

LYNNFIELD CONSERVATION COMMISSION

MINUTES

JUNE 20, 2017

PRESENT: Chair Bob Milano
Melanie Lovell
Christopher Martone
Janice Solomon

Don Gentile
Paul Martindale
Angelo Salamone

Chair Bob Milano called the meeting to order at 6:30 p.m. and adjourned the meeting at 9:40 p.m.

CONTINUANCE OF A PUBLIC HEARING, NOTICE OF INTENT, 38 ISLAND ROAD, SARAVY AND KHUONG PHAM: Solomon called the hearing to order at 6:33 p.m. and read the legal notice as posted at Town Hall. The applicant's representative requested a withdrawal of his client's Notice of Intent. *On a motion duly made by Solomon and seconded by Gentile, the LCC voted (7-0) to accept the withdrawal of the Notice of Intent.*

PUBLIC HEARING, NOTICE OF INTENT, 25 BOURQUE ROAD, ROBERT LONIGRO: Solomon called the hearing to order at 6:35 p.m. and read the legal notice as printed in the June 7, 2017 issue of the Lynnfield Villager. Abutters Charles and Susan Russo of 159 Bourque were present to speak on behalf of this hearing. The applicant would like to install a seasonal dock. The LCC reviewed the plans. Milano questioned if a 30' dock was necessary. Martindale believed that the length may be necessary due to the shallow depth in the cove area. The proposed dock will attach to the bank and will be retractable. The LCC conducted a site visit and has no concerns. Abutter Charles Russo spoke in favor of the project and offered that he believes a 30' dock to be necessary and acceptable. *On a motion duly made by Martindale and seconded by Lovell, the LCC voted (7-0) to close the hearing. On a motion duly made by Martindale and seconded by Lovell, the LCC voted to issue an Order of Conditions to include that the dock should be retracted when not in use.*

REQUEST FOR INSIGNIFICANT CHANGE, LYNNFIELD ENVIRONMENTAL BYLAW, VIOLET CIRCLE: Marco Tammamro and Bill Jones of Linden Engineering were present to speak on behalf of this request. During the Superseding Order process, DEP requested a larger level spreader and additional details. In response to that request, Hayes Engineering created a new plan with those changes. DEP issued their Superseding Order eliminating the Lynnfield Environmental Conditions, but since the LFEB was never appealed those Conditions are still in effect. Marco Tammamro sent the LCC a letter requesting an Insignificant Change to the LFEB Orders based on the LCC adding the level spreader detail plan as required by DEP. Jones informed the LCC that the spreaders have been widened. Adelson had a preconstruction meeting onsite last week with Tammamro, Cutts of Linden, Kristin Kent and Wayne Lozzi of DEP. Jones stated that Linden had no concerns. *On a motion duly made by Lovell and seconded by Gentile, the LCC voted (7-0) to issue an Insignificant Change to the project with the addition of the Hayes Level Spreader Plan and detail.*

PUBLIC HEARING, NOTICE OF INTENT, 10 MITCHELL ROAD, EDWARD & LEE KOUYOUMDJIAN: Solomon called the hearing to order at 6:45 p.m. and read the legal notice as printed in the June 7, 2017 issue of the Lynnfield Villager. Edward Kouyoumdjian and Superintendent Kenneth Burnham of the Lynnfield Center Water District (LCWD) at 83 Phillips Road were present. The applicant would like to install an inground pool and associated patio. Gentile suggested the new, existing shed, on the left side be incorporated into the proposed plans. Kouyoumdjian offered that the shed on the right is to be

removed. The LCC conducted a site visit to the property. Martindale requested if pavers were to be installed that the paver details be listed on the plan. Adelson noted the Kouyoumdjian was over 50' from the wetland and said he would prefer the improvements closer to the home, away from the wetland if possible. Adelson stated that the homeowner will be required to show the patio on the As Built plan at the end of the project. It was confirmed that Kouyoumdjian was aware that a fence surrounding the pool was required. Martindale referred to two areas within the buffer zone where the LCC noticed some debris dumping: behind the shed on the left and on the LCWD property. Kouyoumdjian stated that the debris dumping was not his but would be willing to clean the area up. Martindale asked Kouyoumdjian install some posts/markers noting the wetland area. Lovell reiterated that the newer, existing shed should be added to the plans.

