

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

JANUARY 21, 2020, 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, Angelo Salamone, Director Emilie Cademartori

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

Continued Public Meetings/Hearings

6:31 Notice of Intent – 45 Lakeview

Applicant: Aguiar Jr. Defreitas

Project: Reconstruct previously demolished single-family home

Design Engineer James Kavanaugh was present for the discussion. The existing garage is remaining. The intention is to keep the foundation and the deck. Chair Martindale expressed concern about the viability of the foundation, as well as the viability of the dock. He added that erosion control should be installed before stockpiling materials for the staging area.

Mansfield also expressed concern about the dock and said that it should be renovated or removed, as it will become an issue at some point. Cademartori asked if the Commissioners wanted a planting area behind the shoreline. Commissioners were amenable. Thompson said that he observed a Kingfisher in the short shrubs and would like to see additional short shrubs along the shoreline. Martindale noted that there was no shade and would like to see shade plants added. Cademartori noted that there was little lawn and asked if 10' would be sufficient. Commissioners discussed plant candidates and how a planting plan might be conditioned. Kavanaugh suggested a 5-6' buffer of plants. Lovell suggested a compromise of 8' with plantings that would supply a mix of shade and food value habitat. Martindale suggested that Kavanaugh discuss with his client and come back with a planting plan.

Kavanaugh said that he would like to condition maintenance of this dock on this order. Martindale countered that he would like to condition any work that is done on the dock as a separate request.

On a motion duly made by Lovell and seconded by Solomon the LCC voted (7-0) to close the hearing.

On a motion duly made by Lovell and seconded by Thompson the LCC voted (7-0) to issue an Order of Conditions with the conditions outlined in the discussion above.

6:50pm – Other Open Permitting Items: Request for Certificate of Compliance - Windsor Estates 525 Salem Street DEP #209-0621

Gregg Monastiero and Richard Williams were present to provide a project update for the request for a COC.

Williams summarized the work that has been done since the previous update, and in response to comments from Linden Engineering. Iron markers have been set at the 25' and will have the marker plaques installed shortly. Added to the plan is a new landscape island with evergreens planted, pipe materials, elevations of the manholes, and the proposed location of all the subsurface rooftop infiltration.

Martindale asked how the rooftop infiltration units could be located in order to clean them out, to which Williams said that they would have to be dug up. The O&M requires that the gutters and gutter screens are cleaned. Martindale asked if the manholes were visible, to which Williams said yes.

Williams asked about the maintenance that has occurred during construction. Monastiero noted that there have been monthly visits and inspections, done with Bill Jones and Betty Adelson. Cademartori said that annual reports must be submitted, although only a letter saying maintenance was done has been submitted, but without any specifics or proof of inspections. She asked Monastiero to submit this information. Martindale said that the proof needs to be submitted to the ConCom before the HOA takes responsibility. Monastiero said that Rapid Flow has done the work and can be asked for a copy of the receipt and copies of the inspection and maintenance reports.

Williams then noted that the last issue is the complaint about a specific retention basin that is holding water. He noted that the soil is very tightly packed. Williams contended that the basin drains "at the edge of 72 hours" and is functioning according to the stormwater guidelines. Cademartori said that the basin should not be referred to as a pond and should be functioning just as the other basins. However, if this is supposed to be functioning as a pocket wetland, then the HOA needs a new O&M. Williams suggested that vegetation be left and not mowed so that water can infiltrate through the root zones. Gentile expressed concern that this was no longer aligned with what is before the ConCom for a COC decision. Cademartori also said that she has limited documentation of site visits to the property, and there is a limited paper trail for the project. Monastiero contended that this was not the case. He also said that he would do whatever the ConCom wished, including stripping the basin and adding gravel.

Windsor Estates homeowners Mark Martin, unit 19, Paul Guarracino, unit 17 and Don LeClare, unit 34 were present to comment. Guarracino reported that, on behalf of the homeowners, Martin and Guarracino hired an independent engineering company – Alliance Engineering – to provide a report on the "pond". The pond does not drain. Rich Salvo said that the property's site engineer is unresponsive. Martindale suggested requesting comments from Bill Jones, and a ConCom site visit. Martin added that the pond is the primary issue. In the Spring, 2019, data regarding the

weather conditions and the pond were collected and provided to Bill Jones. LeClare added that when it rains, the pond will retain water for weeks. The soil is silt and it would be difficult to get mowing equipment into the basin. His wife is a wetland scientist. They have been trying to sell their unit, but the pond is on their property, and they believe that its condition is negatively affecting their property value.

