

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

July 21, 2020, 6:30 PM

Virtual Meeting via ZOOM

Members present:

Commissioners; Chairman Paul Martindale, Bill Thompson, Kirk Mansfield (arrived 6:48pm), Janice Solomon, Don Gentile, Director Emilie Cademartori

6:39pm Chairman Paul Martindale called the meeting to order.

Martindale opened the meeting with a roll call vote: Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye. Martindale noted that newest member Jared Yagjian in attendance would be unable to vote until sworn in by the Town Clerk, and that the meeting would be recorded.

New Public Meetings/Hearings

6:41 Notice of Intent - 2 Ryan Road - DEP File #209-0639

Applicant: Joseph and Melissa DiBlasi

Project: Removal of existing deck and construction of 12' x 17' addition and new 12' x 15' deck within 100 feet to Pillings Pond

On a motion duly made by Thompson and seconded by Gentile the LCC voted (4-0) to open the hearing for 2 Ryan Road. Roll Call Vote: Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye.

Thorsen Akerley, Wetland Scientist and Registered Sanitarian, William & Sparages, was present to summarize the project.

There is a detached garage in front. The rear and sides of the property are primarily lawn. There are 2 short landscape walls near the Pond. None of the proposed work is within the bordering land subject to flooding. In place of an existing deck, the homeowner would like to build a new deck and addition. The primary concern during construction is sediment control. Excavated material

would most likely be transported off-site. The project is located within the 50' no-build zone, but this lot was created prior to this rule.

Martindale questioned the rear property line and asked if the existing concrete patio was situated half on the homeowner's property and half on Town-owned land. Homeowner Joe DiBlasi said that he believed it to be correct, but that the patio was in existence before he bought the home, and that he has only maintained it. Martindale also asked how sheet flow was handled off the patio. DiBlasi said that a ditch before the retaining wall was somewhat effective. The stone retaining wall was in existence before the prior owner, possibly built during the late 1920's.

Thompson asked what soil treatment measures would be used under the new deck. Akerley said that gravel would be considered. Thompson suggested an anti-vegetation barrier mat to prevent weeds from growing up through the gravel which could necessitate chemical treatment. Gentile asked if a foundation would be dug for the addition to which DiBlasi said yes. Gentile also asked for confirmation that no work would be performed beyond the erosion control. Gentile also asked about floodplain on the property. DiBlasi confirmed that there was no flood storage area on the property.

Cademartori commented that the work is quite far from the Pond, there is no disturbance of anything other than existing lawn, and there is no natural vegetation or trees being removed. Her concerns are equipment access and materials stockpile locations. DiBlasi said that the equipment will have appropriate access and materials will be stored up in front of the house.

Solomon asked for photos of landscaping right at the Pond, particularly with regards to concerns of chemicals draining into the Pond. Mansfield added that he is familiar with the property and believes that it is quite well protected between the retaining wall and the landscaping that has been installed there. Martindale asked if any trees would be removed and if any new trees would be planted. DiBlasi said that he had planted arborvitae the year before, and that an ivy-type vegetation grows over the wall which he maintains. Cademartori noted that a large tree is on the neighbor's property, and a second large tree is well outside the work area. There was no abutter response. Martindale asked about the necessity of a site visit. Yagjian opined that there were sufficient photos. Gentile added that given how separated the work is from the Pond it would not be as necessary for a site visit.

Solomon asked that it be added to the OOC that Field Inspector Patrick McDonald would ensure that erosion controls were properly in place when work begins. Cademartori said that this is standard procedure in the OOC. Yagjian suggested that materials storage in front of the house be added to the OOC. Martindale suggested that the anti-vegetation mat under the deck be added to the OOC to prevent herbicide treatment going into the Pond.

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (5-0) to close the hearing for 2 Ryan Road and issue an OOC with the conditions as discussed. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye.

7:05pm Notice of intent - Pillings Pond

Applicant: Town of Lynnfield

Project: Pond management activities for the control of nuisance aquatic vegetation and algae within Pillings Pond, including herbicide and algaecide treatments, physical cutting and removal methods and phosphorus inactivation by application of aluminum sulphate.

