

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

TUESDAY, JULY 17, 2018, 6:30 PM

H. Joseph Maney Hearing Room, Lynnfield Town Hall

Members present:

Paul Martindale, Chairman, Commissioners Don Gentile, Melanie Lovell, Chris Martone, Angelo Salamone; member-candidate Bill Thompson; Administrator Emilie Cademartori.

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

6:36pm Continued Public Hearing: Notice of Intent 46 Crescent Ave.

Applicant: Christopher Thornton

Project: Raze and reconstruct home, new driveway, landscaping improvements, including tree removal and installation of stairway and dock on Pillings Pond.

Owner Thornton, Attorney Jay Kimball, and Peter Ogren, Hayes Engineering were present. Ogren summarized the project.

Ogren began by offering to review the plan at the June 19 meeting. Chair Martindale commented that the plan was quite “busy” in appearance, and asked Ogren to distinguish between existing and proposed conditions. Cademartori noted that the architectural plans submitted to the ZBA were inconsistent with the new site plan dated July 17. Attorney Kimball noted that new, corrected plans will be provided to the ZBA.

Ogren identified the new location for the entryway, new set of stairs, new 12” poured concrete foundation on the same footprint, razing of the existing garage with proposed open parking for 2 spaces, and grass pavers over the septic system for visitor parking. A new deck would not extend as close to the pond as the original deck.

Martindale asked what the closest distance from the deck edge to the pond, to which Ogren replied 5.4 feet. Agent Cademartori asked Ogren if the forward wall of the proposed foundation would be in the same location as the original footprint, to which Ogren replied “yes”. Martindale inquired further about the proposed grass pavers for visitor parking. Ogren replied that there is an easement, which is a right of way to use a driveway – actually Madison Road. Parking on this easement would interfere with its use by others, which is the reason why the grass pavers were proposed.

Cademartori asked Ogren for further details about the deck foundation. Ogren replied that there would be 12” diameter hand-dug sonotubes. Martindale stated that the slope of the bank is quite

steep, and inquired about the oval “steps”. Ogren replied that these steps were not masonry, but rather flat stones laid on the ground, without any terracing.

Martindale noted that 5 trees were flagged for removal, and, given that the lot was quite well wooded, the removal of the 5 trees did not seem to be much of an issue, but asked commissioners their opinions on the planting of new trees. Lovell asked if there was room on the bank for planting a new native tree and Ogren agreed that this would be a preferable location.

Gentile asked about the stone underneath the deck. Ogren replied that it was washed crushed stone. Martindale asked where the gutter runoff would be directed, and Ogren replied into the front landscaping. Martindale asked if this was a reasonable solution. Ogren suggested that perhaps an infiltration system rather than gutters and downspouts could be added to the plan, if the commissioners preferred.

Gentile asked about the erosion controls in between the home and the pond. Ogren replied that there is a proposed straw wattle along the entire length of the bank. Ogren further suggested a silt fence with a straw wattle in front of it, if necessary, but believed the straw wattle alone was sufficient.

Martindale also asked Ogren the location of the current limit of work, with concerns of heavy equipment near the top of the bank. Ogren asked if 5’ off the house would be sufficient. Martindale said that he would like that added into the plan.

Bill Thompson asked about the crushed stone under the deck and the adequacy of this measure alone as a weed preventer. Ogren suggested adding a woven landscape fabric. Martindale added that this was a good suggestion, as it would also further stabilize the soil. Ogren said he would add this to the order.

Cademartori asked the commissioners to confirm the addition of discussed items, including: a planting plan added for slope stabilization, a hard limit of work marked in the field of 5’ off the house at the time of pre-construction, straw wattle installed at the top of the bank, filter cloth added under the deck, trees to be removed to be marked, trees to be added to be marked.

No abutters were present for comment.

On a motion duly made by Lovell and seconded by Salamone, the board voted (5-0) to close the public hearing, and issue an order of conditions. Candidate LCC member Bill Thompson abstained.

7:07 pm New Public Meeting – Request for Determination of Applicability 165 Lowell Street

Applicant: Anthony Gattineri, Boston Clear Water

Project: Replace existing water supply lines/conduits between springhouse and operations building

Paul Marchionda of Marchionda & Associates presented the project.

Marchionda indicated that Boston Clear Water was seeking permission to replace existing water pipes and conduits in order to maintain ongoing water supply operations.

