

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

TUESDAY, AUGUST 21, 2018, 6:30 PM

H. Joseph Maney Hearing Room, Lynnfield Town Hall

Members present:

Paul Martindale, Chairman, Commissioners Don Gentile, Melanie Lovell, Chris Martone, Angelo Salamone; Bill Thompson (arrived 7:00pm); Administrator Emilie Cademartori.

6.33pm Chairman Martindale called the meeting to order.

6:33pm New Public Meeting: Request for Determination of Applicability - 72 Bourque Rd.

Applicant: Brian & Karen Moreira
Project: Landscape improvement.

Paul Marchionda of Marchionda & Associates was present to explain the project. Gentile read the notice. Lovell then recused herself from this meeting.

The project calls for selective tree removal, planting of shrubs, installation of a masonry stone wall, grading, loaming and seeding. Proposed work is within the buffer zone to a pond.

Marchionda explained that as the next door neighbor to the applicant, he built the pond 25-30 years ago, and installed a fence some years later. The applicant would like to install a masonry stone wall up to Marchionda's fence. A waddle would be used, as there is relatively little excavation that would require a silt fence. Agent Cademartori had visited the site and confirmed the necessity of a waddle only. No wetland plants would be planted.

Cademartori suggested that the applicant seek an RDA because of the proposed "structure" - a masonry wall - planned for the entrance in the proposed area. Emilie also suggested that rather than considering this a standing resource delineation, the Commission not confirm the presence or absence of any BVW. Although there may have been limited vegetation along the pond bank, and there may be BVW present, it is not shown on the plans.

Chair Martindale suggested that the Commission issue a Negative 3 determination whereby the work being proposed is within the buffer zone, but will not alter an area under protection. Cademartori also noted that a condition is listed that a barrier would be installed between the work area and the pond, and that the area would be stabilized upon project completion.

Marchionda was the only abutter present for comment.

On a motion duly made by Gentile and seconded by Salamone, the board voted (4-0) to issue a Negative 3 determination. Note: Lovell had recused herself at the beginning of this meeting.

6:43pm Presentation - Update Open Space & Recreation plan (OSRP)

Presenter: Lucy Madden, candidate for her Girl Scout Gold Award

Project update: Open Space & Recreation Plan - survey results and summary

Lucy Madden conducted the required public survey as part of the OSRP update, and as included in the scope of her Gold Award project. The survey results are intended to be used in developing the goals and objectives section of the plan. Two additional Open Space Plan Committee members were present; Erin Madden and Betty Adelson.

Lucy distributed OSP survey results to board members. The survey was conducted through Survey Monkey, with links posted on a Facebook Page that she created, the Town website, and with paper survey copies available at Town Hall, Library and Senior Center. There were 583 responses to the survey. Also included in her Gold Award project were clean-up days in Beaverdam Brook and Bow Ridge conservation areas. The Facebook page includes photos, descriptions and information on how to access these areas.

Chair Martindale asked for Lucy's recommendations regarding resident usage of these conservation areas. Lucy responded that many people are not aware of the areas, principally because there is a lack of signage and trail markers. She did note that the DPW has been helpful in clearing the entrances to these areas so that they are more easily accessed.

Martindale suggested that it should be fairly easy to secure trail markers. Betty Adelson added that some scout troops were anxious to assist with this. Erin Madden noted that these are appropriate goals to include in the plan, after which subsequent tasks can be defined. Martindale further suggested using DPW and ConCom funds to buy the trail markers and install them as soon as possible.

Gentile asked if there were any specific types of open spaces that residents were looking for, to which Lucy responded "more trails". Adelson added that the 2010 Open Space Plan called for creating a task force, specifically to monitor and maintain the trails, but that it was never established. She added that maintenance is key.

Board member Bill Thompson arrived.

Martindale suggested that the LCC not wait until the plan is adopted before speaking with the DPW and beginning an effort to mark the trails and install signage, simply as routine maintenance and upkeep on conservation land. Martindale asked for a list of the top 5 items the Open Space Committee would like to see done, based on the observations and survey work, and submit it to Agent Cademartori.