Consultant Bob Hartzell of CEI was unable to attend the meeting. Cademartori summarized the new Notice. The proposed scope is similar to work done in the past. The existing Order has been in place since 2004 although changes have been made since then, necessitating the development of a new plan that would reflect desired Pond treatment activities going forward. New changes include gathering much more data pre and post treatment applications, consideration of physical cutting activity in addition to chemical treatments, and additional collection of water samples for analysis.

Martindale asked Cademartori to provide the rationale for the changes to the treatment protocol. Cademartori noted that 1) under the old contract, the contractor (Solitude) has not provided sufficient documentation of Pond treatments, 2) new contract language needs to reflect exactly what the Town requires of the contractor, 3) Solitude has been unresponsive to requests for an updated contract and a 2020 treatment schedule. Additionally, CEI's Bob Hartzell is hired as the consultant to help guide the work according to a new contract.

On a motion duly made by Solomon and seconded by Gentile the LCC voted (5-0) to close the hearing for Pillings Pond. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye.

On a motion duly made by Gentile and seconded by Mansfield the LCC voted (5-0) to issue an OOC for Pillings Pond. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye.

Continued Public Hearings

7:23pm - 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. The dock is a 20' x 6' floating wood dock, approximately 65' from the homeowner's property line.

One twin-trunk Norway Maple tree will be removed. Invasive vines will be cut from remaining trees. Approximately 30 sq. ft. in the wetlands area will be altered. Pea stone will be applied down to the water, leaving the stone walkway in place. Mitigation will include adding trees and blueberry bushes, including removal of a large overhanging limb on a tree on Town property. The property is not in the floodplain.

Solomon asked about the outcome of the Selectmen's meeting regarding their permission to build on Town-owned land. Sampson said that he wanted to hear first from the ConCom. Solomon expressed concern about giving a resident permission to use Town property. Martindale reminded Commissioners that their decision was limited to the project's effect on resources.

Cademartori noted that the work was within the resource area and that the work would "remove, fill, dredge or alter the area." There is no net loss of area as the area impacted is not true BVW, but rather fill. Gentile questioned the applicability of a negative determination. Martindale asked if a Positive #2 would be more applicable. He added that an NOI seemed more suitable, and that the Town would then need to provide permission to file the NOI. Yagjian agreed.

On a motion duly made by Gentile and seconded by Mansfield the LCC voted (5-0) to issue a positive determination requiring an NOI for 30 Edgemere. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye.

Other Open Permitting Items

7:47pm - 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.

7:48pm - Request for Certificate of Compliance - 365 Essex Street - DEP File #209-0543

Commissioner Gentile recused himself from this discussion. The homeowner Ian Brady was present for questions.

Regarding the issue with trees, Brady noted that he has 2 options: 1) In the back rear corner, there is an oak stand. One of the trees is stressed. According to arborists, this ailing tree looks

increasingly vulnerable. 2) Another option is to remove the stressed tree and mitigate with a new hardwood species. The second issue involves drainage given the slope of the driveway. After some review, Hayes Engineering said that the process to determine the efficacy of the drainage system would be questionable.

Cademartori opined that removing the unhealthy tree and replacing it with a healthy tree makes sense. Regarding the driveway drainage, she agreed with Hayes engineering assessment as there may not be adequate room to install an effective system without impacting neighboring trees or avoiding the public right of way. Martindale said that he would withdraw his objection regarding the driveway drainage. Thompson agreed with Martindale and suggested that one tree be removed, with a second tree to be limbed, and one new hardwood tree to be planted. Martindale directed Brady to the ConCom website for tree selection.

On a motion duly made by Mansfield and seconded by Thompson the LCC voted (3-1-0) to issue a COC for 365 Essex Street including the conditions as discussed. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Solomon-Nay, Martindale-Aye.

