

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

TUESDAY, DECEMBER 18, 2018, 6:30 PM

H. Joseph Maney Hearing Room, Lynnfield Town Hall

Members present:

Paul Martindale, Chairman, Commissioners; Don Gentile, Jan Solomon, Chris Martone, Angelo Salamone (arrived 6:45pm); Bill Thompson; Melanie Lovell, Administrator Emilie Cademartori.

6:31pm Chairman Martindale called the meeting to order.

6:32pm Public Meeting - Request for Determination- 14 Carpenter Road

Applicant: Al DiZoglio

Consultant: Jon Whyman & Julie Vondak

Project: Installation of new septic system

Jon Whyman was present to explain the project - replacement of a failed septic system. The new system components are located in Buffer, as far as possible from the BVW resource area, but are technically in Riverfront Area associated with Hawkes Brook. The replacement of a failed system for an existing dwelling is grandfathered and exempt when meeting Title 5.

Whyman indicated said that the entire lot is in the Riverfront and that he would work to respect a 100' line. Existing house is on a cesspool that will be replaced with monolithic tank, pump chamber, filter, and poly barrier at the foundation.

Chair Martindale asked if any soil would be replaced to which Jon replied that 200-300 yards of sand would be added. The backyard is lawn, not necessarily filled in right to the Brook edge. Cademartori indicated that all the houses in this area are grandfathered, being within Riverfront.

Martindale noted that the lawn is mowed to the top of bank, and that markers are needed. He suggested placing markers and posts 20' in from the BVW. Cademartori replied that this being an RDA, and not an open order, and since no work is planned for the backyard, 20' might be "intrusive" and a difficult condition to impose.

Martindale then suggested that with a lot depth of 100' perhaps placing three markers at 10' would be a fairer request. Whyman indicated he would place this condition on the COC for the septic system. Martindale suggested a positive 2A confirming the boundary delineation, a Negative 3 because it is Riverfront and the work is within the buffer zone but will not alter the

area subject to protection, and a Negative 5 as the area described is subject to protection under the Act but the work meets the requirements, specifically Title 5.

On a motion duly made by Gentile and seconded by Lovell, the board voted (6-0) to issue a Positive 2A, a Negative 3, and a Negative 5 subject to the conditions noted above.

6:46pm - Minutes of November 20, 2018

The November 20, 2018 draft meeting minutes were reviewed.

On a motion duly made by Solomon and seconded by Salamone the LCC voted (7-0) to approve the November 20, 2018 LCC meeting minutes.

6:49pm – Request for COC – 41 Apple Hill Lane – DEP #209-0457

No one was present for this project. An outstanding OOC exists from 2008. The Order for an addition was completed in 2010. The 2018 BVW delineation differs from the 2008 plan. A site visit was held 12/1/18.

The new septic was approved in the November 20, 2018 meeting. Cademartori suggested placing markers at the limit of lawn, as a compromise, and that a COC can be issued subject to installation of the markers.

On a motion duly made by Thompson and seconded by Solomon the LCC voted (7-0) to issue a COC conditional upon installation of no disturb markers along the compromise delineation line.

6:53pm – Request for COC – 272 Old Pillings Pond Rd. DEP #209-0609

No one was present for this project. The OOC was for a raze and rebuild and a new septic system. The site had a highly altered shoreline and there were conditions for restoration and planting. Although the site is stable and the work is complete, there are differences between the as-built conditions and the approved restoration plan. This property is adjacent to the ROW boat ramp that was much impacted when an excavator was driven into the pond, and subject to an enforcement order. It also appears that more trees were removed than requested. The restoration requires 2 years of monitoring.

Jon Whyman has restored the boat ramp, and a 10' wide shoreline area. He used boulders on the shoreline below the LSF line to harden the shoreline. More trees were removed than permitted. Cademartori noted that the restoration is not as wide as it should have been, is not located exactly where it should have been, and it was done 10' from top of bank rather than from elevation 99. The geese have eaten the restoration plantings in the installed coir roll, which may or not come back in the Spring. There are also fewer trees planted than requested. Gentile asked if the boat ramp restoration was on the property. It is actually on the common way. The stone wall along this common way, which was also destroyed by the excavator, was rebuilt by Jon Whyman.

Martindale noted that the boulder wall as built along the shoreline may actually be a positive, as it stabilizes the shoreline and adds a natural look. Cademartori agreed, but indicated that she would have liked to have seen it built at a different elevation. Solomon expressed disappointment at the number of discrepancies between what has been installed versus originally intended per ConCom.

After some deliberation, Martindale suggested that, in light of the numerous questions about the property, the request for a COC be tabled pending a site visit from Commissioners.