Martindale reminded commissioners that because the NOI was currently “frozen” due to ongoing litigation, this proposed activity was the only realistic means of continuing existing water supply operations. The project would include installation of erosion control, installation of new water lines to bypass existing lines, and then capping old lines. Gentile asked if there would be more than 1 line, to which Marchionda replied that he was not sure at this time, but an adequate number of new lines would be installed. Martindale inquired about depth for line placement. Marchionda replied 5 feet to get below frost line. Bill Thompson asked if the water ran by gravity from the stone house to the pool and to the wood building, to which Marchionda said “yes”. Gentile asked how wide the proposed trench would be, to which Marchionda replied 5 feet.

Martindale asked about timing. Marchionda indicated 2-3 days would be required, under dry weather conditions. Martindale summarized that this project constituted maintenance of an existing utility, with work not permanently altering a resource area, and suggested that this project was best labeled as a “Negative #2” - a finding that work is within an area subject to protection (approximately 8 feet away from the wetland area) but not requiring the filing of a NOI.

Gentile asked if the LCC could issue a negative determination under the LCC bylaw. Martindale indicated that both the WPA and the LCC bylaw permit maintenance activities under these types of conditions. Further, until the lawsuits are resolved, Boston Clear Water needs to be able to maintain their existing facility.

There were no abutters present.

On a motion duly made by Salamone and seconded by Lovell, the board voted (5-0) to issue a Negative Determination of Applicability. Candidate LCC member Bill Thompson abstained.

7:17pm New Request – Request for Release of Enforcement Order – 165 Lowell Street

Paul Marchionda of Marchionda & Associates was present to provide an update.

Martindale referred to the original list of items in the October 25, 2016 enforcement order and said that he would like to visit the site to view progress. Specific questions centered on item 8 - the removal of fill and re-vegetation. Martindale noted that this was the second year, and that the re-vegetation was fairly well advanced. Lovell and Gentile provided positive comments regarding the status of the enforcement order item listing.

There were no abutters present.

On a motion duly made by Lovell and seconded by Gentile, the board voted (5-0) to rescind the enforcement order. Candidate LCC member Bill Thompson abstained.

7:28pm New Request – Request for Partial Certificate of Compliance – 6 Pizzuti Way DEP #209-0500

Peter Ogren of Hayes Engineering was present to provide an update.

Of the Pizzuti Way subdivision, a partial COC was issued in 2014 concerning the roadway and drainage. At that time, 3 properties had yet to be built, each of them requiring an infiltration chamber. Six Pizzuti Way is one of these 3 properties, and when it was recently put up for sale, an open OOC alert was triggered. Now, as of June, 2018, the chambers have been installed. However, according to Agent Cademartori, the chambers were very generically designed, and the location of the chamber at 6 Pizzuti Way has been changed. Ogren indicated that the soils were fairly consistent on the site, and that a reason for the chamber relocation could have been due to ledge.

Martindale noted that this was a request for a partial COC, and questioned why a COC wasn't issued for the entire subdivision. Agent Cademartori said her predecessor Betty Adelson's methodology was to issue partial COC's for each parcel, and then issue a full COC for the entire subdivision once it was complete. Cademartori noted that she did not agree with this methodology in that it places an unfair burden on all buyers. Martindale agreed.

No abutters were present. Martindale proposed working to issue a full COC on the subdivision, but issue a partial COC for 6 Pizzuti Way, given the circumstances.

On a motion duly made by Gentile and seconded by Lovell, the board voted (5-0) to close the public hearing and issue a partial order of conditions for 6 Pizzuti Way. Candidate LCC member Bill Thompson abstained.

7:40 pm - Grandview Estates Enforcement Order/Compliance Plan

Peter Ogren was present to provide the update. A number of homeowners were present. Developer Said Abuzahra, his wife, and his site contractor Rick Keller were present.

Ogren reported that he submitted his report on July 12, identifying the most significant issue as a large area still not vegetated for several years. Ogren reviewed all the issues in Bill Jones' letter, and made a point to visit the site that afternoon during hard rains. He said that the large un-vegetated area will be hydroseeded in the Fall. Martindale said that he has walked the site 3 or 4

times, but that there is insufficient loam which is why grass will not permanently establish. Ogren noted that he believed special hydroseeded mixes with tackifiers could be successful with nutrient enriched watering. Martindale reminded commissioners that the homeowners need permanent fixes, not temporary fixes that have been done routinely over the last 4 years. Not being in complete agreement with Martindale's observations, Ogren suggested a site visit with LCC members and Bill Jones.

