

LYNNFIELD CONSERVATION COMMISSION

MINUTES

SEPTEMBER 19, 2017

PRESENT: Chairman Paul Martindale
Melanie Lovell
Angelo Salamone

Don Gentile
Christopher Martone
Janice Solomon

Chairman Paul Martindale called the meeting to order at 6:30 p.m. and adjourned the meeting at 10:28 p.m. This meeting was held at the Merritt Center at 600 Market Street in Lynnfield.

PUBLIC HEARING, AMENDMENT REQUEST TO EXISTING ORDERS, 322 PILLINGS POND, KEVIN & MARA SMITH:

Solomon called the hearing to order at 6:30 p.m. and read the legal notice as printed in the September 6, 2017 issue of the Lynnfield Villager. The LCC was in receipt of an email from Mara Smith to Adelson dated August 27, 2017 detailing the necessity of this amendment. Kevin Smith was present to speak on behalf of this Request. The Smiths were advised to raze their home and rebuild due to structural inadequacies rather than add a second story as originally proposed once it was found that contractor error has worsened the condition of their home during the addition of a second level. The plans propose to rebuild on the existing foundation however, the LCC was not in receipt of the updated plan. The Smiths will send the LCC the updated plans. *On a motion duly made by Gentile and seconded by Lovell, the LCC voted (6-0) to continue the hearing until October.*

MINUTES: *On a motion duly made by Gentile and seconded by Lovell, the LCC voted (6-0) to accept the Special Meeting minutes of August 23, 2017, as submitted.*

On a motion duly made by Solomon and seconded by Gentile, the LCC voted (6-0) to accept the June 22, 2017 minutes as amended.

DISCUSSION ON RULES GOVERNING CONSULTANT FEES: ATTORNEY

MULLEN: The LCC was in receipt of Attorney Mullen's draft of Rules for Hiring Outside Consultants under M.G.L. Ch. 44 S53G. Attorney Mullen explained that the current Wetland Bylaw asserts the LCC's right to demand payment of consultant fees up to \$2,500 in order to hire experts to conduct peer reviews, etc. The current Bylaw is limiting as shown via the Boston Clear Water case whereas \$2,500 is not enough to fund the scope of the review necessary for this complicated project. Attorney Mullen identified the Town's failure to set up rules for the LCC's hiring of outside consultants, which should be adopted. Attorney Mullen offered that the rules should also allow for an appeal if the applicant involved feels the hired peer expert is not an expert; they should be able to appeal to the Board of Selectmen. Attorney Mullen submitted standard rules customized for the LCC and noted on page two of the draft, the limits set forth in the current Wetland Bylaw have been removed. Attorney Mullen confirmed that the rules would be effective immediately. Adelson noted the MACC had removed the fees from their model bylaw and since the LCC's bylaw was modeled after the MACC bylaw, Adelson believes it may be necessary for the LCC to remove the fee structure from the Bylaw in the future. Gentile was

concerned with the specificity of the draft rules. He said it appears to be limiting and may lock in the fee amount. Attorney Mullen suggested adopting “Rules for Hiring Outside Consultants” tonight and he will prepare an amendment to the notice section allowing the LCC to amend the original amount requested, if deemed necessary. *On a motion duly made by Solomon and seconded by Gentile, the LCC voted (6-0) to adopt the Conservation Commission Rules for Hiring Outside Consultants as presented by Attorney Mullen.*

