

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

MAY 19, 2020, 6:30 PM

Virtual Meeting via ZOOM

Members present:

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

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

Chairman Martindale noted that the meeting video and audio would be recorded via ZOOM and available upon request. Additionally, as a result of the COVID-19 situation and subsequent provisions made to the Open Meeting Law on March 12, 2020, Martindale proposed a motion regarding the signing of Lynnfield Conservation Commission documents on behalf of board members during the May 19, 2020 meeting.

On a motion duly made by Martindale and seconded by Mansfield the LCC voted (7-0) to authorize Lynnfield Conservation Agent Emilie Cademartori to electronically sign LCC documents on behalf of the Commission, those documents only that the Commission vote to issue and sign at a public meeting during the COVID-19 State of Emergency. Roll Call Vote: Martindale-Aye, Gentile-Aye, Solomon-Aye, Lovell-Aye, Salamone-Aye, Thompson-Aye, Mansfield-Aye.

New Public Meetings/Hearings

6:38 Notice of Intent – 25 Robin Road DEP #209-0638

Applicant: Marc and Doris DeCologero

Representative: Jon Whyman, Julie Vondrak

Project: Installation of subsurface sewage disposal system upgrade for an existing single family home.

Julie Vondrak presented the project. Wetlands are located at the rear of the property. Also, at the rear of the property is a retaining wall the base of which is the edge of the BVW. All work will be

done within the disturbed manicured lawn. The closest point of the leach field is 52' away from the BVW. Cademartori noted that Field Inspector Patrick McDonald visited the site to confirm conditions, including no removal of vegetation. No abutters were present.

On a motion duly made by Lovell and seconded by Thompson the LCC voted (7-0) to issue an OOC for 25 Robin Road DEP #209-0638. Roll Call Vote: Martindale-Aye, Gentile-Aye, Solomon-Aye, Lovell-Aye, Salamone-Aye, Thompson-Aye, Mansfield-Aye.

6:45 Notice of Intent – 339 Transmission Line ROW - DEP #209-0637

Applicant: Andrew Cole - National Grid

Representative: Allison Milliman, BSC Group, Inc.

Project: Creating access through the BVW and conducting exploratory soil borings at structures #102, 114, and 118, for planning and design purposes.

Allison Milliman presented the project on behalf of New England Power. This meeting was originally advertised for the LCC March 17 meeting, and was postponed due to the State Emergency Order. Technically, this is a continued public hearing.

The geotechnical borings proposed are within the existing ROW. Structures 114 and 118 are located within bordering vegetated wetland, structures 102 and 118 are located within National Heritage Endangered Species areas. Structure 102 is upland, but access to it is via bordering vegetated wetland. Borings will be 4-6" diameter. Borings will be backfilled in place with removed soil. Access through bordering vegetation areas will use temporary construction mats. Post-construction, the area is expected to revegate to pre-soil boring conditions.

Martindale asked about the restoration plan, to which Milliman replied that the borings will be backfilled and the area stabilized by straw mulch. Access areas covered by mats will be allowed to revegetate when mats are removed. Martindale also asked how many structures were located in Reedy Meadow, to which Milliman replied two; #118 and #120. The work is being done to determine the safe size of a replacement structure should it be needed in the future. The borings typically average 40' deep.

Gentile asked about the effect of the access mats and the construction on the native plantings in Reedy Meadow. Milliman replied that no tree cutting will take place and the mats will be placed on top of the existing vegetation. Upon removal of the mats, the existing roots and seed stock will allow the vegetation to regenerate. The mats will be in place approximately a few weeks to a few months, depending on the schedule of activities. Site monitors will be present to record site conditions when the matting is removed.

Martindale asked about the timing of activities, to which Milliman replied that the work would take place after August 31. Martindale noted that this was after the nesting season is concluded for various endangered species.

Martindale also asked for photographic documentation of the site before and after construction, particularly the pathways marking access to the borings. Cademartori added that much more vegetation than anticipated was damaged during the last work effort, and noted particular concern regarding work near vernal pools. Cademartori asked Milliman to provide sufficient notice for the work beginning for the benefit of Town officials and residents. No abutters were present.

