

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

FEBRUARY 18, 2020, 6:30 PM

H. Joseph Maney Hearing Room, Lynnfield Town Hall

Members present:

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

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

New Public Meetings/Hearings

6:35 Notice of Intent – 297 Edgemere

Applicant: Shoven Shrivastava

Project: Construct an addition and new deck for an existing single-family home

Libby Wallace, Hayes Engineering's Wetland Scientist presented the project update. The proposal is for a 815 sq. ft. addition and new deck. The addition is largely outside the 50' buffer. Wallace flagged the property in January. Chair Martindale asked about roof run-off for the addition, to which Wallace replied that nothing was required for stormwater under state regulations. Lovell asked if any new lawn was going to be created, to which Wallace said no. Wallace confirmed that the lawn edge is the edge of the disturbed line.

Agent Cademartori noted that there is a certified vernal pool in the buffer, and suggested that plantings closest to the vernal pool be put in after construction. Martindale noted that there is no DEP number assigned yet, and without this, the ConCom cannot make a decision. Wallace added that posts and markers are installed. Cademartori asked if any additional bedrooms were proposed for the addition, to which Wallace replied "not to her knowledge".

On a motion duly made by Lovell and seconded by Salamone the LCC voted (5-0) to continue the hearing until March 17, 2020.

6:49 Notice of Intent – 33 Homestead

Applicant: Kevin & Kristen Doherty

Project: Construct an addition to an existing single-family home, installation of a retaining wall and the removal of three trees.

Greg Hochmuth, Williams & Sparages's Wetland Scientist was present for the project update. This is a pie-shaped lot with a house and detached garage. The owners wish to replace the detached garage with an attached garage, and remove the existing driveway and 3 existing mature oak trees. Martindale asked what the problem(s) were with the oak trees. Hochmuth noted their close proximity to the house and the backyard play structure, citing a safety hazard(s). Hochmuth added that the owners are willing to replace the trees with new trees, and would be amenable to keeping the cut tree stumps in place to preserve the slope stability. The applicant is seeking zoning relief, as the project is near a resource area.

Thompson said that in reading the NOI, the rationale given for removing one of the trees that it was "casting a shadow" was weak, to which Hochmuth added that this was overhanging a play structure. Lovell added that in the absence of any evidence of tree damage or disease, she would be hard pressed to give approval to remove the trees. Mansfield and Martindale agreed. Hochmuth noted that this filing predates the bylaw. Mansfield suggested a site visit. A site visit was scheduled for Saturday, March 14th at 10:00am.

On a motion duly made by Lovell and seconded by Salamone the LCC voted (5-0) to continue the hearing until March 17, 2020.

7:08 Continued Public Hearing - Notice of Intent - 165 Lowell Street

Applicant: Andrew Zuroff, Boston Clear Water (BCW) 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 Thompson the LCC voted (5-0) to reopen the hearing from the January 21, 2020 meeting.

Martindale noted that BCW has failed to appear, making it impossible to render a decision. Martindale distributed a typed list of issues that the board feels hampers their ability to hear and make decisions on this project. Martindale read this document into the record.

Cademartori added her concerns/questions: 1) qualifications of the wetland scientist, 2) inadequate details of the replication of the resource area, 3) grading on the slope, 4) redirecting of the water from going down the slope, 5) no proof of condition of the interior of the spring house walls. Thompson asked if the proposed impermeable membrane comports with DEP construction standards.

Martindale suggested that the only course of action is to deny the NOI based on lack of information and concerns detailed in Martindale's document.

On a motion duly made by Thompson and seconded by Salamone the LCC voted (5-0) that, according to CMR 1056C: per the wetland regulations the commission finds that the information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified by the applicant, the Commission votes to deny the application as described for the reasons described above.

Abutter Bill O'Brien of 155 Lowell Street was recognized by Martindale and noted that he had no new comments to add.

Other Open Permitting Items

7:21pm - Enforcement Order - 165 Lowell Street DEP File #209-0604 & LCC 2019-01

Abutter Bill O'Brien commented that 2 tanks have been delivered by crane to the property. No approval appears to have been given, and the building inspector has requested their removal.

7:24pm - Request for Certificate of Compliance - Windsor Estates - 525 Salem Street DEP File #209-0422

Greg Monastiero, developer, and Richard Williams from Williams & Sparages were present for the project update.

