

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

TUESDAY, MAY 21, 2019, 6:30 PM

H. Joseph Maney Hearing Room, Lynnfield Town Hall

Members present:

Commissioners; Chairman Paul Martindale, Don Gentile, Chris Martone, Janice Solomon, Angelo Salamone, Bill Thompson, Melanie Lovell.

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

6:32pm – Request for Determination – 77 Walnut Street

_____Applicant: John Cervone

Project: Removal of seven pine trees in the buffer zone to bordering Vegetated wetland (Reedy Meadow)

Applicant John Cervone was present to summarize the request. He presented photos of the property before his planting of the trees, and a copy of the original building permit from 1980. The property was originally a non-conforming contractor's building lot. Cervone noted that limbs are falling on the white pines, although they appear to be healthy.

Gentile commented that he was not opposed to removing the trees, noting that several are very close to the house and hang over the driveway. Thompson noted that the trunks of the trees are straight, and he could see salvaging 3 trees (#1, #6, #7), as they anchor the bank and provide important habitat.

Lovell commented that she could see 5 trees removed and replaced with native evergreens. Martindale cautioned that if all 7 trees were removed, there are other rows of tree plantings behind that can stabilize the bank. However, leaving singleton tall white pines can pose danger in high winds. Further, new trees might be better planted closer to Reedy Meadow.

Martindale took the opportunity to distribute copies of the Town of Wilmington's "Tree and Vegetation Removal Policy", along with a 6-page draft of "Tree Regulations for the Town of Lynnfield", and suggested that the Board take up a discussion of same in the June 16 LCC meeting. Martindale further commented that without a policy, decisions are left to be made on a case-by-case basis.

Cervone said that he was open to the Board's suggestions as to replacement plantings.

Solomon asked about Cervone's arborist's opinion, to which Martindale noted that the recommendation was not strong. Gentile added that Cervone's intention to leave the roots would help with stabilization of the bank. Cervone asked again for the Board's recommendation for new tree plantings.

Cadematori noted that without having a site plan, it is difficult for her to enforce any decision. She suggested some sort of agreement as to which trees would be removed and what will be replanted, further noting that the matter is jurisdictional as these trees are in the buffer for the stream and Reedy Meadow. Perhaps a determination could be done subject to a sketch. She reminded the Board that the request includes tree removal only and not replanting. A possibility is to condition the request with replanting details.

Jane Bandini, chair of the Tree Committee, noted that an arborist can limb up tall pines for wind to go through, and also agreed that a clump of trees is stronger in wind than singletons.

Thompson suggested that Cervone return with a planting plan, perhaps nearer to Reedy Meadow, that would offset removal of 1 or more of the white pines. Cervone noted again that the Board would be best to suggest new tree plantings. Lovell added that the planting plan remove 6 trees, and save the one closest to Walnut Street which is furthest from the house.

Martindale agreed with Lovell's suggestion to remove 6 of the trees and condition the Determination so that Cervone can consult with his arborist and provide a planting plan to be approved in the June LCC meeting.

On a motion duly made by Lovell and seconded by Salamone the LCC voted (7-0) to issue a negative 3 determination, subject to conditioning such that the 1 tree closest to Walnut is saved and a planting plan is submitted for approval.

7:05pm - Request for Certificate of Compliance - 24-38 Broadway - File #209-0600

_____Applicant: Ship Mall, LCC % Micozzi Management, Inc.

Project: Restaurant demolition and reconstruction of shopping center, associated parking and landscaping

Cadmartori noted that the site is in compliance and is very confident in their stormwater maintenance plan and contractor.

Martindale noted some discomfort with issuing a COC for such a large commercial property without having a final site visit, and without a final report from Bill Jones. Cademartori did not ask Bill Jones to do a site visit, as she had visited the site and felt comfortable that all the conditions had been met. Martindale reiterated a need to have Bill Jones provide a final sign-off, and the Board to conduct a final site visit with Linden Engineering. With commissioners in agreement, a site visit was set for Tuesday, June 11 at 6:00pm.

7:12pm - Request for Certificate of Compliance - 70 Oakridge Terrace - File #209-0533

_____Applicant: Ivaylo Vladov (Lena Schlemer original applicant)

Project: Installation of septic system

The septic system had failed and was repaired by the former owner. In 2015 the septic was inspected, and passed with conditions. Cademartori noted that the applicant will be filing an NOI for new work in time for the June LCC meeting, and will have an updated site plan at that time. Martindale noted that the plan has a stamp from the BOH.

On a motion duly made by Lovell and seconded by Salamone the LCC voted (7-0) to issue a Certificate of Compliance for 70 Oakridge Terrace.

Continued Public Hearings

7: 17 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& BLSF

7:17: Notice of Intent – Lot 5 Road A Subdivision DEP File # 209-0629

Applicant: HPI. LLC

Project: Construction of 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

Cademartori produced a written request for a continuance and final plans were not ready in time.

On a motion duly made by Salamone and seconded by Lovell the LCC voted (7-0) to continue both public hearings above until the June 16, 2019 LCC meeting.