PUBLIC HEARING, NOTICE OF INTENT, 272 PILLINGS POND ROAD, GERI

SCOPPETTULO: Solomon called the hearing to order at 6:52 p.m. and read the legal notice as printed in the September 6, 2017 issue of the Lynnfield Villager. Homeowner Geri Scoppettulo, Peter Ogren of Hayes Engineering, Attorney Jay Kimball of Kimball & Kimball and Ken Burnham of the Lynnfield Center Water District were present for the hearing. Scoppettulo would like to raze the existing single family home and rebuild the dwelling. Ogren explained that there are currently two structures, a detached garage and a one bedroom dwelling, on the lot. Ogren is proposing to combine the two footprint areas into one structure consisting of a single bedroom dwelling and one car garage within a two story dwelling. The structure is to be located no further forward than the existing foundation. A balcony supported by a cantilever, with no footprint, is also being proposed. Whereas water flows downward on Pillings Pond Road, a berm is being proposed to run along the existing pavement to carry water away from the septic system. The berm is to be located partially in the right-of-way and partially on the property line but on the existing paved way. Ogren offered that the homeowner has the right to make improvements to the right-of-way as long as he is not interfering with other’s enjoyment of the way. The LCC inquired about the current septic system’s location. Ogren replied that the current system is most likely a cesspool as it is not shown on the original plan. Martindale requested the OCC require the old cesspool to be filled. Ogren replied that the cesspool will be drained and filled. Martindale said the galvanized steel pipe along the bottom right side, which leads into the pond, must be removed. Regarding work on the bank, Scoppettulo requested to remove the pine tree at the A3 flag although it is not shown on the plan. The LCC would like trees planted by the lawn, in the garage area, to mitigate any trees removed and requested erosion controls start at the stone wall. Ogren said bales will be used and the LCC also requested a silt fence at the top of bank. It was noted that Kristin Kent believed the tree at A5 on the left side, facing the pond did not look healthy. The LCC agreed that it should be removed. Adelson inquired about the one bedroom deed restriction. Adelson discussed the need for a planting plan along the bank of the Pond. *On a motion duly made by Gentile and seconded by Lovell, the LCC voted (6-0) to close the hearing. On a motion duly made by Solomon and seconded by Gentile, the LCC voted (6-0) to issue an Order of Conditions with the following conditions: Wetland Conservation Mix is to be used to stabilize the disturbed areas, the crushing and filling of the existing cesspool, any trees removed shall be replaced with 1-2” caliper trees and a planting plan shall be submitted by Hayes’ botanist to LCC with proposed plantings adjacent to the bank.*

CONTINUANCE OF A PUBLIC HEARING, NOTICE OF INTENT, 165 LOWELL STREET, ANDREW ZUROFF, BOSTON CLEAR WATER COMPANY, LLC:

Solomon called the hearing to order at 7:15 p.m. and read the legal notice as posted at Town Hall. Present for this order were Boston Clear Water Attorney Julie Connolly of 8 Ridge Road, Concord, NH, Engineer Paul Marchionda of Marchionda and Associates of 62 Montvale Avenue, Stoneham, MA, Ken Burnham, Superintendent of the Lynnfield Center Water District (LCWD) and abutters:

Jean Foresteire of 170 Lowell, Claire Santilli of 170 Lowell, Paul Woods of 5 Pocahontas Greg Sunek of 6 Smith Farm, Charles Wills of 7 Smith Farm, Michael and Jane Villane of 4 Pocahontas, Henry Finkel of 2 Pocahontas, Michael D'Avenzo of 447 Essex, Bill O'Brien of 155 Lowell, Mary Bliss of 175 Lowell, Andrew Galucci of 2 Ostis, and John and Heather Sievers of 163 Lowell. The LCC was in receipt of an email from Attorney Tom Mullen to Adelson which included an exchange with Attorney Connolly dated September 11, 2017; a September 7, 2017 letter from Angela Moulton of CDM Smith to Ken Burnham, Superintendent of the LCWD; and a response and exhibits to the July 24, 2017 Peer Review from William Squires of Hinkley Allen to the LCC dated August 25, 2017. Attorney Connolly explained that Attorney Squires was unable to attend tonight's meeting. A site walk was completed and a response to the Peer Review was submitted on August 25, 2017 according to Marchionda. Marchionda proceeded to highlight the responses. He offered that he feels the project was stripped down of several of the originally proposed improvements. The proposed new driveway has been eliminated and instead, BCW will use the existing driveway. The proposed security fence around the spring has been removed from the project. The paved turning area has been changed to include pervious gravel as opposed to impervious material. Solar panels, he continued, have been added to the roof. The newly added improvements to the plan are: trimming around the spring, removal of berries and bushes; a land survey was completed, benchmarks were added, a limit of work was added to the plan, the erosion control barrier was changed and the rain garden was eliminated.