Martindale thanked Lucy Madden for her work, and noted that the commission will work to implement the tasks identified in the plan. Adelson added that Lucy will plan to attend the

September 18 LCC meeting to provide a final update and to have commissioners sign off on her Gold Award final report. Cademartori also asked for the facebook page link so that it could be added to the LCC web page. Martindale also suggested that the LCC sponsor a nature walk on one of the conservation areas, perhaps on a quarterly basis on Saturday mornings.

7:01pm New Request – Request for Certificate of Compliance - 16 Hutchins Circle DEP #209-0518

Peter Ogren of Hayes Engineering was present to respond to questions.

Ogren reported that the house is constructed as originally permitted with minor differences in grading. There was some question about the presence of a new shed, or the use of the existing shed. Cademartori noted that the shed was not shown on the plan, but was present in all the pre-construction photos, and that the shed siding matched that of the original house. Cademartori also added that the owner recently installed the markers at the edge of the lawn, as required.

The house was completed 4 years prior, and the site is fully vegetated. Ogren noted that this is a typical occurrence, as the owner is now selling the house and the open order of conditions is an impediment to clear title.

There were no abutters present.

On a motion duly made by Lovell and seconded by Salamone, the board voted (6-0) to issue a Certificate of Compliance.

7:06pm New Request – Request for Certificate of Compliance – 8 Kimball Ave-UPS DEP #209-0610

Agent Cademartori provided the background. No one was present from UPS.

Cademartori visited the site visit both prior and post work. The project is complete and there are no issues. The fuel island, fuel pumps, underground tanks and any contaminated soil have all been removed.

Cademartori also noted that UPS has an outstanding OOC from a previous effort, and when she notified UPS of this, she received an immediate reply that it would be addressed this September.

Chair Martindale noted that although the fuel station had not been used for several years, this removal was positive as it was a potential hazard located just 30' from the Saugus River.

On a motion duly made by Lovell and seconded by Salamone, the board voted (6-0) to issue a Certificate of Compliance.

Updates/Correspondence:

7:09 pm - Grandview Estates Enforcement Order/Compliance Plan

Peter Ogren was present to provide the update. A number of homeowners were present. Developer Said Abuzahra, his wife, and his site contractor Rick Keller were present.

Chair Martindale noted that a letter was received August 21 from the attorney (John Connolly) for developer Said Abuzahra.

Ogren provided an update using his July 18 letter, photos, and photos taken August 21 during a heavy rain event. Ogren met with Said after the July 19 LCC site visit. Ogren noted some progress upon entrance to the site, including overseeding, weed-whacking in the retention basin, cutting down of trees growing in the retention basin, weed-whacking over the sanitary system. However, Said had not found a contractor to lay down the tackifier and temporary ground cover. Ogren provided him with several sources, and as of August 21 Said has received proposals from 3 companies. Martindale asked how soon the work could be done. Said reported that everything would be finished before the first week of September, to Peter Ogren's satisfaction.

Ogren then mentioned that Said wished to raise the issue of the enforcement order that he believes is causing problems with unit sales, and asked if there was a possibility of some relief. Martindale noted that it was already late August and these issues have been ongoing for quite some time. Further, if the work could be completed by early September, and if the LCC could inspect and verify the work, then perhaps relief could be discussed in the September LCC meeting. However, it would be premature to consider any relief at present. He then asked for opinions from other commissioners.

Thompson, who had been present on the site visit, expressed concern about use of a tackifier and seed without a good soil base. He noted for the OOC for all the land within the drainage area was scheduled for 6" of good loam, which includes $\frac{1}{3}$ to $\frac{1}{2}$ of organic material. He said that he took a representative sample of the material on the site, which had no organic material present, and questioned how grass could possibly grow. Ogren replied that he was referring to areas calling for a temporary cover, not final grading, in order to hold the erosion. He also said that Said's landscaper did not agree with Thompson's assessment of the loam, to which Thompson replied that an expert assessment could be obtained. Ogren noted that he employs this temporary measure "all the time" and he "guarantees that it will grow".

Ogren said that there are areas of deep erosion, and recommended that they be filled with stones. Site contractor Rick Keller said that they are in the process of completing the stairs, and once done, the landscaping will be completed. Martindale noted that until then, silt will continue to flow down the road during any rain event. Said's wife, Jehad Abuzahra said that the water has been crystal clear.

