

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

TUESDAY, FEBRUARY 26, 2019, 6:00 PM

H. Joseph Maney Hearing Room, Lynnfield Town Hall

Members present:

Commissioners; Chairman Paul Martindale, Don Gentile, Jan Solomon, Chris Martone, Bill Thompson, Melanie Lovell, Director Emilie Cademartori.

6:00pm Chairman Paul Martindale called the meeting to order.

The scheduled Executive Session was not held, as participants were not present. Minutes, Updates/Correspondence and Administrative Matters were taken up prior to the start of scheduled public hearings.

Minutes of January 15, 2019

The January 15, 2019 draft meeting minutes were reviewed and corrected.

On a motion duly made by Gentile and seconded by Lovell the LCC voted (5-0) to approve the January 15, 2019 LCC meeting minutes, as corrected, with Chair Martindale abstaining.

Updates/Correspondence and Administrative Matters:

MACC Conference: No commissioners will be attending Saturday, March 2.

Correspondence: Director Cademartori distributed a letter from resident William Booras regarding the proposed rail trail.

“Tree Talk”: The Spring 2019 newsletter was distributed to Commissions and will be mailed out in the April tax bills.

National Grid work: There are two projects; notification of replacement of a gas main at Summer Street near Pillings Pond with schedule TBD, and ongoing renovation work off Partridge Lane involving removal of foundation of utility poles. Cademartori said that she has given National Grid notice that in the Spring she will assess the environmental impact of National Grid’s widening of the access road. The work may have gone beyond National Grid’s exemptions, perhaps requiring additional restoration work.

Middleton Dam: MEPA held a site visit in February. Questions asked at the site visit have since been responded to by MEPA. There are 8 state environmental agencies that support this project. Cademartori and Thompson are particularly sensitive to Wills Brook drainage into the Ipswich River. Cademartori asked that a Request for Determination be filed in Lynnfield, as the work can potentially impact the BVW in town.

Open Space: Welter provided an update. MAPC-generated maps are still in process, with a mid-March timeframe for some map deliverables. Signage is being developed for conservation areas and pricing will be secured by DPW.

Pesticide Awareness: Welter provided an update. The March 20 “Secrets to a Healthy Lawn” with Chip Osborne has been scheduled by Patty Fabbri and will be held this year in conjunction with Wakefield Conservation. Wakefield ConCom is publicizing to their residents.

Pillings Pond Task Force: Cademartori is working on the NPDES compliance with the DPW. ConCom has an opportunity to apply for a 319 grant. ConCom’s consultant could prepare the grant at a cost of \$5,000. Then, as it is a matching grant, there would need to be a commitment from the Town for some capital spending, which may be difficult this budget year. Cademartori recommended that the Pillings Pond Task Force meet to discuss the merits of applying for the grant in advance of the application deadline, preferably before March 27. Gentile, Martindale and Pillings Pond resident Kirk Mansfield are the members of this task force.

Annual Report: The report is in process.

6:47pm – Public Hearing Notice of Intent – 119 Chestnut Street DEP File #209-0630

Applicant: Eric Gould

Project: Construction of in-ground pool, patio, cabana, filling, grading and landscaping within 100’ of BVW.

Greg Hochmuth, from Williams & Sparages was present to summarize the project. Phase I included a raze and rebuild of a single-family home located outside of the 100’ buffer. The wetland was delineated in 2015. The client now wishes to add a pool, cabana and landscaping. Prior to this project, much fill had been placed in the buffer in the steep-sloped rear of the lot. The lot predates the bylaw, but the activity is within ConCom’s jurisdiction under the WPA. The proposal now includes stabilization and vegetation of the rear of the lot. Erosion control matting may be necessary to hold the slope. Half of the proposed cabana falls within the buffer zone. The pool includes no backwash filters.

Martindale noted that there was no planting plan, particularly involving trees. Hochmuth remarked that beyond slope stabilization, hardy shrubs might be more appropriate in order to hold the slope. Lovell asked about the location of the proposed fence. Solomon indicated that she would not like to see the fence in the 25’ no disturb. Martindale suggested a site visit, discussion of a planting plan and continuation of the hearing. Lovell suggested a site visit at 10:00am, Saturday, March 16.

On a motion duly made by Lovell and seconded by Solomon, the board voted (6-0) to continue the hearing until Wednesday, March 27, 2019.

