

LYNNFIELD CONSERVATION COMMISSION

MINUTES

AUGUST 15, 2017

PRESENT: Chair Paul Martindale
Melanie Lovell
Angelo Salamone arrived at 8:03 p.m.
Don Gentile
Christopher Martone
Janice Solomon

Chair Paul Martindale called the meeting to order at 6:30 p.m. and adjourned the meeting at 8:28 p.m.

PUBLIC HEARING, NOTICE OF INTENT, 74 CRESCENT, NORMAN WINSOR: Solomon called the hearing to order at 6:30 p.m. and read the legal notice as printed in the August 2, 2017 issue of the Lynnfield Villager. Attorney Jay Kimball, homeowners Norm and Erin Winsor of 71 Crescent Avenue and abutters Peter Recka of 78 Crescent Avenue, Karen and Jim Mamos of 92 Crescent Avenue were present for this hearing. Botanist Mary Rimmer was not yet present at 6:30 p.m. Atty. Kimball requested the hearing be held open until Rimmer arrived. The LCC tended to other business until Rimmer arrived at 7:13 p.m. The hearing then resumed at 7:15 p.m.

The owner would like to raze the existing single family home and erect a new, conforming home on the lot, within the same footprint. The proposed plan would add a garage and re-attach the deck and stairs on the rear of the parcel. The driveway is to be modified to accommodate the proposed garage. Also 740 s.f. of existing driveway is proposed to be removed. Martindale inquired about the height of the wall along the bank. Rimmer replied that it is mainly 2-3 feet of broken stone but at grade level. Attorney Kimball addressed the right-of-way. He stated they are in the process of obtaining a title exam. Referencing the 1899 plan, he said the right-of-ways should be owned, in fee, by the two abutters and both parties should own up to the center of the right-of-ways, subject to the right of others. Kimball said they are attempting to correct the structure's location, from a zoning point of view and the proposed plans pull the property off of the right-of-way. Adelson inquired if the dock was on both properties. Kimball replied affirmatively. Adelson noted that the dock was never permitted. Gentile referenced the siltation fence and hay bale erosion control at the dock. Rimmer offered to pull it off the dock and closer to the limit of work. Rimmer said no trees require removal to accommodate the plan but a tree with a 24" hole at the base was observed and they would like to remove that tree for safety concerns. The LCC requested the tree being proposed for removal be added to plan. Adelson inquired about the septic system. Kimball noted there was some confusion the new system was installed in 2007 and the existing system would remain. No vegetation is being proposed for removal but a new foundation will be poured and a new cross wall will be built. There will be no basement. The abutters in attendance voiced their support of the project. ***On a motion duly made by Lovell and seconded Gentile, the LCC voted (5-0) to close the hearing. On a motion duly made by Gentile and seconded by Lovell, the LCC voted (5-0) to issue an Order of Conditions with the following condition: any removed trees shall be replaced with 1-2" caliper trees.***

MINUTES: ***On a motion duly made by Gentile and seconded by Lovell, the LCC voted (5-0) to accept the April 11, 2017 minutes as submitted.***

CERTIFICATE OF COMPLIANCE, KELLY AUTOMOTIVE AND NISSAN, 275 BROADWAY, 307/309 BROADWAY, 325 BROADWAY & AMENDED 325 BROADWAY: Martindale explained that the LCC would like to close out all of the outstanding Orders associated with these properties. The LCC would like to visit the sites to review the Requests for Certificates of Compliance. A tentative site visit date of Monday, September 11, 2017 was scheduled.

CERTIFICATE OF COMPLIANCE, 3 HILLTOP ROAD: Kristin Kent is scheduled to meet the owner to verify the work has been completed and assist with conservation marker placement.

CERTIFICATE OF COMPLIANCE, UPS STORE, 8 KIMBALL LANE: The LCC has not received a response from UPS after submitting Bill Jones' review letter to them.

