

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

November 17, 2020, 6:30 PM

Virtual Meeting via ZOOM

Members present:

Commissioners; Chairman Don Gentile, Erin Hohmann, Kirk Mansfield, Jared Yagjian, Janice Solomon, Director Emilie Cademartori

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

6:33pm -Richardson Green Chapter 61 Discussion – Citizens Group

The Citizens Working Group members were present. Kate Flaws, Ken MacNulty and Chris Lapointe from Greenbelt presented the powerpoint that was given at the September 21 Board of Selectmen meeting, with updates. The aim of the presentation was to seek ConCom endorsement and request seed funding towards the purchase of the Richardson Green 20-acre parcel from the ConCom “land account”.

Chris LaPointe provided an update of likely grant funding. His recommendation of the first and best grant to approve is the Land and Water Conservation Grant that has a deadline of February 1. It would require a federal “Yellow Book ” appraisal which is conducted by only a small group of federal appraisers, and can be expensive (LaPointe estimated \$8 - 15K). He cautioned that it would be important to begin the appraisal process as soon as possible. Gentile asked who would pay for the appraisal, to which LaPointe said that it had not been determined, but a commitment from the Town would need to be understood prior to any funding of this by Greenbelt..

LaPointe also noted that partial development of some of the property in order to raise additional funds could be helpful, but noted that when the appraisal is done, this must be known at the time of the appraisal. Public reaction can also be split regarding the public’s desire for all or partial development.

Gentile indicated that he would be in favor of using the land account funds for this project. Solomon said that she was 100% in favor of the use of these funds. Yagjian said that this parcel is the most important parcel to focus on for purchasing ConCom land. Mansfield called this opportunity a “win-win”. Hohmann said that “this acquisition is what we are here for, and I wholeheartedly support this”.

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (5-0) to endorse the project for acquisition of the land and forward the decision to the Board of Selectmen. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Hohmann-Aye, Gentile-Aye.

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (5-0) to pledge \$200,000 from the Conservation Commission's Open Space account to this project provided that it becomes fully funded. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Hohmann-Aye, Gentile-Aye.

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (5-0) to pledge up to \$15,000 to fund the federal appraisal if the project proceeds to that point, and also allow for a later request if additional appraisal funding is required. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Hohmann-Aye, Gentile-Aye.

MacNulty added that the ongoing Citizens Working Group town-wide survey was returning an overwhelmingly positive response regarding the Town purchase of the parcel. Flaws requested assistance from ConCom board members in reaching out to FinCom and Strategic Planning Committee boards in order to present to their members and solicit feedback on the project.

New Public Meetings/Hearings

7:31pm - 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.

Cademartori received a written request to continue the hearing. Thorsen Akerley, environmental engineer from Williams & Sparages was present and said that Georges was still searching for a suitable location to site the barn, and a revised plan would be ready by the December LCC meeting.

On a motion duly made by Yagjian and seconded by Solomon the LCC voted (5-0) to continue the hearing until the December 15, 2020 LCC meeting for 1 Skinner Lane. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Hohmann-Aye, Gentile-Aye.

Continued Public Meetings/Hearings

7:33pm - Request for Amended OOC - 45 Lakeview Ave. DEP File # 209-0634

Applicant: Aguiar Jr. DeFreitas

Project: The additional work proposed is the installation of a subsurface sewage disposal system, landscaping features including a patio, stone firepit and stone walkway, the removal of unpermitted stone retaining wall and a bank and buffer zone restoration. The work is proposed along or within 100 feet of Inland Bank and Pillings Pond and within Bordering Land Subject to Flooding.

Cademartori said that applicants asked to have the meeting continued until December. They are still awaiting the Board of Health's review of the septic system.

On a motion duly made by Yagjian and seconded by Solomon the LCC voted (5-0) to continue the hearing until the December 15, 2020 LCC meeting for 45 Lakeview DEP #209-0634. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Hohmann-Aye, Gentile-Aye.

7:35pm - Notice of Intent - 46 Oakridge Ter. DEP File # 209-0642

Applicant: Michael Touchette

Project: Raze an existing home and construct new single-family dwelling, with associated tree removal, grading, placement of fill and construction of a retaining wall within 100 ft. Buffer to Inland Bank of Pillings Pond and Bordering Vegetated Wetland.

