

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

September 15, 2020, 6:30 PM

Virtual Meeting via ZOOM

Members present:

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

6:32pm Chairman Gentile called the meeting to order.

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

Gentile asked for a motion to authorize Director Cademartori to electronically sign LCC documents on behalf of individual LCC members.

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (6-0) to authorize Director Cademartori to electronically sign LCC documents on behalf of individual LCC members. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Aye, Salamone-Aye, Gentile-Aye.

Gentile introduced participant Erin Hohmann (board member candidate) to board members, provided a brief summary of her background and interest, and encouraged the board to recommend her appointment to the Board of Selectmen.

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (6-0) to appoint Erin Hohmann as a new LCC member. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Aye, Salamone-Aye, Gentile-Aye.

New Public Meetings/Hearings

6:39 Request for Determination - 125 Main Street

Applicant: Donald DiPanfilo

Project: Installation of inground pool, patio and cabana within the 100 ft Buffer to BVW

Applicant Donald DiPanfilo was present to summarize the project.

DiPanfilo noted that the pool will be located closer to his house than as shown on the Hayes Engineering plan. Field Inspector Patrick McDonald conducted a site visit on Sept. 10. Based on this visit, DiPanfilo suggested that the pool will likely be approximately 80-90 feet from the wetlands, and the stone wall will serve as a barrier to the wetlands.

Gentile asked if a limit of work was discussed with the engineer. DiPanfilo said no, which is why Patrick was asked to conduct a site visit. Gentile asked if a dewatering plan was discussed with the pool installer, to which DiPanfilo said that this could be done. Gentile said that he would like to see a limit of work and a dewatering plan before project approval. Yagjian said that he would like to see the property beforehand. DiPanfilo said that the pool could be started immediately and completed in the Spring. Solomon asked for a plan to confirm the placement of the pool. Solomon asked if the 50' no build pertained to a pool cabana, to which Gentile suggested that the lot existed prior to the Bylaw, and would only be subject to the Wetlands Protection Act, to which Cademartori confirmed.

Cademartori displayed an aerial view. The property is entirely lawn, and the wetland is variable. She suggested that the wetland was conservative, and the pool is almost entirely 50' or more from the wetland and an accessory structure like a pool that replaces existing lawn is actually exempt from an NOI under the Wetlands Protection Act. Filing a request provides the opportunity to recognize that a jurisdiction exists on the property and potentially the ability to condition the construction with the pre-construction site visit, a limit of work, and a line of erosion control. Cademartori suggested that the delineation not be confirmed. Some discussion ensued as to the details of the dewatering plan and the limit of work.

On a motion duly made by Yagjian and seconded by Thompson the LCC voted (6-0) a negative 2B non-delimination of the wetland, and negative 3, with the conditions that a dewatering plan (if it is necessary) be submitted to LCC prior to construction and a limit of work be approved by Cademartori prior to construction. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Aye, Salamone-Aye, Gentile-Aye.

7:00pm - Request for Determination - 1 Skinner Lane

Applicant: George Georges

Project: Construction of 24' x 24' accessory structure, removal of invasive vegetation and planting of trees within Riverfront and the 100 ft Buffer to BVW

Applicant Georges was present to summarize his request.

Approximately 6 Elm trees were lost over the winter. He would like to plant trees. He would also like to build a 24' x 24' barn, approximately 80-100' from the buffer zone, which would require fill, and a proposed culvert. Georges could only present a partial plan. Gentile noted that the barn would be roughly 80' from Bates Brook, which is in Riverfront with a 200' resource area. Placement of the barn may be limited by the location of the septic system. Georges reviewed his plan with board members.

Solomon suggested a site visit. Yagjian agreed. Yagjian also suggested that the project might require an NOI, in order to see all the structures and the location of all the resource areas. A site visit is scheduled for Tuesday, Sept. 22 at 5:30pm. Mansfield complimented the applicant on the overall appearance of the property.

7:22pm - Request for Determination - Route 1/Broadway

Applicant: Paul Stedman, MassDOT

Project: Removal and replacement of sidewalk along Route 1 within BLSF, Riverfront and the 100 Buffer to BVW

Sandi Sprague, DOT Environmental Engineer was present to summarize the request.

MassDOT is now paving Route 1, including sidewalks near Hawkes Brook and Carpenter Road. A small section is within Riverfront, and an existing sidewalk will be replaced and will include handicapped accessibility. All standards are being met. The work was approved in 2017, but the permit has expired.

Cademartori asked for clarification on the regulations - specifically why milling and paving of a major roadway is exempt but one has to file for a sidewalk. Sprague said that because this is bordering land subject to flooding, the work is not exempt.

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (6-0) to not confirm the wetlands delineation, and issue a negative 2 for the proposed work of replacing the sidewalk in Bordering Land Subject to Flooding. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Aye, Salamone-Aye, Gentile-Aye.

Continued Public Hearings

7:31pm - 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.

On a motion duly made by Mansfield and seconded by Thompson the LCC voted (6-0) to open the public hearing for 4 Taylor Terrace. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Aye, Salamone-Aye, Gentile-Aye.