On a motion duly made by Lovell and seconded by Mansfield the LCC voted (7-0) to close the hearing and issue an OOC for 339 Transmission Line ROW - DEP #209-0637. Roll Call Vote: Martindale-Aye, Gentile-Aye, Solomon-Aye, Lovell-Aye, Salamone-Aye, Thompson-Aye, Mansfield-Aye.

Continued Public Hearings

7:00 Notice of Intent – 297 Edgemere Road - DEP #209-0636

Applicant: Shoven Shrivastava

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

Libby Wallis, Hayes Engineering's Wetland Scientist presented the revised plans for the project. The proposal is for a 815 sq. ft. addition and new deck. Since the February meeting, the addition has been reconfigured out of the 50' buffer, and the proposed deck has been eliminated. Wallis detailed new plantings along the edge of the lawn, and noted that portions of the lawn will be reseeded. Also added to the plan is the approximate location of a vernal pool, and a revision date. There were no abutters present.

On a motion duly made by Solomon and seconded by Gentile the LCC voted (7-0) to close the hearing and issue an OOC for 297 Edgemere Road - DEP #209-0636. Roll Call Vote: Martindale-Aye, Gentile-Aye, Solomon-Aye, Lovell-Aye, Salamone-Aye, Thompson-Aye, Mansfield-Aye.

7:12pm - Notice of Intent – 33 Homestead - DEP #209-0635

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.

Cademartori noted that the applicant requested that the hearing be continued to the June 16 LCC meeting. The applicant needs to go before the Zoning Board on June 2 and wishes to make sure that there won't be any modifications to the plan at that time prior to coming before the LCC.

On a motion duly made by Gentile and seconded by Thompson the LCC voted (7-0) to continue the hearing until June 16, 2020. Roll Call Vote: Martindale-Aye, Gentile-Aye, Solomon-Aye, Lovell-Aye, Salamone-Aye, Thompson-Aye, Mansfield-Aye

Other Open Permitting Items

7:14pm - Request for Certificate of Compliance - Windsor Estates - 525 Salem Street DEP File #209-0422

Cademartori noted that no new information has been submitted by the applicant's engineer so there is nothing new to be discussed. She also noted that the septic system is in failure, just as the condominium association has taken over the project.

7:16pm - Request for Certificate of Compliance - 365 Essex Street - DEP File #209-0543

Libby Wallis, Hayes Engineering was present for the update and discussion.

Solomon noted that there were changes from the original plan that the Commission did not have the opportunity to approve. She expressed concern about the trees along Pillings Pond Road that were mature and scenic, which were removed during construction, and the trees that were removed from the area in the riverfront during construction of the sports court and the larger pool and pool apron. Solomon remarked that she felt the Commission's work has been disregarded throughout this project. Martindale added that owner Ian Brady had planted a number of ornamental trees and replacement trees as compensation for the existing trees removal. He added that much discussion had taken place with the owner regarding replacement tree planting. Martindale recognized owner Ian Brady (in attendance) who explained much of the history of the tree planting on the property. Solomon then asked why the pool was in the buffer zone, a change that was not approved by the LCC. Brady reiterated that he had fully complied with the LCC direction, under Betty Adelson.

Martindale and Solomon remarked that plan modifications should have been presented to the LCC beforehand. Cademartori added that Patrick McDonald conducted a visit to confirm site conditions. The property has since been sold. The original driveway called for infiltration trenches on both sides of the driveway, which were not confirmed. Homeowner Brady replied that perhaps as a compensation measure, the larger driveway was changed from pavement to more porous pavers.

Mansfield noted that there may be a sight issue at the corner of the property. Brady noted that the Police Dept. had earlier indicated it would monitor the area going forward.

Martindale suggested that the request for a COC could be delayed for a month, or it could be put to a vote. Gentile said that since Essex Street already exists between this house and the river, it should be considered differently than if the street was not there, and the entire area could be left undisturbed. Additionally, though larger than originally planned, the pool encroaches only slightly into the 100' buffer.

Martindale called for a motion to issue a COC. Salamone made the motion, but no second was provided. Gentile suggested a site visit and a delay until the June 16 meeting. Martindale asked who would like to visit the site. Gentile said that he would like to see the driveway, the pool and the pool apron. Martindale asked homeowner Brady to seek approval from the new owner for the Commission to enter the property. Brady also added that he had high definition aerial photos available for LCC use, to which Martindale was amenable to receiving.

