

***Topsfield Conservation Commission***  
***Minutes of Meeting July 12, 2023***  
 By Video/audio conference

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

**ATTENDEES:**

Alan Finger, 5 Woodbrier Road  
 Bill Manuell, Wetlands and Land Management, Inc.  
 Will Schkuta, The Morin-Cameron Group, Inc.  
 Brian Fisher, 220 High Street  
 Jack Sullivan, Sullivan Engineering Group  
 Christine Wood, 6 Woodbrier Road

7:06pm **OPEN MEETING:**

Dodds Shamroth – Chair, called the meeting to order, by video/audio conference at 7:06 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:**

**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 – request to continue to August 9, 2023

Chair Shamroth stated the meeting with USDA for finalizing the farm plan is set for the end of July and the applicant has requested a continuance.

- *DiCarlo made a motion to continue RDA 2023-02: 37 River Road (Map 48, Lot 013) to the next TCC meeting on August 9, 2023. Mulholland seconded the motion, and it was approved by a roll call vote. DiCarlo – yes    Mulholland – yes    Shamroth – yes*

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

Manuell updated the commission, he is still working on options concerning infiltrating roof runoff, and is requesting to continue to August 9, 2023.

- *DiCarlo made a motion to continue NOI 307-0836: 39 Pemberton Road (Map 49, Map 018) to August 9, 2023. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

**Continuation 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

Will Schkuta, consultant for the applicant, discussed the methodology for designing the slope and reviewed all of the options that were considered. Gaffney confirmed the septic plan has been approved by the health director and the stormwater permit has also been submitted to the Planning Board. Gaffney stated the Stormwater Operation & Maintenance Plan is very thorough. She suggested that the Commission condition that any stormwater revisions required by the Planning Board are to be submitted to the TCC. Gaffney noted the Existing Order of Conditions #307-0784 should be conditioned to be closed out with a Certificate of Compliance prior to the start of work on this Order. A waiver was requested for work in a buffer zone on a lot created before May 2, 2000, as was approved during the permitting of the prior proposed home on this same lot, the plan appears to meet the requirements of the waiver request. Gaffney confirmed that work was never started on the prior OoC, only the erosion controls were installed.

- *DiCarlo made a motion to grant the waiver, with the caveat that this is not potentially being granted because TCC thinks there is a taking that needs to be avoided, pursuant to R:10-4e.2.(b.) for the construction of a house on a pre-existing lot, with proposed work in the buffer zone for NOI 307-0835: 276 Rowley Bridge Road (Map 83, Lot 005). Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes*
- *DiCarlo made a motion to close the hearing on NOI 307-0835 276 Rowley Bridge Road (Map 83, Lot 005) Mulholland seconded the motion.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes*
- *DiCarlo made a motion to issue an Order of Conditions for NOI 307-0835, 276 Rowley Bridge Road, (Map 83, Lot 005) based on the revised plan discussed at tonight's hearing, and subject to the condition that OoC 307-0784 be closed out before any construction commences further subject to the condition and understanding that the planning board is reviewing the stormwater plan and any changes which the planning board requires will be submitted back to the TCC for review and subject to usual and standard conditions. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

Documents:

NOI/Revised narrative dated 7/5/2023 by The Morin-Cameron Group, Inc.

Septic Site Plan revised 7/5/2023 by The Morin-Cameron Group, Inc.

Site photos

**Continuation NOI 307-0837: 220 High Street** (Map 65, Lot 031) Bidder-Snow/Sullivan Engineering Group, LLC. – in ground pool, concrete pad, paver patio

Gaffney noted the revised information was received on Monday 7/10 due to the engineer/consultant being away. The consultant and applicant(s) request the commission accept this information for discussion at tonight's meeting. Jack Sullivan representing the contractor Brian Fisher, addressed prior concerns, one being they now have a DEP file number for the project as well as updates to the septic system plan. Sullivan noted the septic system components are now shown on the plan. A revised Alternatives Analysis has been submitted

by Sullivan exploring alternative pool locations, each having its own issues. Sullivan discussed the alternatives. After analysis, the decision was to move the pool to a flatter area. Sullivan noted the pool has been moved further from the wetland resource areas and further from the flood zone. Construction access was also noted on the plan, with arrows showing the access route to the pool and patio area. Erosion controls were shown on the plan as well. Sullivan explained excavating will be 4-5 feet in depth at the deepest point. A pump and hose would run to a de-watering bag over a grassed area with erosion control in place if dewatering becomes necessary during construction. The existing and finished grade is now shown on the plan, finished grade is 6 inches higher than original grade. Gaffney commented that standard conditions for pools include a non-backwash/cartridge style filter and no discharge of pool water to the wetland, it is to be trucked off or allowed to dechlorinate naturally and then pumped up to existing lawn more than 100' from wetlands. These are standard conditions to be met. DiCarlo asked if the construction access over the lawn would be restored? Gaffney answered that a standard condition is for the restoration of the disturbed lawn to be completed 30 days after project completion. Gaffney added the existing shed is requested to be included for approval under this filing. Manuell willing to submit the COC to Gaffney, then to TCC prior to start of work.