Burnham noted his concern with this potential project in regard to this property being in the Groundwater Protection District. He wanted to note that any improvements conducted in this area have a direct affect on the water and believes the DEP should be notified. Burnham was also concerned about the nitrogen from the runoff and wanted to be sure there was a proper infiltration area for potential runoff. Burnham would also like any water drained from the pool to be de-chlorinated via tablets to ensure only clean water is discharged. Adelson explained to Kouyoumdjian his responsibilities. Kouyoumdjian informed the LCC that the grass is existing. He has never used fertilizer and does not intend to do so in the future. Burnham suggested a mulch bed be installed along the woodland line to prevent nitrate runoff, Kouyoumdjian agreed. ***On a motion duly made by Lovell and seconded by Gentile, the LCC voted (7-0) to close the hearing. On a motion duly made by Solomon and seconded by Lovell, the LCC voted (7-0) to issue an Order of Conditions to include installation of mulch bed and inclusion of existing shed to the plans.***

CONTINUANCE OF A PUBLIC HEARING, REQUEST TO AMEND ORDERS, 7 OAK STREET, NEWHALL PARK, TOWN OF LYNNFIELD, C/O JIM BOUDREAU, TOWN ADMINISTRATOR:

Solomon called the hearing to order at 6:55 p.m. and read the legal notice as posted at Town Hall. John Perry of Gale Associates was present for this hearing. Milano confirmed that the LCC had no new project information. Adelson suggested that if Perry provides a revised plan showing changing the pervious walkway to impervious with some infiltration, the LCC could vote an Insignificant Change rather than amending the Order. Adelson suggested this minor information be submitted by July 10, 2017 in time for the July 18, 2017 LCC meeting. ***On a motion duly made by Gentile and seconded by Solomon, the LCC voted (7-0) to continue the hearing until the July 18, 2017 meeting.***

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 7:05 p.m. and read the legal notice as posted at Town Hall. John Perry of Gale Associates, Arthur Bourque, Chair of the Fields Committee and Bill Jones of Linden Engineering were present for this hearing. Milano confirmed that the LCC had no new project information. There was some discussion regarding the wetland resources Vernal Pools, Isolated Wetlands (IVW) and Bordering Vegetated Wetlands (BVW). This project is not filed under the LFEB. Gale explained that LEC flagged the wetlands as IVW and noted that the previous LHS filing had the wetlands flagged as BVW. Jones explained that Order of Conditions is still open and because of that, the BVW flagging determination stands. Perry offered that they must now amend their NOI application to reflect that development and submit it to DEP. Jones said Perry should modify his determined line to agree with the approved line from 2012 parking lot project. Some LCC members visited the site. Currently, the right top corner of tennis courts exists at 12 feet from the water. The LCC does not want the proposed project moved any closer to the wetland. Perry replied that the plans have been reconfigured and we will submit them to the LCC. Martindale offered that the basketball court needs a horizontal pole fixed, fencing and a new hoop. Perry asked for a continuance and Adelson recommended not going out more than a couple months. ***On a motion duly made by Martindale and seconded by Gentile, the LCC voted (7-0) to continue the hearing until the August 15, 2017 meeting.***

PUBLIC HEARING, REQUEST TO AMEND LMS ORDER, 505 MAIN STREET, 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 printed in the June 7, 2017 issue of the Lynnfield Villager. John Perry of Gale Associates, Bill Jones of Linden Engineering and abutter Lauren Addario of 82 Perry Avenue were present for this hearing. The green cards were presented for the file. The LCC was in receipt of the June 16, 2017 Linden Engineering review letter on Gale's request to amend the LMS Field Orders from artificial turf to grass fields and Gale's revised June 16, 2017 request letter. Perry showed the LCC the modified plans and said the only change is the synthetic to natural turf. Perry re-ran the stormwater calculations and found them to be equal. Jones offered that there was a minor increase for the two-year storm calculations but Perry changed the stone around the pipe to correct that increase. Jones said that runoff from the main drain in the field is now a little higher than it would have been with the artificial field but they are still equal to or lower than the current runoff which is what the standard requires. It is at a net equal. They are only required to not increase the peak runoff which is being met. Jones said the O&M plan needs to be updated to represent the natural surface. Abutter Lauren Addario said the original project was proposed to help resolve the local drainage issue but the catch basins are often clogged. It appears that the DPW is not properly maintaining the basins. Jones said the Order calls for a fence to be placed on the field, as a trash rack, to help prevent trash and debris from being caught in the basin. Adelson will compose an email to DPW requesting the catch basins are kept clear. *On a motion duly made by Martindale and seconded by Gentile, the LCC voted (7-0) to close the hearing. On a motion duly made by Martindale and seconded by Solomon, the LCC voted (7-0) to amend the Order of Conditions.*