7:59pm - Request for Certificate of Compliance - 2 Lee Road - DEP File #209-0633

Cademartori presented the update. The OOC was issued Fall 2019. The new septic is installed, the property is stabilized and hydroseeded, and the no-disturb markers are installed. Two trees originally slated to be removed were able to be saved during construction, therefore Cademartori suggested removal of the requirement for tree mitigation. Field Inspector McDonald has conducted multiple inspections.

Martindale cautioned Commissioners that past practice is to wait until the hydroseeding is established in order to provide a full COC. Cademartori noted that the current water ban is interfering with this schedule. She suggested that the new homeowners will want to have grass, and are likely to ensure stabilization. Thompson agreed with Cademartori.

On a motion duly made by Solomon and seconded by Gentile the LCC voted (5-0) to issue a full COC including the conditions discussed for 2 Lee Road. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye.

8:09pm - Boston Clear Water - Update

Cademartori provided the update. Since the May LCC meeting, a BCW letter was submitted asking for permission under an emergency order to repair the spring house. The DEP has since denied the request noting failure to meet the standards in CMR 10.06. The superseding order from the DEP and the ConCom appeal are both pending.

Enforcement orders were issued on June 25 for continuing work not permissible on the property. BCW's Attorney Chip Nylen was present to respond. Nylen said that conditions under the 2 enforcement orders have been satisfied. Cademartori said that she is unable to verify this as she has not been allowed to access the site. She again requested access, to which Nylen said that he would speak with his client. Martindale asked if, in Nylen's opinion, both 163 and 165 Lowell Street properties were now in compliance with the enforcement orders, to which Nylen said yes. Martindale asked if Nylen's client would now wish to request a site visit. Gentile asked for the timetable to arrange a visit, and to discuss next steps. Nylen said that it would not require another month to arrange.

Cademartori asked about the installation of a vertical tank structure on the property line of 163 and 165 Lowell Street. Nylen said that it is on the 163 property. Nylen said that it is empty and has no functional purpose - for water or fuel storage. Gentile asked if it was in the buffer? Cademartori said that if it is in the buffer, the ConCom would need to know its purpose. Nylen said that it is similar to the benches, which are placed on the land with no footings.

Administrative Matters

8:24pm - Open Space Plan

Cademartori said that the draft plan was out for review by the various Town boards and commissions. The LCC is one of the few required boards to provide review and endorsement before submittal to the State. Martindale encouraged Commissioners to review the plan as soon as convenient and forward comments to Jennifer Welter.

8:27pm - Pillings Pond Sub-Committee Update

Sub-Committee chair Kirk Mansfield provided the update. The subcommittee met the week prior. BOH's Kristen McRae is making a site visit 7/22 to look at the pipe on Bellevue island, and to test water coming in from Bates Brook, as the highest concentration of EColi is around Highland and Ryan Roads.

Mansfield would like to explore having the sub-committee create and maintain a webpage on the Town website. Cademartori said that a link could be added to the ConCom page. Gentile suggested that a page be created for more permanent resident education materials. Mansfield said that he would prefer having a vehicle for information that is not a facebook page, which tends to invite emotional content and participation.

Mansfield also raised erosion concerns in a number of areas around the Pond. Specifically, there are large trees that are losing the soil around them. Also, on Ryan and Crest roads, much of the land is gone which may be eroding from waves from jet-skis and motor boats. Is there a way to create no-wake zones through signage? Martindale suggested that the sub-committee research the current rules and regulations and bring forth their recommendations for the Board of Selectmen and the ConCom. Martindale further suggested that the sub-committee write the proposed rules and regulations and, with input from ConCom, and submit them to the BOS for approval/adoption. Solomon added that Massachusetts boating laws need to be considered, and added that our police are not aware of these rules. Cademartori said that she has heard that a jet-ski dealer is parking at the end of Highland Avenue boat ramp and providing jet-ski demonstrations. She suggested that no parking signs be placed at the end of Highland Road to discourage out-of-town boaters.

Regarding phragmites, Mansfield said that residents are concerned with phragmites creeping up and taking over the shoreline. Cademartori explained how phragmites are difficult to control/eradicate. Cademartori also acknowledged that phragmites can be an excellent plant to stop shoreline erosion. She would like to know where the phragmites are and whether it merits to be removed.