Martindale made note of some administrative typos. Marchionda said the MA DEP did not have any comments but noted it was still listed as Under Review. Adelson noted that as of June 2, 2017 it was listed as Under Review but as of June 3, 2017 it was not listed on DEP's website. Martindale noted in the sewerage plan, under General Notes #10, it reads that no wetlands are present within 100 feet of the proposed leaching facility, but Martindale said that he possibly meant to list 50 feet, and feels it should be corrected. Martindale asked for clarification of "protect the stone pool" on the existing conditions plan. Marchionda said an erosion control barrier was to protect the pool on the upland side. On the existing conditions plan, Martindale inquired about the two foot stone walk which is not existing and said it would not be permitted. Marchionda replied that it was once existing and was removed per the Enforcement Order issued by the LCC. The LCC requested it be removed from the plan. Gentile offered that although Marchionda stated the project had been scaled back and is now a simple project, he feels it is still a complex project since multiple variances are being requested, improvements and disturbances are being sought within the 25' and 50' buffer zones and a septic system within the 100' buffer zone. Gentile would like an independent consultant to work with the LCC on this project. The consultant was not available because the funds to hire him were diminished. Attorney Connolly stated that the agreed upon contract was a flat fee contract and feels Bill Jones was paid to be at the meeting with his response. Martindale said the fee covered Jones' review of the original plan, not the revised plan. Attorney Connolly replied that the Lynnfield Bylaw has a maximum fee allowable and it was the LCC who spent all of the allotted dollars without building in the replies and response of Jones. It was made known that the LCC adopted new regulations tonight regarding the hiring of outside consultants to avoid such limitations.

Attorney Connolly noted that if a consultant needed to be hired for outside review, the Bylaw states specific findings are required about why the expert guidance is necessary. Attorney

Connolly said BCW would be comfortable paying an additional amount for a consultant if the need was outlined and identified. The LCC went through the list of information which they feel requires an expert's opinion. Martindale referred to the NOI plan and said he takes issue with the plan where it reads, 'the staking of 8" wattles 25' from the spring house, not trenched in, clear the brush in the area to protect the water supply, no grubbing or grading'. On the uphill of the source, he offered it would be acceptable but the plans show wattles downstream from the source and in the wetland. Staking wattles and doing work by the wetland would not be permissible, Martindale noted. The LCC questioned why the steps leading up the hillside are needed. Marchionda replied that they are a second access to the area and are outside of the 25' buffer zone. Martindale stated that the addition of a line to the dispensing area, the installation of a waterline over to the vehicle storage area, vehicle storage area expansion and the building of a structure on the concrete pad constitutes not just a renovation or redevelopment but an expansion of the facility. The LCC feels these improvements require that the Stormwater Management be addressed. Marchionda replied that the wattles are necessary to stop the animals near the springhouse and do not need an expert civil engineer's opinion. Regarding the stone steps, Marchionda stated that again, Linden's opinion is not needed. Marchionda said he did not agree it was an expansion of the facility. Martindale said the NOI calls for the maximum stormwater management compliance. Marchionda said runoff to pavement was being decreased and responded that they had submitted a lengthy response to stormwater management. Solomon offered that the LCC are not specialists and need the expert opinion of Jones to guide the LCC's decision making process. Attorney Connolly reiterated that the fee is set by the Bylaw. She believes it was the LCC's fault that money was not set aside for Jones to review the revised plan and noted that she was not involved in the contract negotiating with Linden Engineering. Attorney Connolly read a policy from the DEP which states, "When an applicant appeals a decision that is denied for lack of sufficient information, the Department looks at the Commission to determine whether the Commission identified, specifically, what additional information is needed and why it was necessary for the Commission to make an objective decision and an informed decision.' Solomon asked about the water pipe to be replaced; if it was to be increased in size or would affect the stormwater discharge. Marchionda replied that there would be zero increase discharge on pervious pavement and none was being proposed. Salamone offered that BCW was proposing to build a structure in the 25' buffer zone which is a no build zone. The concrete pad foundation is existing but a building is not existing, Salamone said adding to the existing foundation is considered building. Marchionda countered that a building used to be on the existing pad and BCW would like to use the proposed structure as storage. He continued that DEP says that roof water runoff, as it would be from this proposed structure, is cleaner than water that overflows land and therefore this structure would be an improvement to the stormwater conditions. Salamone stated that BCW does not have the right to build in a No Disturb Zone.