EXTENSION PERMIT, LMS FIELDS, DEP 209-0556: Perry of Gale Associates and Arthur Bourque, Chair of the Fields Committee were present. Bourque said substantial completion was scheduled for October 20, 2017 but the urethane track surface may need to be completed in the following spring. Adelson inquired if the amended OCC was part of the bid. Perry replied that it was part of the bid and does not include turf. Jones said the O&M plan needs to be updated. *On a motion duly made by Martindale and seconded by Lovell, the LCC voted (7-0) to issue an Extension Permit for one year.*

ZONING BOARD OF APPEALS: Adelson informed the LCC that the ZBA has three hearings upcoming for 27 Robin Road, 74 Crescent Avenue and 272 Pillings Pond. All are proposing to raze the homes and reconstruct. Adelson will notify the ZBA that all three homes need to file NOI's with the Commission.

DEER EMAIL: The LCC was in receipt of an email from the Frances Gould of Boston University dated June 16, 2017 requesting assistance with deer research in MA cities and towns. The LCC agreed not to participate in the website survey.

MINUTES: *On a motion duly made by Lovell and seconded by Gentile, the LCC voted (7-0) to accept the May 16, 2017 minutes as amended with a correction to the start time of the public hearing for 21 Lakeview Avenue from 6:30 p.m. to 6:40 p.m.*

WINDSOR ESTATES, ENFORCEMENT ORDER, EXPIRED ORDER, ROOF RECHARGE DESIGN: Greg Hochmuth of Williams & Sparages was present for this discussion. Hochmuth assembled a list of deficiencies from the completed As-Builts. Hochmuth said they neglected to list one deficiency: the corner of the driveway must be raised because the water is bypassing the catch basin is eroding the slope. He feels it is a simple fix. Martindale listed the deficiencies: stabilization of bank, finish pavement of roadway, and hydro seeding. Hochmuth said there were many items to be addressed under those umbrella items. The grass will be monitored and the LCC had no further concerns. *On a motion duly made by*

Solomon and seconded by Lovell, the LCC voted (7-0) to issue an Enforcement Order to finish the final punch list since the Order of Conditions has expired.

PUBLIC HEARING, NOTICE OF INTENT, REQUEST TO AMEND ORDERS, 397 WALNUT STREET, KING RAIL GOLF COURSE, TOWN OF LYNNFIELD, JIM BOUDREAU, TOWN ADMINISTRATOR:

Solomon called the hearing to order at 7:45 p.m. and read the legal notice as printed in the June 7, 2017 issue of the Lynnfield Villager. Domenic Rinaldi of BSC Group, 803 Summer Street, Boston and John and Kasa Savasta of CSS Architects, 107 Audubon Road, Wakefield, were present for this hearing. Rinaldi presented Adelson with the green cards from the abutter mailing. The applicant wishes to construct a clubhouse and greens' equipment building. An OCC had previously been issued for a clubhouse, similar parking, but with substantial fill so that clubhouse could include a drive-under portion for equipment. The applicant is now proposing a slab on-grade, one story clubhouse with an adjacent slab on-grade green's equipment building in this amendment. The project is now being proposed with minimal grading. A small infiltrating bio-retention area will take the runoff from the proposed clubhouse building. Two underground recharge and detention systems are being proposed to collect the driveway, parking lot and equipment storage runoff. Rinaldi offered that two pipes run under the ground which carry overflow from offsite detention systems and discharge to detention systems in the north. These pipes are being proposed for relocation. Another infiltration bio-retention area is being proposed in the parking lot as well. Martindale questioned if there were treatment units for the parking lot runoff. Rinaldi showed the LCC where the two units are located and explained they would be exceeding 80% TSS removal. The LCC would like to visit the site and have Bill Jones involved. Rinaldi said the Conservation Restriction area has been marked and work will possibly begin in the fall once the course closes. The architects reviewed the architectural drawings of both buildings, as well as the landscaped planting plans to the LCC. *On a motion duly made by Solomon and seconded by Gentile, the LCC voted (7-0) to request a Design Review fee to hire Linden Engineering to review the amended project. On a motion duly made by Martindale and seconded by Lovell, the LCC voted to continue the hearing until the July 18, 2017 meeting.*