- *DiCarlo made a motion to close the hearing on NOI 307-0837, 220 High Street (Map 65, Lot 031). 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 307-0837, 220 High Street (Map 65, Lot 031) for installation of inground pool, concrete pad and paver patio, and the existing shed depicted on plan to remain, all as depicted on the plan as presented at tonight's hearing, and be subject to usual standard conditions for work of this nature, including for pools, also disturbed areas as a result of this work be restored within 30 days, subject to the requirement that the applicant request a Certificate of Compliance for the existing Order of Conditions 307-0823 prior to the start of any construction activity on the site in connection of NOI 307-0837. Mulholland seconded the motion, and it was approved by a roll call vote.  
DiCarlo – yes    Mulholland – yes    Shamroth – yes*

#### Documents:

Revised Plot Plan revised 7/10/2023 by Sullivan Engineering Group, LLC

Updated Alternative Analysis by Sullivan Engineering Group, LLC

Site photos

**NOI 307-0839: 5 Woodbrier Road** (Map 49, Lot 062) Finger/Wetlands & Land Management, Inc. – septic system upgrade.

Mulholland read the Legal Notice and Gaffney confirmed the proof of abutter notification has been received. Bill Manuell representing homeowners Jane and Alan Finger, presented the site plan specifying the proposed septic system repair work is within the buffer zone and has been approved by the Board of Health. Manuell and Gaffney had previously walked the site marking the wetlands. Manuell explained the house is located on a cul-de-sac, wetlands located in rear of the property. The project encompasses septic system repair inclusive of digging a new leaching field and installing a new septic tank. The new alternative system allows for a reduction in the leaching field size. Existing mature trees will not be disturbed. The two existing leaching pits will be back-filled with clean earth and a new tank will be installed. The site will be re-seeded at the end of the project. Gaffney confirmed this alternative system has been proposed to fit within the constraints of the site. Chair Shamroth asked if there were any questions or comments from the public. Christine Wood, next door neighbor asked if the root system of her tree would be compromised by the septic excavation next door? The concern of a potentially falling tree was in question. Brief discussion ensued, as the private tree matter is not within the purview of the TCC and would be best directed to the property owner and the Board of Health. Alan Finger responded that he would work out this concern with Wood outside of the meeting.

- *DiCarlo made a motion to close the hearing for NOI 307-0839, 5 Woodbrier Road (Map 49, Lot 062) for septic system repair as discussed and depicted on the plan at the July 12, 2013 meeting. Mulholland seconded the motion, and it was approved by a roll call vote.*

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*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

- *DiCarlo made a motion to issue an Order of Conditions for 307-0839, 5 Woodbrier Rd (Map 49, Lot 062) under the Act and the Bylaw, for septic repair for the work as shown on the plan dated 4/26/2023, with 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:

Notice of Alternative Sewage Disposal System signed by owner Jane Finger dated May 30, 2023

Septic Site Plan by Domestic Septic Design, Inc. revised 6/7/2023

NOI Application by Wetlands & Land Management, Inc. dated June 2023

Site photos

**NOI 307-0838: 18 Pheasant Lane** (Map 06, Lot 020) Nickerson/Wetlands & Land Management, Inc., - septic system upgrade and improvements to dwelling and grounds.

Mulholland read the Legal Notice and Gaffney confirmed the proof of abutter notification has been received.

Manuell, the consultant for the applicant, showed the site plan and discussed that the buffer zone mitigation was approved a short time ago. After purchasing the property, Nickerson initiated land clearing on the overgrown lot, not realizing there was a wetland on his property. The septic system replacement plan has been approved by the health Director and will be in the front yard where the existing system is located. The lawn in this area will be restored to its previous condition. The new septic tank will be in the existing driveway (same location as the old one) which will necessitate excavation. The driveway will be repaved when the project is completed. Additional work proposed is to install small patio at grade, repair the existing deck and the propane tank will also be replaced. In addition to that, the existing front walkway will be repaired. DiCarlo asked if the patio will have pervious pavers? Manuell responded it will be standard pavers. Gaffney pointed out the only new work is the patio, everything else is repair work to existing structures.