Cademartori noted that the stone trench that had been installed has helped to keep water away, and that once the stairs are completed, there will be a complete wall across the area, and the final grade can be done. There will be a means for water getting through the wall - such as perforated pipe - which should resolve this issue altogether.

Martindale inquired when the wall and the stairs will be finished. Said said he expected it to be completed 1- $\frac{1}{2}$ weeks ago, but now expect completion this week - "if they are telling the truth".

Martindale then added that once complete - “this week or next week” - they can immediately start the finished grade which will solve one of these major issues.

Martindale then asked about the area across the street by the fill pile. Cademartori said that the area is fairly well vegetated, and that once the areas are “tackified”, the issue should be corrected. Martindale asked for questions from other commissioners. Gentile asked Ogren about pictures taken by residents of the retention basin, and asked if there was any issue of drainage, to which Ogren said that drainage here should occur within 72 hours. Mr. Abuzahra asked Thomson to send him the specs for “the best loam”.

Martindale then asked abutters for comment. John Popalo of Unit 26, 15 Ramsdell Way spoke on behalf of homeowners. He again expressed homeowners’ overall disappointment with the level of effort and timeliness of addressing issues. Specifically, silt from the disturbed areas of the new foundations, is running through and around hay bales during rain events. He presented photos of run-off that is not crystal clear, but rather laden with silt, including small pebbles and stone at the end.

Popalo questioned the basin’s ability to handle the volume of water, to which Martindale asked Ogren if the basin was appropriately sized. Ogren stated that the basin size was peer reviewed by the Board of Appeals, and that he has personally seen no time when the basin was even close to overtopping.

Popalo expressed concern about the request by the developer to lift the enforcement order. He cited the 2014 timeline that has stretched to 2018. He also cited the “running around” activity by the developer just before LCC meetings. He also asked for the timeline for the finished product, rather than temporary fixes. He added that the steepness of the slope is of concern, and in discussions with their own landscaper contacts, the tackifier solution is not satisfactory.

Abutters present were in agreement that the enforcement order should not be lifted. Popalo further inquired as to what would occur when the tenants take over in June, 2019 and the order of conditions is not satisfied. Gentile responded that this was a matter between the tenants and the developer, and the specifics of any arrangement between them. After some discussions, Martindale suggested that this matter was a legal point of discussion and that the commission needed to move on.

Martindale asked if Cademartori had any summary comments. She said that for the new foundations under construction, the developer would want to make sure than any barriers put in place should work to prevent wash-out from the new disturbed areas, and that hay bales placed on asphalt may not be a good solution.

Martindale gave his opinion that it was premature to lift the enforcement order. The majority of commissioners agreed. Martindale added that the next time to revisit this situation was the September 18 LCC meeting, noting that to date some progress has been made, and added that an inability to sell the remaining units would be detrimental to all parties and would be discussed further in the September meeting.

7:52pm - ZBA Special Permit/Site Plan Review - 160 Moulton Drive

Agent Cademartori provided an update. The August Zoning Board meeting resulted in a continuance of the meeting, based largely on the outcome of the previous night's Planning Board meeting which culminated in a vote to recommend that the ZB deny the special permit for the project. Applicants are now expected to come to the September Zoning Board meeting with a reduced density plan of 32 to 23 units, and 3 to 2-story construction.

Town Counsel Tom Mullen rendered an opinion that the applicants need to apply to the LCC for a stormwater permit. The applicant's attorney disagrees. The LCC will be asked to review the stormwater plan and most likely have a peer review. Cademartori has stated that the LCC would wish to vet the stormwater plan in a public setting. Her recommendation is to have the applicant apply to the LCC for a stormwater permit rather than via an advisory role, and, hopefully in time for the September Zoning Board meeting. She also noted that the Town Engineer is in agreement with this approach.

7:56pm – 70 Walnut Street

Agent Cademartori provided an update. Because the property owner has offered it for less than the appraised value, Town Counsel has agreed that the LCC does not need an appraisal. Town Council has drafted a P&S, which the LCC members should review. The next decision point is whether the board wishes to have the property surveyed ahead of the purchase.

