

**TOWN OF LYNNFIELD  
CONSERVATION COMMISSION**

**MEETING MINUTES**

**NOVEMBER 19, 2019, 6:30 PM**

H. Joseph Maney Hearing Room, Lynnfield Town Hall

**Members present:**

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

**6:30pm Chairman Paul Martindale called the meeting to order.**

**New Public Meetings/Hearings**

**6:32 Request for Determination – 327 Edgemere Road**

Applicant: Ryan Ferguson

Project: Installation of seasonal aluminum dock in Pillings Pond

Homeowner Ryan Ferguson was present to provide a summary. 327 Edgemere is a split lot. The home is on the upland side of Edgemere Road. The owner owns land on the pond, as well. The owner is proposing a 4' x 16' aluminum roll-on/roll-off dock. Field Inspector Patrick McDonald has reviewed the site to ensure that the path to reach the proposed dock location does not traverse any BVW. The wetlands have not been formally flagged. Chairman Martindale asked when trees were cut in the area of the path to the dock, to which Ferguson estimated about 4 years prior. Mansfield asked if the path would be left in a natural state, and free of pavement, pavers, bricks, etc, to which Ferguson said yes. Martindale added that since no wetlands have been flagged, the board would not be confirming the delineation. Cademartori asked, and Ferguson confirmed that the dock would only be used seasonally and that no further vegetation would be removed.

***On a motion duly made by Gentile and seconded by Lovell the LCC voted (6-0) to issue a Positive 2B, a Negative 2 and a Negative 3 determination.***

**6:45pm Notice of Intent – 2 Lee Road**

- Applicant: Richard Ripley, Trustee Sylvester Family Trust  
Project: Removal of failed septic system and installation of new Title V compliant septic system for existing single family home

Sanitary engineer James Kavanaugh presented the project summary. The existing system does not pass Title V and the property is being sold. There are very poor soils and little room to situate a septic system. Kavanaugh tried to locate the system further away from the wetland (Reedy Meadow), but the soils were not suitable. He is seeking a Title V variance to place the field 25' instead of a minimum 50' from the wetland edge. There is grading within 10'. Two large trees are slated to be removed, but Kavanaugh will try and save one of the two. Martindale noted that the better of the 2 trees, an American Sycamore, will pose very difficult root issues with the future septic work and possible lawn or other plantings. He proposed planting 2 replacement trees elsewhere on the property. Cademartori previously discussed pulling the limit of lawn back and installing a buffer planting area along the BVW edge, perhaps locating 2 red maple trees in this 10' area.

Cademartori also noted that she had asked Kavanaugh to bring in true floodplain elevations, as the FEMA map alone does not show the true floodplain location. The homeowner now has a floodplain certificate which will benefit him when the property transfers.

***On a motion duly made by Lovell and seconded by Gentile the LCC voted (6-0) to close the Public Hearing.***

***On a motion duly made by Gentile and seconded by Lovell the LCC voted (6-0) to issue an OCC with a variance of only 25' from the BVW; to pull back the lawn by 10', and to plant 2 replacement trees in that 10' area (Red Maples suggested).***

## **Continued Public Hearings**

### **7:01pm 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 house, 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 Lovell and seconded by Gentile the LCC voted (6-0) to re-open the hearing.***

No one was present from Boston Clear Water (BCW). This hearing has been continued twice and there continues to be no representation from BCW. Martindale suggested a choice of continuing the hearing or closing out the NOI for lack of information.

Cademartori reminded Commissioners that only the local bylaw NOI is being considered, due to the appeal of the WPA Notice. She noted that DEP has asked for additional information on the wetland replication from BCW. She added that a denial for lack of information may result in an appeal, as evidenced by past practice. She further suggested that a denial could be written, but would need to include adequate findings and reasons for denial. Such a letter could be drafted and available for board discussion at the December 17 meeting.

Cademartori also said that DEP conducted a site visit on November 7 regarding this application, but that, unfortunately, the DEP online filing system shows the requests for information, but gives no information about when it is provided.

Martindale said that there was not much the board could do other than to keep the process in motion. Abutter Bill O'Brien said that "it has been quiet" at BCW in recent days. He thanked the board for their efforts. Abutter Mary Bliss added that abutters John and Heather Sievers have informed neighbors that they have accepted an offer to sell their home to BCW.

Martindale asked Cademartori to prepare sufficient documentation of grounds for denial of the new NOI in the event that the board deems that it no longer makes sense to keep the hearing open if BCW continues not to appear before the board.

