

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

TUESDAY, JUNE 19, 2018, 6:30 PM

H. Joseph Maney Hearing Room, Lynnfield Town Hall

Members present:

Paul Martindale, Chairman, Commissioners Don Gentile, Melanie Lovell, Chris Martone, Janice Solomon; Administrator Emilie Cademartori.

6:35pm Chairman Martindale called the meeting to order.

6:36pm Continued Public Hearing: Notice of Intent 275 Essex Street DEP file #209-0602

Applicant: Town of Lynnfield, Representative Gale Associates

Project: LHS Tennis Court modifications

John Perry, Gale Associates, was present to provide the update.

Perry explained the scope of work as replacing the 4 original tennis courts, and adding a 5th court. The court configuration can now be shifted southwards in order to be totally free of the 25' No Disturb Zone. Martindale clarified that the LCC didn't require clearance of the 25' buffer, but rather sought to shift the configuration further from the wetland line than in the original plan.

Perry noted that DEP approved the reconfiguration's impact on the reserve septic system field, underneath the LHS parking lot, which allows the new shifting of the tennis courts further from the wetland buffer. Bill Jones of Linden Engineering reviewed the updated plan, noting 3 minor contingencies; 2 that already have been addressed with the third – a revised O&M that will be submitted shortly. The LHS parking lot plan will also need to be updated to show drainage from the new tennis courts.

On a motion duly made by Solomon and seconded by Lovell, the board voted (5-0) to close the public hearing, and issue an order of conditions to include the 3 contingencies reviewed with Linden Engineering.

6:49pm New Public Meeting – Request for Determination of Applicability 126 Oakridge Terrace

Applicant: Leo Matousek

Project: Upgrade to sewage disposal system

Jon Whyman was present to provide the update; upgrade to the existing septic, part of which lies within the buffer zone.

Two cesspools exist on this 3-bedroom home property. The plan is to place the leach field outside of the 100' setback. Whyman will reconfigure the plumbing inside the house. The plumbing will now direct flow outside of the front of the house, rather than at the back towards Pillings Pond. There will be a new tank and pumping chamber. Permit is still in review at the Board of Health. No variance has been requested.

Martindale noted that the system is an overall improvement. Agent Cadermartori said that she had visited the site to confirm the BVW, but did not confirm the delineation of the land subject to flooding. Martindale asked about erosion control to which Whyman indicated where straw waddle would be placed.

On a motion duly made by Solomon and seconded by Gentile, the board voted (5-0) to issue a Negative Determination of Applicability.

7:00pm New Public Hearing – Notice of Intent 43 West Huckleberry DEP #209-0624

Applicant: William Gist
Project: New septic system

James M. Kavanaugh presented the project. The new septic is within 100' of the resource area, and planned for location in the same place as the existing septic, as alternatives have been ruled out. The site is difficult with very large pine trees, steep slopes, proximity of 2 catch basins, and the presence of significant ledge. The area in front of the home is too close to the tributary to Hawkes Brook, as well as the catch basins.

This is an existing 4-bedroom home with no planned addition. The tank will be the 1500 gallon standard minimum, with 1000 gallon pump chamber, including 48 hours of emergency storage. No trees are planned for removal.

Martindale commented that the owner has to be able to replace his septic system, but if the LCC insists on clearing the 100' buffer distance, the owner would incur undue hardship. Kavanaugh noted that this system meets the goals of the Board of Health and the LCC without undue hardship for the owner. Agent Cademartori indicated that yard waste has been placed in the buffer, and possibly in the resource area - perhaps unknowingly by the owner, and it should be removed as part of any OCC before the new owner purchases the property.

On a motion duly made by Solomon and seconded by Lovell, the board voted (5-0) to close the public hearing.

On a motion duly made by Gentile and seconded by Solomon, the board voted (5-0) to issue an order of conditions.

7:15pm New Public Hearing - Notice of Intent 46 Crescent

Applicant: Christopher Thornton

Project: Raze and reconstruct home, new driveway, landscaping improvements, including tree removal and the installation of stairway and dock on Pillings Pond

Tony Capachietti, Hayes Engineering, was present to summarize the project.

This is currently a one-story home that will be reconstructed as a two-story home. The project requires LCC review as it is within the 100' buffer zone, specifically, to the bank bordering land subject to flooding, and land under water (proposed dock).

Capachietti noted that the new deck will be brought farther back from the water than the existing deck, and will include a more robust foundation. The footprint of the house will remain the same, with the exception of filling in a "notch" on the front side. The rear corners of the house are unchanged, so that the house will be no closer to the resource areas. The original deck has been removed, and some clean-up of debris is ongoing.

