

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

August 18, 2020, 6:30 PM

Virtual Meeting via ZOOM

Members present:

Commissioners; Chairman Don Gentile, Bill Thompson, Kirk Mansfield, Jared Yagjian, Janice Solomon, Director Emilie Cademartori

6:43pm Don Gentile called the meeting to order.

Gentile opened the meeting with a roll call vote: Thompson-Aye, Gentile-Aye, Solomon-Aye, Mansfield-Aye, Yagjian-Aye.

New Public Meetings/Hearings

6:44 Notice of Intent - 4 Taylor Terrace - DEP File #209-0640

Applicant: Haralambos Katsikis

Project: Construction of new single-family home with associated patio, driveway, septic system and landscaping within 100 feet of Bordering Vegetated Wetland.

Libby Wallis of Hayes Engineering was present to summarize the project.

This property is the only remaining undeveloped lot in the subdivision, Taylor Terrace Extension. An existing stormwater management system on an adjacent property is partially situated on this lot. The house and patio (pavers) will be at least 50' from the wetlands. There are several structures on the lot, including a boulder retaining wall. The house is 55' away from the wetland. Erosion control is situated along the no-build zone.

Gentile asked if the property is subject to the bylaw, to which Wallis said no. Cademartori interjected that it would be subject to the bylaw if the lot was created after 2005. Wallace said that she would ascertain, but believes the project meets the standards of the bylaw and the Wetlands Protection Act.

Gentile asked about the erosion controls and proposed plantings given the steepness of the slope behind the house. Wallis said that a silt sock should be sufficient, and expected significant

proposed landscaping to be added. Portions of the disturbed area now are lawn. Solomon suggested a site visit with the 25' and 50' lines marked. She asked about the size of the retaining wall, which would be right at the 50' line, and which could be vulnerable to machinery working in this area. Wallis estimated that the retaining wall would be approximately 7 feet in height. Yagjian reiterated the suggestion for a site visit. Gentile asked for markings of the 25, 50 and 100 foot lines, and decision of applicability of the bylaw.

The site visit is scheduled for Tuesday, September 1 at 5:30pm.

On a motion duly made by Solomon and seconded by Gentile the LCC voted (5-0) to continue the hearing for 4 Taylor Terrace until September 15, 2020. Roll Call Vote: Gentile-Aye, Thompson-Aye, Solomon-Aye, Yagjian-Aye, Mansfield-Aye.

7:00pm Request for Determination - 1 Colonial Road - DEP File #209-0640

Applicant: Bryce Foote

Project: Installation of a seasonal dock on Pillings Pond.

Homeowner Bryce Foote was present to summarize the project. The proposed dock would be a 10' polypropylene floating dock with poles that screw into the dock and then into the bed of the pond via cast aluminum augur chips. The ramp would rest on the shore and would also be 10' long. The dock is manufactured by FWM Docks, Hudson NH. The dock would be taken out seasonally. It will rest on the shore which will remain untouched. The shoreline is a crushed stone edging with boulders across the length of the shorelined property. No vegetation will be removed.

Gentile invited Mr. Foote to attend any of the new Pillings Pond Sub-committee meetings, and to learn of the proposed restoration landscaping plans that will be available to Pond abutters through new grant work.

On a motion duly made by Solomon and seconded by Masnfield the LCC voted (5-0) to issue a Positive 1, a 2B and a Negative 2 for this project at 1 Colonial Road. Roll Call Vote: Gentile-Aye, Thompson-Aye, Solomon-Aye, Yagjian-Aye, Mansfield-Aye.

Other Open Permitting Items

7:17pm - 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.

7:18pm - Request for Certificate of Compliance - 1 Ashdale Road - DEP File #209-0574

Libby Wallis of Hayes Engineering was present for questions. (Plans were received only earlier in the day, so members did not receive any materials in their packets.)

There was an amended OOC issued for the shed, the pool, a relocated septic system, and other improvements. The work was completed, but there were discrepancies found when the as-built plan was done. In the May, 2019 LCC meeting, an enforcement order was issued due to wetland filling. As part of the enforcement order, a mitigation plan was developed to remove the fill and provide wetland restoration, which included removal of Japanese Knotweed, extra plantings and increased flood storage area. Wallis said that she believed everything that the LCC had asked for had been done.

