

Topsfield Conservation Commission

Minutes of Meeting June 28, 2023

By Video/audio conference

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

ABSENT: Molly Shea – Member

ATTENDEES:

Will Schkuta, The Morin-Cameron Group, Inc.

Brian Fisher, Contractor

Mark Rossettie, 240 Rowley Bridge Road

Katherine Mace, 129 Washington Street

Stacey Minihane, Peer Reviewer/ Beals & Thomas

Mike DeRosa, DeRosa Environmental Consulting, Inc.

Dodds Shamroth – Chair, called the meeting to order, by video/audio conference at 7:00 pm with a quorum present. She made the following announcements:

7:00pm **OPEN MEETING:**

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:

NOI 307-0835: 276 Rowley Bridge Road (Map 83, Lot 005), North Shore Heritage Associates, Inc./The Morin-Cameron Group, Inc. – construction of dwelling and appurtenances

Mulholland read the legal notice / Gaffney confirmed the Abutter receipts have been received.

Will Schkuta presented the Notice of Intent for the 5-bedroom dwelling. Schkuta reviewed the permitting history of the property stating an Order of Conditions was issued March 2020 for a single-family house. The work was never started under the prior Order of Conditions. The property has been sold and the owners are

proposing a different design. Schkuta explained the proposed stormwater management. The overall design minimizes the impacts to resource areas. Gaffney stated the wetland line is from the ORAD issued in 2019 which is still valid with covid tolling. Schkuta discussed the waiver request and explained the driveway is designed due to the need to meet required ADA compliance which is driving the remaining site design. Discussion ensued regarding stormwater management, salt/sand and de-icing chemicals and the amount of fill being proposed. Gaffney confirmed the septic plan has been submitted but has not been reviewed yet. Gaffney requested additional time to review the application and proposed stormwater management. Schkuta requested a continuance on behalf of the applicant.

- *DiCarlo made a motion that NOI 307-0835: 276 Rowley Bridge Road (Map 83, Lot 005), continue to the July 12, 2023, TCC meeting. Mulholland seconded the motion, and it was approved by a roll call vote.*
DiCarlo – yes Mulholland – yes Shamroth – yes

Documents:

Notice of Intent dated 6-14-2023, prepared by The Morin-Cameron Group, Inc.

Plan titled “Sanitary Disposal System Design Plan in Topsfield, Massachusetts, 276 Rowley Bridge Road, (Assessors Map 83, Parcel 5, Lot 8), prepared by The Morin-Cameron Group, Inc. dated June 13, 2023.

NOI 307- : 220 High Street (Map 65, Lot 031), Bidder-Snow/Sullivan Engineering Group, LLC. – in ground pool, concrete pad, paver patio

Mulholland read the legal notice. Gaffney confirmed the Abutter receipts have been received.

Jack Sullivan confirmed a DEP file number has yet to be assigned to the project. Sullivan reviewed the proposed project, stating that the applicants would like to construct a precast fiberglass pool within the existing lawn area, surrounded with a paver patio, and a 5’ X 8’ pad for pool mechanics. Installation is planned for late summer. Gaffney noted that work is proposed in the existing lawn, not far from the flood elevation. The wetland line is from wetland delineation shown on the plan from 2022, flags were not confirmed as it was outside of the delineation review time and should be re-reviewed. Work is proposed within the existing lawn area but is within the inner 100’ of Riverfront Area, only 25’ from wetlands and near Bordering Land Subject to Flooding (BLSF). Gaffney feels the alternatives analysis is inadequate and that the existing septic location, proposed grading and fencing detail should also be shown on the plan. The building inspector should confirm adequate fencing for the pool. Brian (contractor) noted the fence surrounding the backyard is up to code. Gaffney said the soil removal and stockpile should also be addressed on the plan due to proximity of the wetlands as well as a dewatering area and detail. Gaffney stated a large shed had been installed without prior approval on the property. The shed is less than 50’ from the wetland and does not comply with the exemption and suggested a separate RDA. DiCarlo asked if the shed could be included with this NOI? After discussion, the TCC agrees to obtain supplemental information on the 10 x 16 shed and include it in this order. Discussion ensued regarding the existing open Order of Conditions on the property and that it needs to be close out. The applicant’s representative requested a continuance.