Other Project/Property Updates

7:20pm - 299 Edgemere Road - DEP File #209-0522 - Review proposed modifications

Tony Capachietti, Hayes Engineering was present to review the modifications. The owner now wishes to shift the location of the house, which would be further from the wetlands. The house footprint is now smaller, as well. The driveway will be located on the other side of the house. The applicant would like to update the OOC.

Lovell questioned the net tree loss with these modifications. Cademartori noted that from a comparison of the 2 plans, the owner will try and save the 3 large trees in the back. However, in the front of the house, more trees will be lost but the overall effect is a “swap”. Also, the owner has agreed to plant more trees near the buffer areas. Cademartori added that a significantly beneficial change is the relocation of the driveway, which is now much further away from the certified vernal pool within the wetland complex and immediately adjacent to the property.

On a motion duly made by Salamone and seconded by Solomon the LCC voted (7-0) to determine that the proposed modifications are insignificant, and do not require an official amendment to the OOC.

7:32pm - 2 Broadway - DEP File #209-0413 - Project Update

No applicant was present. Cademartori presented an update. The expected amendment was not received in time. A partial filing was received. The applicant believes that what was requested in the April LCC meeting was not what he had agreed to and Cademartori is seeking guidance from Town Counsel.

Martindale suggested that an enforcement order be issued because there is no way of ensuring compliance as they have not submitted an amendment. The project needs a peer review on the modifications implemented. At present, the Board is left with no oversight capabilities.

Gentile asked if the amendments mostly concerned stormwater, to which Cademartori replied yes, but also modifications to the landscaping plan, some utility connections, the curb cut to Route 1, and drainage out to the adjacent property. Most disappointing to Cademartori is the lack of stormwater review even though much of it is already installed.

On a motion duly made by Thompson and seconded by Solomon the LCC voted (7-0) to issue an enforcement order with a Cease and Desist for all work issued until such time Bill Jones can provide all the compliance reports ready for Board review, and until a Public Hearing on the Request to Amend has been held.

7:41pm - 35 Elmwood - Septic installation in buffer with no permit

Jon Whyman was present to provide the update. Wetland scientist Julie Von Drake, and abutters Antonio Sordillo, 30 Elmwood; Bryan Last, 35 and 36 Elmwood; and Stan and Elizabeth Budryk, 31 Elmwood were present.

Von Drake presented some background. In March the BOH-approved septic was installed. At that time it became clear that an NOI had been filed in 2017 for 35 Elmwood and that Norse Engineering had provided a delineation. Von Drake's delineation differs from the Norse delineation. She has confirmed her findings 3 times since January, 2019 and feels it is consistent with the Pond banks and her soils testing results. Now, the situation is that the septic system is partially installed on the property with 2 differing delineations, and she is looking for guidance as to how to proceed.

Cademartori reported that in a conversation with the Norse engineer, his delineation was based only on soils analysis, but he was confident in his delineation.

Solomon asked what kind of septic system was installed, to which Whyman answered a standard 2-compartment system. Cademartori noted that the abutting property, 30 Maywood, installed their system under the driveway. Whyman said that soils are consistent and a peat layer runs along the pond abutters from historic landfilling by the Town. He said that he would not grade onto the abutting property, but could install a row of boulders.

Gentile asked if the Norse delineation was correct, what the consequences would be for the property. Whyman said that the lot would be deemed unbuildable. Cademartori reiterated that the 30 Maywood property's below-drive system was nearly a mirror image of 35 Elmwood, to which Whyman answered that there wasn't enough room to locate the system elsewhere, because of the utilities and property line set-back. He added that the system was an elevated system, was installed without taking any variances, and there was no other place to locate it.

Solomon suggested that a different system might be an alternative, and asked if this was ever an option proposed for the same location. Whyman said that a tight tank might be considered but that the DEP doesn't welcome these types of permits.

Abutters Elizabeth and Stan Budryk provided photographs and indicated that they would like to see this project completed, as it is an eyesore while it awaits next steps.

Abutter Antonio Sordillo at 30 Maywood expressed concern about water issues, now that the system is elevated which could create flooding in his yard. He spoke with Whyman to consider grading part of his property to alleviate flow from 30 Maywood. Martindale asked and Sordillo responded that he would be willing to have Whyman come onto his property to grade and redirect water toward the Pond. Martindale noted that, in this case, the LCC would give relief to 30 Maywood.

Owner and abutter Bryan Last, who now lives at 36 Elmwood and who has just purchased 35 Elmwood expressed concern about child safety.

Martindale asked if Whyman envisioned needing to grade to 0 Maywood, to which he responded "not at all". Whyman reiterated the request for the LCC to accept Von Drake's delineation and allow the completion of the project. Martindale responded that this issue will trigger a site visit.

Gentile asked if the system just needed to be backfilled, to which Whyman responded yes, and it could be pulled back if there was a future issue. Cademartori said that if the LCC accepts the new delineation, the 30 Maywood should be provided some relief, and it is important to be equitable.

