

***Topsfield Conservation Commission***  
***Minutes of Meeting November 8, 2023***  
 By Video/audio conference

**PRESENT:** Dodds Shamroth – Chair, Andrew Mulholland – Member, Jane Wheeler – Member, Heidi Gaffney – Administrator

**ABSENT:** Jennifer DiCarlo –Vice-Chair

**ATTENDEES:**

Bill Manuell, Wetlands & Land Management, Inc.  
 Yianna and John Speridakos, 46 Alderbrook Drive  
 Rob Martin, 221R Washington Street  
 Greg Bernard, RS  
 Mark Citro, 44 Candlewood Drive  
 Thorsen Akerley, Williams & Sparages, LLC.

7:08 pm **OPEN MEETING:**

Dodds Shamroth – Chair, called the meeting to order, by video/audio conference at 7:08 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 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 307-0840: 28 Parsonage Lane** (Map 32, Lot 078), Sharma/DeRosa Environmental – after-the-fact approval of expansion of lawn; and proposed construction of deck expansion, patio, fire pit, walkway, shed, boulder wall, fence, footbridge and grading.  
 Request to continue to the 12/13/2023 meeting to submit revised plans/additional information.

- *Mulholland made a motion to continue NOI 307-0840: 28 Parsonage Lane (Map 32, Lot 078), to December 13, 2023, at the applicant's request. Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes    Shamroth – yes    Wheeler – yes*

Documents:

Site Photos

NOI application submitted 8/23/2023 by DeRosa Environmental Consulting, Inc.

DEP comments dated 8/31/2023

Amended EO dated 3/16/2021 issued by TCC

Continuance Request dated 11/6/2023 submitted by Mike DeRosa, DeRosa Environmental Consulting, Inc.

**Continuation NOI 307-0841: 42 Parsonage Lane** (Map 24, Lot 035), Moran/DeRosa Environmental – proposed driveway expansion, construction of garage, patio, spa, cabana, walkways and retaining wall, grading, remove 11 trees, and mitigation & restoration planting.

Request to continue to the 12/13/2023 meeting to submit revised plans/additional information.

- *Mulholland made a motion to continue NOI 307-0841: 42 Parsonage Lane (Map 24, Lot 035), to December 13, 2023, at the applicant's request. Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes    Shamroth – yes    Wheeler – yes*

Documents:

NOI submitted 8/30/23 by DeRosa Environmental Consulting, Inc.

Continuance Request dated 11/6/2023 by Michael DeRosa, DeRosa Environmental Consulting, Inc.

**Continuation NOI 307-0844: 46 Alderbrook Drive** (Map 68, Lot 015) Speridakos/Wetlands & Land Management – after-the-fact replacement of pool patio, retaining wall & steps, and proposed installation of a pool fence.

Bill Manuell, the consultant for the applicant, updated the project and shared a site plan showing the restored pool decking around the patio and proposed installation of a fence in the buffer zone. As per TCC's request, Bill Manuell moved the pool fence location 15' in from the apex where it previously extended, moving it further from the wetlands. The plan shows a proposed wrought iron open fence. The patio work is within existing lawn area and more than 50-feet from the wetland. Manuell also noted that all plantings have been installed in the front yard to restore buffer zone area from the prior Enforcement Order. Gaffney clarified this NOI is for the area of the pavers surrounding the pool area as well as the new fence. Mulholland asked if all EO's have been completed? Gaffney answered the only remaining item on the EO's are the monitoring of the plantings. The Enforcement Order planting portion has now been complied with and will serve to ensure compliance with the restoration as required separate from an Order of Conditions.

- *Mulholland made a motion to close the hearing for NOI 307-0844: 46 Alderbrook Drive (Map 68, Lot 015). Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes    Shamroth – yes    Wheeler – yes*
- *Mulholland made a motion to issue an Order of Conditions for 307-0844, 46 Alderbrook Drive, for the after-the-fact patio work and fence with mitigation plantings as shown on the revised plan dated 11-6-2023 with the usual and special conditions. Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes    Shamroth – yes    Wheeler – yes*

Documents:

NOI Application submitted 9/27/2023 by Wetlands & Land Management, Inc.

Revised Site Plan dated 11/6/2023 by LeBlanc Survey Associates, Inc.

Revised Plan Cover letter 11/2/2023 by William Manuell, Wetlands & Land Management, Inc.

