

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION
MEETING MINUTES**

January 16, 2024 - 6:00 PM

Al Merritt Center, 600 Market Street, Lynnfield

Conservation Commission board members:

Chair Don Gentile, Vice Chair Kirk Mansfield, Jan Solomon, Erin Hohmann, Bryce Foote,
Director Emilie Cademartori

6:32pm – Don Gentile called the meeting to order.

Other Regulatory Matters

6:33pm- Request for Certificate of Compliance - 29 Midland Road - File #209-0020

King James Grant IX Subdivision

Director Cademartori provided the history. Similar to other subdivisions in town there have been multiple partial COC's on parcels but never a full COC issued. Until the HOA brings a request for a full subdivision COC this is how parcel closings will need to be handled going forward.

On a motion duly made by Mansfield and seconded by Hohmann, the LCC voted (5-0) to issue a PARTIAL COC for 29 Midland Road - File, #209-0020.

6:36pm- Request for Certificate of Compliance - 70 Oakridge Terrace - File #209-0631

Cademartori noted that Hayes Engineering was not present to represent the homeowner. This project was a minor addition to the home in 2019 which backs up to Pillings Pond. It has been inspected multiple times during construction, and as part of this request, and has an engineer's certificate stating compliance with the as-built from Hayes Engineering.

On a motion duly made by Mansfield and seconded by Foote, the LCC voted (5-0) to issue a COC for 70 Oakridge Terrace - File, #209-0631.

6:35pm- Request for Certificate of Compliance - 74 Crescent Avenue - File #209-0607

Cademartori reported that this was a raze and rebuild of a non-conforming house on the Pond. The final as-built has been filed. There is a letter from the engineer stating compliance, although Cademartori thinks it may not be complete. A driveway change, showing a certain amount of pavement removal, was shown on the original plan as the homeowner wanted to add a garage. There is a difference of what was previously proposed to what exists today. Cademartori asked if the board wanted any additional mitigation or any changes before the COC was issued.

Solomon noted that the letter did not properly identify all the discrepancies. Gentile suggested that the request seems incomplete. Cademartori said that if the permit was based on a certain amount of impervious material being removed, and it was not removed, the Board may wish to require additional mitigation.

Gentile suggested a request for additional information, and asked for interest in a site visit. Commissioners agreed to put the request on hold until a site visit could be scheduled.

6:35pm- Request for Certificate of Compliance - 46 Oakridge Terrace - File #209-0642

Cademartori reported that this was a carry-over request, and not on the published agenda. The engineering is complete. However, there is a 25' vegetated area between the limit of work and the Pillings Pond. Instead of clean-up and replanting the area, the homeowner left the area alone. Cademartori asked them to remove the invasives that were threatening the trees and the remaining erosion control. There also exists a perpetual condition about native plantings along the Pond and the new owners will have this information in a cover letter for the COC.

On a motion duly made by Mansfield and seconded by Solomon, the LCC voted (5-0) to issue a COC for 46 Oakridge Terrace - File, #209-0642.

Public Hearings

6:46pm- Notice of Intent - 1301 Main Street - The Regency - Toll Brothers

Ted Merchant, Toll Brothers, introduced the team for the project. Dan Wells, LEC Environmental, presented an overview of the wetland resource areas on the property with the project overlay.

Wells pointed out the intermittent streams, meadow seed mix planting areas, the culvert, and the 2 proposed wetland crossings across an emergency access road. There are also invasives. The team will selectively keep the "good" brush and clean out the invasives - using a lot of hand equipment. Gentile asked how long the monitoring period would be, to which Wells said that the standard indicated 2 growing seasons.

Cademartori asked Wells about the data discrepancies between his reported figures and DEP's, to which Wells said that the error has been fixed, and is now preparing a full written response to DEP.

Cademartori noted that Toll Brothers are taking resource areas from "no build" and "no disturb", which will require a specific local bylaw waiver for the crossings to be allowed.

Solomon questioned the "emergency access road", to which Merchant said was required by the Fire Department. Solomon noted that significant traffic would still continue over the 2 crossings by the residents of the 3 units at the end of the cul-de-sac. She asked if there was another access point for the emergency access road, to which Merchant said no. Gentile asked if the Fire Dept was not requiring the emergency access road, would there be no other opportunity to get to those 3 units, to which Merchant said he believed so.

Solomon asked if waivers have been provided to other projects, to which Cademartori said MarketStreet. Gentile asked if the Fire Dept. required any special requirements for access, to which Cademartori responded only a minimum road width and adequate compaction.

Abutters Tom and Valerie Mattuchio, 4 Friendship Lane, raised concerns about current problems exiting from Friendship Lane onto Main Street. Hohmann expressed concern about the sight lines.

Will Schkuta, Morin-Cameron Group, presented an overview of the existing and proposed stormwater system. Stormwater will be collected among several hard-piped basins.

Gentile asked about peer reviews. Cademartori has received proposals from 2 of 3 firms, and the review would be shared with both ConCom and Planning Board. Gentile asked if there were any other portions of the project that would require variances outside of the stream crossings, to which Merchant replied not by the Wetlands Protection Act or in the local wetlands bylaw.

Gentile also asked how many trees would need to be removed. Merchant said that a tree survey was done only within the tree bylaw area - the perimeter of the project. Gentile asked if work was done to minimize the removal of trees, to which Merchant replied that they will try to minimize work - especially in the wetlands crossing areas. Gentile asked if trees could be saved that were within the proposed meadow seed mix planting areas.

Abutter Martuccio asked why trees would need to be clear cut that are located on the edge of his property at 4 Friendship Lane. Schkuta explained that the topography is very limiting. Martuccio also asked if any study had been done to show the effect of grading on his well and septic system, to which Schkuta said that a hydro-geo study had not been done.