- *DiCarlo made a motion to continue NOI 307- : 220 High Street (Map 65, Lot 031) to the July 12, 2023 TCC meeting. Mulholland seconded the motion, and it was approved by a roll call vote.*
- *DiCarlo – yes Mulholland – yes Shamroth – yes*

Documents:

Notice of Intent Application dated 6-13-2023 by Sullivan Engineering Group, LLC

Plan titled “220 High Street, Plot Plan of Land, Located in Topsfield, Massachusetts (Essex County – Southern District)”, prepared by Sullivan Engineering Group, LLC, dated June 13, 2023.

NOI 307-0836: 39 Pemberton Road (Map 49, Map 018), Costanza/Wetlands & Land Management, Inc. – dwelling addition and septic upgrade

Mulholland read the Legal Notice / Gaffney confirmed the Abutter receipts have been received. Bill Manuell presented the site plan, applicant’s parents built the house in the ‘50’s, the current owners are adding a garage

addition with a room above and upgrading the septic system. The proposed garage is over the existing paved driveway. Wetlands have been marked on the site plan. The proposed garage is within Buffer Zone, Riverfront Area and Bordering Land Subject to Flooding, therefore compensatory flood storage is proposed. Gaffney reviewed the wetland line on October 18, 2022, the compensatory flood storage is challenging due to required infiltration. She showed photos of the driveway area, with run off area noted. Stormwater management for the new roof area needs to be shown on the plan. Manuell asked for clarification on the stormwater specifics. Gaffney noted the runoff needs to be detailed for the next meeting. Manuell explained the first stage of the project is the replacement of the septic system in the backyard. A new leeching field and septic system to be installed. Septic system replacement will be a bottomless sand filter system and has received variances and approval from the Board of Health. Shamroth asked if the old shed pad will be cleaned up and Gaffney confirmed it will be removed. Manuell requested a continuance to July 12, 2023.

- *DiCarlo made a motion to continue NOI 307-0836: 39 Pemberton Road to July 12, 2023. Mulholland seconded the motion, and it was approved by a roll call vote.*
- *DiCarlo – yes Mulholland – yes Shamroth – yes*

Documents:

Notice of Intent Application dated June 4, 2023, by Wetlands & Land Management, Inc.

Plan titled “Subsurface Sewage Disposal System Upgrade, 39 Pemberton Road, Topsfield, MA 01983”, prepared by Scanlon Engineering, LLC, dated 4/28/23 (revision date)

RDA 2023-09: 5 Woodbrier Road (Map 49, Lot 062), Finger/Wetlands & Land Management, Inc. – septic system upgrade –

Applicant requests to withdraw and will submit a Notice of Intent.

- *Mulholland made a motion to grant the request to withdraw RDA 2023-09: 5 Woodbrier Road (Map 49, Lot 062), application without prejudice. DiCarlo seconded the motion, and it was approved by a roll call vote.*
- *DiCarlo – yes Mulholland – yes Shamroth – yes*

RDA 2023-10: 240 Rowley Bridge Road (Map 80, Lot 009), Rossettie/Tallaksen Builders – enclose existing deck, new footings, new patio

Mulholland read the Legal Notice / Gaffney confirmed the Abutter receipts have been received.

Gaffney explained the proposal was to install a patio and enclose the existing deck by adding a roof. The plan indicated a small retaining wall next to the new patio. All work is within the existing lawn area. Portions of the work are within 50’ of the wetland so the application is an RDA (instead of a TCCAP if it were exempt under the Act). Erosion controls would be a standard condition. The existing swale should be required to be protected.

- *DiCarlo made a motion to close the hearing for RDA 2023-10: 240 Rowley Bridge Road (Map 80, Lot 009). 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 the patio and enclosed deck as proposed for RDA 2023-10: 240 Rowley Bridge Road. Mulholland seconded the motion, and it was approved by a roll call vote.*

DiCarlo – yes Mulholland – yes Shamroth – yes

Documents:

Complete RDA including sketch plans, dated 6-14-2023 submitted by Tallaksen Builders

REQUESTS:

RDNI 2023-06: 129 Washington Street (Map 31, Lot 017), Mace – remove sunporch, construct new side entry
Gaffney showed a site plan along with photos, project scope is the removal of existing sunporch and construction of a new exterior side door. Erosion controls are not likely to be needed, however it can be conditioned to install them if deemed necessary at the pre-activity meeting.