Chair Martindale asked for any issues with removal of the rubble and debris along the wetland. The LCC would allow the area to be cleared by hand. Attorney Connolly said the State of Massachusetts Board of Health previously cited it as a violation and it must be properly cleaned. Marchionda interjected that the debris could be cleared with an excavator working from the existing pavement without disturbing the wetland. It was determined Jones would not need to be consulted for this issue. In a straw vote to determine what issues Jones would be consulted on, Martindale asked the LCC if anyone would be opposed to rebuilding on the existing concrete

patio as previously discussed. Three members were opposed and it was determined Jones' was needed to consult on this matter. Martindale asked about any issues with septic and Adelson stated that it is Board of Health jurisdiction since there are no requested variances. Martindale asked if there were any concerns with the pervious walkway to the stone springhouse. Four LCC members were opposed to it and it was determined that Jones would need to be consulted for this issue. Regarding the digging of a trench within the 25' buffer zone to repair the leaking water line and the installation of sanitary water pipe, LCC members said they would like to hear mitigation options from Jones. Attorney Connolly said also although she does see the need to have a consultant hired based upon the LCC's concerns, she feels the LCC has an obligation to be very specific about deficiencies to Linden Engineering. Attorney Connolly read from the LCC Bylaw which states that the LCC 'has to determine what the LCC deems necessary to come to a final decision on the application and it has to be a reasonable finding that additional information is available only through outside sources necessary to make an objective decision.' Attorney Connolly also gave the Commissioners the website link to read the MA DEP Policy 08-1 at: <http://www.mass.gov/eea/agencies/massdep/water/regulations/wetlands-program-policy-08-1.html> and she read portions of this policy entitled Lack of Information Necessary for Conservation Commission Decisions to demonstrate what the DEP considers reasonable regarding consultants, information and the associated fees. Martindale offered that there were at least seven to eight items which could easily be identified as being in need of an expert opinion and said the LCC would provide Attorney Connolly with a list the next day. Martindale referred to the vehicle storage area's pervious pavement and its maintenance as another item to be reviewed by Jones. The LCC determined they would like to hear from the outside consultant regarding the clearing of the brush uphill and adjacent area by the wetland. The LCC will submit a detailed list, point by point, listing why an outside opinion was needed. The list will be distributed to Linden Engineering and Attorney Connolly. Attorney Connolly stated that she would like to be part of the new process and collaborate with Jones. Attorney Connolly verified that the LCC would inform her of the consultant cost before a contract was signed. Martindale suggested continuing the hearing until the next meeting. Connolly suggesting allowing Linden to speak with Marchionda and the LCC gets back to her with cost before signing contract. Gentile inquired about the Sievers land being used by BCW. Connolly explained there is litigation between the Sievers and Boston Clear Water at this time. The limit of work line was discussed.

Ken Burnham, LCWD Superintendent, voiced his concern with the inaccuracy of the proposed plans as they do not show the Groundwater Protection District and this whole complex is well within Zone 2 which feeds into the well supply of the Lynnfield water supply. Burnham explained that CDM as well as the larger amount of water withdrawals that are being proposed. Marchionda replied that the plans are correct and noted this is not the forum to discuss water withdrawals. Mr. Sievers stated that Marchionda's Plan of Land is drawn and scaled incorrectly as his property line is not consistent with the survey Sievers had created and said the plans all show different property lines. Attorney Connolly offered that the location of the actual property lines are currently in dispute in land court. Marchionda rebutted that the plan is correct. O'Brien asked for clarification regarding the term, 'protect the pool.' Marchionda responded that he was referring to the erosion controls which are being proposed to surround the existing stone pool. O'Brien said people are still bathing and standing in the pool and he believes they should not be. He also announced his opposition to the numerous variances BCW is requesting. Michael