Site photos and aerial images

**Continuation NOI 307-0842: 83 Wenham Road** (Map 71, Lot 002), Lagross/Williams & Sparages LLC – install in-ground pool, associated hardscapes and landscaping, and removal of compromised trees.

Thorsen Akerley of William & Sparages, representing the applicant, showed the site plan indicating the scope of restoration, which included the planting of 6 trees in total and several blueberry shrubs. The previous plan showed a large boulder retaining wall, owners have decided not to build that type of wall. A revised plan has been submitted to reduce the patio area, thus reducing the amount of filling and grading as well as the height of the retaining wall which will now be a 2-tier smaller stone wall. Akerley noted the retaining wall will have 5 feet of gravel behind the small boulders which will catch any stormwater run-off from the patio. Gaffney agreed the gravel behind the new retaining wall will be adequate for infiltration purposes. Gaffney explained the work is proposed within existing lawn area only and the pool is more than 50-feet from the wetlands. There was also a reduction in fill area as well. Gaffney also stated the standard conditions for pools include a non-backwash filter and requirements for dewatering the pool if it becomes necessary.

- *Mulholland made a motion to close the hearing for NOI 307-0842: 83 Wenham Road (Map 71, Lot 002), Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes Shamroth – yes Wheeler – yes*
- *Mulholland made a motion to issue an Order of Conditions for 307-0842, 83 Wenham Road (Map 71, Lot 002) for the proposed work as shown on the plan with final revision date of October 24, 2023, with the usual and special conditions. Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes Shamroth – yes Wheeler – yes*

Documents:

Arborist Report dated 6/15/2023 submitted by David McDowell ISA Certified Arborist

NOI application submitted 9/27/2023 prepared by Williams & Sparages, LLC

Revised Site Plan dated 10/24/2023 by Williams & Sparages, LLC

Site photos and aerial images

**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 the 12/13/2023 meeting to submit revised/additional information.

- *Mulholland made a motion to continue RDA 2023-02: 37 River Road (Map 48, Lot 013), to December 13, 2023, at the applicant's request. Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes Shamroth – yes Wheeler – yes*

Documents:

Supplemental Information Memo for RDA/EO dated 9/6/2023 by Michael DeRosa, DeRosa Environmental Consulting, Inc.

Continuance Request dated 11/6/2023 by Michael DeRosa, DeRosa Environmental Consulting, Inc.

USPS Certificate of Mailing dated 1/25/2023

USDA Signed Conservation Plan dated 8/29/2023

RDA: Agricultural Exempt Activities submitted 1/25/2023 by DeRosa Environmental Consulting, Inc.

**NOI 307-0845: 221R Washington Street** (Map 47, Lot 001), Martin – installation of carport on concrete slab

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

Gaffney showed photos and plans showing the proposed 12' x 20' open-sided carport with roof and concrete pad, adjacent to the existing garage and driveway. Gaffney confirmed pages 2 & 3 of the Notice of Intent have been corrected and submitted to both the TCC and MA DEP. Work is proposed within the outer Riverfront Area and outer portion of the Buffer Zone. No tree removal is proposed. Roof runoff infiltration is provided by infiltration trenches. Gaffney noted a wetland scientist evaluated the resource areas and marked the closest points to the area of proposed work. Gaffney also observed this area and noted a small pile of lawn clippings which will be conditioned to be relocated to a compost pile or removed. The applicant was present and commented on the proposed project.

- *Mulholland made a motion to close the hearing for NOI 307-0845: 221R Washington Street (Map 47, Lot 001). Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes Shamroth – yes Wheeler - yes*
- *Mulholland made a motion to issue an Order of Conditions for 307-0845, 221R Washington Street (Map 47, Lot 001), for the proposed carport as shown on the plan and drawings submitted with the Notice of Intent, with the usual and special conditions. Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes Shamroth – yes Wheeler – yes*

Documents:

NOI inclusive of plans, submitted 10/25/2023 by Robert Martin

Site photos and aerial images

**RDA 2023-12: 100 Perkins Row** (Map 51, Lot 007) McBee/Gregory Bernard RS – septic system replacement

Wheeler read the legal notice / Gaffney confirmed the abutter receipts have been received.