- *DiCarlo made a motion to close the hearing for NOI 307-0838: 18 Pheasant Lane (Map 06, Lot 020).*

*Mulholland seconded the motion, and it was approved by a roll call vote.*

*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

- *Di Carlo made a motion to issue an Order of Conditions for 307-0838, 18 Pheasant Lane, (Map 06, Lot 020) for septic system upgrade and improvements to dwelling and grounds, under the Act and Bylaw for the work as shown on the plan dated 4/25/23, with the usual and special conditions.*

*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

Documents:

Septic Site Plan revised 6/26/2023 by Domestic Septic Design, Inc.

NOI Application dated June 2023 by Wetlands & Land Management. Inc.

Site photos

**REQUESTS:**

**Request to Extend Order of Conditions #307-0772: Hood Pond/131 Haverhill Road** (Map 02, Lot 010)

DCR Lakes and Ponds – Hood Pond/Solitude Lake Management – request to extend OoC for aquatic vegetation management for three years beyond expiration date of August 6, 2023.

Gaffney has communicated with the project manager and provided information on how the treatment has been going and plans for continuing. The OOC is for the same work that Ipswich issued an OOC for, since most of Hood Pond is in Ipswich. The OOC issued in Ipswich was a 5-year OOC which is still standing and expires in 2 years. The Division of Marine Fisheries had comments on the original NOI application and a condition of extension should be for the applicant(s) to submit documentation regarding communication and continued approval from DMF for future treatments during the two-year extension period. Gaffney suggested requiring the documentation to be submitted by September 1, 2023.

- *DiCarlo made a motion to grant a 2-year Extension for OOC #307-0772, Hood Pond, 131 Haverhill Road (Map 02, Lot 010) with the condition that the applicant report to TCC that they have been in touch with*

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*DMF providing them a project status update and provide that communication within 60 days from today. Mulholland seconded the motion, and it was approved by a roll call vote.*

*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

Documents:

DCR Hood Pond/Order of Condition update letter dated 6/21/2023 by Emily Vulgamore/Solitude Lake Management

**RDNI 2023-07: 96 North Street** (Map 12, Lot 039) Hatfield/Pizzin – build two sheds: 14’ x 14’ and 10’ x 10’  
Request is for the installation of two sheds within existing lawn area and without impacts to the conservation restriction area.

Gaffney shared a site plan indicating the solid line represents a conservation constriction. The owner wants to place one smaller shed behind their existing garage, the other 14 x 14 shed they are seeking to place is located on an existing lawn area and will sit on gravel and blocks.

- *DiCarlo made a motion to issue a Determination of Negligible Impact for RDNI 2023-07, 96 North Street for the installation of two sheds as proposed and submitted on their application. Mulholland seconded the motion, and it was approved by a roll call vote.*

*DiCarlo – yes    Mulholland – yes    Shamroth – yes*

Documents:

RDNI dated 6/29/2023 by William Hatfield

**MEETING MINUTES:**

- **May 24, 2023** – 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) – tabled pending receipt of the USDA Farm Plan. No action needed per Gaffney.
  - **Enforcement Order 2020-06: 28 Parsonage Lane** (Map 32, Lot 078) – *Discussion at the request of the property owner.*

- Gaffney received a letter from the owners requesting to meet with the Commission. DeRosa, the consultant, reached out to Gaffney late yesterday, stating the owner will table this discussion to the August 9<sup>th</sup> meeting.
- *No motion needed.*

Documents:

Arial site photos, inspection property photos

Letter of Request dated 6/29/2023 by Anita and Shilpa Sharma

Status of Amended EO Order dated 7/7/2023

Response to EO dated 12/2/2020 by DeRosa Environmental, Inc.

Amended EO dated 3/16/2023

- **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 reviewed and updated the commission, stating that DeRosa expects a restoration plan to be submitted for the next meeting. DiCarlo suggested that the TCC do a site visit for further evaluation. Mulholland supported the updated site visit idea. TCC agreed. Gaffney stated a site visit will be requested.

- *DiCarlo made a motion to grant an extension of time for Amended EO 2022-04 and EO 2022-05 to August 9, 2023. If they fail to comply, they will be out of compliance at that point, the TCC will act accordingly. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*DiCarlo – yes      Mulholland – yes      Shamroth – yes*

#### **ADMINISTRATOR'S REPORT:**

- tabled

#### **ADJOURNMENT:**

*DiCarlo made a motion to adjourn the July 12, 2023, TCC meeting at 8:45 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 August 9, 2023 at pm, by Videoconference.

Respectfully submitted,

*Chris Lahiff*

Chris Lahiff

Recording Secretary

*Minutes approved at the TCC meeting on 1/10/2024*

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.