Mansfield then asked about dredging in the west end. This area is quite silted in, being as shallow as 1-½' in depth in parts. Mansfield has spoken with a contact about the Crystal Lake dredging project in Peabody. Theirs was a 20-year project, with no abutters, and an in-town transfer station to accept the fill. Yagjian added that he was on that committee for some time, and that this project also received significant grant funding.

8:53pm - Pillings Pond Bank Restoration/Planting Project Update

Cademartori reported that she has received the Phase II materials from the consultant, DeRosa Environmental. The 3 planting plans are 1) low-growing plants only, 2) a mix of shrubs and low-growing plants, and 3) a mix of shrubs and low-growing plants which includes trees. She invited Commissioners to review and provide feedback. She would also like the consultant to produce an oblique view of these plans for homeowners. The intention now is to ask the Selectmen for permission to do this project at Rotary Park in the Spring, 2021.

8:57 - Pillings Pond Treatment Plan update

Cademartori said that there has been no treatment to date. There is an algal bloom at present. She has asked for the Pillings Pond Sub-committee members to observe any Spiny Naiad, as it wasn't treated in May. Perhaps this hiatus in treatment will provide a datapoint regarding leaving the Pond untreated. Mansfield said that he would follow up with Joe DiBlasi about these observations on July 22. Cademartori is hoping to have at least a mini-contract from Solitude that includes copper sulphate treatments for the rest of this summer. She also mentioned receiving a

cold call earlier in the day from a new Pond treatment company that she will follow up with shortly.

Mansfield asked Cademartori for guidance on responding to Pond treatment concerns on the Pillings Pond facebook page.

9:05pm - Conservation Properties - Maintenance and Signage - Update

Cademartori reported that the DPW had just cleared the encroaching vegetation on the Partridge Island boardwalk. Jennifer Welter briefly updated the Commissioners on access improvements at Partridge Island trail on Main Street, dog waste signs, entrance signage, etc. Solomon asked Cademartori for the overlay map that Field Inspector McDonald was going to prepare for the Pine Hill Lot.

9:08pm - Meeting Minutes

The draft June 16, 2020 LCC meeting minutes were reviewed and corrected.

On a motion duly made by Mansfield and seconded by Solomon the LCC voted (5-0) to approve the draft June 16, 2020 meeting minutes, as corrected. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye.

9:10pm - Conservation Commission Annual Elections

Martindale reported that tonight's meeting would be his last and that he was resigning from the board as of July 31, 2020.

On a motion duly made by Martindale and seconded by Solomon the LCC voted (5-0) to name Don Gentile as Chairman. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye.

Gentile took the opportunity to thank Paul Martindale for his service over the prior eight years. He thanked Martindale for his technical knowledge, historical perspective, and diligence in carrying out the ConCom's mission.

Gentile proposed that Kirk Mansfield be named as Vice Chair, bringing knowledge of the Pond, a historical member of the community, and leadership skills to this position.

On a motion duly made by Gentile and seconded by Martindale the LCC voted (5-0) to name Kirk Mansfield as Vice Chairman. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye.

Martindale asked for continued interest in naming a member as Site Visit Coordinator. Cademartori suggested that this be proposed when all commissioners are present at a future meeting, when the board is fully constituted. As the incoming chair, Gentile agreed. Cademartori said that she would reconnect with Erin Holman, a board candidate in the following week in

order to determine interest. Martindale suggested that the board consider at least one of the incoming board members have a science or health care background.

9:22pm - Adjournment

On a motion duly made by Mansfield and seconded by Solomon the LCC voted (5-0) to adjourn the July 21, 2020 LCC meeting. Roll Call Vote: Mansfield-Aye, Thompson-Aye, Solomon-Aye, Gentile-Aye, Martindale-Aye.

NEXT REGULAR MEETING – Tuesday, August 18, 2020

As recorded and submitted by Jennifer Welter.