7:58 - Rotary Park Maintenance

Agent Cademartori provided the update. Residents have asked the selectmen and DPW for the vegetation along the bank to be trimmed so as not to obstruct the views of the pond from the benches at Rotary Park. Problematic is the LCC advising pond property owners that a bank buffer needs to be kept in place. When the same request had been two years ago, Betty Adelson and Kristin Kent made a site visit and marked what were invasive bank vegetation plants that could be removed. Cademartori suggested acting on this prior work, but also asking the DPW not to mow to the edge of the bank. She then showed photos of the erosion at the edge of the bank from frequent fishermen activity. The bank edge is collapsing in various areas into the pond. She has asked the DPW to either stop mowing to the edge of the lawn, to plant vegetation at this edge, or perhaps consider a permanent non-plant edging for the fisherman to stand upon. She also noted that when this park was permitted, there were no conditions placed upon the edge of the pond.

8:03pm – Notification of Utility Corridor Work

Agent Cademartori provided the update. No action is required by the LCC. This is a procedural notification of exempt utility maintenance work (specifically painting of utility towers). Board members are notified in the event that residents direct inquiries to the LCC.

8:05pm – Recreational Path Committee Update

The Rec Path Committee is required to routinely keep the selectmen updated as to their progress, and Cademartori included their latest update in LCC members' packets. Martindale mentioned

that he heard Wakefield had been awarded a \$500,000 grant. Cademartori noted that there are 2 different items; a \$100,000 DCR trails grant awarded to Lynnfield that requires a matching funds of 25%. Cademartori said that the Friends of the Rail Trail committee may look to the LCC to fund this 25%, to raise the money privately, or some combination. This money would go toward the 100% design work still needed. The \$500,000 is an earmark on the environmental bond bill which is listed, but not necessarily funded. Unfortunately, the initial \$500,000 estimate for the 100% design for which Lynnfield and Wakefield would each be responsible for 50%, has now been raised to \$700,000 in the most recent bid from World Tec.

8:05pm – Pillings Pond Treatment

Agent Cademartori provided the update. So far this season, under the contract, there was a bloom which required a copper sulfate treatment August 13. The contractor has done all but the phragmites treatment this season. Next week the contractor will start treating the phragmites along the shoreline. The rain events have not been helpful. Martindale noted that the challenge for this year was the high temperatures and little rainfall which has provided a perfect condition for algae growth.

Thompson asked how the treatments were funded to which Martindale responded that it is a capital expenditure line item in the Con Com budget that is presented to the selectmen each year. It then appears as an expense line item in the DPW budget which the Con Com directs. Cademartori asked if hydro-raking, which had been recommended by past LCC boards, was something to be reconsidered. Martindale responded that hydro-raking is a double-edged sword as seeds are scattered and pieces of plants can start new plants in some species.

Cademartori also noted that there is a new permit out from the 2018 NPDES Stormwater Permit Program, a permit that all municipalities have under the Clean Water Act. Lynnfield has not had a permit renewed in nearly 15 years. Towns are generally reluctant to apply for the new permit, as it often carries more regulations, reporting requirements, and cost.

Under the permit, we need to show that we are making progress, especially on our impaired water bodies, of which Pillings Pond is one. The permit has a “laundry list” of items the Town can take credit for, and the Town can choose from that list. One of the items is a more proactive Pillings Pond watershed public education piece, and part of the permit this time would be town-wide public education of the pond. The permit runs 5 years, and if this is placed into the permit, the Town will need to help fund it.

Martindale suggested that 2 people on the board form a task force along with Cademartori. Lovell, Martindale and Gentile volunteered to work on this task force, and meet outside of the LCC meetings.

8:16pm – Sub-Committee Updates - Tree Committee

Lovell provided the update.

The Tree Committee is planning on a Tree photo contest. Lovell distributed a draft of a flyer. Residents would send email photos of Lynnfield trees in various categories during the month of

October, and a prize of a tree and a framed, matted photo of their submission could be won. A brief ceremony would be planned. Thompson added that there was much activity and interest at the Lynnfield Summer Concert when the Tree Committee had an information table, a prize wheel, giveaways and Lovell dressed in a squirrel costume.