PARTRIDGE ISLAND BOARDWALK: Adelson will reach out to the Rotary Club. The estimate the LCC received was deemed to be high and Adelson would like to consult with the Rotary regarding the shared cost. Adelson also spoke with M&M Tree Service and was able to secure some funds for the tree company. She has also been offered some free, clean fill for the project which should help defray the project cost. Adelson hopes work will start within a few weeks.

PUBLIC HEARING, NOTICE OF INTENT, ONE MEADOW LANE, LESLIE MILLER: Solomon called the hearing to order at 6:45 p.m. and read the legal notice as printed in the August 2, 2017 issue of the Lynnfield Villager. Installer Jerry Pezzella and homeowner Leslie Miller were present for this hearing. Pezzella offered that the proposed subsurface septic system has been pushed as far away from the brook and wetlands as possible and said they are requesting the appropriate/setback waivers. The existing septic system has failed a Title V inspection and the homeowner is in the process of selling the property. Attorney Kimball stated this septic is at the maximum feasible location and believes it to be a pretty straightforward system, not an alternative or enhanced system. Pezzella is proposing to change the plumbing inside the house and have it lead out of the front. The current system is sitting in groundwater and the proposed system will be completely within the front lawn. The slope is not being met out front but Pezzella will install a 10 ml poly-plastic barrier to account for the slope deficiency. Martindale is satisfied that the system has been proposed as far from the wetland and Beaverdam Brook as feasible. The LCC noted that they have not yet received the DEP number and the comments from National Heritage. Miller expressed her desire to go forward with the project. The LCC explained that the hearing cannot be closed without the DEP number and National Heritage comments but assured Miller that they would move swiftly to accommodate Miller and her failed system as soon as possible and would be willing to hold a special meeting to issue the Order once the aforementioned items were received. Pezzella was urged to reach out to DEP to expedite the process. *On a motion duly made by Gentile and seconded by Lovell, the LCC voted (5-0) to continue the hearing until the DEP number and National Heritage comments are received.*

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 7:00 p.m. and read the legal notice as posted at Town Hall. Adelson informed the LCC that John Perry of Gale Associates requested a continuance. *On a motion duly made by Solomon and seconded by Gentile, the LCC voted (5-0) to continue the hearing until the September 19, 2017 meeting.*

PUBLIC MEETING, REQUEST FOR DETERMINATION, 6 ALDERNEY WAY, ANTHONY BRUNO: Solomon called the hearing to order at 7:05 p.m. and read the legal notice as printed in the August 9, 2017 issue of the Lynnfield Villager. Anthony Bruno was present for this meeting. Bruno informed the LCC that he would like to extend the existing 14'x 16' deck at the rear of his home. He is proposing to rebuild the deck, extending the width 20' to construct a 14'x 36' deck. The LCC visited the site and the deck is currently framed in but work has stopped. Bruno said the contractor has installed silt fence. The LCC reviewed three recent images. It appears that one corner may touch the 50-foot buffer zone. The proposed footings will be comprised of concrete-filled sonotubes. Martindale inquired if Bruno intended to enclose the deck in the future. Bruno replied in the negative. *On a motion duly made by Gentile and seconded by Lovell, the LCC voted (5-0) to issue a negative Determination of Applicability.*

327 EDGEMERE ROAD TREE DISCUSSION: Lovell witnessed 8-10 trees, of 5-6" caliper, cut on the lot. Adelson sent a letter on August 9, 2017 to the Fergusons to inform them of the discussion at this evening's meeting. The Fergusons were not present. Adelson will follow up with the homeowners. Lovell noted that the trees appear to be being cut from within 25' of the Pond but are being stored at the top of the bank.