Libby Wallis, Hayes Engineering was present to provide the update.

Since the previous meeting, the LCC has conducted a site visit. The project has been revised. The patio area has been reconfigured, access has been provided for maintenance of the detention pond on the adjacent lot, shrubs have been added, locations of the large trees discussed have been added, and a stairway and walkways are shown.

Gentile asked if there was a limit of work shown on the plan, how roof run-off would be handled, and if Hayes had discussed the outstanding maintenance that is required for the development with the HOA or the client. Wallis said that there have been no discussions with the client or the HOA. Gentile noted that the subdivision was permitted with a perpetual condition for stormwater basin maintenance, and the LCC believes that it has not been maintained. Gentile expressed concern that once this project is built, access to do the maintenance would be severed. And, there may be something that is obstructing the easement to this basin. Wallis responded that a sloped access has been added for this purpose, with the applicant's permission. Yagjian added that there was no other access point. Cademartori noted that originally there was access on the abutting parcel, but that in the last year a structure was built which will need to be addressed by the LCC and the Town. She noted that now would be an opportune time to do any major maintenance on this constructed pocket wetland while there is no house on the lot, and she asked Wallis to provide such access indication on the plan. All HOA homeowners are aware of the situation and know the Town is working for stormwater compliance in this subdivision. Since there is a perpetual order burdening this lot, she is reluctant to recommend a new order on a property that has an outstanding issue remaining from a prior order.

Solomon asked for clarification on the trees and new plantings on the slope which appears quite steep. Wallis said that there would be some limited grading and plantings to hold the soil. Trees

will be kept in place, and that no trees would be removed. Solomon asked about erosion control, which Wallis responded that she believed it would be a silt fence. Cademartori suggested that the trees be protected during grading. Wallis was amenable to adjusting the silt fencing, as needed, and having Cademartori approve the site arrangement before construction. Gentile also noted that once projects get started, it would behoove LCC members to focus more on the limit of work to avoid deviations and problems that have often developed over the life of the projects. Cademartori suggested that LCC members incorporate more specific language about the building envelope in the conditions.

Wallis said that the applicant would like to begin work this Fall. Cademartori has not yet drafted an OOC, which would incorporate some of the items discussed in this meeting. She also recommended that the work be approved prior to construction. She would like to see some sort of commitment as to the stormwater system maintenance plan prior to approval. Mansfield asked about the ground cover on the slope, to which Wallis replied grass and landscape plantings. Gentile suggested continuing the meeting to address the foregoing issues. Solomon and Yagjian agreed. Wallis asked if the hearing could be closed and orders be provided in the next meeting. Cademartori said that if the hearing is closed, there would no longer be an opportunity for any further deliberation, and Wallis couldn't provide any additional information the LCC may wish to consider. Cademartori suggested a condition that the construction of the house not be started until some maintenance plan or timeline is agreed to by the HOA.

On a motion duly made by Gentile and seconded by Yagjian the LCC voted (6-0) to continue the public hearing to the October 20, 2020 LCC meeting for 4 Taylor Terrace. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Aye, Salamone-Aye, Gentile-Aye.

Other Open Permitting Items

8:06pm - 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.

8:07pm - Request for Certificate of Compliance - 1 Ashdale Road - DEP File #209-0574

Libby Wallis of Hayes Engineering was present for questions.

A site visit was conducted September 1, 2020. Full packet documents have been shared with members in advance.

Solomon asked about the orange color of the water in the rear of the property. Cademartori believes that this could be iron in the water and naturally occurring, and Wallis had no further information. Solomon also asked for clarification on some of the discrepancies in the dimensions on the plan. The homeowner, Sabrina Mandell expressed concern that the discussion was “circling back” to what had already been presented a year ago. Yagjian said that during the site visit, everyone was satisfied as to the replication work to meet the OOC. The mitigation plan was approved in May, 2019. Mandela added that the water being discharged has always been the orangish color from when they moved into the house, and they have not done anything to affect this. Cademartori also noted that installation of the no-disturb markers has not been done, and her paperwork would reflect approval subject to installation of the markers. The homeowner was not aware of this, and Gentile suggested that they pick up the markers from the office and have them installed.

On a motion duly made by Yagjian and seconded by Mansfield the LCC voted (6-0) to issue a Certificate of Compliance for 1 Ashdale Road subject to installation of the no-disturb markers. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Aye, Salamone-Aye, Gentile-Aye.

8:20pm - Request for Certificate of Compliance - 22 Lakeview Ave - DEP File #209-0379

No one was present to answer questions. Cademartori provided an update.

The project is under a P&S, with the closing delayed in order for the seller to obtain the COC. Hancock Surveys did a final as-built, and certified that the enforcement order conditions had been satisfied. Field Inspector Patrick McDonald conducted a site visit and verified that the site was stable. Cademartori suggested that any discrepancies are minor. There is a significant stand of the invasive Japanese Knotweed present in the wetland, and the new owner may wish to get rid of this invasive. Her only concern is that there is nothing marking the limit of disturbance, and any new homeowner will not be aware of what they can and cannot do on the property. Solomon asked Cademartori if the homeowner could be encouraged to install the markers, as when this property was first permitted in 2006, the markers were not in use. Cademartori responded that in issuing the COC, there is the ability to place a condition on it - as a partial certificate. However, the homeowner is not present to discuss. Gentile asked if Cademartori could work with the buyer and the seller if the COC was approved. Cademartori agreed, noting that it can only be helpful to have markers installed, if only for the benefit of directing homeowners and landscapers where not to place yard waste.

