

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

TUESDAY, JANUARY 15, 2019, 6:30 PM

H. Joseph Maney Hearing Room, Lynnfield Town Hall

Members present:

Commissioners; Don Gentile, Jan Solomon, Chris Martone, Angelo Salamone, Bill Thompson, Melanie Lovell, Administrator Emilie Cademartori.

6:30pm Vice Chairman Don Gentile called the meeting to order.

6:31pm – Request for COC – 5 Pondview Lane. DEP #209-0395

Peter Blaisdell, of William & Sparages, presented the project history. Homeowners Mr. and Mrs. Sloan were present. The Sloans are trying to obtain a COC, however, there is an issue with a special condition concerning drywells that neither the Sloans nor their engineers were aware of. Now, to totally comply, either 5 more drywells would need to be installed, or the gutters and downspouts would need to be removed from the house. Agent Cademartori suggested that the OOC was not properly recorded against the Sloans' deed, and that it seems unfair to punish the homeowners for something they were unaware of. Further, the developer did not properly inform any of the homeowners of this special condition.

The Sloans have done their best under the circumstances. There are 2 more houses in the same subdivision with the same circumstances. Solomon expressed concern that in light of the subdivision's annual stormwater maintenance requirements, there was a danger of setting a precedent for the remaining homeowners to seek the same leniency. Commissioners deliberated the pros and cons of providing some leniency given the special circumstances discussed above.

On a motion duly made by Lovell and seconded by Solomon, the board voted (6-0) to issue a partial COC for 5 Pondview Lane.

6:51pm – Request for COC – 272 Old Pillings Pond Rd. DEP #209-0609

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. Jon Whyman restored the boat ramp, and a 10' wide

shoreline area. He used boulders on the shoreline below the BLSF line to harden the shoreline. More trees were removed than permitted. There are differences in all three plans; as-built, planting and restoration. The geese have eaten the restoration plantings in the installed coir roll, which may or not come back in the Spring.

Cademartori visited the site, as completed, and asked board members if they believed the site work outcomes were close enough to what was intended. The lawn is no longer to the edge of the Pond, but nothing is planted along the shoreline. There is a tree cluster in the corner of the property where more trees were removed than permitted. Salamone suggested that trees need to be re-planted in the cluster area, and at the very least, any shoots from these cut trees need to be left untouched.

After some deliberation, Cademartori suggested that board members could wait until Spring to see what grows back. Lovell would like a site visit at that time. Solomon expressed concern about the missing tree canopy over the water. She added that markers still need to be installed. Board members were in agreement to hold off on issuing a COC until Spring, to see what grows back, to ensure the markers are installed, and to consider planting replacement trees in the corner of the site and other plantings along the shoreline.

7:07pm -- Updates/Correspondence:

Boston Clear Water

Cademartori provided an update. Boston Clear Water (BCW) won their DEP appeal. In its December meeting Commissioners agreed to appeal the DEP's decision and directed Town Counsel Mullen to file a brief.

The by-law appeal is pending in superior Court. The ConCom's appeal to the DEP Superseding Order is also pending with DEP. Gentile asked Mullen if there was potential to stay the DEP action, pending the outcome of the Superior Court, because if the Town wins the Superior Court case, it typically moots the DEP case. DEP doesn't usually want to waste their time if Superior Court stays a DEP action. Cademartori added that a DEP hearing is May 2.

Annual Stormwater Compliance Reporting

Cademartori updated the Board. This project started November 14, 2018. Thirty-nine (39) subdivision, commercial, or other individual properties have been identified as having perpetual stormwater maintenance requirements. Of these, ConCom has received 6 annual reports, mostly the larger commercial properties that have contracted with a stormwater firm. Calls asking for guidance are fielded almost daily. Going forward, compliance will probably involve some manpower assistance from the Town, as well as development of a list of professional engineering firms that homeowners associations can call.