Martindale asked for Ogren's recommendations to which Ogren suggested the use of chopped hay with a tackifiers to reduce further erosion. During rains, all water runs to the bottom of the hill to the basin built by Grandview Estates. Rick Keller indicated that there were all new silt sacks at the bottom of Ramsdell Way. Ogren said that the water coming down Road B does not have silt, but Road C does contain significant contamination, and that a new solution is required.

Ogren reiterated his suggestion for a site visit. He highlighted as an example in Bill Jones' report, that the planted Arborvitae bushes have all died. Ogren noted that they were not dead, but had been eaten by deer in a familiar pattern. Cademartori asked again about catch basins and if the fabric should be removed to allow more water passage. Ogren suggested additional recommendations to correct the problem.

Rick Keller also suggested that between units #32 and #33 the area can be landscaped as soon as the set of stairs is installed. He also noted that there is a lot of loam in the back of the property, to which Martindale said that it needs to be spread now. Gentile asked how early the grading could be finalized and landscaping could be done, to which Rick Keller replied September.

Martindale asked for abutter input. John Popalo of 15 Ramsdell Way spoke on behalf of homeowners. He expressed homeowners' disappointment with the level of effort and timeliness of addressing issues. Photos of the rainy conditions from July 16 were sent to Agent Cademartori showing soil erosion, silt run-off, flooding, etc. Popalo started to show pictures from his computer. Ogren interrupted and opined that it wasn't "proper" for Popalo to provide something to the LCC without a copy available for everyone. Popalo then noted that Keller poked holes in the silt sacks during the day's heavy rains, and questioned the legitimacy of the methodology. He also noted "woody stuff" in the walls, grass covering the basin that should be removed, insufficient loam, no grass behind units 19 and 20 for four years, mailboxes not brought to grade, etc.

Ogren questioned if some of these issues were in the LCC purview, specifically flooding issues. Martindale asked that developer Said Abuzahra have an opportunity to respond. Abuzahra said that he would defer to Ogren and Keller. Martindale noted that a consistent objection is the pace of work and that a more timely response to issues would be most helpful to the developer.

Martindale said that the LCC will continue to monitor the progress. Additionally, the LCC's order remains open, a compliance plan has been requested, and that in September if suitable progress has not been made, the LCC can impose fines. Ogren replied that he asked that his July 12 letter to be used as the compliance plan. He further suggested a site walk to update this plan.

Martindale pointed out the insufficient data regarding certain items in the July 12 letter, and further requested that the compliance letter include hard timing and specific dates.

A site visit will be scheduled for 8:00am Thursday, July 19, and will include Peter Ogren, Agent Cademartori and 4 LCC members.

8:22pm New Request – Request for Comment ZBA Special Permit/Site Plan Review - 160 Moulton Drive

Agent Cademartori summarized this project. The current Bali Hai restaurant on this property is a non-conforming use in this zoned residential area. Because it is a non-conforming use, it can be replaced by another non-conforming use so long as the new use is no more deleterious. Further, it only requires Zoning Board - not Town Meeting - approval. Proposed is a 32-unit luxury apartment complex.

Cademartori received a copy of the project application. She further requested a multiple department head review. The LCC will focus on stormwater issues. Cademartori referred to the stormwater design plan as currently proposed by Atty. Regnante and consultant Peter Ogren as lacking. She also noted that, ultimately, the stormwater runoff goes to Suntaug Lake, a drinking water source for Peabody. If desired, commissioners could have the stormwater design plan presented to them at their August LCC meeting.

Cademartori suggested sending a memo to the Zoning Board requesting time for the LCC to review the stormwater design plan at its August meeting. Cademartori also reminded commissioners of a similar stormwater design project at Newhall Park. Martindale directed Cademartori to request a presentation at the August 21, 2018 LCC meeting.

Updates/Correspondence:

8:31pm - Enforcement Order 266 & 272 Old Pillings Pond

Agent Cademartori provided the update. She has issued the enforcement order, and Jon Whyman has completed most of the work. The homeowner is not totally satisfied with Libby Wallis' planting plan. The original request was for stabilization of the lawn area above the bank, not in front of the bank. Martindale suggested that if the homeowner wants to come back for a modification to the plan, the LCC can be accommodating.

8:35pm – 70 Walnut Street

Agent Cademartori provided an update. A site walk was done by LCC members. Town Counsel has drafted a P&S. Cademartori asked for direction from commissioners. Gentile noted that the stream runs through the center of the parcel, thus making it “automatically” protected, and perhaps it could be simply donated, using an appraisal for tax purposes. However, Martindale noted that the owner lives overseas, therefore the owner would see no tax benefit.