ENFORCEMENT ORDER RESTORATION PLAN UPDATE, BOSTON CLEAR WATER: Milano inquired if any members had any concerns and offered that he was pleased with the progress, but we still have a couple of growing seasons. I know you had a couple of items there, wind chimes, which I don't think anyone had a problem with, also aerators which we would like to see taken out. Martindale added, it also interferes with the restoration of the area to be natural and prevents some of the aquatic plants from establishing themselves by artificially keeping the water moving. Milano asked if Adelson had any comments and she distributed a timeline she compiled outlining the recent on-goings between the LCC and BCW since the last meeting.

Solomon asked about the hollow log in the water. Milano said they claimed that is where the tree fell. Milano said it was not affecting the flow of the water and said he had more concerns about the other fallen trees. We ask that you not move any trees or anything because it kind of looks like it. Milano added, we cannot prove that they were moved or not moved, but we ask you to leave the wetlands natural. Attorney Connolly replied that no one at Boston Clear Water moved the logs, but mentioned that other people come on the property and maybe they did, but no one at BCW did and that's the representation that we feel comfortable making. Milano offered that it is their property and they need to police that in the future. Milano said he felt that the area was coming back nicely.

Solomon inquired, who are these people coming on your property and you're saying that the person who owns BCW did not move something and maybe someone else did it. I went on the site visit and saw this log that was exactly the same length and fit into this little area and for you to tell me it just fell there, I take offense to that. Connolly said she was referring to the logs that were further back that Betty had thought that

somebody at BCW had arranged. Milano added, its ponding a little bit. Lovell interjected that it looked like a beaver dam. Martindale said the effect of the collection of large branches and logs there has recreated the second pool which had been taken down. Connolly said the second pool is much closer to the stonehouse and Martindale explained the location of the pools. Now these logs that have miraculously gathered themselves together have recreated that second pool.

He continued while the restoration looks good, there some elements that appear to be in minimal compliance with the Enforcement Order. We would ask going forward for goodwill and to allow the property to be restored naturally. He does believe 85-90% is restored to its natural condition but the wetland seed mix isn't fully established. Milano recapped saying you hear where our concerns are, so we will be on site again, but wouldn't want to go back out and see things disturbed again.

Adelson read the attached chronological timeline she provided to the LCC and the attendees tonight to be on the record. While reading, Adelson asked Attorney Connolly how much notice she and BCW required when the LCC wanted to visit the site. Attorney Connolly replied one week seems reasonable. Both parties agreed to work together and provide options when attempting to coordinate a site visit. Adelson continued with the timeline discussing that on June 13th she was contacted by the Town Administrator's Assistant on her vacation day about tree cutting at 165 Lowell in progress. Adelson drove to the front of the property and spoke to the workers cutting the trees and requested that all cutting cease. Work was stopped and Adelson discussed her having no knowledge of the scope of this proposed work and the location of the wetlands and buffer zone were not verified. At the LCC site visit on June 14th Attorney Connolly wanted to speak about the tree cutting, but Adelson explained that they could not discuss on site due to the open meeting law and Adelson sent an e-mail on June 15th to Attorney Connolly explaining. Adelson explained that the timeline was a quick synopsis of what has transpired since the last LCC meeting in May with regard to BCW and LCC. Milano asked if anyone had any concerns or comments. No one responded.