Sordillo also noted that with the previous filling activity by the Town, he sees a good deal of road tar and other debris. Martindale said that given the historical activity, relief to the abutting owner is only fair, possibly by amending the OOC for 30 Maywood.

Von Drake suggested development of a Pond buffer restoration plan, which could be done across both properties. Martindale asked if 0 Maywood was buildable, to which Cademartori answered no. Cademartori noted that the prior owner donated that parcel to the Town, although there is no record of it. Martindale suggested that, at the new owner's wish, that parcel could be donated/sold to the Conservation Commission and used for better Town stormwater management.

Martindale suggested that a site visit be conducted, that the septic be backfilled, that the applicant return with a restoration of the bank and planting plan, and a grading plan be presented. Then, the LCC can revisit the OOC for 30 Maywood and allow some relief.

Cademartori asked how the septic should be left in the meantime. Whyman would like to cover it up and hydroseed it for the sake of the neighbors. Whyman said that it could be removed in the future, if necessary. He further asked if the leaching field could be covered up, as well, to which Martindale said yes.

A site visit is scheduled for 6:30pm, June 11.

8:34pm - 1 Ashdale Road - Possible Enforcement order

Elizabeth Wallis of Hayes Engineering was present to provide the project update and present an enforcement order plan.

The proposal provides some mitigation near the house. It includes removal of the Japanese Knotweed - excavated 3' to remove all the roots, backfill, loam, reseeding with wetlands mix, planting of 20 shrubs to re-establish the vegetation, and planting of 3 Red Maples in a row to re-establish the shade tree line that was removed previously. Also, 3 side lot areas will be mitigated for activities not permitted under the OOC issued in 2017.

Tony Capachietti, Hayes Engineering, remarked that a source of the problem was an engineering mistake that resulted in the coping for the pool built at 12" higher than planned. The owners are now interested in enhancing the wetlands and wish to make a bad situation better. Cademartori added that the original erosion control location was installed properly per the plan location, but was different from the location on the OOC. The LCC signed off on that plan, but the difference in locations started a run of errors.

Martindale asked Wallis what the plan was for monitoring the work going forward. Wallis said that a post-inspection meeting would be held 1 month later to ensure the plantings “took”. A site visit the following growing season would take place to ensure that no Japanese Knotweed grows back, and if this was the case, the Japanese Knotweed would be treated with herbicides or by excavation.

Cademartori asked if the excavation might result in a net loss of material in the floodplain, and cautioned that any work not result in loss of flood storage. Capachietti suggested dropping the elevation.

On a motion duly made by Salamone and seconded by Lovell the LCC voted (7-0) to issue an enforcement order for 1 Ashdale Road to include 17 Grayland Road.

Administrative Matters

Minutes - March 27, 2019 and April 16, 2019

The March 27, 2019 meeting minutes were reviewed and corrected.

On a motion duly made by Gentile and seconded by Lovell the LCC voted (7-0) to approve the March 27, 2019 meeting minutes as corrected.

The April 16, 2019 meeting minutes were reviewed and corrected.

On a motion duly made by Thompson and seconded by Lovell the LCC voted (7-0) to approve the April 16, 2019 meeting minutes as corrected.

Job posting - Field Inspector:

The job is posted internally and externally. Cademartori is working with the Town Engineer, to see if and how an internal applicant can be hired and shared by both departments.

Pillings Pond Task Force

Martindale reported that a committee is forming and will meet for the first time on May 28 at 7:00pm. Pond improvements and treatments, bank plantings and water quality will be discussed.

June office coverage:

Cademartori reported that she will be out on medical leave for 2 weeks beginning June 12.

Open Space & Recreation Committee (MAPC maps):

The MAPC is continuing to update the required maps as the Open Space & Recreation Plan committee members discuss and modify in their regular meetings.

Open Space & Recreation Committee (Pine Hill Lot):

This project is now an official Eagle Scout project being coordinated by Michael Madden, a member of the LHS cross country team and a boy scout.

National Natural Landmark site visit with Wakefield, May 10

Cademartori hosted a site visit to Reedy Meadow with Wakefield Conservation Agent Elaine Vreeland and the National Natural Landmark coordinator for the northeast region, Deb DeQuinzio. Deb offered her continued assistance for any projects regarding Reedy Meadow.

May 29, 2019 Planning Board Meeting:

Cademartori reported that Road A will be presenting at this meeting, and the Board is welcomed to attend and provide any additional input. She further reported that there are now complications with the discovery of a covenant from the Reeds from 1995 stating they would never develop another property.

“Walk on the Wild Side” - next site?

Martindale asked Chris Martone about scheduling the next “Walk” to Reedy Meadow. Martone suggested early morning or early evening are the best times for birding. The “Walk” will take place after the site visits scheduled this meeting for June 11, 2019.

Update - Site visit - 70 Walnut Street:

Martindale reported that the committee was successful in clearing some of the invasives.

9:21pm - On a motion duly made by Lovell and seconded by Salamone the LCC voted (7-0) to adjourn the meeting.

NEXT REGULAR MEETING – Tuesday, June 16, 2019

As recorded and submitted by Jennifer Welter