Monastiero began by citing the "pond" as the main point of issue. Williams suggested going through the list item by item, as prepared by Bill Jones. Notably, these items as discussed are as follows: #1. Yes, the HOA will be taking over. #2. Markers now have the plaques installed. #3a - Williams & Sparages will construct a list, to align and compare modifications to the correct plan(s), #3b - need to add items to the as-built #4 need to have contours shown, #18 post-construction photos, #4 - filing of annual reports - Bill Jones noted that per the O&M, clean-out of the catch basins 4 times per year seems overly rigorous. Cademartori agreed that clean-out 4 times per year post-construction doesn't seem necessary. She added that the HOA needs to be left with a manual detailing what needs to be done. Jones added that since the OOC has expired, the HOA needs a reasonable O&M. Martindale suggested that Bill Jones and Williams & Sparages formulate a new O&M for the HOA and present it to the ConCom. #5, Cademartori would like a hard copy of the HOA docs for her files. Cademartori asked about the workability of the snow storage requirements, and the importance of the HOA being aware of these specifics, including designation of snow storage locations added to the O&M and plans. #9 - site visit - Bill Jones has conducted a site visit

and is satisfied. The berm looks stable, and the site looks good. #10, Per Bill Jones, basin number 3 has low points, and portions of this basin appear to be 6" higher than they should be - is it contoured wrong or graded wrong? Jones noted that the design needs to be confirmed, and then compared to what is built. Perhaps excavation is necessary, with filling back in with sandy loam. Martindale suggested that Jones report back to the ConCom with his findings and recommendations. Abutter Jackie LeClaire of Windsor Estates unit #34 added her comments about this pond problem.

Jones also noted an issue regarding roof drains, which are not noted on the as-builts. Monastiero said that in the January meeting, a key will be developed, which will include photos of all the systems and inspection ports.

Cademartori asked that without the as-builts, how does the ConCom know that the correct stormwater volume is being captured.

Monastiero asked for a partial release so that he can get his occupancy permits. Abutter Mark Martin from the HOA thanked the ConCom for the discussion, and asked that a full COC not be provided until the action items developed in this meeting were executed. Martindale suggested that a partial COC could be granted, then followed up with a full COC once the vegetation is established later in the season.

8:24pm - Request for Certificate of Compliance - Beaverdam Brook Culvert - DEP File #209-0621

The Town Engineer has conducted a site visit in response to the ConCom issues raised in the January 21, 2020 meeting. Martindale reminded the board that signs should be posted, and possibly a site camera installed.

Salamone asked if the work has been done to the ConCom's satisfaction. Cademartori also added that from the MVP February 5 Workshop, Lynn Water and Sewer controls the water levels as they wish, and that an action item from the workshop includes collaborating with this group to work in the best interests of Lynnfield.

On a motion duly made by Salamone and seconded by Thompson the LCC voted (5-0) to issue a COC for DEP File #209-0621.

8:32pm - Request for Certificate of Compliance - 27 Wildewood Dr. - DEP File #209-0485

Based on the recent site visit, Lovell stated that she believes the owner has done a good job. Cademartori noted that a performance bond is still being held for this property, and the funds can be returned to them when a COC is issued.

On a motion duly made by Lovell and seconded by Mansfield the LCC voted (5-0) to issue a COC for DEP File #209-0485.

8:35pm - Enforcement Order - 14 Sunset Drive, Wakefield

Cademartori noted that there was no update. Wakefield has issued the EO, and the property owner has appealed to have it rescinded. Martindale reiterated that Town Counsel Tom Mullen be notified that the ConCom wished to be listed as a co-plaintiff in the Superior Court suit. Martindale added that he didn't think any assistance would be forthcoming from DEP, and that perhaps the EPA should be appraised.

Administrative Matters

8:40pm - Meeting Minutes

The draft December 17, 2019 LCC meeting minutes were reviewed and approved as written.

On a motion duly made by Lovell and seconded by Mansfield the LCC voted (5-0) to approve the draft December 17, 2019 meeting minutes, as written.

The draft January 21, 2020 LCC meeting minutes were reviewed and approved as corrected.

On a motion duly made by Salamone and seconded by Lovell the LCC voted (5-0) to approve the draft January 21, 2020 meeting minutes, as corrected.

8:45pm: Dates to Remember

Lynnfield Planning Board Meeting - February 26, 2020, 7:00pm

The new OSRD proposed cluster bylaw discussion will continue with consultants, CEI.

MACC Annual Conference - February 29, 2020.

Registration is still open.

MACC Speaker Event - "The Value of Buffer"

Confirmed March 10, 6-9pm. Registration has been opened up to ConComs of Lynnfield's neighboring towns. Approximately 20 persons are confirmed, including 6 of the 7 LCC board members.

Arbor Day Native Tree Talk - April 23, 2020

Organic Lawn Care Talk

Chip Osborne of Osborne Organics is moving this talk from the Spring to the Fall, to dovetail with the Town Common's organic lawn project slated to begin this Spring.

9:02pm - Adjournment

On a motion duly made by Lovell and seconded by Salamone the LCC voted (5-0) to adjourn the February 18, 2020 LCC meeting.

NEXT REGULAR MEETING – Tuesday, March 17, 2020

As recorded and submitted by Jennifer Welter