Monastiero noted that lawnmowers are not able to do any cutting behind the buildings. The land needs to be left natural. Cademartori disagreed saying that the basin is landward of the no-disturb – the no-disturb is behind the basin, totally outside the no-disturb.

Martindale said that there was no intention to sign off on the COC request at this meeting, and his opinion is that the basin will need to be dug out and fixed. Thompson asked if core samples were done on all the retention basins, to which Williams responded that this is not normally done, but auger holes were drilled in the basin at issue.

Cademartori added that she has no idea what is installed for roof infiltrator units. There is no information as to what type of systems are installed, let alone where they are installed. There is no as built. This information should be submitted to the ConCom. Monastiero said that photos exist, and they will be sent to Emilie. Martin said that there are visible areas of gutter flow, and asked Cademartori what the homeowners' recourse is if these become clogged. Cademartori said that this was the first she has heard of infiltration units not requiring clean-outs. The original order's O&M specifies inspection and clean-out, and if it is changed, then there must be some other methodology.

Martindale said that the Commission will revisit this discussion at the February 18 LCC meeting.

7:37pm – Updates/Correspondence - 2 Broadway - DEP #209-0413

Developer Gregg Monastiero provided an update. The building is expected to be complete and ready for occupancy June 2020.

Martindale asked about the invasive knotweed that originates on the 2 Broadway property and is spreading to the Ship Mall property. He suggested that an order may be required to get rid of the knotweed. Monastiero requested ConCom consideration of any outstanding issues in order to have them resolved in time for the June occupancy.

Cademartori asked if the well installed for fire protection service is confirmed, to which Monastiero said yes. She cautioned that if the well was going to be used for irrigation, then the ConCom would need to discuss this, since this was not on the original order. Cademartori asked when the water service was coming to which Monastiero said soon and could not comment on the source being Saugus or Lynnfield due to legal matters.

Cademartori said that a restoration plan would ultimately be necessary to eradicate the knotweed. Given the weather, the extent and location of the knotweed could be identified now in addition to a plan developed to eradicate and stabilize the site after removal of the knotweed. Martindale

suggested that something like Greg Hockmuth's plan used for the Tuttle Lane project may work well for 2 Broadway.

7:44pm – Updates/Correspondence – Annual Stormwater Compliance Letters

Bridle Path homeowners Aran Arkun, 3 Bridle Path and Nishanth Giopienakhan, 7 Bridle Path were present for the ConCom discussion regarding mandatory stormwater reporting.

Giopienakhan provided a history of the contractor who abandoned the Bridle Path project. In light of the Commission's requirements, Arkun and Giopienakhan want to know how - without any paperwork trail - they can convene a homeowner's association meeting and convince the other Bridle Path homeowners to comply with the stormwater requirements. Other homeowners have mentioned that the stormwater maintenance responsibility lies with the Town. Arkun and Giopienakhan have found someone to do the work, which has been estimated at \$1,700.

Cademartori said that an HOA exists. There is a trust and a covenant on every homeowner's deed. Arkun asked how he and Giopienakhan should proceed. Cademartori suggested that if the HOA is unable to take care of these requirements, the Town may eventually step in, do the work, and then charge the homeowners.

Martindale suggested seeking the advice of a real estate attorney. Arkun asked if a letter could be sent from the ConCom to all homeowners with guidance as to how to proceed. Martindale recommended that Cademartori write such a letter. Cademartori asked Arkun and Giopienakhan to meet with her to develop a plan going forward.

8:05pm – Other Open Permitting Items: Request for Certificate of Compliance - 27 Wildewood Drive – DEP #209-0485

Owner Brian Austin of 29 Wildewood was present for the discussion. (Austin also owns 27 Wildewood.)

Martindale said that Linden Engineering's review highlighted several items that are different from what was proposed. Cademartori said that Field Inspector Patrick McDonald has followed up twice since Bill Jones' visit. Martindale said that he would like to see the site. Gentile and Salamone agreed. Martindale noted that perhaps a COC could be issued in May or June, as the grass has not yet come in, and some areas have not yet been fine graded or loamed.

A site plan is scheduled for Saturday, January 25, 2020 at 9:00am.

