

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

October 20, 2020, 6:30 PM

Virtual Meeting via ZOOM

Members present:

Commissioners; Chairman Don Gentile, Erin Hohmann, 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 by welcoming new board member Erin Hohmann, who then expressed her thanks and enthusiasm about joining the board. Director Cademartori then read the statement regarding electronic signatures during the COVID emergency.

On a motion duly made by Solomon and seconded by Gentile 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, Yagjian-Aye, Mansfield-Aye, Salamone-Aye, Hohmann-Aye, Gentile-Aye.

Chairman Gentile informed board members that Commissioner Bill Thompson will plan to resign from the LCC. Bryce Foote recently submitted a letter of interest to Kirk Mansfield. Mr. Foote resides on Pillings Pond, has a science background, and had been involved with conservation issues where he previously resided in New Hampshire.

Continued Public Meetings/Hearings

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 hear the outcome of the recent LCC site visit and next steps. Regarding the barn, he has hired a surveying firm to produce an elevation plan. He also asked for permission to continue restoration work next to Bates Brook. Gentile noted that the permit entails removal of invasives and planting of trees adjacent to the Georges property, and the building of

the barn at a future date through filing an NOI. Solomon asked if vegetation would be removed by hand or machine. Cademartori added that as part of conditions, an area 15' from the top of the bank would be left natural and unmowed, that a native seed mix be used under the trees, and that top dressing only - not fill - be used. Georges asked if top dressing could be applied with a tractor, and added that material brought in would be dumped on the lane and then spread by a small tractor and by hand. Georges also asked how to handle fallen trees into Bates Brook. Gentile noted that he had no problem with removing the tree with the tractor out of the Brook, as it might alleviate potential flooding. Solomon asked about any additional trees that Georges would like to remove. Georges replied that one is dead, and another appears to be a hazard during the winter, and that he plans to replace these trees if removed. He also reminded Commissioners that he is not removing any trees within the 10' area of the riverfront. Cademartori recommended that Commissioners approve the work subject to consultation with the field inspector.

On a motion duly made by Solomon and seconded by Gentile the LCC voted (5-0) to issue a Positive 3 with respect to building the barn and a Negative 2 and 3 regarding the vegetation restoration and tree removal work within the buffer zone, subject to the conditions stated above. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye. (Hohmann-Abstain due to intelligibility as a board member candidate).

6:55pm - 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, Hayes Engineering was present to provide the update.

The client has spoken with the neighbors and the plan for the maintenance of the basin will begin. Cademartori said that she had spoken with the homeowner and the HOA's attorney. The attorney has identified HOA monies that will be used in part to hire an engineer to evaluate what is necessary. Gentile listed some of the conditions for the order: preserving several trees (24" pine, 30" oak and 15" beech), all other trees within the 25' no-disturb are to be left intact, and, during any construction trees must also be protected with tree strapping and their roots protected from grading by establishing a limit of work to be approved by the field inspector in the field prior to commencement of work. The roof infiltrator must be able to infiltrate a 2-year storm, and be approved prior to installation (a carryover from a 2005 order). Cademartori also asked Wallis to ensure that the no-disturb markers be installed at completion at the 25' no-disturb line. Cademartori also added that landscape specifics are not identified, to which Wallis said that the plantings can be left up to the homeowner.

On a motion duly made by Yagjian and seconded by Mansfield Gentile the LCC voted (5-0) to issue an OOC for 4 Taylor Terrace, subject to the conditions discussed above. Roll Call Vote:

Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye. (Hohmann-Abstain due to intelligibility as a board member candidate).

New Public Meetings/Hearings

7:04pm - 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.

Wetland Scientist Julie VonDrak provided the update. The cesspool on the property has not yet been replaced with a holding tank. The existing house is currently under reconstruction. The formal amendment requests LCC approval of a subsurface sewage disposal system, a restoration plan for the unpermitted bank retaining wall, and landscaping elements (stepping stone pathway from the house to the Pond, a firepit area and patio, and a restoration planting plan included in an 8' setback from the Pond). The septic system will be in front of the house and the existing garage will be razed. VonDrak also noted that the flood plan is 98.3, which does not match the previous plan.

Gentile asked if a tight tank had been originally proposed why a conventional system was now planned. Cademartori noted that the septic system is before the BOH and has not yet been approved. It will require waivers because of the position and space restrictions. Mansfield asked if grass would be required on top of the system, to which contractor Jon Whyman affirmed. Gentile asked if a site visit was desired. Cademartori said that restoration of the bank has taken on new importance. Mansfield agreed. A site visit with the owner, Whyman and VonDrak, is scheduled for Saturday, November 7 at 9:00am. Attendee Paul Marchionda spoke on behalf of the Grasso family, an abutter. He noted that a tree on the property line may need to come down with installation of the septic system. VonDrak said that this would be further investigated.