7:01pm – Public Hearing Notice of Intent – Definitive Subdivision Road A DEP File #209-0628

Applicant: HPI, LLC

Project: Construction of stormwater management from a nine-lot subdivision within 100' of BVW and BLSF

Chris Sparages and Greg Hochmuth of Williams & Sparages were present to summarize the project.

The project proposes work within 100' of the BVW. The project comprises 8.25 acres, from elevation 109 at Summer Street to 72 at the meadow.

Hochmuth spoke about the isolated wetland which he believes was mechanically dug years ago. There have been site visits with Kristen Kent and Emilie Cademartori – the results showing that there is not enough evidence to call this a vernal pool. Additionally, Oxbow Associates was engaged on June 21, 2018. Their evaluation also concluded that there was not enough evidence to certify this as a vernal pool. Scott Meyers of Oxbow Associates also stated that June 21 was not too late in the season last year, as salamander larvae would have been evident until August. An ANRAD was filed in May and the ORAD was issued in late May.

All trees 6" at breast-height were identified. Approximately 80 additional trees are now planned to remain on the property. An infiltration basin is proposed near the meadow, with a portion located in the 50' buffer area. Approximately 20 trees will need to be removed in order to install the stormwater management system.

Gentile asked what would constrain the developer from locating the basin further up or underneath the pavement. Chris Sparages noted that if the infiltration system is open, it is much easier to maintain. Gentile also inquired about the easement for the Town. Sparages indicated that it was good planning practice to propose an easement to allow for a possible future extension of a road. Gentile then asked about feasibility of locating the stormwater management system underneath the pavement. Sparages noted that there are some challenges with this design, including ease of maintenance, and may pose a future problem if there is clogging requiring ripping up the system and rebuilding the roadway on top of it.

Martindale said that the design now intrudes on the habitat area with part of the structure within the 50' no build zone, and the system should be located further away from the resource area. Martindale stated that he would not vote for any structure within the 50' no build zone and believes that the system needs to be moved away from the resource area, as threatened bird species use this area for roosting during migration. Sparages noted that there are some measures that can be taken to preserve some of the trees. He added that 3 bird species National Heritage has identified as being either threatened or endangered are American Bittern, Eastern Bittern,

King Rail – and removal of the trees will not adversely affect their habitat. Martindale countered that cutting down of any of the trees around Reedy Meadow affects other species, as well. Martone was asked about the migratory roosting habits at Reedy Meadow and spoke to the importance of Reedy Meadow as a stopover station en route to Canada for several bird species. Martone noted that he wished to see as much of the Reedy Meadow edge as possible preserved for bird migratory and roosting purposes.

Ted Regnante, attorney for the project, noted that he would further look into alternatives for preservation regarding this project.

Martindale asked for abutter comments. Steve Colletta of 6 Cranberry Lane spoke of Reedy Meadow as the reason for purchasing his house. Marianne Colletta noted concern about the proposed removal of trees in the easement area. Marta Norden at 5 Cranberry Lane expressed concern about removal of trees, and expressed support for moving the infiltration system further away.

Martindale suggested the option of requiring a wildlife habitat study. Bill Jones from Linden Engineering added that someone his firm works with could provide this study. Hochmuth added that this is a good time to see the site now. He can place colored flagging in the 25', 50' etc. beforehand. Martindale suggested the site visit for March 16 at 10:45am.

On a motion duly made by Gentile and seconded by Lovell, the board voted (6-0) to continue the hearing until Wednesday, March 27, 2019.

Cademartori added that the peer reviewer will present at a joint Planning Board/ConCom session Wednesday, March 27 so that everyone can hear all comments and ask questions in the same meeting.

8:01pm – Public Hearing Notice of Intent – Lot 5 Road A Subdivision DEP File #209-0629

Applicant: HPI, LLC

Project: Construction of an in-ground pool, patio, cabana and retaining wall, including tree removal and landscaping activities associated with a new single-family home within 100' of BVW and BLSF.

Greg Hochmuth was present to summarize the project.. This is the lot adjacent to the stormwater management structure discussed above for Subdivision Road A, DEP File #209-0628.

The area is heavily wooded around this parcel. There is a dense stand of deciduous and evergreen trees. Large Green Giant Arborvitae are proposed for planting to provide screening form the adjacent property. Each of the subdivision properties will have a rooftop filtration system. The pool for Lot 5 includes a non-backwash filter system. The applicant has received a no-take letter from National Heritage.