On a motion duly made by Salamone and seconded by Solomon the LCC voted (6-0) to issue a Certificate of Compliance for 22 Lakeview with the request that Director Cademartori work with the buyer's and seller's attorneys to try and impress upon the homeowners to install the no-disturb markers. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Aye, Salamone-Aye, Gentile-Aye.

8:29pm - Update - Boston Clear Water

Cademartori reported that there was a recent injunction hearing in the week prior mostly pertaining to zoning violations. The judge has ordered that Cademartori be allowed to visit the site with 3 days notice. The springhouse has been deemed unsafe. The barn may have significant code issues.

Administrative Matters

8:30pm - Richardson Chapter 61 Notice of Intent

Yagjian presented an update. A meeting of a Citizens' Group took place via ZOOM on September 10, 2020. Kate Flaws, Planning Board and Yagjian are working on financing options in order for the Town to consider acquisition of the parcel. A preliminary presentation will be made to the Board of Selectmen at their Sept. 21 meeting.

Gentile asked about grant-writing, to which Yagjian said that Greenbelt has the experience and resources to provide grant-writing assistance. Cademartori said that the BOS would be looking for some kind of formal recommendation from the LCC and other Town boards. Gentile suggested working on a recommendation in time for the next LCC meeting.

(Board member Yagjian left the meeting at 8:39pm)

8:39pm - Update - Partridge Island Boardwalk Repairs

Cademartori said that she believed Rotary will provide a cash contribution of up to \$1,500, with Moynihan Lumber providing a \$500 discount on materials. The office is hoping that the DPW will fund the \$1,000 estimated difference. Cademartori asked if the DPW does not fund this difference, if the LCC would be willing to fund the \$1,000.

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (5-0) to contribute up to \$1,000 from the Conservation Fund to aid in the repairs to the Partridge Island boardwalk. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Abstain due to early meeting departure at 8:39pm, Salamone-Aye, Gentile-Aye.

8:42pm - Update - Pine Hill Lot

Cademartori reported that candidate Eagle Scout Michael Madden held a property clean-up day on September 1. Madden has been instructed not to do any more work on the path until the coaches have walked the property to determine if there are any remaining hazards. The remaining issue is the encroaching lawn on the path which continues to be a stopping point for all visitors. The DPW has offered a barkmulched path across the encroaching lawn, and possibly the planting of some trees - all to help delineate the path. Thompson asked if a survey of the property had been done. Cademartori noted that the path is quite far into the ConCom property, She would also like to know what members would wish to do with the results of a survey. Thompson noted that he would like abutters and the LCC to come to some kind of agreement as to how to better define the path for visitors and create a better sense of privacy for the abutters.

Gentile suggested a site visit. Cademartori proposed that after the Sept. 22 site visit to 4 Taylor Terrace, a walk of the Pine Hill Lot path be added if there is enough daylight.

8:48pm - Pillings Pond Subcommittee update

Mansfield, Chair of the Pillings Pond Subcommittee provided an update. A website has been created but not yet launched. Members were able to view this and had positive comments. Cademartori suggested that links to the ConCom website be added when ready.

8:51pm - Pillings Pond Annual Treatment Contract

Cademartori noted that the Pond would be treated a third time on September 16. She is happy with the new pond treatment vendor. She noted that responses from residents have been positive regarding the appearance and clarity of the water.

8:52pm - Meeting Minutes

The draft August 18, 2020 LCC meeting minutes were reviewed and corrected.

On a motion duly made by Solomon and seconded by Salamone the LCC voted (5-0) to approve the draft August 18, 2020 meeting minutes, as corrected. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Abstain due to early meeting departure at 8:39pm, Salamone-Aye, Gentile-Aye.

Additional items discussed but not on the agenda: Thompson added that the Tree Committee has submitted a letter to the Board of Selectmen in support of the proposed Tree Protection Bylaw and the purchase of the Richardson Green Chapter 61 parcel. Cademartori suggested that any letters of support be submitted to the BOS. Mansfield reported that the community facebook page had posts from many concerned residents about removal of the tree on the Common. Mansfield had since added a clarification in a post which he believed helped to stave off further complaints.

8:56pm - Adjournment

On a motion duly made by Gentile and seconded by Solomon the LCC voted (5-0) to adjourn the meeting. Roll Call Vote: Solomon-Aye, Thompson-Aye, Mansfield-Aye, Yagjian-Abstain due to early meeting departure at 8:39pm, Salamone-Aye, Gentile-Aye.

NEXT REGULAR MEETING – Tuesday, October 20, 2020

As recorded and submitted by Jennifer Welter.