

**TOWN OF LYNNFIELD  
CONSERVATION COMMISSION**

**MEETING MINUTES**

**OCTOBER 15, 2019, 6:30 PM**

H. Joseph Maney Hearing Room, Lynnfield Town Hall

**Members present:**

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

**6:33pm Chairman Paul Martindale called the meeting to order.**

**New Public Meetings/Hearings**

**6:34 Request for Determination – 85 Canterbury**

Applicant: Manzur Alam

Project: Construct new single-family home

Peter Ogren, Hayes Engineering presented the project summary. The original OCC expired 3 years ago, and no action had been taken. The maximum intrusion of the house into the 100' buffer zone is 10'. The work is outside of the no-build zone. The nearby driveway is actually the emergency access to Lynnfield Commons. When Lynnfield Commons was built, sewer was brought to the lot, and there will be a sewer tie-in for this house. Cademartori noted that in the prior order, the homeowner was asked to place 25' no disturb markers down to the wetland, which she felt was unfair as the property is actually burdened by the stormwater infrastructure for Lynnfield Commons. Cademartori also asked Ogren to confirm that the LCC would not be confirming the boundary of the BVW.

*On a motion duly made by Solomon and seconded by Gentile the LCC voted (6-0) to issue a Negative 3 determination, with a positive 2B and 5, with added conditions as stated in the application.*

**Continued Public Hearings**

## **6:45pm - Request for Stormwater Management Permit Ch 213 § II**

Applicant: Town of Lynnfield Dept of Public Works

Project: Jordan Park Reconstruction 3 Wildewood Drive; to renovate and expand the existing parking lot, demolish the existing playground and build a new playground and upgrade existing soccer fields

***On a motion duly made by Thompson and seconded by Solomon the LCC voted (6-0) to re-open the hearing.***

John Perry, Gale Associates, Lynnfield DPW Director John Tomasz and Lynnfield Town Engineer Charlie Richter were present to provide the project overview/updates.

Chairman Paul Martindale began the discussion by asking about placement and height of the 2 planned solar lights, to which Perry replied 20'. Tomasz added that the lights would be on a timer that the DPW would regulate. Martindale also inquired about saving the very large oak tree in the middle of the existing parking area. After some explanation, Perry and Tomasz both said that it would be too difficult to save it with the planned parking layout. Of the 30 trees planned for removal, Tomasz indicated that he could probably save at least 3 of them, and also committed to provide a 1 for 1 tree replacement.

For the final revisions, an additional catch basin has been added. Also, the driveway entrance to the parking will be regraded for improved drainage. Martindale asked, and Perry confirmed that the system has been sized for 2-, 10- and 100-year floods. Tomasz confirmed that it would be sufficient for the system to be cleaned out two times per year. There will be a reduction in flow in all situations over existing conditions.

Abutter Laura Lovetere of 1 Wildewood Dr., asked if the increased parking was planned to handle future bike path traffic, to which Martindale suggested she direct her question to Town Meeting, October 21. Abutter Guy Grassi, 5 Wildewood Dr., asked about the specific length of the berm at the back of the parking lot, to which Perry indicated 20-30' beyond the fence line. Grassi asked if the berm could be extended another 20', and Tomasz said that this would be no problem. Solomon then asked if this extension would change any of the water flow calculations, to which Perry said no. Grassi also asked if the outlet pipe is in good repair and clear, to which Martindale suggested that a camera be run through to ascertain this.

Hearing no other comments, Martindale then read a suggested motion: "The Lynnfield Conservation Commission, in accordance with the Town of Lynnfield Bylaw Chapter 213 Sec. II has determined that the Stormwater Management Plan, Erosion & Sediment Control Plan and the Operation & Maintenance Plan submitted for the Jordan Park Field Renovation and Parking Lot Expansion project meet the requirements and standards as detailed in the Rules & Regulations. The Commission therefore finds that the project as designed and depicted on the final plan sets (including any amendments that are made during the October 15, 2019 LCC meeting), as

prepared by Gayle Associates Inc. titled “Jordan Park Reconstruction Project, 3 Wildewood Drive” dated October 15, 2019 will adequately protect the water resources of the community.”