Villane apologized for his earlier outburst. An abutter said the BCW appeared to be abandoned for two years and inquired because in that period of non-use, does the property then lose its non-confirming business status? Attorney Mullen said that question should be posed to the Building Inspector and Zoning Board of Appeals. Martindale reminded the audience that the LCC does not have jurisdiction over that matter but the abutter was encouraged to contact the appropriate departments. The LCC will conduct another site visit prior to the next meeting and will coordinate with Attorney Connolly. ***On a motion duly made by Gentile and seconded by Salamone, the LCC voted (6-0) to continue the hearing until the November 21, 2017 meeting.*** Marchionda asked if the meeting date could be changed due to vacation plans. After a lengthy discussion it was agreed to continue until the November meeting. O'Brien confirmed that BCW cannot begin work on the property until an agreement has been reached. Martindale confirmed that no work should be conducted at this time. A site visit was scheduled for October 14, 2017.

25 BOURQUE ROAD WETLANDS VIOLATION: Jennifer Lonigro was present for this discussion. An Order of Conditions had previously been issued for this property but was never picked up by the homeowner. Lonigro said she had made several trips to the LCC office but was unable to connect with Adelson and believed she had approval to begin installation of a dock. Adelson said the Order was not picked up nor recorded and the LCC intended to view the site prior to work. Adelson also informed Lonigro that an existing permit needed to be closed out prior to the new OOC being approved and recorded. Lonigro was given the documents which are to be recorded at the Registry of Deeds and said she recently received a permit for the dock from the Selectmen. The LCC informed her that she needs to request a Certificate of Compliance.

LMS PROJECT DISCUSSION, IRRIGATION LINE FROM WELL TO SOFTBALL FIELD: John Perry of Gale Associates and Bill Jones of Linden Engineering were present for this discussion. Perry showed the plan to the LCC and said nothing on the plan has changed but was before the LCC a few months ago for amendment to the OCC which would allow for the installation of grass on the field. An irrigation well has been drilled on the site where they believe the greatest yield to be. The softball field, located on the other side of the wetlands, is permitted for improvements. An irrigation well was to be installed at the softball field but when they drill down 1,000 feet for the well, the yield was zero gallons per minute. No water is available in that area therefore Perry is requesting an irrigation line be installed under the wetlands from the well at the track to the softball field. Perry said the proposed work will cause minimal disturbance and can be done by hand or ditch witch to install a 1"-2" irrigation line. The irrigation line will be drained yearly. Jones suggested Perry file for an Insignificant Change under the Order or file for a Request for Determination. Jones has no concerns since the line will be installed at a minimum distance downward in the ground. He doesn't believe it will have an impact. Perry said the optimal situation would be for them to install the irrigation line the following week so the sod can be installed before October 15th. They would like to avoid digging up the grass once the roots have taken. ***On a motion duly made by Salamone and seconded by Lovell, the LCC voted (6-0) to issue an Insignificant Change to the Orders.***

CONTINUANCE OF A PUBLIC HEARING, NOTICE OF INTENT, 275 ESSEX STREET, TOWN OF LYNNFIELD, C/O JIM BOUDREAU, TOWN ADMINISTRATOR: Solomon called the hearing to order at 7:45 p.m. and read the legal notice as posted at Town Hall. John Perry of Gale Associates was present for this hearing. The Town is proposing