On a motion duly made by Mansfield and seconded by Solomon the LCC voted (6-0) to continue the meeting to the November 17 LCC meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Salamone-Aye, Hohmann-Aye, Gentile-Aye.

7:31pm - Notice of Intent - 46 Oakridge Terrace - 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.

Paul Marchionda presented the project. This property is exempt from the LCC Bylaw. There are a number of trees that are dead, dying or leaning, and all are marked for removal. The lawn between the stone wall and the Pond will be restored. The septic system is in front of the house, well outside the buffer. Gentile asked if replacement trees would be planted. Developer Michael Touchette said that the dead trees would be removed to allow construction access to the back yard. New street trees will be planted. Mansfield suggested a site visit to see the marked trees. A site visit is scheduled for Saturday, November 7 at 9:30am.

On a motion duly made by Salamone and seconded by Solomon the LCC voted (6-0) to continue the meeting to the November 17 LCC meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Salamone-Aye, Hohmann-Aye, Gentile-Aye.

7:46pm - Request for Determination - Boston Clear Water - 165 Lowell Street

Applicant: Anthony Gattineri, Manager - Boston Clear Water

Project: Remove and replace the roof on and install reinforced concrete walls around an existing structure, and to conduct tree removal and grading to redirect surface water drainage around said structure. Proposed work is partially in Bordering Vegetated Wetland and/or within the 100 ft. Buffer to Bordering Vegetated Wetland.

BCW Attorney Chip Nylen summarized the project.

Nylen reported that the spring house is in danger of foundation collapse. The proposed work includes installing a concrete reinforcing wall around the outside perimeter of the spring house, installing a protective cylinder around the spring pipe, some grading to prevent contaminated water from entering the spring, and minor terracing further up the hill.

BCW is asking for emergency relief. According to Nylen, the underground pipe going to the distribution building has collapsed, as anticipated. BCW has permission to repair and replace that pipe through an RDA issued a couple of years ago, but the contractor is concerned that repairs will risk further collapse of the foundation.

Nylen said that LCC has referred the matter to the building inspector, and his understanding is that the building inspector approved the work subject to approval of the LCC. So, in the filing that Nylen made, he made reference to the fact that LCC denied the work, but that Director Cademartori said that the work had not been denied. Therefore, Nylen submitted an RDA requesting just the emergency work to be done.

Nylen said he believes the LCC had 2 concerns with the filing 1) the area proposed for replication – so BCW located it up further where the LCC preferred it, and 2) terracing on the hill, which has been eliminated. The proposed work now only requests reinforcement of the foundation before winter.

Nylen said that the email received from Town Counsel Tom Mullen noted that Nylen was wrong in stating that the work is exempt under the regulations as a utility so he sent a note back earlier in the evening of October 20, 2020 with a copy to LCC stating that BCW is not looking for an exemption. If that were the case, Nylen said that he would not be asking for permission to conduct the work.

Cademartori said that the work submitted on the plan and the work as described by Nylen “are different things”.

Gentile summarized the project history. BCW came before LCC with an NOI in 2018 (actually, in 2019) under the Wetlands Protection Act and LCC’s bylaw. A meeting wasn’t held due to a quorum issue. The LCC continued the meeting but BCW did not return. Rather, BCW appealed to DEP for a superseding order, and appealed to the superior court arguing that LCC did not have jurisdiction under the LCC bylaw. The superseding order was received from the DEP, and LCC appealed it. The appeal is still pending. Nylen agreed with this history.

Nylen said that DEP will not hold a hearing on the matter if there is a denial under the local bylaw, so that is effectively stayed. The court last week ruled that LCC didn’t lose jurisdiction, so “that is still pending”. Gentile said that it is not pending, so LCC has jurisdiction under the bylaw, and therefore, BCW would need to file a NOI under the bylaw.

Nylen said that he has the right to ask for reconsideration, noting that the way the decision was characterized suggested that the court thought it had discretion to rule in LCC’s favor. BCW’s position is that there is no discretion, and BCW should know very quickly whether BCW needs to come back to the LCC.

Gentile asked Nylen if BCW came before LCC with a very similar NOI, which is under appeal with DEP and pending litigation in superior court, why BCW is seeking a negative determination. Further, given the fact that BCW filed a NOI and there are various stages of appeals between 2 different bodies, doesn’t this demonstrate that BCW is not entitled to a negative determination? Nylen replied that LCC could still issue a positive determination, as work is clearly in the resource area, but BCW could move forward under emergency conditions. Gentile said that he was not aware LCC could allow BCW to go forward. He added that he believes the project is subject to an NOI, but Nylen believes LCC might have that ability to do the work under an emergency order.

Nylen responded that he believes there is work left to be done under a previous NOI, and BCW will learn from the court if it has to file an NOI under the bylaw. However, there is clearly an NOI under the Act.