7:07pm – Request for COC – 24 Wildewood Drive DEP #209-0431

No one was present for this project. This OOC, originally for a new house and septic on a vacant lot, goes back to 2007 and was extended numerous times. The owner decided to install the septic only, and if a house were proposed in the future, it would likely be outside the 100 ft buffer or the owner would re file for a new permit. The work was completed summer 2018, the majority of the lot is undisturbed and the work area has been hydroseeded.

Cademartori suggested that the Commissioners close out the Order, which references an as-built plan, and accept only the partial work shown on the plan. In the future, if a house is planned on the property, the owner can refile a new NOI at that time.

On a motion duly made by Lovell and seconded by Salamone the LCC voted (7-0) to issue a complete COC for the partial work that has been completed.

7:12pm -- Updates/Correspondence:

Boston Clear Water

Cademartori provided an update. Boston Clear Water (BCW) won their DEP appeal.

Cademartori asked Commissioners if they wished to appeal the DEP Superseding Order in the remaining 2 days allowed. This would require Town Counsel to file a brief.

Cademartori summarized the history. When ConCom issued its Order, BCW appealed the local bylaw and requested a superseding order. BCW never provided all the information requested by DEP, but their original October 11, 2017 plan was approved in total. Martindale noted that BCW withdrew a number of items when they presented it to ConCom, therefore, DEP should not accept their plan as ConCom did not have an opportunity to weigh in on omitted items. All items presented originally to ConCom were accepted by DEP; building, septic, driveway, turn-around, etc. Gentile suggested appealing the total Superseding Order, rather than specific parts. Cademartori referenced the DEP “clear and concise statement” that would need to be provided in

an appeal, detailing perceived errors in the DEP findings. After some deliberations, Commissioners agreed to issue an appeal.

On a motion duly made by Lovell and seconded by Solomon the LCC voted (7-0) to request that Town Counsel Tom Mullin appeal the DEP Superseding Order.

Annual Stormwater Compliance Reporting

Cademartori informed the Board that the Stormwater Compliance Reporting letters have been directed to property owners with open Orders of Conditions requiring stormwater management compliance. She is now fielding a number of calls asking for guidance. Martindale asked if the reporting could be streamlined, to which Cademartori responded that these Orders tend to be property specific. She added that some property owners will want to seek the assistance of an engineering firm.

Pillings Pond Annual Report

Chair Martindale said that vendor Solitude suggested a new approach - monthly copper sulphate treatments, and would like them to present to the Commissioners, perhaps January or February. The work would need to go out for bid. Martindale believes there have been overall improvements in water quality and in treatment of weeds. Solitude has not seen any new growth of phragmites, but will confirm in the Spring.

Cademartori suggested drafting an RFP either focused on a renewal of the work, or aimed at what goals the ConCom would like to see for the Pond. Martindale suggested including a narrative about the work that has been done. She added that the DPW and ConCom have been working together to address the NPDES requirements for improving the town's impaired water bodies, of which the Pond is one. The DPW has funds available for NPDES compliance. The DPW is responsible for the structures around the Pond, while the ConCom is responsible for the health of the Pond. A consultant could write a grant for a resident educational project or study.

Martindale added that some streets leading down to the Pond do not have storm drains. A grant could provide money to address these and other long-term problematic issues affecting water quality.

“Walk on the Wild Side” update

Martindale posed the question of whether some ConCom land should be preserved in a way that does not invite the public, or should be designed to welcome the public. Specifically, on the last “Walk”, Commissioners noted significant trash, and lack of feasible access. A possibility is placing trash barrels at the entrance to these areas, which would be routinely maintained by the DPW.

Administrative Matters:

Annual State Ethics and OML Distribution:

Commissioners were reminded to complete the course and submit signatures pages by the next meeting.

FY Budget

Cademartori distributed the new combined department's mission statement, accomplished 2018 goals and planned 2019 goals. Martindale suggested that it be reviewed for the January meeting.

ConCom Listing of Recommended Shade Trees

In the November 20 meeting, Martindale produced a listing of 16 native tree species that could be posted to our website for residents planting trees - new or replacements. Solomon had taken this listing and added additional information regarding each tree's height, growth rate, light preference, etc, and presented it to the Board. Commissioners briefly discussed. Solomon will make final edits to ready this listing for web page posting.

Open Files - none at this time.

Bills: bills were distributed for signatures.

Site visits: none scheduled at this time.

Miscellaneous:

Cademartori asked for feedback on proposed 2019 calendar of ConCom meetings. Commissioners will finalize in the January meeting. Specifically, the February meeting will move up one week to February 12, 2019.

7:57pm - On a motion duly made by Lovell and seconded by Solomon the LCC voted (7-0) to adjourn the meeting.

NEXT REGULAR MEETING – Tuesday, January 15, 2019

As recorded and submitted by Jennifer Welter