

# **TOWN OF LYNNFIELD CONSERVATION COMMISSION**

## **MEETING MINUTES**

**TUESDAY, SEPTEMBER 3, 2019, 6:30 PM**

H. Joseph Maney Hearing Room, Lynnfield Town Hall

### **Members present:**

Commissioners; Chairman Paul Martindale, Don Gentile, Kirk Mansfield, Janice Solomon, Melanie Lovell, Angelo Salamone, Director Emilie Cademartori (Absent Bill Thompson)

**6:34pm Chairman Paul Martindale called the meeting to order.**

### **New Public Meetings/Hearings**

**6:35pm - Request for Determination** - 13 Underhill

Applicant: Rich Rosa

Project: Demolition of existing home, removal of cesspool, construction of new home and septic with associated site grading and landscaping.

Applicant Rich Rosa was present for discussion. This is a raze and rebuild on existing lot across the street from a wetland. The new house will be moved further back from the resource area and the septic system will be upgraded. The lot is sloped toward the street, so it will be important that construction BMPs be in place to prevent erosion of materials into the street, where they could be carried via the drainage system into the wetland. There is a curb and grass strip that would prevent any sheet flow directly into the wetland. Sullivan Construction will be the contractor. The home will be sited beyond the 100'. The entire septic system is outside 80'.

Lovell asked about the character of land behind the existing home. Rosa responded that it was sloped and wooded. Rosa added that approximately 10 trees would be removed behind the house, and a new retaining wall structure will be added to the end of the driveway. He intends for the rear of the lot to remain wooded.

Chair Martindale read the definition of a Negative 3. Cademartori added her recommendations for added conditions; 1) placement of erosion controls during construction, 2) restoration of all disturbed areas post-construction, and 3) protection of catch basins in the street and supervised by the Town Engineer.

*On a motion duly made by Solomon and seconded by Lovell the LCC voted (6-0) to issue a Negative 3 Determination with the conditions added by Director Cademartori.*

### **Continued Public Meetings/Hearings**

#### **6:47pm - Notice of Intent – Definitive Subdivision Road A & Lot 5 DEP File # 209-0628 & 2019-0629**

**Notice of Intent** – Definitive Subdivision Road A/ Tuttle Lane DEP File # 209-0628

Applicant: HPI, LLC

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

**Notice of Intent** – Lot 5 Road A / Tuttle Lane 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

Chris Sparages, of Williams and Sparages, and Atty. Ted Regnante were present for the discussion. Sparages began by noting a recent addition to the plan - rerouting of a water line through an abutter's property in order to avoid disturbance to a stand of trees. The approval was given by the abutter, the LCWD and Town Engineer Charlie Richter. Sparages also noted that, by mistake, approximately 6 trees that were slated for removal had not been marked as such on subsequent plans. Martindale noted the growing body of knowledge regarding the benefit of understory density for the protection of wetland species. He added that the Commission would also like to see minimal access to the edge of the meadow - particularly on the Lot 5 location. Sparages indicated that, according to wetland scientist Greg Hochmuth, removal of invasives at the meadow's edge and "crowding" with many native species would not be beneficial. After some discussion, it was agreed that a one-for-one planting plan would be best so that no bare spots would be left. Regnante added that there would be no public access through Lot 5. Gentile also asked if additional trees would be planted elsewhere. Sparages responded that additional trees would be planted on every lot. Clear cutting would be avoided, and efforts would be made to avoid disturbing trees during subdivision construction. Forty arborvitaes will also be planted along the property line with the abutter on Cranberry Lane.

Martindale asked about the type of fertilizers that could be used per the HOA, to which Cademartori responded that no fertilizers were allowed.

Regnante noted that the owner of Lot 5, rather than the HOA should be responsible for maintaining the 5-year landscaping plan. Gentile asked about a separate Certificate of

Compliance for Lot 5, to which Regnante indicated that this would be provided after the 5-year planting plan is complete. However, a partial could be provided which would be helpful if the owner wishes to sell the property beforehand.

Cademartori added several edits; 1) moving of invasives from one order to the other, 2) signage for Lot 5, and 3) removal of the “low salt” treatment condition for public streets, which the DPW does not follow. Some discussion ensued regarding the necessity of the “low salt” condition. Cademartori said that any low salt treatment would require a policy for the DPW to follow.