CONTINUANCE OF A PUBLIC HEARING, NOTICE OF INTENT, REQUEST TO AMEND ORDERS, 397 WALNUT STREET, (formerly 427), KING RAIL GOLF COURSE, TOWN OF LYNNFIELD, C/O JIM BOUDREAU, TOWN ADMINISTRATOR: Solomon called the hearing to order at 7:15 p.m. and read the legal notice as posted at Town Hall. Martindale informed the LCC that the applicant and engineer requested a continuance. *On a motion duly made by Solomon and seconded by Gentile, the LCC voted (5-0) to continue the hearing until the September 19, 2017 meeting.*

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 7:30 p.m. and read the legal notice as posted at Town Hall. The LCC was in receipt of a letter from Attorney Connolly requesting a continuance until the September LCC meeting. *On a motion duly made by Gentile and seconded by Lovell, the LCC voted (5-0) to continue the hearing until the September 19, 2017 meeting.*

ENFORCEMENT ORDER, 10 RAMSDELL WAY: Paul Marchionda and Mr. and Mrs. Costa were present to discuss this Enforcement Order. The LCC was in receipt of a portion of the Marchionda & Associates Plan, the special conditions, color picture of existing decks and an email from Adelson to the Costas dated July 13, 2017. The LCC had visited the site. The LCC and Marchionda believe the area is stable. Marchionda suggested the issuance of an Enforcement Order to expedite the process. Martindale noted the slope is too steep in some areas and would like to see the addition of some top soil and hydro-seeding as well as the vegetation of unvegetated areas. Mr. Costa mentioned the possible addition of a tree. Martindale suggested a follow up site visit in the fall and if all the requirements are met, the LCC could possibly issue a Certificate of Compliance for the outstanding Order of Conditions. Marchionda agreed to submit an As-built plan showing the completed work, area to be hydroseeded and vegetated in order to receive a COC this fall. Adelson suggested the owners submit a Request for Determination, at a later date, for the proposed above-ground pool.

CERTIFICATE OF COMPLIANCE, 53 CHESTNUT STREET: Matthew Guarracino was present for this request. A partial Certificate of Compliance was issued in July 2017. The LCC was in receipt of a plan from Hayes Engineering. Kristin Kent had observed on the plan, a 250 s.f. area of flood plain which had been filled. The LCC is requesting a mitigation area of equal size for flood plain storage. Guarracino offered that he has been conscientious in working with the LCC and said the area in question is only .7% of the lot. He is unsure of how the error occurred as he has been working with engineers and believes the error not to be his. The LCC explained that while there is sometimes flexibility, flood plain storage is not negotiable. Martindale reminded Guarracino that the neighbors in the area have had great concerns about flooding and explained why flood plain storage is necessary. Adelson explained that the blue house to the right of 53 Chestnut had flood water rise up to their driveway when the brook overflowed during the Mother's Day Storm in 2006. Adelson stressed that flooding is a real possibility. Guarracino was encouraged to return with a proposal on the current As-built and said a new As-Built is not needed but the mitigation area should be shown on the current As-built. Guarracino noted the debris in the area has been cleaned and the plantings have been placed and watered.

NOTE: Salamone arrived mid-discussion at 8:03 p.m.

LHS ORDERS: Adelson is waiting on Attorney Doyle and will contact him regarding the conditions and As-Built submission.

OPEN SPACE AND RECREATION COMMITTEE: The next OSRPC meeting is scheduled for August 22, 2017 at which the final survey will be approved.

PILLINGS POND UPDATE: The spiny naiads were treated on August 9th. It was noted the Board of Health recently tested the water. Martindale noted the LCC needs to schedule the phragmites treatment for the fall but must obtain permission from the abutters. Adelson will coordinate a mailing to abutters.

LCC SEPTEMBER MEETING: There was discussion about holding the September meeting at the Merritt Center if there was availability. Adelson will schedule the meeting and post the meeting location on the website should it be relocated.

LCC BOARD OPENING: The LCC has one open seat. The LCC members were encouraged to seek out applicants for potential commission members.

MOTION TO ADJOURN: On a motion duly made by Martone and seconded by Gentile, the LCC voted (6-0) to adjourn at 8:18 p.m.

As recorded and submitted by Marlene Clapp and Betty Adelson

Betty Adelson
Conservation Administrator