Applicant Michael Touchette and engineer Paul Marchionda presented the update. A site walk had been conducted. Upland of the proposed wall, the area will be filled and trees marked on the plan will be removed. Below the wall, only 1 tree will be removed. Hohmann asked how many bedrooms the septic was approved for, to which Marchionda responded 4 bedrooms. Cademartori said that the wall is about at the limit of work at approximately 25'. Initially the wall was irregularly shaped, with proposed lawn to the water's edge. The new planting plan will now show a natural planting area instead of lawn below the wall. Cademartori said the plan includes a planting list from Norse Environmental. Plants are located 10' on center, which Solomon noted that it did not seem dense enough. Mansfield agreed. Yagjian cautioned that soft low plantings could likely be mowed down. Cademartori indicated that the OOC should adequately reflect the ConCom members' wishes, including a look to the future when a new homeowner purchases the property. She would also like Norse Environmental's letter to indicate that the plants designated for above the wetland delineation be identified as non-wetland plants. However, in order to protect the top of bank, it might be appropriate to plant some wetland-tolerant species.

On a motion duly made by Hohmann and seconded by Yagjian the LCC voted (5-0) to issue an OOC for 46 Oakridge Terrace, that prior to construction, the development of a final planting plan will be submitted for approval and the wall will be constructed in a manner that protects trees down-gradient. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Hohmann-Aye, Gentile-Aye.

Other Open Permitting Items

7:58pm - Request for Certificate of Compliance- Michaels Landing – 2 Broadway - DEP File # 209-0413

Thorsen Akerley from Williams & Sparages presented the update. He noted that Bill Jones has not had the opportunity to fully review the project. Akerley is the environmental monitor and has been on site routinely. The limit of work has moved slightly, and much Knotweed has been removed. The proposed dog park will now be a patio. Cademartori suggested a site visit as the project is large and complicated and has seen many changes.

Solomon asked about the construction of the patio that replaces the proposed dog park. Akerley said that it is now a mixture of grass and stone paved patio. Gentile suggested that members hear from Bill Jones before a site visit. The site visit is scheduled for December 5 at 9:00am.

8:14pm - Violation - 36 Elmwood

Owner Bryan Last and engineer Michael Novak were present for the discussion. Cademartori reminded members that an outdoor bar/kitchen was built without a permit, which may have partially been built on Town land, and, a plan going forward had been asked of the owner.

When Last purchased the property a stone wall was existing on the property. Last improved and continued to maintain the wall. Also existing was a somewhat neglected patio. Last created the bar/kitchen in its place. A survey was conducted and it was determined that part of the structure was built on Town-owned land. Knowing this, Novak indicated that Last wished to make an exchange whereby he would provide some stormwater mitigation for the area, and continue to provide maintained access to the Pillings Pond for the benefit of neighbors.

Gentile asked if Novak had a remediation plan available. Solomon said that on the Pond there are 17 public access points at the ends of the “Woods” streets, and the Elmwood parcel is not Last’s land. Mansfield added that through the years the homeowners are slowly grassing the land in so that the public is discouraged from using these public access points.

Novak also noted that significant erosion is happening from sheetflow down Elmwood Road. Mansfield asked if the wall was stone or cement. Last has made the wall permeable with a flush coping on the top. Mansfield asked if Last was asking to have the structure left in place in exchange for work on the bank, to which Novak said yes. Gentile asked if the LCC could even permit the project if part of it was Town-owned land. Gentile suggested a site visit.

Cademartori said that after her initial visit, she saw a possible public/private solution to the existing stormwater issue on Elmwood. She noted that Last maintains an accessible area for the neighbors to access the Pond. However, she added that there are still significant legal questions going forward. Solomon reiterated that this parcel is not Last’s land to do as he wishes, and a discussion ensued. Cademartori will review the recent survey results with Town Counsel. A site visit is scheduled for December 5 at 9:30am.

8:47pm - Request for Extension – 4 Magnolia Drive DEP File # 209-0618

Cademartori reported that the applicant is asking for a one-year extension before the OOC expires.

On a motion duly made by Mansfield and seconded by Solomon the LCC voted (5-0) to grant a one-year extension for 4 Magnolia Drive DEP #209-0618. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Hohmann-Aye, Gentile-Aye.

8:48pm - Boston Clear Water

Cademartori reported that there was little news. On November 12, BCW attorneys filed for reconsideration of the recent superior court decision in the Town's favor. The DEP has closed the spring for E Coli contamination. A letter was received earlier this night from BCW saying that the contamination was proof that the emergency work on the springhouse was necessary. The roof of the springhouse had recently been removed and a cylinder was put around the spring. Solomon noted that BCW purchased the house to the left for \$900K. Cademartori has requested to be able to enter onto the property and is awaiting BCW's approval.

