

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

June 16, 2020, 6:30 PM

Virtual Meeting via ZOOM

Members present:

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

6:35pm Vice Chair Don Gentile called the meeting to order.

Gentile noted that the meeting video and audio would be recorded via ZOOM and available upon request.

New Public Meetings/Hearings

6:35 Request for Determination – 30 Edgemere

Applicant: Stephen Sampson

Project: Installation of a seasonal dock on Pillings Pond and the creation of an access path on town owned land adjacent to 30 Edgemere Road.

Mr. Sampson explained his project. He would like to install a dock on Town-owned land on Pillings Pond, which is accessible only by crossing Town property. He would like to remove 3 or 4 trees, retaining their stumps on the bank, and clear brush to provide a straight path to the water. He would plant replacement trees. The dock is a 20' x 6' floating wood dock. He has filed the application with the Selectmen and would like to know the next steps.

Cademartori consulted with Town Counsel Tom Mullen to see if upland access to the dock can be included in the dock license. The Selectmen will need to review the application first, and until they approve, the LCC can only review the application.

Sampson would like to keep the stone steps down to the water. Mansfield asked why the trees would need to be removed, to which Sampson said for the purposes of creating the path to the

dock. Sampson estimated the trees to be roughly 40' high. Mansfield also asked if any concrete or cement would be used for the dock and step installations, to which Sampson said no. Cademartori suggested that Sampson have a sketch plan developed in order to see the plans for the slope, including identification of the trees to be removed, the replacement trees and their location, and any disturbance along the shoreline.

Martindale suggested a site visit in the interim. The site visit is scheduled for Tuesday, July 14 at 5:30pm.

Continued Public Hearings

6:57 Notice of Intent – 33 Homestead - DEP #209-0635

Applicant: Keven & Kristen Doherty.

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

Greg Hockmuth of Williams & Sparages provided the project update.

A site visit with the LCC was conducted on March 14. The proposed addition would be approximately 300 sq. ft. larger. The project is planned for ZBA review. However, the ZBA public meeting was cancelled with June 23 being the new ZBA meeting date. No changes are expected. In the February 18 LCC meeting, there was much discussion regarding the removal of 3 large oak trees which are close to the existing structures and are growing out of a fill structure. The Dohertys now would like to just limb rather than remove one of the three trees.

The plan now includes a well. The well will be at least 25 feet from the wetlands. Martindale asked if the irrigation well and the retention of the 3rd tree were the only 2 changes. He also asked about the replacement trees, to which Hochmuth said Red Maples at 1-½" caliper would be preferred.

Cademartori asked about other proposed plantings. Hochmuth said that the homeowners would be agreeable to shrub plantings at the base of the retaining wall, and they will be included on the revised plan.

Martindale asked if Commissioners would want to wait for the ZBA decision, or issue an OCC contingent on the ZBA approval. Gentile suggested that a decision contingent on the ZBA decision would be the most efficient.

On a motion duly made by Gentile and seconded by Mansfield the LCC voted (6-0) to close the hearing. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Salamone-Aye, Solomon-Aye, Martindale-Aye, Gentile-Aye.

On a motion duly made by Gentile and seconded by Mansfield the LCC voted (5-0) to issue an OOC for 33 Homestead Road - DEP #209-0635 contingent upon ZBA approval. Roll Call Vote: Mansfield-Aye, Thompson-Abstain - not present for vote, Salamone-Aye, Solomon-Aye, Martindale-Aye, Gentile-Aye.

Other Open Permitting Items

7:21pm - 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.

7:22pm - Request for Certificate of Compliance - 365 Essex Street - DEP File #209-0543

The homeowner Ian Brady was present for questions.

Martindale noted that the recent site visit showed an intrusion into the resource area. The corner of the pool deck intrudes into the rear buffer zone, and a corner of the driveway and most of the sports court infringes into the 200' riverfront area. The trees that were removed along Essex Street, and the large oak tree at the back corner are not looking well. Brady said that Boston Tree Preservation has been doing work during the last 3 years. They have agreed that 2 of the 3 trees are showing signs of distress.

The existing retaining wall was not in the original proposed plan. Martindale also noted that infiltration trenches should have been installed per the original plan. He also expressed his disappointment with Hayes Engineering in not bringing the proposed modifications before the LCC.

Solomon echoed Martindale's disappointment with Hayes Engineering's handling of the modifications. She also added that she believes the LCC has been disrespected during this project. She further asked Cademartori for measurements detailing the plans' discrepancies. Gentile expressed his disappointment regarding the work at the rear of the house that has had an adverse effect on the trees. Salamone agreed with Gentile's assessment.

Cademartori asked if the LCC felt there was any mitigation necessary. Martindale added that stormwater runoff going into the street unimpeded becomes the Town's problem during heavy rains. He asked if a slot drain could be installed at the base of the driveway to help stop the runoff. Gentile echoed Martindale's comments, and mentioned that the LCC should consider a slot drain

at the base of the driveway. Martindale said that a slot drain design should be brought before the LCC before a decision next month. Martindale added that the trees in the rear of the property can be monitored. Thompson said that the trees look unhealthy, and would like to see the trees trimmed as an interim measure.

Martindale would like to further discuss this project at the next meeting. Cademartori noted that the original driveway design called for infiltration trenches, and that the unanticipated double curb cut may be creating a problem. She also noted that the cobblestone area at the base of the driveway is in the Town's ROW. There is not a lot of room to work with around the street trees, and the infiltration measures would need to be balanced by protection to the trees. Cademartori will forward the LCC's wishes to Hayes Engineering, or perhaps a new engineer.