70 Walnut Street Purchase

As of January 15, 2019, ConCom owns this parcel. The signed deed has been delivered to the closing attorney. Cademartori is recommending the land be surveyed to establish the lines and install ConCom markers. In the Spring she recommends that invasive vines be assessed and removed to save the trees on the property. The purchase price was \$18,000 (50% of the assessed value). Title insurance has also been purchased.

South Middleton Dam Removal

Cademartori provided the update. The dam project is going through the MEPA approval process. The MEPA filing describes the effects on the Ipswich River upstream of the dam, which is in Lynnfield. If the ConCom feels strongly about any impacts, the comment period is now open. The greatest impact structurally is on the City of Lynn's pumping station. They have produced a significant report on the pumping station (public water supply infrastructure). Bostik is the requester of this project. According to Thompson, Bostik spends \$100,000 annually on dam maintenance from which it derives no economic benefit. Cademartori noted the change in attitude statewide to cease damming rivers and restoring them to a more riverine habitat. This project marks potentially the largest riverine restoration project in the State. Thompson asked if this project could potentially improve access to the Bennett Kenan conservation area, to which Cademartori replied that "it absolutely could". An elevated crossing could be easier to build. Cademartori also apprised board members about the nearby 40B development being sought for North Reading at the site behind Teresa's across from Thompson Country Club.

Tree Committee Task Force

Cademartori reported that the Shade Tree Planting List is published on the website.

Open Space & Recreation Plan

Jennifer Welter reported on the update. The committee meets routinely, with about 4-5 regularly attending meeting members. Findings of the OSPR plan are published. The DPW is looking to ConCom for the content and location of the signage for all ConCom properties. The Plan's boilerplate is drafted. The Plan's goals and objectives and next steps are now being discussed. To support this, required and optional maps are being generated by MAPC under contract with ConCom.

Pillings Pond Task Force

An RFP for Pond maintenance will be written for the upcoming 2019 season. Three vendors have been identified. The RFP will include the approach to Pond maintenance based on the goals that the ConCom stipulates. Solitude - the current vendor - provided a quote for 2019 which Cademartori needed for budgeting. Their plan also includes a newer approach to maintenance - a lower dose of copper sulfate to be used all year long. Commissioners deliberated the pros and cons of this approach.

ConCom Goals and Mission Statement

The mission statement and goals must be submitted to the Board of Selection at the end of the month. Cademartori asked for input.

- Gentile asked to include development of guidelines to prevent shoreline erosion on Pillings Pond.
- Lovell proposed a new “white paper” for residents on the use of fertilizers on lawns adjacent to Pillings Pond - a timely topic as alum and copper sulfate are being discussed for use in 2019. Cademartori added that a lawn care seminar has been booked for March.

Minutes of December 18, 2018

The December 18, 2018 draft meeting minutes were reviewed and corrected.

On a motion duly made by Solomon and seconded by Melanie the LCC voted (6-0) to approve the December 18, 2018 LCC meeting minutes, as corrected.

Annual State Ethics and OML Distribution:

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

Miscellaneous

Beaver Dam Culvert Removal Project:

Cademartori provided the update. After 2 months of weather-related delays in the Fall, the project is almost complete. The culvert should be pulled before January 18.

Kristen Kent as consultant

Kristin Kent has officially resigned. She now has consultant status if ConCom wishes to hire her.

MACC Annual Conference

The annual MACC conference is March 2.

Ipswich River Watershed Association - Legislative Breakfast

Friday, February 15, Ferncroft. First ever legislative breakfast to discuss water and climate resiliency issues facing our watershed and communities. Bill Thompson and Don Gentile will attend.

Open Files - none at this time.

Bills: No bills at this time.

Site visits: none scheduled at this time.

7:50pm - On a motion duly made by Solomon and seconded by Lovell the LCC voted (6-0) to adjourn the meeting.

NEXT REGULAR MEETING – Tuesday, February 26, 2019

As recorded and submitted by Jennifer Welter