PUBLIC HEARING, NOTICE OF INTENT, 165 LOWELL STREET, ANDREW ZUROFF, C/O BOSTON CLEAR WATER COMPANY, LLC:

Solomon called the hearing to order at 8:15 p.m. and started reading the legal notice, but members of the audience could not hear with the air conditioning on, so Vice Chair Martindale reread the legal notice as published in the June 7, 2017 issue of the Lynnfield Villager. Present for this hearing were Town Counsel Thomas Mullen, Anthony Gattinieri of 165 Lowell Street, Boston Clear Water, Attorneys Brian McGrail of 599 North Avenue, Wakefield and Julie Connolly of 8 Ridge Road, Concord, NH, Paul Marchionda of Marchionda and Associates of 62 Montvale Avenue, Stoneham and abutters: Randall Russell of 37 Chatham Way, Judith Doe of 37 Chatham Way, Claire Santilli of 170 Lowell Street, Henry Finkel 2 Pocahontas Way, Michael and Jane Villane of 4 Pocahontas Way, Kenneth Burnham, Lynnfield Water District Superintendent of 83 Phillips Road, Ginny Richard of 479 Main Street, Roger and Rosemary Samson of 4 Ostis Way, Andrew Gallucci of 2 Ostis Way, Mary and Bill O'Brien of 155 Lowell Street, Glenn Perry of 9 Smith Farm Trail, John Farrell of 10 Pocahontas Way, Mary Bliss of 175 Lowell Street, John and Heather Sievers of 163 Lowell Street, Rick Cohee of One Ostis Way, Marilyn and Michael Yaremchuk of 15 Smith Farm Trail and Charles Wills of 7 Smith Farm Trail. The LCC was in receipt of an email to Betty Adelson from Attorney Tom Mullen dated June 12, 2017, and emails to Betty Adelson from Attorney Julie Connolly dated May 16, 2017, May 17, 2017, June 15, 2017, an email to Attorney Julie Connolly from Betty Adelson dated June 15, 2017, and a letter to the LCC from Marchionda and Associates dated June 13, 2017.

Chair Milano explained the procedures for the hearing with the applicant explaining the project, then the LCC will discuss and then we will open it up to the abutters. Milano requested civility during the proceedings. Paul Marchionda introduced himself, as well as Attorneys Connolly and McGrail and Anthony Gattinieri. Marchionda noted a typographical error on the plan which noted a 'circular arbor' but

said no such improvement was being proposed. Marchionda reviewed the proposed plans entitled "Notice of Intent Plan for 165 Lowell Street, Lynnfield prepared for Boston Clear Water Company, LLC prepared by Marchionda & Associates dated 05/30/17". He stated that the proposed septic system plan has been filed with the Board of Health. There is proposed grading within the 100-foot buffer zone. He explained that this property is unique due to existing structures and elevations we have to deal with. They are proposing to relocate the property entrance to the north where it will start at a lower elevation and mentioned better site distance because of the bend in Lowell Street. The driveway is proposed to stop where it will meet the existing pavement. Also being proposed is a service driveway and a vehicle storage area on a flat spot atop the hill and to be comprised of permeable surfaces. He showed information on a grid system filled with pervious stone and added, it's totally pervious and provides good support. Also proposed is a small walkway to the stone house and the replacement of the waterline that feeds the spring into the distribution building. A small addition to the distribution building was discussed on top of the existing concrete pad and on part of the impervious pavement of the existing driveway. The black top would be replaced with slab on grade. Also proposed is a new customer water distribution location up near the street allowing customers to come in and pull over here. Because it's a public water supply they are security conscious and have fencing proposed. In light of this particular use, Marchionda stated they feel it's necessary to have this security. Marchionda showed on the plan the location of the fence along the BCW property lines. Milano commented that the fence is right in the wetlands. Marchionda replied that it wouldn't be a solid fence, but a wire or chain link so water can move back and forth. Martindale replied, a fence cannot impede wildlife traversing so that's going to limit what kind of fence you have. A member asked if we have permitted a fence in the wetlands. Board members do not remember permitting fencing in wetlands. Milano added, we have other public water supplies in town and questioned fencing in wetlands. Marchionda replied, we feel this is an important part of the project and there has been a lot of activity out there that we are concerned about.