Martindale suggested that 2 issues be addressed prior to the next meeting; the driveway run-off design, and a plan to limb and monitor the trees in question. The homeowner was amenable.

758pm - Boston Clear Water

Cademartori noted that there is no real update. She had asked BCW's Attorney Chip Nylen for a status update. He responded earlier in the day that no additional work has been done inside the area of ConCom's jurisdiction and that a landscaping plan would be submitted after other work - work that is in the orders currently under appeal - is completed.

Martindale asked if Gentile had observed any digging at the site. Gentile said that even if the work is technically outside the buffer, the effects of the work may be causing erosion problems in the buffer. Cademartori noted that erosion controls are in place, but she has not yet been back to the site to confirm that materials going down the driveway are not impacting the resource area.

Administrative Matters

8:01pm - Annual Treatment Plan

Cademartori received a proposal from Solitude that is essentially the same as the year prior. She had asked for new measures and reporting, to which Solitude responded that a proposal with requested changes would be ready by week's end. Assuming a signed contract, Cademartori also requested a scheduled Pond treatment for June. The May treatment has been missed.

8:05pm - Pillings Pond Sub-Committee Update

Sub-Committee chair Kirk Mansfield provided the update for the first sub-committee's meeting, held June 15, 2020.

Covered topics and discussion included; boating matters, updating the website, collecting contact information of abutters, beginning education measures for abutters such as chemical usage, lawn treatments, plantings, holding seminars with scheduled speakers, etc.

Martindale noted that there seems to be good engagement and enthusiasm for this new sub-committee work. He added that the participants seemed intentional. Gentile noted that the discussion was very positive and that there was a good amount of work identified that needed to be done. Mansfield added that he has since received much positive feedback about this first meeting.

8:09pm - Meeting Minutes

The draft May 19, 2020 LCC meeting minutes were reviewed.

On a motion duly made by Mansfield and seconded by Solomon the LCC voted (6-0) to approve the draft May 19, 2020 meeting minutes, as presented. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Salamone-Aye, Solomon-Aye, Martindale-Aye, Gentile-Aye.

8:10pm - Question and discussion - ownership of property at 30 Elmwood (outdoor bar)

Mansfield asked Cademartori about ownership of the land where the recently constructed large outdoor bar is sited. Cademartori said that she has corresponded with the engineer who is working to get the site plan finalized. She noted that the ownership does not appear to be clear. Field Inspector Patrick McDonald is planning a site visit for June 17 to observe the landscaping and stabilization plans to address stormwater in the interim. The owner has indicated that he wants to plant a rain garden.

Martindale noted that around Pillings Pond there are stretches of bordering land that are Town-owned. He said that he would be in favor of the Town retaining ownership of these stretches rather than selling them to abutters for additional tax revenue. In this way, the ConCom would retain better control over the environmental quality of these stretches, and what nutrients would be flowing into the Pond.

Cademartori noted that she believes there are already many parcels around the Pond where abutters are encroaching on Town-owned land. She noted a further complication that property lines may have shifted as a result of the dredging project in the 1990's. This is complicated further by the variations in the language of the different deeds used to define property lines. Further, Pond owners that are using this land for their own benefit are not paying taxes on it.

Martindale suggested that the Pillings Pond Sub-Committee explore this issue and bring its recommendations back to the ConCom for further discussion. Cademartori added that ConCom measures and messages need to be consistent for all abutters, including new proposed work and any retrofitting or mitigation efforts.

Cademartori noted that 45 Lakeview is one such property. Gentile asked if ConCom should investigate the neighbor to 30 Edgemere who has already constructed access, a dock, a stone wall and part of a lawn on Town-owned property - none of which was ever permitted. Cademartori said yes.

Solomon said that some years ago a Pond abutter constructed a bocce court on Town-owned property which ConCom was successful in having the owner remove.

Cademartori said that with the Pond properties' turnover, there are opportunities for education with each request for a property improvement. She particularly noted dock regulations which are lacking in specificity such as size, method of shoreline attachment, seasonality, etc.

Gentile suggested that restrictions on dock size be an important issue to address to which Mansfield agreed. Cademartori agreed, noting that most communities on the coast have tight restrictions regarding docks. Gentile also said that having each abutter come before the ConCom with a dock request where there are no real guidelines in place is not a good use of the ConCom's time.

Martindale suggested that the ConCom authorize ConCom staff to sign off on routine requests where standard procedures are in place and there are no real departures from the standards.

Mansfield said that time is of the essence as it is the beginning of the season and there are many new people moving into the area. Martindale suggested holding an informational meeting for anyone interested in Pillings Pond and have information handouts available for attendees.

8:27pm - Prospective ConCom member

Martindale notified members that Erin Holman is a prospective ConCom member from the community and would be invited to be introduced at the next meeting.

8:28pm - Reminder Town Meeting Saturday, June 20, 2020

Cademartori reminded members about the meeting. She said that a good amount of the capital budget has been cut, but that the Pond Treatment plan is still included and up for vote.

8:33pm - Adjournment

On a motion duly made by Mansfield and seconded by Thompson the LCC voted (6-0) to adjourn the June 16, 2020 LCC meeting. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Salamone-Aye, Solomon-Aye, Martindale-Aye, Gentile-Aye.

NEXT REGULAR MEETING – Tuesday, July 21, 2020

As recorded and submitted by Jennifer Welter.