***On a motion duly made by Gentile and seconded by Thompson the LCC voted (6-0) to continue the hearing until December 17, 2019 meeting.***

## **Other Open Permitting Items**

### **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**

**Enforcement Order – 165 Lowell Street DEP File #209-0604 & LCC 2019-01**

Martindale asked if there was any need to enter into Executive Session. Cademartori noted that the matter of the enforcement order has become a court case. She added that all documents are public record at this point, but if the board wanted to discuss any other related points or request any further materials from Town Counsel Tom Mullen, then the board could enter into executive session. Martindale asked if any information previously requested from BCW had been received, including video footage, to which Cademartori said no. Solomon asked what organization in town monitored the business community. Cademartori responded that if a business was going to request a significant change, then the Zoning Board would become involved. Abutter Andrew Gallucci of 2 Ostis Way asked if a special permit was necessary to run a business 24 hours. Commissioners were not certain and Martindale suggested that the abutter direct his question to the Building Inspector. Martindale said that he saw no need to enter into executive session and

asked if other board members wished to do so, to which all declined. Abutter O'Brien asked if the fines were still being levied, to which Martindale said yes. Cademartori added that the fines were being charged as part of the enforcement order, which BCW has appealed. Martindale said that there were 2 lawsuits against the ConCom at present: the lawsuit involving the 100' no build extension up the hillside, and the enforcement order.

Abutter O'Brien added that with recent rains he had observed significant erosion, and invited commissioners to observe it for themselves from his property. Martindale requested that Cademartori visit BCW (possibly via the abutters property) to photograph evidence of erosion, and suggested a weekly visit by site inspector Patrick McDonald.

Thompson added that he viewed the property earlier in the day from the Greenbelt property and noted that the brush is still present. Cademartori asked about the status of the Greenbelt tree, to which abutter O'Brien said that the tree has not been removed and that the matter is in the hands of their attorneys.

### **Request for Certificates of Compliance**

#### **7:30pm - Request for Certificate of Compliance - 30 Maywood Road**

Applicant: Antonio Sordillo

Project: Septic Replacement and residential addition

Owner Sordillo was present for the request. The septic system was installed in 2018, the addition to the home was more recently completed. The property owner has properly pulled back the lawn area from the pond shoreline as required in the OOC. No markers are yet installed. The property is adjacent to the septic installation on Elmwood which had a discrepancy in the wetland delineation. In theory all the work performed under this OOC is now outside of the revised 100' buffer. There is still resource area and floodplain on the property. Sordillo now needs to clear his deed.

Cademartori asked what was a reasonable distance to ask for the lawn to be pulled back from the wetlands edge. Martindale requested that Sordillo refrain from using fertilizers within 100' of the pond, and asked for 15' of pond edge buffer that could be replanted with native vegetative species rather than lawn. Sordillo said that he would agree to these 2 conditions but asked if he could avoid placing markers on posts, for fear of safety to his children running in the yard. Gentile noted that the issue was more concerning for the new owners that would be unaware of marked areas when the property would transfer. Martindale then suggested that the markers be placed in the ground so that they would be visible, and be flush with the ground so that a lawn mower could mow over.

***On a motion duly made by Solomon and seconded by Thompson the LCC voted (6-0) to issue a COC for 30 Maywood, inclusive of the fertilizer, buffer edge and markers conditions discussed above.***

## **New/Pending Violation Complaints/Investigations**

### **7:50pm - 39 Homestead**

Homeowner Christopher Minor was present for the discussion. The homeowner wished to level off his backyard for a play area for his children. In his absence, his landscaper was observed clearing too close to the perennial stream. A cease and desist letter was sent to the homeowner. Some discussion ensued as to a rear grass driveway and stone wall locations. Martindale asked if Cademartori recommended a site visit. Cademartori said that the decision would be up to the board, if it wanted a filing with a landscaping plan on paper, or a site visit with the plan negotiated in the field. She added that with a location this close to the stream, a landscaping plan is preferred. Cademartori had earlier asked the landscaper to draw up a sketch with measurements (showing house measurements, stream bank location, where existing trees are located, proposed area of lawn, etc.) but has not received anything yet. Lovell said that a site visit would be beneficial.

A site visit is scheduled for Saturday, November 20th at 10:00am. Martindale reminded the homeowner that the cease and desist remains in effect until the site visit.

### **8:08pm - 7 Kimball Lane (14 Sunset drive, Wakefield)**

Cademartori reported that there has been no progress, and that Wakefield is having difficulty accumulating sufficient evidence.

### **8:10pm - 5 Currie Circle**

The attorney for the Peabody abutter called to ask if the homeowners at 5 Currie could be made to plant more trees on the ConCom land, to which Cademartori said that she could not force the 5 Currie Circle homeowners to plant more trees ( than had been removed) on ConCom property, but that the Peabody owner could potentially offer to pay for additional trees. Any such arrangement would need to be made between the abutters and be approved by the Commission.

### **8:12pm - 5 & 7 Green Meadow**

Homeowners came to the office earlier in the day. Cademartori said that she would memorialize their conversation in a letter to the homeowners, specifically requesting no more clearing beyond the fence, and no more dumping of yard waste beyond the fence.