Marchionda is also offering to clean up existing debris piles from the previous owner. Adelson inquired if he was proposing to remove the existing driveway. Marchionda said the existing driveway would be left intact. He added, it was stable and intact therefore they would not disturb it. Gentile asked what's the path of the new driveway? Marchionda showed on the plan. Milano noted they will be driving over the septic system. Marchionda replied, yes. Martindale asked for details regarding the building addition. Marchionda did not have architectural plans to show the LCC but said it would be an extension of the existing building for storage. Milano recapped, you are asking for a fence in the wetlands, to build in the no-build and no disturb zones. Marchionda replied, only to the extent that we have an existing situation here. It's a redevelopment project which is different than new construction. Marchionda replied, the answer is yes. Martindale asked if there was another place where you could put your monolithic septic tank and asked about moving to the left. Marchionda showed the property boundary and to the left would be the same distance from the wetlands.

Adelson said the wetlands have not recently been flagged and the LCC agreed they would like to see them re-flagged. Milano inquired when were these wetlands flagged, recently? Marchionda replied, not recently. This is not a tricky wetland. The LCC discussed not looking at the wetlands behind the spring house. Adelson said an independent peer review should be brought in to assess some items including stormwater. Lovell asked about percentage of pervious vs. impervious. Marchionda showed the new pervious area on plan. Martindale asked how the stormwater was going to be treated. C. Wills from audience called for a point of order saying we can't hear anything back here, it's not a hearing if we cannot hear.

Milano inquired, what's our next step, to request funds for our consultant to look at this. Attorney McGrail said under the Bylaw the LCC is allowed to do that but there has to be a finding of uniqueness. Adelson added, we have to review the BVW line. McGrail inquired, why do you need a specialist to do that? Adelson commented, no offense to the consultant, but we have moved some of his lines on a previous

project. Gentile inquired, just to be clear, you are asking for multiple variances from our Bylaw, right? Marchionda responded there has to be some give and take here since we are right on top of the wetlands. Gentile commented, you are asking for variances for a portion of the new driveway, a variance for an addition, for vehicle storage area as well as the fences and the pathway. So by my count at least four variances, so that the suggestion that this is not a unique project, I don't know. Attorney Connolly asked Gentile to repeat his list. Marchionda added, just so we're clear, this is being placed on an existing concrete slab, no trees are being cut or dirt being dug up. Gentile replied, I hear you but I am not sure that makes a difference under our Bylaw. Gentile continued, the driveway that leads to the vehicle storage area also cuts into the 50 foot with Marchionda interjecting, it's pervious. Gentile replied, but it's a disturbance, just because it is not concrete, I'm not sure it gets around a variance. Does laying down that pervious constitute building in the no build zone? Marchionda quoted the Zoning Bylaws definition of building with Gentile replying, we can look at it. He continued, we have fencing going into the wetlands. So the suggestion that this is not a unique project, I think that this is the most unique project I have seen since I've been on board. Martindale added, I think there is more than enough justification for an independent consultant for reflagging the wetlands and also to look over the project for us. Milano suggested rethinking the fence going into the wetlands. McGrail clarified he was asking for justification for the request. Marchionda said he has never seen a local bylaw not allow fencing, I've seen conditions. Gentile spoke to the only variance he remembers in recent past is the Market Street extenuating circumstances for the retaining wall to allow fire department access. Connolly said it would be great to work with your consultant because we have concerns with people crossing the wetlands, but also your concern that you want us to provide security to keep people out of wetlands. Milano commented, he didn't think it was ever stated that we wanted them to fence in the area to keep people out of the wetlands. You own the property so you have to police yourself. Salamone stated he likes to see property lines respected and proposed a partial installation of fencing. Milano added, that's still in the wetlands. Gentile inquired about the redevelopment project. A discussion ensued about redevelopment being part of the project description in the DEP Stormwater Standards.