Administrative Matters

7:50pm - Request to Form Pillings Pond Sub-Committee

Martindale remarked that there are a number of problems arising with homeowners on Pillings Pond, and suggested that a Pillings Pond sub-committee be reformed. He suggested that Kirk Mansfield chair this sub-committee and have it be populated with abutters Joseph DiBlase, Antonio Sordillo, Brian Roberts, Debra Roberts and include member Don Gentile.

On a motion duly made by Martindale and seconded by Lovell the LCC voted (7-0) to form a Pillings Pond subcommittee including board members Kirk Mansfield (Chair), Don Gentile and Pillings pond abutters Joseph DiBlase, Antonio Sordillo, Brian Roberts and Debra Roberts. Roll Call Vote: Martindale-Aye, Gentile-Aye, Solomon-Aye, Lovell-Aye, Salamone-Aye, Thompson-Aye, Mansfield-Aye

Other Open Permitting Items

7:54pm - Boston Clear Water - 165 Lowell Street DEP File #209-0604 & LCC 2019-01

- DEP File #209-0604 & LCC 2019-01
- Appeal DEP SOC File #209-0632 - 165 Lowell Street
- Appeals Court Summary Decision

Cademartori summarized all three elements of the Commission's work surrounding BCW. She then detailed the recent tree clearing activity. Cademartori met BCW Attorney Chip Nylen and property owner Anthony Gattineri, and agreed that no further work could continue in the buffer until the pending appeals were settled. Nylen and Gattineri admitted that further work had occurred in the buffer area beyond what Martindale had approved. Atty. Nylen has composed a letter, dated May 11, summarizing this arrangement. She did not issue a second written enforcement order on the advice of Town Counsel Tom Mullen that it was unnecessary. She also asked for a confirmatory vote for her actions to stop the work without formal approval of the Commission.

On a motion duly made by Lovell and seconded by Mansfield the LCC voted (7-0) to affirm the verbal Cease and Desist Order issued by Conservation Agent Cademartori to stop further work in the buffer zones on May 6, 2020 at BCW - 165 Lowell Street. Roll Call Vote: Martindale-Aye, Gentile-Aye, Solomon-Aye, Lovell-Aye, Salamone-Aye, Thompson-Aye, Mansfield-Aye.

Martindale then asked Cademartori to summarize the request from BCW to rebuild the spring house. She received a letter this day asking for permission to proceed with the work to rebuild the spring house on an emergency basis, due to the unsound condition of the structure as indicated by the owner. Cademartori said that there is a procedure per CMR 10.06 that must be followed to pursue such work. The building inspector has not yet been involved. Martindale complimented Cademartori on her handling of these recent developments.

Abutter Gregory Sonek of Smith Farm Trail, and Past President of the Pocahontas Greenbelt Association (in attendance) was recognized by Martindale. Sonek expressed deep concerns about the clear-cutting of the properties, and the "wholesale destruction of a small scale water bottling operation" that is becoming a "large commercial operation that never should have happened in the middle of a residential area". Martindale replied that the LCC is working with limited jurisdiction, which limits the scope of its reach.

Abutter Bill O'Brien remarked that he was grateful for Cademartori's efforts to protect the wetlands on this property. He also asked for clarification regarding Justice Sullivan and Justice Green's appellate court ruling regarding the 100' buffer. Martindale replied that the decision confirms that the LCC's move to extend the no build zone from 50' to 100' was justified, and was not arbitrary or capricious. Cademartori clarified that the 100' area is a no-build, not a no-disturb. BCW can continue to ask for work within the 100 ft buffer. Some discussion ensued regarding vehicles stored in the buffer. Cademartori said that she would investigate any infraction relative to vehicle storage.

Gentile asked if the LCC should request a restoration plan. Cademartori noted that there is a plan that is being prepared as part of the overall project. And, most of a large part of the clearing is outside of LCC jurisdiction. Further, a large part of the clearing is being prepared for a proposed septic system. If the permits are settled, a lot of the areas that have been disturbed are proposed for future work. It may not make sense now to ask for restoration because these are areas that are proposed for future areas of disturbance.