reconstruction of the LHS tennis courts. The two top courts were shifted west on the plans. Because there is an old Order of Conditions still open, Perry was required to add the original wetland delineation line to the plans. The original delineation shows the courts closer to the certified vernal pool point once the courts are shifted. Perry compared the two delineations and compared the disturbance to the 25' No Disturb Zone. The area of disturbance can either be viewed as 1280 square feet or 1540 square feet. Perry asked what preference the LCC had. The right corner of the tennis court was the initial concern. Perry outlined the proposed locations of the courts on the plan. The movement of the courts is west and north, toward the certified vernal pool but away from the water. Perry explained that they cannot move the courts south because of the septic reserve area. He also informed the LCC that tennis courts cannot be installed in an east-west orientation. The other option Perry proposed is to revert back to the original proposed location. Jones is concerned that if the courts are located 1'-2' from the wetlands, the contractor may end up disturbing a larger wetland area during construction. Martindale took issue with the phrase, 'contractor to remove as few trees as possible.' He would like to flag trees for removal. Another option Jones offered was that the courts can be slid over the reserve field since the reserve field will never be built. Jones explained that should the main disposal field fail, the main disposal field would be rebuilt as opposed to running the pipe over to the reserve area. He noted that the existing disposal field is under pavement. Perry's associate did not believe work on the reserve area would be allowable. Jones suggested Perry call DEP for an answer regarding the reserve field. Perry verified that if they kept the same alignment but moved the courts 10' down, the LCC would be okay with the change. That was deemed to be the best solution. Perry said all the stormwater will pitch toward the east due to drainage and court width. It was noted that the courts cannot be pitched differently due to the possibility of players sustaining ankle injuries. ***On a motion duly made by Gentile and seconded by Solomon, the LCC voted (6-0) to continue the hearing until the November meeting.***

447 ESSEX STREET, WETLAND VIOLATIONS: Mr. D'Avanzo was present for this discussion. The LCC was in receipt of an August 28, 2017 letter from Adelson mailed to Mr. & Mrs. D'Avanzo. The LCC had received some complaints about work in the wetlands on this property. Adelson showed the LCC pictures Kristin Kent had taken from the L.I.F.E. property. Mr. D'Avanzo said he is building a walking path on his property and on September 28, 2015, someone had come out to his property and showed him the areas where he would be able to make improvements. The LCC will conduct a site visit to show D'Avanzo the areas which are to be remained undisturbed.

CONTINUANCE OF A PUBLIC HEARING, REQUEST TO AMEND ORDER OF CONDITIONS, 397 WALNUT ST. (formerly 427), KING RAIL GOLF COURSE, TOWN OF LYNNFIELD, JIM BOUDREAU, TOWN ADMINISTRATOR: Solomon called the hearing to order at 8:00 p.m. and read the legal notice as posted at Town Hall. Domenic Rinaldi with the BSC Group, Bill Jones of Linden Engineering, abutter Salvatore Yerardi of 303 Heather Drive and member of L.I.F.E. Board of Directors and L.I.F.E. Board Director Joe Maney were present for this hearing. An Order of Conditions was issued for a clubhouse, associated driveway and parking lot in 2015. The revised plans remove the driveway under-area but contain the same layout at almost the same grade with a slab-on-grade clubhouse building and a slab-on-grade prefabricated greens' equipment building. The two existing drain pipes will remain in place but the drainage has been split between two bio-retention areas and two smaller underground