8:15pm – Executive Session

On a motion duly made by Lovell and seconded by Gentile the LCC voted (7-0) to move into executive session per MGL Chapter 30A section 21A3 to discuss strategy with respect to litigation for which an open discussion may have a detrimental effect on the past litigating position regarding Boston Clear Water, LLC, 165 Lowell Street.

The audio recorder was turned off.

8:38pm - On a motion duly made by Gentile and seconded by Lovell the LCC voted (7-0) to re-open the continued hearing for Boston Clear Water Notice of Intent.

Martindale noted that no one from BCW was present, and there remain several questions that cannot be answered with no BCW representation. He suggested continuing the hearing until February 18.

On a motion duly made by Salamone and seconded by Mansfield the LCC voted (7-0) to continue the hearing for Boston Clear Water's Notice of Intent until February 18, 2020.

8:40pm – Other Open Permitting Items: Enforcement Order – 165 Lowell Street DEP File #209-0604 & LCC 2019-01

Martindale asked for an update. Cademartori said that an administrative record was submitted to Legal Counsel Tom Mullen the week prior.

8:41pm – Minor Change Request – Centre Court Shopping Center, 592 Main Street

Cademartori said that she had met with the engineer earlier in the day. The engineer has a new septic design plan before the Board of Health, which the engineer believes is an improved system that will require a smaller leaching field and command a lower installation cost. The engineer was unaware that the ConCom had asked for stormwater amendments. Cademartori said that if all the amendments are included, there may be no need to hold a formal hearing, unless the engineer chooses not to include the stormwater amendments. She is expecting the engineer to provide a narrative shortly that includes the amendments, and a presentation to the ConCom next month. She added that the Town is trying hard to work with the owner to help them with this project.

8:46pm - Other Open Permitting Items - Request for Certificate of Compliance-Beaverdam Brook Culvert – DEP File # 209-0621

A site visit was conducted January 18, 2020. The Town Engineer was not present for the January 21 meeting.

Martindale said that there are remaining issues that need to be corrected. There is a large patch of sand left which may or may not be related to this project. The railbed is eroding down the hill towards the golf course, which is a hazard. He added that the MBTA and/or the DEP should be made aware of this. At the channel, rocks have been laid to form a peninsula and perhaps kids are walking across. Subsequently, the flow is being hampered. Signage may need to be installed, and perhaps a trail cam. Martindale also asked for depth measurements and added that the opposite shorelines were of different slopes.

8:55pm – New/Pending Violation Complaint/Investigations – 7 Kimball Lane

Cademartori reported that the DEP has backed away and will not pursue this complaint. The Wakefield ConCom has issued an enforcement order, and the owner has responded by filing to fight this in court. Martindale asked if Town Counsel could name the LCC as co-party.

Martindale asked if the EPA could become involved and suggested that the LCC pursue this. Emilie suggested that she first hear from Tom Mullen.

8:58pm – New/Pending Violation Complaint/Investigations - 417 Summer Street

Patrick McDonald made a site visit and determined that the large tree recently removed was outside ConCom jurisdiction. A letter was written noting other trees are within the jurisdiction and cannot be removed without prior approval.

8:59 - Administrative Matters

MACC Workshop:

The MACC Rent-an-Expert workshop is scheduled for March 10 at the Al Merritt Center – 6:30pm. The topic is “Understanding the Value of Buffers”. Neighboring towns’ conservations are invited. MACC is trying to line up an attorney for the workshop.

Pesticide Awareness:

Committee chair Patty Fabbri has penciled in a date of March 25 with Chip Osborne of Osborne Organics. The agenda may differ somewhat this year, given the ongoing Town Common organic lawn care program. Martindale recommended that this annual workshop be altered in some way to stay fresh and encourage attendance. The agenda is TBD.

Arbor Day Native Tree Talk – April 23, 2020:

Thompson said that a well-known speaker is being sought. This event is also scheduled around Earth Day and will also be the kick-off for the Spring Photo Contest.

Goals and Objectives:

Cademartori circulated a list of FY 2021 Goals and Objectives and asked for board input.

Review draft Minutes:

Draft December 17, 2019 meeting minutes were not available and will be reviewed in the February 18, 2020 meeting.

Other:

Martindale noted positive changes with the combination of the Planning and Conservation Departments under the direction of Cademartori.

9:16pm - On a motion duly made by Salamone and seconded by Lovell the LCC voted (7-0) to adjourn the meeting.

NEXT REGULAR MEETING – Tuesday, February 18, 2020

As recorded and submitted by Jennifer Welter