Cademartori also suggested that there be a combined review of the Tuttle Lane subdivision and Lot 5 during construction. She added that the Town is looking to retain the services of a firm that could do both Planning Board and ConCom review. Regnante agreed with this approach.

***On a motion duly made by Gentile and seconded by Lovell the LCC voted (5-0-1) to close the hearing for both Tuttle Lane subdivision and Lot 5. Mansfield was the abstaining vote.***

***On a motion duly made by Lovell and seconded by Gentile, the LCC voted (5-0-1) to issue an OOC for both Tuttle Lane subdivision and Lot 5 subject to the modifications as discussed. Mansfield was the abstaining vote.***

**7:21pm - Request to Amend Order of Conditions** - 2 Broadway – DEP File # 209-413

Applicant: JAM Enterprises 2, LLC

Project: 68 Unit Rental Development

Chris Sparages, of Williams and Sparages, reviewed the recent project history and the final modifications, including the suspension design for the drainage pipe at the rear of the property.

Martindale asked Cademartori if there were any concerns. She noted that Bill Jones’ memo indicates that he has no further concerns. Martindale noted that the extension has already been issued, and that this hearing is only for the modifications. Cademartori added that the landscaping plan is still missing.

***On a motion duly made by Gentile and seconded by Solomon the LCC voted (5-0-1) to close the hearing 2 Broadway. Mansfield was the abstaining vote.***

***On a motion duly made by Solomon and seconded by Lovell the LCC voted (5-0-1) to amend the OOC as reviewed by Bill Jones, and including the condition that the missing landscape plan be submitted and approved at a later date. Mansfield was the abstaining vote.***

***(7:30pm - Commissioner Solomon departs)***

## **COC/Other Requests**

### **7:32pm - Request for Certificate of Compliance – 59 Walnut Street - DEP File #209-0447**

Applicant: Michael Hammond

Project: Raze & Rebuild 3 BR single-family home, new driveway, septic installation, grading & landscaping

This was a raze and rebuild. The home is on the market. The property directly abuts Reedy Meadow. The house is slightly closer to the wetland than shown on the proposed plan, as is the edge of the driveway (encroaching over the 50 ft line). There is no lawn maintained on the property; there is artificial turf in the fenced area in the backyard.

Martindale asked if a wall at the top of the bank marked the presence of a stream. The rear of the property drops significantly and is wetland. Cademartori indicated that there have been changes from the original OOC - notably a drainage design change for the driveway - but the changes are for the better. Martindale asked about perpetual conditions. Cademartori noted that in addition to the standard conditions, these are; 1) installation of permanent markers at the 25' buffer, 2) no use of deicing chemicals on the driveway, 3) no dumping of landscape debris in the resource area or buffer, and 4) no fertilizers or pesticides usage.

*On a motion duly made by Gentile and seconded by Lovell the LCC voted (5-0) to issue a COC for 59 Walnut Street.*

## **Updates/Correspondence**

### **7:42pm - 5 Currie Circle - tree cutting on ConCom Land**

Homeowners Nermin and Elvira Hadzihasanovic were present for the discussion.

Martindale stated that tree cutting has been done by the owners on Conservation land. In order to “make it right” Martindale suggested that the homeowners 1) have a surveyor stake the property line, and 2) hire a landscaper or arborist to devise a replanting and restoration plan which the Commission can approve at a later date. The homeowners agreed with this approach.

Martindale requested that the homeowners appear at the October 15 meeting and present a replanting plan for LCC approval.

### **7:54pm - Executive Session**

Per MGL Ch 30A Section 21 (A)(3) to discuss strategy with respect to litigation for which an open discussion may have a detrimental effect on the Town's litigating position. **Boston Clear Water, LLC**

Chair Martindale proposed that, per the agenda, the LCC enter into Executive Session. *On a motion duly made by Lovell and seconded by Gentile the LCC voted (5-0) to enter into executive session.*

#### **8:43pm - 70 Walnut Street - abutter encroachment on ConCom land**

Cademartori indicated that the homeowner continues to regularly mow the ConCom land at his property line. She also asked Commissioners for permission to spend money to install permanent markers. Salamone asked about the installation of no trespassing signs. Martindale suggested selling a strip of the ConCom land to the abutter. Cademartori asked how this "strip" should be treated if the ConCom keeps control, such as installation of a native rain garden, for example. Martindale also mentioned observation of a seepage halfway down the hillside.