Gentile asked for the fallout if these plans were not approved for, say, five years. He further questioned why, especially given the litigation situation that BCW has created, and in anticipation of permits that may come years from now, BCW is able to do this work. Further, he asked why the LCC would not want to require restoration now. Cademartori suggested that she reach out to Town Counsel Mullen for further guidance. Additionally, the building inspector is now becoming involved in the emergency request for renovation of the spring house structure.

Administrative Matters

8:32pm - Emergency Certification - Beaver Activity/Trapping

Cademartori noted that she had issued a trapping permit mid-March, on the northern area of Reedy Meadow along Beaverdam Brook, and the DPW has completed this work.

8:33pm - National Grid ROW - Old Towne Road and Main Street

Martindale noted that debris has not been removed from the resource area. Cademartori explained that the work may be unfinished. She met with National Grid's Environmental Consultant and its Forestry Advisor several weeks prior to form a plan for clean up and installation of a barrier to prevent dumping. Martindale asked if an enforcement order was necessary and Cademartori said no.

8:36pm - Pillings Pond Planting Plan and Annual Treatment Plan

Cademartori reported that the Planting Plan has not gone forward as it required a large volunteer effort, not suitable for the current COVID-19 situation. She will connect with consultant DeRosa Environmental and determine if a Fall 2020 or a Spring 2021 plan is more feasible.

At the February LCC meeting, there was discussion about filing a new notice for a treatment plan more in line with current practices. Since the old permit is still valid given the State's extension of permits during the State of Emergency, there is additional time to consider a new treatment plan from Solitude, and a new plan could be available for discussion in the June 16 LCC meeting. Martindale suggested that the LCC continue with the current treatment plan as seasonal treatment should start in May and the window may have been missed.

8:40pm - Meeting Minutes

The draft February 18, 2020 LCC meeting minutes were reviewed and approved as corrected.

On a motion duly made by Lovell and seconded by Gentile the LCC voted (5-0) to approve the draft February 18, 2020 meeting minutes, as corrected. Roll Call Vote: Martindale-Aye, Gentile-Aye, Solomon-Abstain due to absence, Lovell-Aye, Salamone-Aye, Thompson-Aye, Mansfield-Aye.

8:40pm - Updates - Open Space Issues on Conservation Properties

Cademartori noted that with increased recreation activity on ConCom lands, there are some issues with abutters seeing new increased activity. One issue is a ConCom easement matter on private property off Lynnbrook Road. This is a private property matter, but the abutter would like the ConCom to install an “official” sign that indicates that the property is private and visitors need to be respectful in crossing the easement to the ConCom land. Martindale suggested that the Conservation staff do what it feels is appropriate, and ask board members for comments through email.

The DPW has worked with contractor Jon Whyman in upgrading the entrance to Partridge Island Trail. The reconstruction of the crosswalk is now a safer improvement for access. Once the DPW has trimmed the vegetation on the boardwalk, ConCom staff will publish a press release acknowledging the DPW and Jon Whyman’s work in enhancing the access to Partridge Island. This will also be used to elevate a request for beginning repairs on the boardwalk.

The press release regarding the LHS Cross-Country trail Eagle Scout project has been published in local papers and online. Solomon noted that she has fielded abutter inquiries, and asked if a plan or map was available marking the route of the proposed cross-country trail relative to abutters’ property lines. Cademartori briefly explained the process of laying out the course, taking into consideration abutter’s property lines and avoidance of large trees. Martindale suggested that Patrick McDonald create an overlay onto the property map so that it is available to answer inquiries.

8:59pm - Board Member changes

Martindale reported that member Melanie Lovell will be stepping down from the board after six years of service. She has volunteered to stay for an additional month, if needed. Martindale was highly complimentary and thanked Lovell for her participation and contribution. He added that once the quarantine situation is passed, a celebration would be in order.

9:04pm - Adjournment

On a motion duly made by Lovell and seconded by Mansfield the LCC voted (7-0) to adjourn the May 19, 2020 LCC meeting. Roll Call Vote: Martindale-Aye, Gentile-Aye, Solomon-Aye, Lovell-Aye, Salamone-Aye, Thompson-Aye, Mansfield-Aye.

NEXT REGULAR MEETING – Tuesday, June 16, 2020

As recorded and submitted by Jennifer Welter.