Gentile suggested a site visit. Cademartori said that a significant deviation was the violation of the OOC in not leaving a 10' buffer between the wetland and the limit of work, and filling in approximately 120 sq. ft. of wetland. To compensate, the homeowner created over 1,000 sq. ft. of wetland. She added that the No-Disturb markers are not in place.

Solomon expressed her disappointment that, for a second time, the orders from the LCC have been ignored. She cited 365 Essex Street as the most recent example. Gentile and Yagjian echoed Solomon's concerns. Cademartori noted that the restoration work came about as a result of the homeowner acknowledging their errors in completing the construction. Mansfield asked how, as a new member, this situation generally develops. Cademartori responded that a common problem is a lack of understanding on the part of the homeowner, which can lead to miscommunications with the homeowner's engineer. She suggested inserting more specificity in the LCC's orders.

Thompson expressed overall concern that so many projects linger with open orders for years, costing time and money. Cademartori echoed Thompson's concerns, and added that regardless of sometimes constant reminders, the LCC cannot force homeowners to close out their orders.

A site visit is scheduled for Tuesday, September 1, 2020, after the site visit at 4 Taylor Terrace.

7:49pm - Request for Certificate of Compliance - 22 Lakeview Ave - DEP File #209-0379

Cademartori said that this project is on hold. The project is old by about 10-15 years. The property is expected to be sold, but there is no as-built on file.

7:50pm - Update - Boston Clear Water

Cademartori reported that there are no new actions, and summarized the correspondence updates. The Building Inspector has filed an injunction noting several violations on the property and a hearing is scheduled for August 27. The request to do emergency work on the spring house has been disallowed by both LCC and DEP. She also apprised Commissioners about the building fire, and upon inspection, Town officials noted a number of code violations and structural issues. Cademartori apprised Commissioners that she has been advised by Town Counsel not to enter the property without prior permission. Thompson asked if the fines were still accruing, to which Gentile said yes.

Administrative Matters

8:03pm - Open Space Plan Endorsement

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. Cademartori asked that, if Commissioners approved, a vote for a letter of endorsement could be signed by the chair on behalf of the LCC.

On a motion duly made by Thompson and seconded by Solomon the LCC voted (5-0) to submit a letter of endorsement in support of the 2020 Open Space & Recreation Plan. Roll Call Vote: Gentile-Aye, Thompson-Aye, Solomon-Aye, Yagjian-Aye, Mansfield-Aye.

8:05pm - Richardson Chapter 61 Notice of Intent

Cademartori asked if there were any questions or discussion that Commissioners wished to have regarding the joint Planning Board and Conservation Commission meeting that had taken place at 6:00pm, just prior to this August 18, 2020 LCC meeting.

Gentile asked if some sort of ad hoc committee should be put together to begin the work involved on this project. Cademartori noted that significant work would be involved, including grant fund sourcing, public relations, grant writing, etc. Gentile also asked how much money the LCC had which could potentially be earmarked for funding, to which Cademartori responded approximately \$300K.

Solomon remarked that she was happy to learn of these developments, particularly the involvement of Greenbelt. Thompson asked about the timing for the state of emergency, to which Cademartori opined that the state of emergency may be in place for quite some time, after which there will then be a 90 day extension, followed by the regular 120 day timeline. Yagjian said that he thought this was an extremely important parcel, and expressed concerns about individual lots having private wells in this area, and the Fire Department's recommendation of individual sprinkler systems. Cademartori reminded members that there are no hydrants, no public water, and no fire suppression for upper Main Street.

8:16pm - Update - Tree Protection Bylaw

Cademartori noted that the Planning Board has a proposed Tree Protection Bylaw and a proposed Open Space Residential Design Bylaw - both which could potentially be on the Fall town warrant. She summarized the scope of the tree bylaw, and added that public outreach efforts are beginning now, which will include a public forum in addition to various publicity efforts.

Thompson, who is on the Tree Committee, said that all members there support the bylaw. He expressed concern from members that the comprehensiveness may overwhelm Town Meeting voters. Thompson added that he was particularly concerned about the “critical root zone” which would be calculated to protect trees when undertaking construction projects. He believes that this much ground that needed protection could scare homeowners.

8:26pm - Update - Open Space Residential Design Bylaw

Cademartori summarized the scope of the bylaw, and said that it is now in draft form on the Planning Board website, and that it is pending approval for placement on the Fall town warrant.