- *DiCarlo made a motion to issue a Determination of Negligible Impact for the new side entry and sunporch demolition as proposed for RDNI 2023-06: 129 Washington Street (Map 31, Lot 017). Mulholland seconded the motion, and it was approved by a roll call vote.*

DiCarlo – yes Mulholland – yes Shamroth – yes

Document:

RDNI dated 6-21-2023 applicant Katherine and Cameron Mace

DECISION:

MA DEP File #307-0832, 10 High Street – review and vote to issue Order of Conditions.

Gaffney reviewed the drafted Order of Conditions; she stated the Peer Reviewer reviewed the drafted OOC as well. The findings, standard and special conditions were reviewed and discussed. Minor revisions were made.

- *DiCarlo made a motion to issue the Order of Conditions as drafted, discussed and revised during this meeting for MA DEP File #307-0832, 10 High Street. Mulholland seconded the motion, and it was approved by a roll call vote.*

DiCarlo – yes Mulholland – yes Shamroth – yes

Documents:

Drafted Order of Conditions for MA DEP File #307-0832, 10 High Street

MEETING MINUTES:

April 12, 2023

April 26, 2023

- *DiCarlo made a motion to accept the meeting minutes from April 12, 2023, and April 26, 2023 as written. Mulholland seconded the motion, and it was approved by a roll call vote.*

DiCarlo – yes Mulholland – yes Shamroth – 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 2020-06: 28 Parsonage Lane** (Map 32, Lot 078) – Request to Return to Compliance
 - Mike DeRosa, presented the request to return to compliance and stated that the restoration area has been monitored for the past 2 years.
 - Gaffney completed a site walk last week, and noted the site is not currently in compliance with the Enforcement Order and approved restoration plan. She noted that a portion of the restoration area was being mowed and used for a fire pit, resulting in an unpermitted expansion of lawn up to the wetland, the conservation posts have been installed in the wetland and not at the prior limit of lawn. DeRosa stated that he talked to the owner and advised him to cease mowing the back of the lot; area must return to a natural state. The fire pit will be removed and the area re-seeded. It was discussed that the conservation posts need to be moved to the prior limit of lawn and Gaffney should meet the consultant to confirm they are installed in the correct locations prior to installation.

Documents:

Aerial Photos

Approved Restoration Plan dated 11-24-2020 by DeRosa Environmental Consulting, Inc.
Request to Return to Compliance dated 6-14-2023 by DeRosa Environmental Consulting, Inc.

VOTE: Signature Authorization Form, this is the signatory for bills and payroll and needs to be voted for primary and alternate signatories.

Shamroth is currently an authorized signatory, with DiCarlo being the alternate signatory. TCC will continue the same plan for signatures.

- *Mulholland made a motion to designate Shamroth as the authorized signatory with DiCarlo as the alternate signatory. DiCarlo seconded the motion, and it was approved by a roll call vote.*

DiCarlo – yes Mulholland – yes Shamroth – yes

Document:

Signatory Authorization Form for FY24

ADMINISTRATOR’S REPORT:

Critical Area Site Plan example – Gaffney shared a simple plan for the TCC to review. Mulholland suggested if new owners receive an initial approximate delineation plan, that they be directed to obtain a specific delineation plan. Gaffney suggested a note on the plan to direct them to an official source, possibly at the town hall. DiCarlo suggested they should work out details on how to record this document. Gaffney pointed out this notice should be attached with the deed, but not be part of the Order of Conditions.

Document:

Example Simple Resource Map dated 6-23-2023 by CAI Technologies

ADJOURNMENT:

DiCarlo made a motion to adjourn the June 28, 2023, TCC meeting at 9:27 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 July 12, 2023 at 7:00 pm, 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.