Cademartori asked if theoretically, there was no road, if the water main could be under the streams, to which Schkruta said yes, unless maintenance was required, the wetlands would then

have to be disturbed. Ann Marton, LEC, added that the access road is also necessary for the Fire Dept. to access the rest of the property.

Gentile asked what next steps would entail. Cademartori indicated that the 3 engineering firms selected for peer review bids had either previously reviewed work by Toll Brothers, or were large enough to handle the scope of work. Linden Engineering could also be added as a peer review, if Commissions preferred. Merchant added that TEC was a firm he was familiar with.

On a motion duly made by Mansfield and seconded by Hohmann, the LCC voted (5-0) to continue the Public Hearing for 1301 Main Street until the February 20 LCC meeting.

Administrative Matters

7:44pm - FY 25 Budget and Initiatives

Cademartori explained the request for capital which last year included the Pillings Pond Dredging study, as well as the Pillings Pond Treatment program. This year it is only for the treatment program- so it is much less. She also added that she believed much money has been spent on water sampling, but questioned the efficacy. She indicated that she would like to see more money being spent on diagnostics.

Cademartori would like to see more stormwater mitigation efforts on the Pond, such as storm ceptors or LID at the end of, say, Maywood, or Elmwood, where treatments systems could be trialed - and perhaps with grant funding. Cademartori will work on a modified proposal.

Foote indicated that the Partridge Island boardwalk requires repairs, to which Cademartori noted that this was elevated to the DPW and is in their budget to repair.

Mansfield indicated that 70 Walnut Street looked mowed. Cademartori indicated a need for a robust volunteer-led clean-up of invasives and fallen trees at this property during the Spring. The memorial benches are slated to be ordered for Spring delivery and installation.

Mansfield also asked about possible replacement of the pines and oaks that have died behind the Bossi property on the trail in Pine Hill Conservation Area, and if there was any money to replace the trees. Cademartori said that the tree bylaw fund has funds that could be used for planting of trees on Town property. Solomon suggested funds for installing cameras to monitor negative behavior. Cademartori said that the Animal Control Officer had offered to provide some information on cameras for these applications.

Cademartori also reported on the recent tree damage at Beaver Dam Brook Reservation.

Foote reported that the boat ramp at Highland Avenue has deep ruts in the ramp. Staff will report this to the DPW.

Mansfield reported that the company using the Pond for jet ski trials is the only out-of-towner that seems to use the Pond in a negative way, and that the activity has temporarily stopped - possibly weather related. A discussion ensued as to the process by which a group(s) could petition the Select Board to ban jet skis. Mansfield also reported that during the recent snow storm, both NO WAKE buoys were torn from their moorings, and one is lost. Mansfield will try to locate the second lost buoy. The buoys are \$400+ each.

8:16pm - Review of Minutes - October 17, 2023 - LCC meeting minutes

On a motion duly made by Solomon and seconded by Hohmann, the LCC voted (5-0) to approve the October 17, 2023 LCC meeting minutes.

8:17pm - Review of Minutes - October 30, 2023 Joint LCC and LCWD meeting minutes

On a motion duly made by Hohmann and seconded by Solomon, the LCC voted (5-0) to approve the October 30, 2023 Joint LCC and LCWD meeting minutes.

8:19pm - Review of Minutes - December 20, 2023 LCC meeting minutes

On a motion duly made by Hohmann and seconded by Solomon, the LCC voted (5-0) to approve the December 20, 2023 LCC meeting minutes.

8:20pm - Review of Minutes - December 20, 2023 Joint LCC and PB meeting minutes

On a motion duly made by Mansfield and seconded by Hohmann, the LCC voted (5-0) to approve the December 20, 2023 Joint LCC and Planning Board meeting minutes.

8:21pm - Update - 12 Hampton Court

Gentile reported that even though the LCC approved the modified OOC, the DEP has ruled in favor of the applicant's appeal. The applicant will plant 5 Red Maples in exchange for the 14 removed trees. Board members indicated concern that they cannot anticipate DEP support. Cademartori indicated that since there are no performance standards for buffer, more of a direct connection needs to be made. Going forward, if the Board is trying to save more trees in the buffer, there needs to be a better set of findings, or better references.

8:27pm - Tree Jan. 5, 2024 Letter

Jane Bandini, Chair of the Tree Committee was present to present this letter. The request is for the Tree Committee to change its status from a "sub-committee" to "advisory", which would relieve it of the requirement to have 3 sitting members of the Conservation Commission present on its board. This is the only change for this transition.

On a motion duly made by Hohmann and seconded by Foote, the LCC voted (5-0) to approve the reclassification of the Tree Committee from sub-committee status to advisory status.

8:38pm - LCC Board member terms

Cademartori asked if members wished to be reappointed, to which all members expressed their interest. Angelo Salamone has asked to be reassigned to alternate status. Cademartori asked for members to seek others for their interest in joining the LCC board. Cademartori reminded everyone that they will need to be sworn in for reappointments.

8:44pm - LCC Board meeting dates

The April meeting falls in school vacation week, which may require moving the meeting to the week prior or after. This is necessary with respect to the need for board member presence for the public meetings for Toll Brothers - The Regency project - among others, if necessary. Foote asked if remote in or hybrid would be possible for these meetings.

8:50pm - Adjournment

On a motion duly made by Hohmann and seconded by Foote, the LCC voted (5-0) to adjourn the January 16, 2024 meeting.

NEXT REGULAR MEETING – Tuesday, February 20, 2024

As recorded and submitted by Jennifer Welter.