#### **8:55pm - Partridge Island entrance improvements**

Cademartori noted the new entrance sign is erected and that contractor Jon Whyman has begun filling the ditch leading to Partridge Island.

#### **8:56pm - Kelly Property - Bow Ridge access and Signage**

Cademartori reminded Commissioners that Kelly Automotive had previously agreed to fabrication and installation of a high-quality entrance sign to Bow Ridge/Kallenberg Quarry. The layout artwork/content for the Lynnbrook Road entrance sign was distributed to Commissioners in their packets. Commissioners were happy with the artwork/content and agreed to have a similar sign be placed by Kelly at their rear Broadway entrance location to Bow Ridge/Kallenberg Quarry.

### **Administrative Matters**

#### **8:59pm - Welcome to new LCC member Kirk Mansfield**

Commissioners welcomed new member Kirk Mansfield to the LCC.

#### **9:00pm - Annual Election of Officers**

*On a motion duly made by Lovell and seconded by Gentile the LCC voted (4-0-1) to elect Paul Martindale as Chairman of the LCC for 2019/2020. Martindale was the abstaining vote.*

*On a motion duly made by Martindale and seconded by Lovell the LCC voted (4-0-1) to elect Don Gentile as Vice Chairman of the LCC for 2019/2020. Gentile was the abstaining vote.*

*On a motion duly made by Gentile and seconded by Martindale the LCC voted (4-0-1) to elect Melanie Lovell as Site Visit Coordinator of the LCC for 2019/2020. Lovell was the abstaining vote.*

**9:03pm - Review of draft LCC Meeting Minutes; June 18, 2019, July 16, 2019, August 20, 2019**

*On a motion duly made by Lovell and seconded by Gentile the LCC voted (4-0-1) to accept the June 18, 2019 LCC Meeting Minutes, as corrected. Mansfield was the abstaining vote.*

*On a motion duly made by Lovell and seconded by Gentile the LCC voted (4-0-1) to accept the July 16, 2019 LCC Meeting Minutes, as presented. Mansfield was the abstaining vote.*

*On a motion duly made by Lovell and seconded by Mansfield the LCC voted (5-0) to accept the August 20, 2019 LCC Meeting Minutes, as presented.*

**Hazard Tree Policy**

Martindale noted that members are forwarding edits and that a meeting to further discuss the draft will be scheduled soon.

**Special Town Meeting announced for September 26, 2019 - "Friends of the Rail Trail"**

Cademartori also noted that in their FinCom meeting, the Finance Committee voted 8-2 to support the article. Also, the Planning Board has invited the ConCom to their meeting on September 25. This is an opportunity for Planning Board members to hear updates from different groups prior to the September 26th Special Town Meeting.

**Special Lecture - September 10, 2019 - "Motus" Bird Tracking System**

The lecture is scheduled for 7:00pm at the Reading Library. Monitoring the Rusty Blackbird in Reedy Meadow is a particular goal of the project. Martindale suggested Bow Ridge as the highest area for the erection of the required special solar-powered antennae.

**Possible Eagle Scout Project - Invasives at Pillings Pond water's edge**

Cademartori noted that she recently learned that 3 possible Eagle Scout projects had previously been approved by the Tree Committee, and that Jane Bandini has notified her that there is a Scout interested in pursuing the project focused on removal of invasives at the edge of Pillings Pond on ConCom land. Martindale indicated that he didn't think this was a substantial enough project scope, and that the proposed ConCom land at Pillings Pond was not the right location for such a project. He suggested that it would be more beneficial for the Scout and for the Commission to redirect the Eagle project effort to a more needy area.

**Pillings Pond Treatment (update)**

Cademartori provided an update on the treatment over the summer. She also noted that she ordered an algae test on July 24, the results which indicated no need for overconcern. Some press was done for the public on the ConCom website and in the papers.

*On a motion duly made by Lovell and seconded by Mansfield the LCC voted (5-0) to adjourn the September 3, 2019 meeting, at 9:31pm.*

**NEXT REGULAR MEETING – Tuesday, September 17, 2019**

As recorded and submitted by Jennifer Welter