

Topsfield Conservation Commission
Minutes of Meeting June 14, 2023
By Video/audio conference

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

ABSENT: Molly Shea - Member

ATTENDEES:

Jane Wheeler
Jesse Schomer, Attorney/The Caleb Group
Gordon Rogerson, Hayes Engineering
Jon Palace
Imad Zrein, DeVellis Zrein Inc.
James DeVellis, DeVellis Zrein Inc.
Joel Hariton
Suzanne Decavele, The Caleb Group
Bill Manuell, Wetlands & Land Management, Inc.
Ryan Roseen, Goddard Consulting, LLC

7:02 pm **OPEN MEETING:**

Dodds Shamroth – Chair, called the meeting to order, by video/audio conference at 7:02 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 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
Ryan Roseen reviewed the revised full site plan noting that it encompassed: invasive species management, stormwater improvements, and snow storage areas with signage. He suggested salt only be used on sidewalks.

Also, part of the re-naturalization plan is to plant shrubs closer to the forest edge to allow for a meadow to woods habitat transition. Gaffney added the Operation & Maintenance Plan should be revised to include winter salt/sand use and storage, snow removal, storage and use of fertilizers, herbicides and pesticides and pet waste as required by the MA Stormwater Standards. Gaffney questioned if the O&M submitted was also intended to serve as the Long-Term Pollution Prevention Plan? DeVellis reviewed the O&M plan stating it references all catch basins, rain gardens, detention basin, and landscaping. He added they did not include snow removal as it was noted on the site plan. DeVellis will add salt & sand, fertilizers & pet upkeep to the O&M plan. Joel Hariton inquired about the quality of the fill soil to be imported into Topsfield to raise the ground level. How many yards of soil will be brought in, will it be clean? DeVellis replied it was not part of this process, however, they do write specs for the condition of the soil that will be delivered. DeVellis explained civil engineers are responsible for soil quality control. Zrein clarified that a bill of lading certifying clean fill will accompany the new soil. The project representatives stated they are seeking to have the hearing closed tonight. Gaffney noted that she sought guidance on this matter and that the guidance stated the TCC should close the hearing if requested. The TCC members noted that the Order would need to condition the revisions discussed tonight. DeVellis requested to close the hearing. Gaffney advised if the applicant is requesting to close, then that is the only vote for tonight. Once the hearing is closed no further input is permitted. Attorney Jesse Schomer, briefly discussed and agreed with their clients request to close the hearing. Gaffney noted the Order of Conditions will be drafted with assistance from the peer reviewer and reviewed at the June 28th meeting prior to issuance. At that time the commission will vote to issue the Order of Conditions.

- *DiCarlo made a motion to close the hearing for NOI 307-0832: 10 High Street (Map 33, Lot 36A) Goddard Consulting/The Caleb Group-Emerson Homes. Mulholland seconded the motion, and it was approved by a roll call vote.*

DiCarlo – yes Mulholland – yes Shamroth –yes

Documents:

Complete Notice of Intent Booklet, prepared by Goddard Consulting, dated 10/12/2022

Drainage Report and Stormwater Management Plan, prepared by DeVellis Zrein, Inc., Rev. 3/15/2023

Revised Notice of Intent Plans, 9 sheets total, revised June 5, 2023

Beals + Thomas Peer Review Report, dated April 5, 2023

DZI - Con Com Response prepared by DeVellis Zrein Inc dated 6/5/2023

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 presented the revised plan, and discussed the site visit he had with Gaffney. Revised plans were submitted with the updated wetland line and stormwater information. The plans appear to be complete. There is an old rotted pine tree within the Buffer Zone that needs to be removed. Calculations for stormwater management area were also revised. The intent is to construct a new septic system as soon as possible. Gaffney noted a condition for consideration, that restricts any future replacement of the existing shed to be within the existing lawn area only and at least 25' from the wetland. There is some old wood (old tree house) and other general man-made debris that should be conditioned to be cleaned up as well. Gaffney noted the septic plan is approved by the Health Director. House construction may happen at a later stage. Rogerson stated he would like to close the hearing.

- *DiCarlo made a motion to close the hearing regarding NOI 307-0834, 160 Washington Street. Mulholland seconded the motion, and it was approved by a roll call vote.*
- *DiCarlo made a motion to issue an Order of Conditions for NOI 307-0834, 160 Washington Street as shown on the final plan with revision date of 6-13-2023 and with conditions as discussed as well as the usual and special conditions. Mulholland seconded the motion, and it was approved by a roll call vote.*

DiCarlo – yes Mulholland – yes Shamroth – yes

Documents: Complete NOI Packet & Final Septic Plan by Hayes Engineering revised June 8, 2023

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 the representative has requested to continue to July 12, 2023, as they are still waiting for information.

- *DiCarlo made a motion to continue RDA 2023-02: 37 River Road (Map 48, Lot 013) to July 12, 2023. Mulholland seconded the motion, and it was approved by a roll call vote.*
- *DiCarlo – yes Mulholland – yes Shamroth – yes*

REQUESTS: (none)

MEETING MINUTES:

- **April 12, 2023**
- **April 26, 2023**
 - Minutes tabled until the next TCC meeting

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 this will stay tabled pending receipt of the USDA Farm Plan and outcome of the RDA.
- **Enforcement Order 2023-01: 18 Pheasant Lane** (Map 06, Lot 020)
Gaffney met with the consultant and a restoration plan has been prepared. Mr. Nickerson bought the vacant home, with overgrown landscaping next to the house. There was also an isolated wetland/vernal pool on the property. Bill Manuell discussed the restoration plan for unauthorized disturbance. Manuell visited the site in April, wetland area was marked, and erosion control installed. Mulch sock was installed as directed by the enforcement order. Manuell submitted a restoration plan with a monitoring schedule. The plan is to restore open areas and the area adjacent to the house with seed. To further stabilize the area native shrubs will be installed along the embankment, at least 7 tree specimens will be planted in the backyard area, which currently has small stumps and five holes. Manuell identified a 2-year monitoring schedule, which will begin right after planting and restoration. Gaffney shared current photos of the house and front yard, noting the history of the development of the site where the wetlands were moved/filled and replicated to build the house back in the 80's.
- *DiCarlo made a motion to issue an Amended Enforcement Order requiring the restoration plan for 18 Pheasant Lane to be implemented as proposed and any additional requirements as discussed regarding Enforcement Order 2023-01. Mulholland seconded the motion, and it was approved by a roll call vote.*
DiCarlo – yes Mulholland – yes Shamroth – yes
Document: Buffer Zone Mitigation Plan and Planting Schedule, 18 Pheasant Lane; Prepared by Wetlands & Land Management; Dated June 10, 2023

Ipswich River Wildlife Sanctuary – 2022 Annual Report ~ Gaffney noted they offered to come in and discuss the report. TCC noted the report looked comprehensive and were satisfied.

Document: Report to the Topsfield Conservation Commission, Ipswich River Wildlife Sanctuary, 2022 Invasive Species Management Progress

ADMINISTRATOR'S REPORT:

General updates

- **Critical Area Site Plan example** – Gaffney showed an example of a critical area site plan, in Washington state they require this type of plan to be recorded at the registry to ensure any new buyers of properties are aware of critical resource areas. Discussion ensued about how to do something similar.

DiCarlo made a motion to adjourn the meeting at 8:35 pm. Mulholland 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 June 28, 2023 at 7:00pm, by Videoconference.

Respectfully submitted,

Chris Lahiff

Chris Lahiff

Recording Secretary

Minutes approved at the TCC meeting on 8/9/2023

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.