### **8:14pm - 4 Magnolia**

This is an unusually shaped lot, at the end of Magnolia. There was a superseding order that had expired and then re issued under a new application. The permit has been in existence since 2006. The previous house design was unusual, as it would actually be sited between 2 wetlands. A buyer would like to build a different shaped house, and would like to know if he needs to file for a formal amendment. The footprint of both the driveway and the house has been reduced, the limit of work is the same. Cademartori asked if the board wanted the homeowner to file an amended plan, or file for an insignificant change. A letter from the homeowner was received the day prior, requesting the filing of an insignificant change. Martindale asked that the letter be brought to the December 17 meeting.

## **Updates/Correspondence**

### **8:16pm - Pillings Pond Demonstration Garden**

Cademartori held a site visit at Rotary Park with Mike DeRosa of DeRosa Environmental. A specific site was not yet selected. The pertinent items are the plantings that address issues of erosion as well as the view from the benches. There could be 3 recommended plans - a soft plan of flowers and other non-woody low growing plants, a mixed plan of soft and woody plants, and a hard plan of woody shrubs and trees. Each could be selected to appropriately address water filtration, erosion, and visibility issues. Further, a fishing platform could be built. Also, additional paths could be identified for the fishermen to access the Pond.

### **8:21pm - Conservation area signage**

A first phase of signage has been completed. The “Posted” rules and regs signs have been installed, as well as replacement entrance signs. The Kelly property entrance sign to Kallenberg Quarry is being discussed now. Kelly will be paying for a sign, which will be a duplicate of the other 2 Kallenberg entrance signs, but which will be mounted on granite posts. Several other signs, such as the Lynnfield Commons access road to Kallenberg Quarry and the entrance sign to Pine Hill Lot, are ready to be installed pending decisions on their exact locations. Cademartori would like to make a field visit to the Lynnfield Commons access point.

### **8:28pm - Partridge Island Trail Improvements**

Since the site visit with Paul Martindale, contractor Jon Whyman has not been able to provide or spread any additional fill. Cademartori said that, perhaps when the ground freezes, she would meet with Whyman to show him the area she and Martindale discussed for grading at the entrance way. Cademartori also noted that it has been very difficult getting Richard Wolniewitz to finish the work on the boardwalk, including replacement of rotten boards, building of ramps onto the boardwalk in 2 locations, installation of wheelchair rails on the boardwalk, and replacement of seating bench boards and handrails on the observation deck. Cademartori suggested that, at this point, it might be smarter to cut losses and hire a contractor to finish the work. Martindale suggested that Angelo Salamone may be able to recommend a contractor. Martindale also noted that some time ago

attorney Ted Regnante had asked what funding would be needed to do the repairs, and that it might make sense to speak with him again about the project.

#### **8:31pm - Pillings Pond treatment contract**

The year-end report is due but has not been received. Cademartori needs to provide input for the upcoming budget process. Martindale asked Mansfield his opinion about the water quality, to which Mansfield noted that it appeared much better. Martindale said that he has heard similar feedback, and suggested that the treatment plan which was new this year, be repeated again for next year. Solomon noted her concern about using copper sulphate, as it bonds to sediment and stays in the pond and does not appear to be a healthy alternative. Martindale added that the copper sulphate was now being administered in much lower doses. He also added that the treatment plan using low dose copper sulphate was approximately \$10,000 less than the plan using the alum. Cademartori said that the board will have more information on the efficacy of the new treatment plan when the year-end report is received - hopefully in time for board review at the December 17 meeting.

#### **8:38pm - Saugus River Watershed Council Annual Meeting**

Board members were emailed an invitation to this Thursday, December 5 annual meeting, particularly because of the guest speaker's presentation topic on migratory birds and their habitat in the Saugus River watershed and surrounding marshes.

Martindale took this opportunity to open discussion and schedule this year's potluck holiday ConCom dinner at his house. This will be Sunday, December 15 at 5:00pm.

### **Administrative Matters**

#### **8:42pm - Minutes**

The draft October 15, 2019 LCC meeting minutes were reviewed.

*On a motion duly made by Gentile and seconded by Lovell the LCC voted (6-0) to approve the draft October 15, 2019 LCC meeting minutes, as presented.*

#### **8:44pm - Camp Curtis Guild - new project work**

Cademartori reported that Camp Curtis is about to file a major project and would like to schedule a site visit, ideally before the filing. She will see if a site visit November 30 would be amenable, right after the scheduled 10:00am site visit to 39 Homestead.

Cademartori added that Camp Curtis Guild is doing a great deal of habitat restoration work. They are spending a good deal of money with environmental consultants regarding land management

work, and employ a wetland biologist on staff. Martindale also added that bats are living in the underground tunnel that used to be the firing range. They have set up microphones and motion sensors in order to record bat activity. He also noted that former board member Chris Martone is looking to do similar work with migratory birds at Reedy Meadow.

**8:49pm - Adjournment**

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

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

As recorded and submitted by Jennifer Welter