A discussion ensued regarding obtaining funds for the LCC peer review. Marchionda referred to this as a 'redevelopment project' and when questioned about this label by Gentile, Marchionda responded that DEP stormwater regulations say that standards are to be adhered to 'to the maximum extent feasible' and they are not to be held strictly to every standard under this label. Connolly inquired if the LCC would notify them of the consultant so they may contact them. Martindale replied, we do that and gave Bill Jones of Linden Engineering. The LCC discussion hiring Linden Engineering to review the proposed project. Attorney Mullen stated that the LCC wants to specify the request to the applicant for a certain amount and the maximum amount you are allowed to demand is set forth in the Lynnfield Environmental Bylaw as a function of the total project cost. The applicant did not have a total project cost. Connolly said a total project cost is undetermined since the proposed plan would require changes per the LCC. McGrail inquired about the term variance and was directed to the Rules and Regulations of the Bylaw.

Milano announced that he would like to hear from some of the abutters and requested that they state their name and address before speaking. Kenneth Burnham, Superintendent of the Lynnfield Center Water District (LCWD) raised a few issues with the proposed plans. He noted that the Groundwater Protection District was not shown on the plan and there is no Stormwater Management plan for the parking lot which drains into a tributary to a public water supply. The LCWD will have Camp, Dresser and McGee (CDM) engineers look at these plans in regards to where this project falls in relationship to the Groundwater Protection District and where the drainage goes. Also, the septic system is another concern. It was mentioned that this is the head waters for Willis Brook. Burnham described the travels of the brook through Sagamore Golf to the Ipswich River, through LCWD land and comes out at intake to the City of Lynn's water supply. Connolly asked for his name and Burnham complied and reiterated that he didn't see the notations he mentioned on the plans.

Abutter Bill O'Brien mentioned that 17 to 20 abutters were present tonight. He asked if a town resident who wasn't an abutter could speak. Milano replied, yes. O'Brien noted his opposition to any redevelopment of BCW as it is a non-conforming business located in a residential neighborhood. He added, speaking for myself and my family, this past year has been nothing but a nightmare, as a resident and abutter. Examples of this I don't have to reiterate since you are aware of the destruction to the wetlands with so many special meetings with this issue. As for the complaints, some fall within this Commission's jurisdiction and many others fall outside your jurisdiction. The intent to build a water distribution facility would come at the expense of the wetlands and hundreds of trees which has not been discussed. There is nothing but trees adjacent to the pump house, so I call your attention to that. O'Brien respectfully asked that the LCC deny the BCW Co.'s attempt to destroy the beautiful land in a residentially zoned neighborhood and let it remain intact and undisturbed. Michael Villane questioned if the LCC has given consideration to the possible increase of traffic in the area due to the expansion of BCW site and spoke to the loss to the property values having a retail business in the middle of the neighborhood. Andrew Gallucci stated his 100% opposition to another shovel hitting the ground at BCW. Jack Farrell offered that BCW currently has security cameras and security lights and is not sure why they need a fence. He added a fence in the wetlands is a non starter and as well a parking lot infringes on our way of life and is a non starter as well. Michael Yaremchuk noted this property is not commercially zoned. Milano commented, while many of these are valid points, they do not all fall within this Board's jurisdiction. Farrell added that he thinks he can speak for the entire neighborhood, if BCW was a good neighbor from the get go and did things in a way that conformed with our neighborhood, I think that we would be 100% supportive, but based on the history of their harassment, just crazy things that we won't go into detail, I think you will see 100% unanimous opposition to this project from the neighborhood. John Sievers read the 100 foot Bylaw for the record and which included what improvements are allowed in the 25 foot no disturb area and not allowed. Mary O'Brien said she has lived there almost 30 years and feels that they don't care and is opposed to the redevelopment. Milano reminded everyone that the LCC would not be voting on this tonight. Farrell said he appreciated the Commission's support to not allow variances that infringe upon the neighborhood. Another gentleman asked that due to the many elderly people present who sometimes cannot hear discussions, he requested to have the meeting in a larger area with microphones since it's an important situation for us and we want to be sure that we are heard. O'Brien mentioned that in the past there were actions taking place without prior authorization, like the destruction of wetlands on a weekend, we would ask that based on your jurisdiction, that you do whatever you can do to be sure that there is some kind of oversight going on as this process continues. Adelson requested no trees be cut until the BVW line is established.