8:30pm - Update - Conservation Properties (Partridge Island) boardwalk and Eagle Scout project - Paul Wehle

Cademartori updated Commissioners on the boardwalk repair work at Partridge Island. A commercial contractor has provided an estimate for boardwalk repairs, and these costs were summarized by DPW Director Tomasz and presented by Cademartori at the August 6 Rotary Club meeting. Cademartori is seeking donated funds/materials from Rotary to make the repairs.

Cademartori introduced Eagle Scout candidate Paul Wehle who summarized his proposed project. Paul explained that he will replace the old rustic Boy Scouts sign at the entrance to the trail, widen and mark the path using GPS on the 2 islands reached by the boardwalk, removing any trash on the trails, and producing a map that can be made available for visitors as well as be made into a permanent sign that can be placed at the trail entrance.

Gentile asked about timing, to which Paul explained that all steps should be done before the end of the year. Gentile also asked who would be making the sign. Paul said that he will make that decision as he starts the project. Thompson also commented that the boardwalk is missing planks which presents a danger to the public. Cademartori added that the commercial contractor will be addressing the boardwalk, and noted that with the pandemic, many more visitors are using the trails. Board members were enthusiastic and supportive.

On a motion duly made by Mansfield and seconded by Solomon the LCC voted (5-0) to approve Paul Wehle’s Eagle Scout project. Roll Call Vote: Gentile-Aye, Thompson-Aye, Solomon-Aye, Yagjian-Aye, Mansfield-Aye.

8:37pm - Update - Conservation Properties (Pine Hill Lot XC Trail) and Eagle Scout project - Michael Madden

Cademartori provided the update. Eagle Scout Michael Madden is completing a XC course through the Pine Hill Lot conservation area. The XC team is now doing Captain's practices in the streets while the trail is being completed. Recent MIAA rulings will now allow high school XC sports to continue in light of the pandemic, and the team will be able to use the Pine Hill Lot trail for practices for some portion of their season. Madden will coordinate with his troop for trash removal, sign location and final brush/saplings removal on the trail. He will also lead a site visit for Commissioners at some future date.

Cademartori shared an aerial image to show a possible small section of trail that could be slightly shifted if it was deemed problematic. She also pointed out the significant encroachment of lawn onto the ConCom property by one of the Mirabeau Lane abutters. The XC trail will go through this lawn area, but marking the trail will require some further thought as it looks and feels to be going through a private backyard. At some future date, a second entrance by easement on foot off Mirabeau Lane could be marked. This would be a possible access point for EMT's in the event of an injury on the course. The cross-path through the loop is nearing completion.

Solomon expressed concern about large and live trees that have been downed to create this path. She was surprised at the extent of the work by the DPW, particularly with use of a skidder. She also asked Commissioners how they should address the open lawn area on the trail section where the Mirabeau Lane abutter has significantly encroached with lawn.

Thompson asked if races would be conducted on the course, to which Cademartori said that this question may be addressed by the coaches at some future time, but that the expectation at this time is now for practice.

8:56pm - Pillings Pond Annual Treatment Contract

Cademartori noted that the Pond was being treated for algae August 19. She has signed a new contract with a new company that is a smaller, newer company that may be much better matched for small town pond customers.

8:59pm - Pillings Pond Subcommittee update

Mansfield, Chair of the Pillings Pond Subcommittee provided an update. He mentioned that the committee's main focus is education, and noted that the website is being reviewed for content and updates. Water results came in through the BOH. EColi is still high around Ryan Road. By Bates Brook, levels are still at acceptable levels. The BOH has written a letter to the owner of the island requesting the source and use of a pipe coming from the property. In the last meeting, Paul Martindale provided some alternate options for dredging, which the committee is researching. Bellevue Island is losing soil under some significant shoreline trees that are leaning over the Pond. Mansfield asked about the liability for the Town if there is an injury from a fallen tree. The Island is private property. Gentile asked Cademartori to ask the DPW and/or Town Counsel.

9:10pm - Vote to Authorize Digital Signatures

Cademartori said that she needs a new vote to authorize these signatures. A vote will be taken at the next meeting, when the language is updated and available.

9:13pm - Meeting Minutes

The draft July 21, 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 July 21, 2020 meeting minutes, as corrected. Roll Call Vote: Gentile-Aye, Thompson-Aye, Solomon-Aye, Yagjian-Aye, Mansfield-Aye.

9:16pm - Adjournment

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

NEXT REGULAR MEETING – Tuesday, September 15, 2020

As recorded and submitted by Jennifer Welter.