Martindale identified 8 trees to be removed. Lovell asked about height of the trees being replaced. Hochmuth noted that evergreens were preferred for screening purposes. Martindale

asked for Jane Bandini's feedback (Jane was present in the audience). Jane agreed that yes, the Green Giant Arborvitae is acceptable, as it can be a large tree, it grows quickly and is deer-resistant. Martindale added that it would be a good idea for the commission to further consider the planting plan, with Bandini's input. Gentile asked if the commission would consider a wildlife study for this project.

Abutter Steve Colletta, 6 Cranberry Lane, commented that tree removal is an issue because bird nesting won't take place if trees are removed. Martindale noted that the time of the year is important – specifically referencing as an example the removal of the Beaver Dam Brook culvert during April – August breeding time. Hochmuth noted that it was not uncommon for National Heritage to issue a temporary, conditional no-take letter. In this case, they issued a no-take without any conditions.

Attorney Jay Kimball asked about issuing an Order of Conditions for a Lot that does not yet exist, to which Cademartori suggested that an OOC would not be issued until the subdivision receives approval. Bill Jones added that this method has been followed in the past with LIFE/MarketStreet. Attorney Regnante suggested that he would handle this, as in the past, conditioned upon approval of the subdivision.

On a motion duly made by Lovell and seconded by Solomon, the board voted (6-0) to continue the hearing until Wednesday, March 27, 2019.

Chris Sparages also asked about further flagging/marking in advance of the site visit. Martindale and Lovell requested that the trees proposed for removal be marked, as well.

Updates/Correspondence:

8:28pm – presentation by Recreational Path Committee

Gerard Noumi, Chair of the Recreational Path Committee presented the update. Noumi began by explaining that his committee is charged by the Selectmen to identify linear recreational corridors in Lynnfield suitable for converting to trails. The Committee's current recommendation for continued study is the proposed Wakefield/Lynnfield Rail Trail. Updates are regularly provided to the Selectmen. Findings have been presented on funding, environmental impact, public safety and impact on adjacent neighborhoods. Key studies are posted on the Town's website.

A 25% design process is underway, with a public DOT hearing to follow, March 26, 2019. Wakefield and Lynnfield would equally split the design costs of \$675K. The State would cover the construction costs of \$10.2M. Environmental Insurance would be required at \$50K for a 5-year policy. DPW director Tomasz estimated \$8K per year for annual rail trail maintenance, without adding any new hires. Feedback from Fire Chief Davis and Police Chief Breen has been positive. The Friends of the Rail Trail has applied for and received a MassTrails conservation grant on behalf of the Town. The grant is guaranteed and requires a 20% match from Lynnfield. The MBTA will provide Lynnfield and Wakefield with a 99-year lease for \$1. April 2017 Town

Meeting voted to enter into the lease. The lease must be signed first before environmental testing can begin. The \$50K insurance policy would need to be in place, as well.

The Committee has identified 819 possible parking spaces for Lynnfield's 2.5 miles of trail, well beyond the recommended limits as identified by the firm Beals and Thomas.

Chair Martindale noted that ConCom jurisdiction would certainly pertain at the time of soil disruption during railroad tie removal.

9:07pm – Remarks from Friends of Lynnfield Rail Trail

Vince Inglese, Friends of Lynnfield Rail Trail leadership team provided remarks. Inglese provided some updated information on the success of rail trails in neighboring towns. Inglese also remarked that their advocacy group strongly believes that key boards in town should play more of an advisory role, and rule as a board in support (or not) for this kind of effort. Chair Martindale cautioned board members that until such time as a board action is required, individual board members should speak only on behalf of themselves personally when speaking in support (or not) of the rail trail project.

Miscellaneous

9:12pm – Update: 27 Wildewood Drive

Cademartori stated that an as-built has been filed. The applicant is wanting to close out the Certificate of Compliance prior to the expiration of the extension permit deadline. Bill Jones has done a site visit and has recommended that the applicant request an extension to take care of some outstanding work and give them the opportunity to complete it properly with a valid permit still in place.

On a motion duly made by Thompson and seconded by Lovell, the board voted (6-0) to extend the permit for 27 Wildewood Drive until March 2020.

Open Files - none at this time.

Bills: No bills at this time.

9:15pm - On a motion duly made by Solomon and seconded by Lovell the LCC voted (6-0) to adjourn the meeting.

NEXT REGULAR MEETING – Wednesday March 27, 2019

As recorded and submitted by Jennifer Welter