Greg Bernard RS, representing the owner McBee, is proposing a septic system replacement on this property which is currently an unoccupied single-family dwelling. The owner is living out of state and trying to get the home prepared to sell. Bernard showed the site plan notating wetlands to the rear of the house and across the street. The existing septic tank is located to the left of the house, proposal is to install a new septic tank and sewer pipe within Buffer Zone and a new leach field which will be outside of the Buffer Zone. Gaffney noted when the leach field is outside of the Buffer Zone and only the septic tank and sewer line are within the Buffer zone an RDA is acceptable due to the relatively minor amount of temporary disturbance. No work is proposed within Bordering Land Subject to Flooding. A neighboring resident in the adjacent lot, (104 Perkins), wondered if there was any consideration for adjacent properties when moving the septic system. Bernard noted the septic is required to be at least 10' from the neighbor's property line. This project is 16' from the neighbor's property line.

- *Mulholland made a motion to close the hearing for RDA 2023-12: 100 Perkins Row (Map 51, Lot 007). Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes Shamroth – yes Wheeler - yes*
- *Mulholland made a motion to issue a Negative Determination of Applicability for RDA 2023-12, 100 Perkins Row (Map 51, Lot 007), with the requirements for erosion control, stabilization, and the*

*submittal of a copy of the septic as-built plan when it is submitted to the Board of Health. Wheeler seconded the motion, and it was approved by a roll call vote.*

*Mulholland – yes Shamroth – yes Wheeler – yes*

**Documents:**

Septic Design dated 10/17/2023 by Gregory Bernard, RS

RDA application submitted 10/24/2023 by Gregory Bernard, RS

Site photos and aerial images

**RDA 2023-13: 90 Main Street** (Map 32, Lot 106) Sungy/Gregory Bernard RS – septic system replacement

Wheeler read the legal notice. Gaffney confirmed the abutter receipts have been received.

Gregory Bernard representing Robert Sungy the owner, showed the site plan of the existing building, and location of the old septic system. The project proposed is a new septic system replacement and filling in the existing cesspit. The leach field is outside of the Buffer Zone, only the lines and septic tank are within the Buffer Zone. A discussion ensued favoring Washington Street as the best access to the property for the new septic installation to reduce disturbance within the Buffer Zone. Gaffney had reviewed the wetland line, and agreed the access from Washington Street is preferable. She suggested TCC not eliminate the ability to change the access location if that access point didn't work out due to safety issues. TCC discussed an old boat and shed in the wetland area along with a large pile of lawn & leaf debris that will need clean-up. The TCC could require these items be removed from the wetlands under specific conditions. Bernard noted the owners are agreeable to remove these items. Gaffney stated the boat & shed could be removed under an Enforcement Order requiring restoration of the wetland.

- *Mulholland made a motion to close the hearing for RDA 2023-13: 90 Main Street (Map 32, Lot 106) Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes Shamroth – yes Wheeler - yes*
- *Mulholland made a motion to issue a Negative Determination of Applicability for RDA 2023-13, 90 Main Street (Map 32, Lot 106), with the requirements for erosion control, stabilization and the submittal of a copy of the septic As-built plan when submitted to the Board of Health; with a preference for access by Washington Street and if needed, a change can be discussed during the pre-activity meeting as well as the removal or relocation of grass clippings and leaf debris outside the buffer zone. Wheeler seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes Shamroth – yes Wheeler – yes*

**Documents:**

RDA application submitted 10/24/2023 by Gregory Bernard, RS

Septic Plan dated 10/2/2023 by Gregory Bernard, RS

Site photos and aerial images

**RDA 2023-14: 5 Lockwood Lane** (Map 39, Lot 033) Kozuru/Thomas Mannetta Inc. – septic system replacement

Wheeler read the Legal Notice. Gaffney confirmed the abutter receipts have been received. The project is for a proposed septic system replacement. Gaffney received an email from consultant requesting to continue to December 13, 2023.

- *Mulholland made a motion to grant a continuance for RDA 2023-14: 5 Lockwood Lane (Map 39, Lot 033) to the Dec 13 meeting. Wheeler seconded the motion, and it was approved by a roll call vote.*
- *Mulholland – yes Shamroth – yes Wheeler – yes*

**Documents:**

Septic System Plan dated 10/22/2023 by Thomas Mannetta, Inc.  
 RDA application submitted 10/25/2023 by Thomas Mannetta, Inc.

### **REQUESTS:**

**Request for Extension of Order of Conditions #307-0795: 44 Candlewood Drive** (Map 43, Lot 020)  
 Citro/DeRosa Environmental Consulting, Inc.