Connolly inquired about the timeline in regard to the design review. Martindale asked if the plan was being revised. Connolly said she believed the plan would be revised after Jones' comments. Connolly inquired about a dialogue with Linden. Milano explained dialogue would happen here and not with the consultant. Adelson added that she needed to sign a contract with Linden. Gentile asked the BCW team what they estimated the project cost to be. When a project cost was not offered, Connolly read the Lynnfield Environmental Bylaw which states that when a project that is going to cost between \$0-\$500,000, has a maximum of fee \$2,500. Connolly suggested the LCC make a motion for \$2,500. The LCC asked if that meant the project would cost no more than \$500,000, Connolly conceded that may not be the case but this would be the best guess. McGrail said it was understood that the LCC may need to come back and request more funding. Marchionda said he would like Jones to review the plans and proceed. It was agreed by both parties that no work would begin, or continue, on the property until the plans and wetland delineation were agreed upon. ***On a motion duly made by Martindale and seconded by Solomon, the LCC voted (7-0) to request a Design Review. On a motion duly made by Lovell and seconded Martindale, the LCC voted (7-0) to accept a \$2,500 Design Review Fee with the understanding that more funds may be needed. Also***

requested that no tree work be done, all agreed. On a motion duly made Solomon and seconded by Lovell, the LCC voted (7-0) to continue the hearing until the July 18, 2017 meeting.

CERTIFICATE OF COMPLIANCE REQUEST, 61 BEAVER AVENUE: The applicants were present for this COC Request. The LCC was in receipt of a June 16, 2017 revised letter From Hayes Engineering. Adelson was satisfied with the work. The LCC conducted a site visit to the property. The applicant requested permission to mow in the Flood Plain in order to maintain a garden area. Martindale suggested increasing the BLSF area that can be mowed and showed the applicant the area in which mowing would be permissible. *On a motion duly made by Martindale and seconded by Solomon, the LCC voted (7-0) to issue a Certificate of Compliance with Perpetual Conditions.*

CERTIFICATE OF COMPLIANCE REQUEST, 10 RYAN ROAD: Stephen Mahoney was present for this COC request. Martindale noted there is some erosion present on the corner of the property that needs to be reinforced and some silt sock replaced. Martindale showed the applicant the areas of concern on the plans. The applicant said the area has been reinforced and re-seeded over the previous weekend, after the LCC site visit. Martindale said additional plantings would be preferred and Mahoney replied that he planted additional species and showed the LCC some recent pictures. The LCC agreed that more time was needed to ensure the plantings would thrive. *On a motion duly made by Martindale and seconded by Salamone, the LCC voted (7-0) to issue a Partial Certificate of Compliance with Perpetual Conditions and Outstanding Items as discussed above.*

CERTIFICATE OF COMPLIANCE REQUEST, 53 CHESTNUT STREET: Matthew Guarracino was present for this COC request. The LCC reviewed the plans. The slope on the right side of the house is eroded and the concrete waste is stopping the vegetative growth. The silt sock needs to be replaced and the area needs additional seeding to help stabilize the hill. The wetland area needs additional plantings as some didn't succeed. Guarracino will speak to Libby Wallis about possible plantings. The grading of the Flood Plain appears to have been somewhat aggressive. The LCC reviewed the originally submitted plans and the newly submitted plans to review the grades. It appears the fill/grading is infringing on the top right area of the Flood Plain. The LCC notified Guarracino that the grading has to be corrected. Guarracino referenced a Hayes Engineering letter submitted with the As Built Plan stating there was a slight intrusion of a ½' to 1' of loam in the Flood Plain. Martindale measured 2 ½' to 5' to 2 ½' intrusion, approximately 210 square feet of area which will need to be re-graded. *On a motion duly made by Martindale and seconded by Salamone, the LCC voted (7-0) to issue a Partial Certificate of Compliance with Perpetual Conditions and Outstanding Items such as regrading the area of intrusion into Flood Plain, adding additional plantings in the wetland buffer, replace the wattle and stakes where erosion is occurring, reseed the lawn to the right of house on hill and remove construction debris in same area.*

MOTION TO ADJOURN: On a motion duly made by Lovell and seconded by Gentile, the LCC voted (7-0) to adjourn at 9:40 p.m.

As recorded and submitted by Marlene Clapp and Betty Adelson

Betty Adelson
Conservation Administrator