The bank edge is weedy and the owners would like to remove the scrub vegetation and replant with native vegetation. They are proposing to work with LCC's wetlands scientist on a replanting plan. Two trees will be removed, and a third tree at the property line is cleared by the abutter to be removed. The garage will be removed. Surface parking is planned, and will also include a small area for visitor parking, constructed with grass pavers.

Also proposed is the underground placement of utilities, and relocation of the neighbor's service, as well.

Solomon asked about the number of trees that would be removed. Capachietti noted that the trees, which present as hazards to the house, are either dead or unknown species, or at the end of their useful life.

Martindale noted that the project consisted of "too many moving pieces" and that a site visit would be appropriate. Solomon asked for the owners to tag the trees slated for removal before such visit.

Abutter Paula Fullerton, 54 Crescent, was present to confirm her approval to have the double tree on her property removed. She also approved of removal of the large pine tree. Abutter Donna

Bouley, 44 Crescent, agrees with the entire plan. She also accompanied Agent Cademartori on a site walk, and is “thrilled” with the project. She further noted that she approves of underground placement of her utilities.

Martindale invited the abutters to accompany LCC on a site visit.

Martindale noted that the Selectmen must approve the dock, as the Town owns the land under Pillings Pond. Capachietti confirmed that dock is a temporary dock and would be taken in each year.

On a motion duly made by Gentile and seconded by Solomon, the board voted (5-0) to continue the public hearing until July 17, 2018.

A site visit is scheduled for Monday, July 9th at 6:00pm.

7:45pm New Public Hearing – Notice of Intent 4 Grey Lane

Applicant: Anthony & Lauren Tammaro

Project: In-ground pool, shed, patio and landscaping

Greg Hockmuth, Williams & Sparages, presented the project.

The home was developed before the implementation of the wetlands bylaw. There is a “small finger” of bordering vegetated wetland. There is evidence of some ponding in some of the low areas. After a hard rain, the water will pond, but within a few days the water will dissipate. No trees will be removed. The Town did significant work a few years ago to alleviate the flooding in this general area.

The pool is planned to “hug” a corner of the house. It will be a non-back wash filtration system, so no backwash will be directed to the resource area. The options for locating the pool are limited, relative to proximity of the wetlands and location of the septic leaching field. Lawn had previously been installed in the resource area.

Hockmuth suggested that the land could benefit from plantings in the resource area. Agent Cademartori said that she had not yet visited the site, but suggested that an estimated 7’ x 60’ strip that is currently lawn, could be replaced with native plantings in an effort to reclaim some of the resource area. Gentile inquired about a fence, which Hockmuth confirmed that its location is through the resource area.

Martindale agreed that the plan represented the best that could be done under the circumstances. Lovell suggested a site visit, citing the short distance of the project to the flags. Abutter James Sheehan of 6 Grey Lane spoke in favor of the project. Hockmuth also suggested the use of a silt fence and straw waddle.

On a motion duly made by Gentile and seconded by Solomon, with Lovell abstaining, the board voted (4-0-1) to close the public hearing.

On a motion duly made by Gentile and Solomon, with Lovell abstaining, the board voted (4-0-1) to issue an Order of Conditions, to include a planting plan with timing after construction for what is now a lawn strip of approximately 600 square feet. This strip will be reclaimed with preferred native wetland species.

8:19pm New Request – Certificate of Compliance – 1 Haywood Farm DEP File #209-0545

Agent Cademartori conducted a site visit, and corresponded with the consultant regarding 2 outstanding conditions; removal of remnants of silt fence, and installation of the wetland markers. Martindale suggested that Cademartori hold back the Certificate of Compliance until the 2 outstanding conditions are met, and someone from the LCC verifies completion.

On a motion duly made by Lovell and seconded by Solomon, with Lovell abstaining, the board voted (5-0) to issue a Certificate of Compliance.

8:25pm New Request – Certificate of Compliance 70 Oakridge Terrace DEP File #209-0533

Martindale noted that the owners were not ready, so the matter will be moved to a future LCC meeting.

Updates/Correspondence:

8:27pm - Grandview Estates Enforcement Order:

Martindale told homeowners that the LCC conducted a site visit June 18 with the developer, his wife and son, and his site contractor Rich Keller. The LCC engineer provided an updated report on the site conditions; some having been addressed, some partially addressed; some yet to be addressed. Martindale then asked for abutter comments.