***On a motion duly made by Gentile and seconded by Solomon the LCC voted (6-0) to adopt the motion as stated above here.***

#### **7:24pm Notice of Intent – 165 Lowell Street**

Applicant: Andrew Zuroff, Boston Clear Water Company, LLC

Project: Restore and or reconstruct portions of an existing stone spring stone, regrade areas around the structure, remove six trees, construct a series of field stone retaining walls and create a wetland replication area.

***On a motion duly made by Gentile and seconded by Thompson the LCC voted (6-0) to re-open the hearing.***

Martindale began by reading the email from Attorney Chip Nylen indicating that no one would be present at the October 15, 2019 LCC meeting, and that the applicant had not withdrawn the NOI. It arrived that afternoon at 5:23pm. Cademartori said that she had conducted a site visit earlier that morning unrelated to the NOI, but in response to reported tree removal on site. She also added that Paul Martindale had written an October 4 letter detailing his earlier site visit with Field Inspector Patrick McDonald. She noted that the tree removal has all been outside the 100 ft buffer. However, equipment was operated in the buffer area, and fresh spills were obvious. BCW engineer Paul Marchionda indicated that a spill kit will be ordered and kept on site.

Solomon expressed surprise that 1) LCC officials could be barred from entering a property with an open OCC, and, 2) in light of the ongoing litigation, how BCW would be able to bring new business for ConCom to consider. Cademartori had contacted DEP to inquire if BCW had filed any pre-construction notification. The DEP had not received any notification.

Martindale suggested the LCC continue the hearing until the November 19 meeting, and that either Cademartori or Town Counsel Tom Mullen request that BCW appear before the LCC and either defend the NOI, or withdraw it.

***On a motion duly made by Gentile and seconded by Thompson the LCC voted (6-0) to continue the hearing until the November 19, 2019 LCC meeting.***

#### **Other Open Permitting Items**

**7:38pm - Enforcement Order – 165 Lowell Street DEP File #209-0604 & LCC 2019-01**  
**Boston Clear Water Violation**

Martindale recapped the summary report of his October 4 site visit with Field Inspector Patrick McDonald, specifically scheduled to check on the status of the conditions delineated in the Enforcement Order. Martindale noted that there was no evidence of any compliance with the conditions.

Abutter Bill O'Brien thanked the LCC members for the continued attention and responsiveness to abutters' issues. He added that he believes he has witnessed 6 separate incidents of infractions at BCW, and described further activities he has observed on site.

Cademartori asked how Commissioners wished her or Atty. Mullen to proceed. Solomon asked if the business could be shut down. Cademartori added that Marchionda indicated that BCW is waiting on tree removal action from the Greenbelt Association before removing the debris pile, but have no intention of installing any erosion control or restoring any understory.

Commissioners discussed the mounting fines. Gentile suggested seeking advice from Atty. Mullen regarding obtaining security for the outstanding fines, possibly filing in Superior Court.

Abutter O'Brien also raised the issue of contacting the police for assistance. Cademartori said that she would ask the police for a record of the calls. O'Brien also added that the abutters are hesitant to call the police unless necessary. Cademartori noted that a paper trail is important, be it a log of calls to the police or emails to the Conservation department. Martindale asked for the report from Patrick McDonald summarizing the earlier site visit. Cademartori said that the data is collected and will soon be put into report format.

**8:04pm - 200 Essex Street - DEP File #209-0595**

This is the vacant house across from the high school. The family is not ready to move ahead and has requested an extension (raze and rebuild of home). It is likely they will only undertake the demo of the home and then sell the property. They have the choice of requesting a COC prior to sale for the partial work, or letting the OOC transfer to the new buyer for the new construction.