Gaffney confirmed this OOC is for a vacant lot on Candlewood Drive, the owner is requesting a three-year extension to allow additional time for planning and financing. She shared the site photos of the lot, confirming there has been no work started on this area.

- *Mulholland made a motion to grant a three-year extension to OOC 307-0795, 44 Candlewood Drive (Map 43, Lot 020), with the new expiration date being 12-1-2026. Wheeler seconded the motion, and it was approved by a roll call vote.*

*Mulholland – yes Shamroth - yes Wheeler – yes*

### **Documents:**

Request to Extend Order of Conditions #307-0795, submitted 10/16/23 by DeRosa Environmental, Inc.  
 Site photos

**Request for Certificate of Compliance #307-0839: 5 Woodbrier Road** (Map 49, Lot 062)

Finger/Wetlands and Land Management, Inc.

Bill Manuell of Wetlands and Land Management, Inc., confirmed this septic system replacement has been successfully installed. Gaffney stated all work has been completed and has received a Certificate of Compliance from the Board of Health.

- *Mulholland made a motion to issue a Certificate of Compliance for 307-0839, 5 Woodbrier Road (Map 49, Lot 062). Wheeler seconded the motion, and it was approved by a roll call vote.*

*Mulholland – yes Shamroth - yes Wheeler – yes*

### **Documents:**

As Built-Plan dated 8/28/2023 by Domestic Septic Design, Inc.

Request for COC dated 10/6/2023 by Wetlands & Land Management, Inc.

Site photos

**RDNI 2023-09: 20 Aaron Drive** (Map 12, Lot 008) Peacock

Gaffney noted this project was in line with a standard request to remove 2 compromised trees within Buffer Zone and Riverfront Area. She showed a prior as-built plan indicating where existing trees are located. An arborist has evaluated the trees and submitted a letter regarding their status. Both trees have shallow root systems, and lean towards the house. This requires replacement tree plantings in the same area where old trees were removed with the intention to protect the embankment area. Replacement planting is required per the Tree Removal Policy.

- *Mulholland made a motion to issue a Determination of Negligible Impact for RDNI 2023-09, 20 Aaron Drive (Map 12, Lot 008) for the removal of the two trees as requested with the requirement for two native replacement trees to be planted within 15' of the removed trees. Wheeler seconded the motion, and it was approved by a roll call vote.*

*Mulholland – yes Shamroth, yes Wheeler – yes*

### **Documents:**

Request for Determination of Negligible Impact submitted 11/2/2023

As-Built Plan of Land dated 12/14/2014 by The Morin-Cameron Group, Inc.

**MEETING MINUTES:**

- July 12, 2023
- August 9, 2023
- September 13, 2023
  - Tabled to the December 13, 2023 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) – **tabled pending outcome of the RDA.**
  - **2<sup>nd</sup> Amended Enforcement Order 2022-04: 25 & 20R John's Lane** (Map 76, Lot 004) – update
  - **Amended Enforcement Order 2022-05: 21 John's Lane** (Map 68, Lot 041)
    - Gaffney received an email from the consultant, they have installed the trees, added clean wood chips around the tress, watered, and will monitor through the winter months.
    - Photos were shown of the initial plantings.
    - Remaining enforcement compliance will resume in the spring.
  - Update on the planting status for 46 Alderbrook EO
    - Gaffney confirmed that the plantings have been installed, and an update received from the consultant. She showed photos of the new trees and shrubs, no mowing is allowed within the 100' buffer zone. The EO required restoration of the 100' buffer zone.
    - Documents: Planting Update Photos from consultant William Manuell
- **Professional services contract**
  - Gaffney will review the contract; this will be for assistance with Enforcement on an as needed basis. This contract is with a wetland scientist, it has a max to exceed of \$4900. TCC will need to review the contract.
  - *Wheeler made a motion to accept and allow the chair to sign the contract. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes Wheeler - yes Shamroth – yes*  
Document: Agreement Contract dated 10/23/2023 for TCC approval

**ADJOURNMENT:**

*Wheeler made a motion to adjourn the meeting at 8:45 pm. Mulholland seconded the motion, and it was approved by a roll call vote.*  
*Mulholland – yes Wheeler - yes Shamroth – yes*

The next meeting will be held on December 13, 2023, at 7:00pm, 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.