All but 3 homeowners were present. John Popalo of 15 Ramsdell Way spoke on behalf of homeowners. He also distributed copies of “Unit Owners’ Perspective for Grandview Estates Progress, as of 6/19/18” which was prepared by homeowner Robyn Bruzzese.

Referring to the document, Popalo indicated that the site conditions are years old, with periodic environmental inspections showing unchanged results. April 24th was the most recent environmental inspection, which shows many of the 19 conditions never addressed. Minor items

have been addressed recently. However, there are new worsening conditions such as the dying grass for lack of sufficient loam.

Martindale said that the LCC requested that the developer bring a comprehensive compliance plan based on the order of conditions, including timing and deadlines, in order to bring the site completely into compliance. There are also fines that will be available for use by the LCC.

Martindale noted that this problem was never brought to the attention of the LCC until the previous month, and wished that the Commission could have been involved earlier. To Popalo's comments of frustration at the lost time, and potential for losing additional time going forward, Martindale noted that homeowners should see evidence of substantial compliance on the part of the developer within the next 30 days.

Martindale also noted that the developer truly seemed to appreciate the LCC engineer telling him specifically what to do in addressing the site conditions. Martindale will plan to make a site visit with Agent Cademartori in one week.

Martindale also noted that there are multiple departments involved, with the Zoning Board having more jurisdiction than the LCC. Cademartori noted that the Building Inspector has been helpful, being empowered to withhold a building inspection until progress on some conditions have begun. The LCC can also threaten to withhold monies in an escrow account/performance bond.

9:00 - Enforcement Order 266 & 272 Old Pillings Pond

Homeowner Jerry Scoppettuola, of 272 Old Pillings Pond has an open order of conditions for his property, which is under construction, and was present to provide any updates.

Agent Cademartori summarized the violation. A Jon Whyman Construction excavator was left onsite. A resident, impaired, took control of the excavator and drove it into the pond, where it became stuck. There was considerable damage done to the excavator, and to the property and resource areas, including the right of way, the bank, the boat ramp, etc.

The right of way is not part of the order. Agent Cademartori would like to have repairs to the right of way become part of the enforcement order, but cannot require Scoppettuola to pay for these. The father of the impaired operator has offered to pay for the repairs. Cademartori asked Jon Whyman to submit a plan for repairs, in order to give him the right to operate on both properties.

Martindale suggested that the enforcement order be issued for both properties in order to legally protect all the parties going forward.

Solomon asked if the DEP needed to review this order, with respect to the impact to the pond and the casual use of the boat ramp. Martindale noted that the enforcement order would seek to

restore the ramp to its preexisting condition, and having the homeowner go through with a new notice of intent process with the DEP could be onerous.

On a motion duly made by Lovell and seconded by Gentile, the board voted (5-0) to issue an Enforcement Order for both properties in order to restore the right of way, the ramp, the bank, and the rest of the injured property to its pre-existing condition.

9:10pm – 70 Walnut Street

Agent Cademartori summarized the proposal. 70 Walnut Street is a parcel marked with an historic marker, Gerry's Cider Mill. There is a stream that passes through the parcel that is the drainage from Mill Pond, and Pillings Pond. The homeowner no longer wants to pay the taxes on this property, and lives outside the US. He has inquired as to LCC's interest in purchasing the parcel for half of its appraised value of \$30,300. Agent Cademartori asked if the owner would wish to donate the property, then be able to take a write-off of the full value of the land. The LCC could also offer to pay the transfer fees incurred with the donation. The owner has previously offered to sell the parcel to the abutters. Cademartori also noted that she asked the Historical Commission their interest in purchase of the property, but has not yet received a response.

The commissioners commented that it would be in the LCC's best interest to acquire the property, and directed Cademartori to proceed with communications with the owner.

9:20pm – Subcommittees: Open Space, Pesticide Awareness, Pillings Pond, Tree Committee

None reported at this time.

9:20pm – Open Historic Files – updates, if any

None reported at this time.

Administrative Matters:

Bills: bills were shared for signatures.

Site visits: 46 Crescent - Monday, July 9th at 6:00pm.

Minutes: The April 17, 2018 and May 15, 2018 meeting minutes will be reviewed at the July 17, 2018 LCC meeting.

9:25pm On a motion duly made by Lovell and seconded by Solomone the LCC voted (5-0) to adjourn the meeting.

NEXT REGULAR MEETING – Tuesday, July 17, 2018

As recorded and submitted by Jennifer Welter