*On a motion duly made by Gentile and seconded by Thompson the LCC voted (6-0) to extend the OOC for 3 years.*

**8:07pm - New/Pending Violation Complaints/Investigations**

**5 Currie Circle**

The homeowner has had the survey done to establish the property line. It shows that only 3 trees removed were actually on Town property. A planting plan has not yet been done. Cademartori suggested a site visit to confirm the survey work and then review of the plans for replanting only on the Town property.

### **5 and 7 Green Meadow Drive**

Disturbance - tree cutting and yard debris dumping appears to be taking place by the owner of #5 in the wetlands on abutters property at #7. Both will be notified by letter and asked to attend the next meeting.

### **7 Stafford Drive**

This appears to be a filling operation on a steep slope in buffer, and has yet to be verified. Cademartori noted that there is no cut and fill bylaw in Lynnfield, and that her opinion is that one is needed. Salamone questioned the documentation regarding the source of the fill that may be required by the Building Inspector.

### **19 Fernway**

A call was received from the abutter at 5 Alexandra, noting that fill at 19 Fernway is washing down to his property. A site visit was made from the 5 Alexander property. Cademartori believes that material is probably migrating into the buffer, but not necessarily into the nearby wetlands. The owners of 19 Fernway will be notified and asked to attend the next meeting

### **45 Lakeview**

This project was discussed in an earlier LCC meeting. There was an RDA for the tight tank installation (a first on Pillings Pond). The homeowner's original intent was to do only a vertical build. However, there have been misunderstandings complicated by a language barrier, and the house is now removed leaving only the foundation and deck in place. As a further complication, the homeowner is also before the Historical Commission for demolishing a listed house. Martindale suggested that the homeowner initiate an RDA going forward with this project.

### **7 Kimball Lane**

This is a problem with the Wakefield abutter to Lynnfield's 7 Kimball Lane property. The abutter is filling and occupying Saugus River buffer land to the extent of about 40', diverting the river. The 7 Kimball Lane owner has been trying to alert Wakefield for years, but to no avail. He called Emilie who provided information necessary to secure a response from the DEP Environmental Crimes Unit and Wetland Program. There is also a potential development project abutting his land a short distance away, for which he has not received any abutter notifications.

### **8:35pm - Tree Policy Draft**

Cademartori reported that she is working with Patrick McDonald, who has extensive database and GIS experience. She would like him to develop a form which could be easily used to "triage" tree

removal requests and site visits. Once formulated, Cademartori would like the Commissioners to decide what the trigger points would be for various tree removal scenarios. Martindale commented that this appeared to be a good approach.

#### **Pillings Pond Demonstration Garden - Review RFP responses**

There are 2 candidates for consideration, DeRosa Environmental/IRWA and CEI. Thompson asked if Rotary Park would be the designated site, to which Martindale said that the specific location is still TBD, and should depend on input from the successful vendor. Martindale recommended considering a suitable match between the size/scope of the project and the vendor. Cademartori also noted that the Selectmen also hold a special Pillings Pond fund that could be tapped for the plantings once they are recommended by the vendor. Thompson asked about the aesthetics of the garden. Cademartori added that the bank area design also needs to accommodate the habits of fisherman. Martindale also asked about the timing for the annual Pillings Pond treatment report. Cademartori noted the final monthly treatment had just been completed, and the report was forthcoming.

Commissioners were in agreement that DeRosa/IRWA should be awarded the project.

#### **8:50pm - Minutes**

The draft September 3, 2019 LCC meeting minutes were reviewed.

*On a motion duly made by Gentile and seconded by Mansfield the LCC voted (5-0-1) to approve the draft September 24, 2019 LCC meeting minutes. (Solomon abstained as she was not present at the 9/24/2019 meeting.)*

#### **8:54pm - Adjournment**

*On a motion duly made by Salamone and seconded by Solomon the LCC voted (6-0) to adjourn the October 15, 2019 LCC meeting.*

#### **NEXT REGULAR MEETING – Tuesday, November 19, 2019**

As recorded and submitted by Jennifer Welter