infiltration and detention areas have been added. Bill Jones provided a peer review in July 2017 and Rinaldi of BSC responded to Jones' comments. Linden Engineering submitted a final review last week. Jones said he had three items to note. He said the LCC needed to determine if the proposed work in the Conservation Restriction area is consistent with the operation of the golf course. Jones said some pipes run into the CR area but overall was not concerned with this item. The construction in the CR area cannot be done unless the LCC determines the work to be performed is consistent with operation of a golf course. Jones was in favor. The second item was the test pit information was not in the location or quantity Jones finds optimal. While the golf course is in operation, the golf course did not want to dig holes for the test pits. Jones suggested if they proceed with this design, the LCC amend the order to say, "prior to any work on the site, they shall dig the confirmatory test pit". This will confirm the design is optimal. Jones is not overly concerned but would like to see this work performed before construction begins. The third issue is that the LCC in the original Order, required plantings be installed adjacent to the wetlands, closer than what is being proposed now with this amended Plan. Jones said the LCC needs to decide if they would like more plantings or are okay with these plantings as these are different than what was originally approved. Rinaldi was open to modifying the proposed plantings and noted that the planting process is a long way off. Jones inquired if the LCC wanted shrubs planted by the wetlands. Martindale said the LCC would like to see a mixed variety hydrophilic shrubs. Jones was overall pleased with the proposed plans including the change to bio-retention Area 1. Rinaldi suggested adding a condition that an updated landscaping plan be submitted for approval by the LCC. Yerardi expressed concern with the 18'x18' concrete dumpster pad, surrounded by a fence, and is not pleased with location of the dumpster as it is in the direct view of the L.I.F.E. building which sits 8'-10' above grade. Rinaldi said that location was chosen for access. There was discussion about possibly moving the dumpster into the greens' equipment building. Rinaldi said any adjustments would be determined by the architect and golf course management. L.I.F.E. Board Director Joe Maney also said the greens' equipment building is proposed at 95' in length and he has asked the Town Administrator to reduce the size of the building and to have Reedy Meadow store their own equipment on their site. It was determined that a dumpster relocation would be decided upon by the Zoning Board of Appeals. If changes were approved, the applicant was encouraged to come back to the LCC with an Insignificant Change. *On a motion duly made by Gentile and seconded by Lovell, the LCC voted (6-0) close the hearing. On a motion duly made by Solomon and seconded by Gentile, the LCC voted (6-0) to issue an amended Order of Conditions including the following conditions: prior to any work on the site, King Rail Golf shall dig the confirmatory test pit prior to the beginning of construction and submit a landscaping plan for approval by the LCC. On a motion duly made by Gentile and seconded by Solomon, the LCC voted (6-0) to confirm that the Use of the Conservation Restriction Area is consistent with the operation necessary to run a golf course.*

REQUEST FOR INSIGNIFICANT CHANGE TO ORDERS: 433 BROADWAY, FENCING AND CRUSHED STONE AT BOTTOM OF SWALE: Peter Ogren of Hayes Engineering and Attorney Ted Regnante were present for this request. Ogren explained that this request would allow an opaque fence to be substituted for arborvitaes and allow the area along the back wall to be back filled, to grade, with crushed stone. *On a motion duly made by Gentile and seconded by Lovell, the LCC voted (6-0) to accept the Insignificant Change to the existing Order of Conditions.*

REQUEST FOR CERTIFICATE OF COMPLIANCE, 385-397 BROADWAY CADILLAC DEALERSHIP (209-0487):

Peter Ogren of Hayes Engineering, Attorney Ted Regnante and John Welch of 275 McGrath Highway, Somerville were present for this request. The LCC has visited the site and was satisfied. The head wall has been completed and the basin has been cleared. Reports, a CD and compliance letter were submitted. Regnante showed the LCC a confirmation letter which stated that John Welch had ordered the drain protector spill mats and the ultra-spill berms. The gas trap is missing and is scheduled to be installed on October, 6, 2017. *On a motion duly made by Gentile and seconded by Lovell, the LCC voted (6-0) to issue a Certificate of Compliance for DEP 209-0487. On a motion duly made by Solomon and seconded by Gentile, the LCC voted (6-0) to issue a No-Work Certificate of Compliance for the rear parking lot (209-0463).*

REQUEST FOR CERTIFICATE OF COMPLIANCE, KELLY AUTOMOTIVE AND NISSAN: 275 BROADWAY, 307/309 BROADWAY, 325 BROADWAY:

Bill Jones of Linden Engineering and Brian Kelly were present for this request. The LCC was in receipt of an email from Bill Jones of Linden Engineering to the LCC regarding the review of requests for the Certificates of Compliance for 325 Broadway, dated August 9, 2017 and an email dated August 8, 2017 regarding the review of request for 275 Broadway. Adelson was in receipt of a CD with PDFs sent from Ogren. Ogren said a stormwater maintenance report is due in November. The LCC has visited the sites and feels the work has been satisfactorily completed. This request is for four Certificates of Compliance: 275 Broadway (209-0482), 325 Broadway (209-0513), 307 Broadway (209-0512) and 307-309 Broadway (209-3516). *On a motion duly made by Gentile and seconded Solomon, the LCC voted (6-0) to issue Certificates of Compliance for 209-0482, 209-0513, 209-0512 and 209-3516 with Perpetuity Conditions.*

MARKETSTREET, BUILDING 1350 STORMWATER DISCUSSION:

The LCC was in receipt of the proposed plans for Building 1350's Stormwater Management Plan and the Stormwater Management Report from Frank Holmes of Stantec dated August 30, 2017. MarketStreet is proposing to construct a building (1350) in a partially paved area which will lead to an increase in paved area outside of the buffer zone. Regarding stormwater, MarketStreet would have to construct the building and the LCC would have to determine whether stormwater management was being compromised in order to have them come before the LCC for an after-the-fact-filing. Therefore, MarketStreet is presenting a design to show they will treat the water and conform to the Stormwater standards. Underground chambers will be installed. They aren't able to have infiltration because of ledge and are requesting a waiver because the original project had an excess of infiltration. The water will be treated and connected to the stormceptors in the parking lot. Jones is not concerned with stormwater on the project. MarketStreet would like a verbal approval from the LCC before they begin construction as a good faith measure. The LCC and Jones had no concerns with proposed stormwater plan for Building 1350.

BOARD OF APPEALS CASES, 1 WING ROAD CASE 17-20:

Attorney Jay Kimball of Kimball & Kimball and Engineer Mike Laham of The Morin Cameron Group were present for this discussion. The LCC was in receipt of a portion of the Groundwater Protection District Zoning Bylaw. Kimball explained that the LCC has jurisdiction under Section 9.3.63, Section 2. Attorney Kimball stated that there are no wetland issues but we are requesting a usage

requirement Special Permit under Section 9.3.63, use under Section 2. This proposed project is to raze an existing home and rebuild. If the imperviousness limitation that will render greater than 15%, or 2,500 square feet of any lot in the Groundwater Protection District or if the redevelopment will increase the imperviousness, the proposed plan must be shown to all of the Boards, thus causing this to come before the LCC. The plans must show that the system for groundwater recharge does not degrade groundwater quality. Laham reviewed the plans for the LCC. The home will be razed and a significantly larger home will be built with a minor extension of the driveway. The proposed impervious area will be increased to 21,430 square feet, a 24% impervious increase (5170 square feet). The recharge requirements have been met. Laham is proposing to install a system able to filter 1,000 gallons. The tank will be located on the downhill side, gutters and roof leaders will be installed. A bed inspection will be required. There are no drains in the patio but if impervious pavers are used, runoff will drain into the landscaping once the patio is constructed. ***On a motion duly made by Solomon and seconded by Gentile, the LCC voted (6-0) to issue a letter of plan acceptance to the Board of Appeals.***

REQUEST FOR EXTENSION PERMIT, 23 FERNWAY: The project is complete but they are not able to obtain an As-Built. ***On a motion duly made by Lovell and seconded by Solomon, the LCC voted (6-0) to issue an Extension Permit.***

REQUEST FOR CERTIFICATE OF COMPLIANCE, 12 JORDAN ROAD: The LCC was in receipt of an email from Chris Sparages of Williams & Sparages regarding a Request for Certificate of Compliance dated September 27, 2017. Adelson visited the site and took pictures. The owner planted trees behind the shrubs and planted more than the required amount. ***On a motion made by Gentile and seconded by Lovell, the LCC voted (6-0) to issue a Certificate of Compliance.***

1 MEADOW LANE, OUTSTANDING ORDER OF CONDITIONS: On this Riverfront property, the lawn has been hydro-seeded but it is not yet vegetated. The LCC will verify its progress in the Spring. ***On a motion duly made by Gentile and seconded by Lovell, the LCC voted (6-0) to issue a Partial Certificate of Compliance.***

2 BROADWAY UPDATE, CHANGE OF OWNERSHIP: The LCC was in receipt of an email and a deed from Attorney Ted Regnante to Adelson informing her that Monastiero had purchased the property. A site visit to the property has been scheduled for Saturday, October 14, 2017 at 10:00 a.m.

MOTION TO ADJOURN: On a motion duly made by Solomon and seconded by Gentile the LCC voted (6-0) to adjourn at 10:28 p.m.

As recorded and submitted by Marlene Clapp and Betty Adelson

Betty Adelson, Conservation Administrator