Administrative Matters

8:52pm - Pillings Pond Subcommittee Report

Mansfield presented a summary of the most recent subcommittee meeting. The committee is taking up review of the existing regulations affecting the Pond. Outdated information has been erased. The recommendation regarding swimming will now read "Swimming at your own risk" in order to match up with the Pond water treatment regulations. Cademartori suggested that the edits made by the subcommittee be shared with the ConCom board for the next meeting so that they can be discussed and summarized and presented to the Board of Selectmen.

Mansfield noted that Pond abutters are building walls and asked for ConCom's position. Gentile suggested Bill Jones opine on this issue and forward the best environmentally sensitive means to prevent erosion and develop guidelines. Cademartoti said that any activity for anyone to work on the bank requires a permit filing. Gentile agreed but said that it would be helpful if guidelines were available for homeowners. Cademartori added that her personal suggestion is that vegetative measures, planted property should be the only "wall" activity allowed.

Yagjian added that people buying properties on the Pond are fully aware of what is allowed and that constructing walls is a blatant infraction and should be required to remove these structures if they have not been given permission.

Mansfield said that he would like to have a letter sent to all abutters now so that when spring comes walls will not be constructed anew. Cademartori reiterated that any shoreline alteration requires a permit. Then, policy or guidelines can then be developed. Anthony Sordillo, a member of the Pond subcommittee, said that erosion control is an issue on his end of the Pond which has been dredged. Tubing and waterskiing is creating waves which are causing soil erosion. Mansfield added that boat speed is a significant source of the erosion problem. Mansfield received a call from abutter

Mary Jo Millano saying that she had lost 2' of land over the last 20 years. Millano is ready to place boulders on her shoreline.

Mansfield asked Cademartori about the dock that had recently been installed on Oakridge Terrace. Mansfield also said that Joe Onorato from Water and Wetland has been attending the Pond meetings and has been an excellent contributor. Onorato has recommended the use of Biochar sox as a test unit at the end of Bates Brook, at \$12.50/linear foot. Cademartori suggested that this be included in the proposal she will be requesting from Water and Wetland for routine Pond treatment for Summer 2021.

Sordillo reported that he had investigated dredging from 15 dredging companies. However, only 3 responded because of the small size of the Pond. A preliminary proposal has been received with a cost estimate of approximately \$10 million.

9:27pm - Meeting Minutes

The draft September 15, 2020 LCC meeting minutes were approved as written.

On a motion duly made by Yagjian and seconded by Solomon the LCC voted (4-0) to accept the September 15, 2020 LCC meeting minutes as written. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Gentile-Aye, (Hohmann-Abstain due to intelligibility as a board member candidate).

9:28pm - Meeting Minutes

The draft October 20, 2020 LCC meeting minutes were not reviewed, as the hour was late.

9:28pm - Pine Hill Lot - abutter encroachment issues

Hayes Engineering has located the original markers and has reflagged boundaries, including the pedestrian easement off Mirabeau Lane. The encroachment is almost entirely on ConCom land. Cademartori said that she believes a physical path should be installed for the benefit of visitors, but that there are multiple ways to harmoniously coexist with abutters. Members discussed a few options. Yagjian suggested a face-to-face meeting with the encroaching abutters. Gentile suggested that abutters be invited for a discussion to the December 15 LCC meeting. Cademartori asked for members to think about their preferred solutions in anticipation of the December meeting discussion.

9:38pm - “Adopt a Property” and “Walk on the Wild Side”

Cademartori suggested that the “Walk on the Wild Side” initiative be brought back so that the ConCom properties are fairly routinely monitored by board members. Further, if an individual member wishes to “adopt a property” this would be an excellent way to monitor properties for vandalism, encroachment, fires, etc. She told of a new development at Broad Meadows where an abutting homeowner has made an ATV track on ConCom property. The police have been alerted, and a sign will now be installed.

9:41pm - Bylaw Review Committee

Cademartori suggested that the ConCom establish a Bylaw review committee. Yagjian agreed, noting that the Bylaw be revised to be as restrictive as possible so as to have options in order to adequately enforce the Bylaw.

9:45pm - Adjournment

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

NEXT REGULAR MEETING – Tuesday, November 17, 2020

As recorded and submitted by Jennifer Welter.