensure that all plants survive. Shamroth seconded and the vote was unanimous in favor.*

**NoI 307-0783 Reopen Hearing** for Topsfield Highway Department: proposed replacement of a culvert within an intermittent stream in the roadway on Hill Street.

Luther read the legal notice to reopen the Hearing for NoI 307-0783 and Gaffney confirmed that proof of abutter notice was received.

Gaffney informed the TCC that the action is to re-open the hearing to allow the Topsfield Highway Department and TCC to address DEP comments received after the first Hearing was closed.

*Luther moved to continue the Hearing for NoI 307-0783 until February 12, 2020 at the request of the applicant. Shamroth seconded and the vote was unanimous in favor.*

### **REQUESTS**

No activity.

### **MEETING MINUTES**

No activity.

### **ADMINISTRATOR'S REPORT**

Gaffney provided the following information and updates:

- MACC Annual Conference – February 29, 2020 – Commissioners interested in attending should contact the Conservation Office to register.
- Enforcement Updates – A Notice of Intent for 11 Prospect Street was received as required by the EO.
- 5 East Common Street – A Peer Reviewer was selected for the 5 East Common Street ANRAD. Gaffney will send a written notice to the application with the name of the Peer Reviewer and the cost, as required under R:10-26.
- Gaffney requested vacation for May 1 & 3-8, 2020.

### **OTHER**

**Amended Enforcement Order 2019-04: 84 Perkins Row** (Map 51, Lot 002), Davis - Gaffney reported that an e-mail was received on January 22, 2020 from the property owner requesting a 30-day extension. A \$200 fine had been issued to the property owner because they did not comply with the original amended enforcement order. A discussion was held on the extension request and if approved, the number of days that should be granted.

*DiCarlo stay the fines for non-compliance with the Amended Enforcement Order 2019-04 for an additional 30 calendar days from January 22, 2020 for the applicant to comply, failing which, the daily fines for the enforcement order will go into effect. Luther seconded the motion and it was approved by a vote of 4 in favor with Shamroth not in favor.*


**Board of Health Draft Amendments to R:1-2 Supplemental Regulations to 310 CMR 15.00** – A public hearing will be held on February 19, 2020 for proposed changes to Board of Health regulations. Gaffney asked commissioners to review the suggested changes and provide comments for a letter to the BOH. She will draft a letter to submit to the Board of Health with comments from the TCC.

**ADJOURNMENT**

*At 8:15 pm, Luther moved to adjourn. Shamroth seconded and the vote was unanimous in favor.*

The next meeting will be held on February 12, 2020 at 7:00 pm, in the Town Hall, Selectmen's Meeting Room.

Respectfully submitted,

  
Theresa Coffey  
Recording Secretary

*Minutes approved at the TCC meeting on \_\_\_\_\_*

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.

**Documents used at or for the meeting:**

ANRAD 307-0776: 5 East Common Street (Map 33, Lot 36), Congregational Church/Beals Associates

- Request to Continue Hearing dated January 2, 2020

NoI TCC 307-0784: 280 Rowley Bridge Road – Lot 8

- Request to Continue Hearing

ANRAD 307-0779: 6 Aaron Drive (Map 19, Lot 021), Clark

- Complete Abbreviated Notice of Resource Area Delineation Application with attachments, dated October 11, 2019
- Plan titled “To Accompany an Application for Abbreviated Notice of Resource Area Delineation, 6 Aaron Drive, Topsfield MA”, Sheets 1 and 2, dated October 3, 2019, prepared by Meridian Associates, Revised January 15, 2020
- (6) Pictometry images – 6 Aaron Drive

NoI 307- : 115 South Main Street

- Complete Notice of Intent Application with attachments, dated January 7, 2020
- Sanitary Disposal System Plan for 115 South Main Street prepared by Thomas Mannetta, Inc. dated November 5, 2019
- (8) Photos of the site

NoI 307-0785: 57 Candlewood Drive

- Complete Notice of Intent Application with attachments, dated December 23, 2019

NoI 307-0783 Reopen Hearing: Topsfield Highway Department

- Mass. Department of Environmental Protection Comment Letter dated January 3, 2020

Amended Enforcement Order 2019-04: 84 Perkins Row (Map 51, Lot 002) dated September 11, 2019

- Fine Issued December 24, 2019
- Extension Requested received January 22, 2020

Board of Health Draft Amendments to R:1-2 Supplemental Regulations to 310 CMR 15.00