Salamone agreed with Gentile that the property was already protected, and instead, he would like to direct available monies to improvement of water quality in Pillings Pond. Martindale noted that these monies to purchase properties could not be used for any other purposes. Lovell indicated that, if not this parcel, she would like to see the LCC purchase other properties.

Cademartori noted that in the June LCC meeting, commissioners voted to purchase the property. The owner has since offered a purchase price of \$18,000. However, Town Counsel corrected that any purchase of Town property must have a current appraisal to determine a fair price.

Martindale recommended that an appraisal be done.

8:40pm – 74 Crescent Avenue

Agent Cademartori provided the update. This project is currently before the Zoning Board and is contentious. The site plan is unclear. There is a dispute over the location of the house. The plan had stipulated that 740 square feet of driveway pavement be removed and 135 square feet be replaced. However, the plan is vague as to location, and part of the work is located on the right-of-way. Cademartori suggested a solution for the homeowner, but indicated that such work would be at their own risk because of the lack of clarity of both the plan and the permit.

8:43pm – Subcommittees: Open Space, Pesticide Awareness, Pillings Pond, Tree Committee

None reported at this time.

8:43pm – Open Historic Files – updates, if any

None reported at this time.

Administrative Matters:

Election of LCC Officers:

Paul Martindale was nominated by Melanie Lovell as Chairman.

On a motion duly made by Melanie Lovell and seconded by Don Gentile the LCC voted (5-0) to elect Paul Martindale as Chairman. LCC member Paul Martindale and Candidate LCC member Bill Thompson abstained.

Don Gentile was nominated by Melanie Lovell as Vice-Chairman.

On a motion duly made by Melanie Lovell and seconded by Paul Martindale the LCC voted (5-0) to elect Don Gentile as Vice Chairman. LCC member Don Gentile and Candidate LCC member Bill Thompson abstained.

Melanie Lovell was nominated by Don Gentile as Site Visit Coordinator.

On a motion duly made by Don Gentile and seconded by Chris Martone the LCC voted (5-0) to elect Melanie Lovell as Vice Chairman. LCC member Melanie Lovell and Candidate LCC member Bill Thompson abstained.

Bills: bills were distributed for signatures.

Site visits: Grandview Estates - Thursday, July 19 at 8:00am.

Minutes: The April 17, 2018, May 15, 2018 and June 19, 2018 draft meeting minutes were reviewed and corrected.

On a motion duly made by Lovell and seconded by Gentile the LCC voted (5-0) to approve the April 17, 2018 LCC meeting minutes as corrected. Candidate LCC member Bill Thompson abstained.

On a motion duly made by Gentile and seconded by Lovell the LCC voted (5-0) to approve the May 15, 2018 LCC meeting minutes as corrected. Candidate LCC member Bill Thompson abstained.

On a motion duly made by Lovell and seconded by Gentile the LCC voted (5-0) to approve the June 19, 2018 LCC meeting minutes as corrected. Candidate LCC member Bill Thompson abstained.

New LCC meeting packet document:

Martindale informed commissioners that prior to the regularly scheduled LCC meetings, Agent Cademartori will begin including an advisory document that will include any information she feels would be helpful for commissioners to have in preparing for board meetings.

Proposal - department reorganization:

Martindale informed the commissioners that since her hiring, Agent Cademartori has diligently taken on the work of the LCC, but has additionally brought her strong skills and background knowledge in planning to numerous Town projects. She has particularly been instrumental in helping Susan Lambe and the Planning Board continue their work during a time of transition. Martindale met with Town Administrator Dolan in June. Dolan asked Martindale's opinion in having Agent Cademartori oversee both Conservation Commission and Planning Board operations. Cademartori indicated that there is sufficient funding to staff the office to include clerical support for both functions, as well as the hiring of a part-time conservation agent dedicated to site visits, inspection duties, and other field work. Martindale noted that he was in

favor of a reconfiguration of these duties. Cademartori added that with any proposal that moves ahead she would desire it to be on a six-month trial basis first to make sure that both boards are satisfied with the new structure.

9:16pm On a motion duly made by Gentile and seconded by Lovell the LCC voted (5-0) to adjourn the meeting. Candidate LCC member Bill Thompson abstained.

NEXT REGULAR MEETING – Tuesday, August 21, 2018

As recorded and submitted by Jennifer Welter