Lovell noted that the focus for 2019 should be defining the overall goals of these activities. Martindale suggested tying the 2 elements - the contest and the PR effort with the recommended shade tree list that residents could access for planting. He would like for the LCC to follow through and include a listing of the recommended shade trees on our website. He specifically noted his neighborhood where the original trees are dying and need to be replaced. He would like to see a space where residents could access recommended trees for re-planting. Lovell also pointed to a listing of appropriate/native trees that the Planning Board advises developers to plant. Lovell said that at the Tree Committee meeting in September, she would raise Martindale's recommendation that the tree contest and the recommended tree listing for Lynnfield residents be combined in a single effort.

Martindale also inquired if there had been any further discussion on the Tree Committee regarding hazard trees. Lovell stated that she had not been present, although in her discussions with fellow Tree Committee member Jane Bandini, Jane's opinion was that identifying and removing hazard trees was not in the purview of the Tree Committee unless there was a one-for-one replacement policy. Martindale suggested that perhaps the LCC needed to be more proactive in determining replacement of trees that are hazards, noting the concerns that many residents have of, as example, the very large white pines in Lynnfield that are at or approaching their end of life.

8:32 Partridge Island - Poison Ivy abatement

Agent Cademartori reported that she asked the DPW to treat the poison ivy, specifically on the boardwalk.

8:33pm – Open Historic Files – updates, if any

Boston Clear Water: Agent Cademartori reported that the DEP has requested more information regarding delineation of zone 1 around the spring house, a narrative of the proposed construction of the water lines, the total extent of the tree clearing, and a detailed narrative of all the clearing, grading and stabilization plans for the slope. If the DEP is going to issue a superseding order, they will want much more information, as the plan did not show that it could adequately protect the resource area. The applicant has 70 days to respond. Additionally, there is no further update on the ongoing court case.

2 Broadway: Cademartori reported that the foundation should be going in shortly. She did an inspection site visit and was not happy with the conditions, citing; site not secured, fence not standing, the Ship in violation by stockpiling material in the parking lot, insufficient erosion control, delinquency in submission of SWPPP reports, etc. Martindale took this opportunity to note that this is evidence in support of the need for a dedicated site inspector. Cademartori

reinforced this sentiment by noting that the NPDES report requires that evidence be provided that the LCC is enforcing its permits.

Administrative Matters:

8:36pm – Planning & Conservation Staffing Proposal

Martindale briefly summarized the proposed combination staffing for Planning and Conservation Departments. He noted that the Planning Board would vote on this proposal next week, and the LCC would respond and then vote afterwards. Proposed is a single Director of Planning and Conservation, with 2 part-time Land Use Assistants, each at 17-½ hours. Additionally, there would be a 20 hour per week for a dedicated field inspector. These jobs would be posted internally first. Cademartori noted that the combination would save the Town some money, as the funds voted in the May 2018 Town Meeting was for a full time Town Planner with benefits. Martindale also noted that a number of other towns have secured positions that combine planning and conservation functions. Martindale asked board members to think about this reorganization in preparation for voting on the proposed arrangement in the September 18 LCC meeting.

Thompson asked for a further description of the duties of the site inspector. Cademartori said that she saw 2 significant responsibilities. First, the LCC and the Planning Board put much effort into permitting, and having a field inspector to ensure that all permits are strictly followed is critical. She specifically cited Grandview Estates as a situation that should never have gotten to the point that it is at now. Further, when a new development is being built, it would be important for a field inspector to be on site at least once a week.

Secondly, it would be beneficial for the LCC to be on top of situations like the poison ivy on the boardwalk at Partridge Island. The LCC often is left to react to situations discovered by residents. During periods of downtime, the LCC could be a better steward of the properties it controls. Further, again referring to Grandview Estates, if a site inspector was routinely monitoring progress, that person could guide commissioners as to what to look for, what to focus on, etc. - a much more efficient use of board member efforts.

Cademartori distributed a draft job description for the staff positions, and asked for feedback.

Bills: bills were distributed for signatures.

Site visits: Grandview Estates - Monday, September 17 at 6:00pm.

Minutes: The July 17, 2018 draft meeting minutes were reviewed and corrected.

On a motion duly made by Gentile and seconded by Thompson the LCC voted (6-0) to approve the July 17, 2018 LCC meeting minutes as corrected.

8:59pm On a motion duly made by Lovell and seconded by Gentile the LCC voted (6-0) to adjourn the meeting.

NEXT REGULAR MEETING – Tuesday, September 18, 2018

As recorded and submitted by Jennifer Welter