Nylen said that BCW will go ahead and put the pipe in and hope that the spring building doesn’t collapse. Nylen said that he was looking for agreement on the work that has to be done, and for the parties not to get caught in a question of “what kind of a filing is required”, allowing everyone to deal with other questions in the spring.

Gentile expressed that the project is presented as an emergency, yet it was presented as such a year ago. Engineer Paul Marchionda agreed, but said that the situation is worsening. Gentile asked if work was submitted by a structural engineer, to which Marchionda said yes, as part of the RDA. Gentile said that yes, there is a plan, but there is no additional information concerning the emergency situation, leaving that information a couple of years old. Marchionda said that he believed LCC had a letter to that effect dated more recently.

Gentile said that when LCC opened the public hearings, BCW elected not to appear. LCC went on record that it lacked information on the issue. Now the court has ruled in LCC's favor, subject to BCW's ability to move for reconsideration.

Nylen said he believed it was a different issue. BCW submitted to LCC two structural engineer opinions that said that the foundation was shifting and the pipe was in danger of being destroyed. The pipe underneath has been affected by what's taken place with the collapsing of the foundation. It is not a question of needing new information, because what the structural engineer told BCW what was going to happen twice has indeed happened.

Gentile responded that there is nothing before the LCC showing that, to which Nylen responded that the LCC has their representations and the work that has taken place. Gentile said that BCW won't allow LCC to come onto the property to inspect. Nylen replied that LCC has the ability to ask and come on at any time, with notice. The court has indicated that LCC can come onto the property, and, by Nylen's filing of the RDA, that gives the LCC the ability to come on, as well.

Cademartori indicated that she was confused, as Nylen was asking for just reinforcement of the foundation wall, but the plans depicted more information, and called into question the specific work around all four walls of the foundation. She asked if the narrative the LCC received last fall was still the one that the LCC should be considering. Marchionda explained the work around the 4 sides of the wall.

Yagjian said that he would like to see the site, and until then, he was not comfortable making any decision. He noted that the plan gives some info, but is unclear in other areas. Mansfield and Hohmann agreed.

Solomon asked if the LCC would be able to see the inside of the springhouse. Nylen said there was no need to go inside. Yagjian asked about the condition of the inside, to which Nylen reported that there is a dirt floor, the water is wicked up from the ground, the water then pools and leaves the facility through a pipe that is going to have to be rebuilt. The water then goes into the distribution building which is the adjacent red building. Yagjian asked why the LCC wouldn't need to see this, to which Nylen responded that BCW was not asking to do any work inside. Cademartori asked if it didn't make more sense to build inside. Nylen responded that the structural engineer suggested the exterior route as the best way to solve the problem. Marchionda added that the work can't be done from the inside.

Cademartori said that she did not know how the LCC could skip some of the permit boxes to let the project go forward, since BCW is proposing work that is in the wetland. The work alters the resource area, and therefore requires filing of an NOI. She indicated that she didn't understand Nylen's legal argument well enough to properly advise the board.

Nylen said that since this is an emergency it is subject to jurisdiction, but a filing is not required for just the work that's described, which would be a number 6, subject to following conditions. He added that he thought this was the only way to accomplish the work, and it would require a filing for work outside the emergency. Cademartori asked what the work was outside of the emergency, because what is shown is all the same work that had been filed previously. Nylen said that number one is the replication, which BCW could hold off on if LCC is not certain of the plantings or the scheme. Second is the terracing that was proposed further up on the hill to control the water coming down, which could be eliminated from the scope.

Hohmann then asked what exactly was the emergency, and that she would also like to go onsite.

Nylen said that BCW had submitted 2 letters from the structural engineer. The spring house was built more than 100 years ago, stone on ground with no footings. The building is shifting over time, and because of the shift, it risks collapse. The emergency is to prevent further collapse of the building when BCW completes the work.

Cademartori asked if BCW could wait until next month so that the LCC could see the site.

Gentile said that Town Counsel sent Nylen an email the day prior informing him that it was his legal recommendation that LCC reject BCW's argument that it is exempt from filing a NOI. Further, it's the project proponents' burden to establish that the work is not subject to the regulations or the LCC bylaw, and by the evidence of all the questions and confusion, he didn't think that BCW had fulfilled that burden. Gentile said that he would be in favor of following the recommendation and issuing the positive determination under both the Act and the bylaw, and directing the applicant to file an NOI.

Nylen said that he responded to Town Counsel's letter and believes that Town Counsel misunderstood the request, specifically that BCW was not seeking an exemption. Within the RDA there is some question in terms of whether it may be exempt, but "that's for the future". BCW is not contesting the jurisdiction of the LCC. It is not looking for an exemption under 10.02. Gentile responded that that was not his understanding of what Town Counsel had sent.

Cademartori clarified that there are 2 parts to the exemption. It is not an exemption “altogether”. The citation is an exemption from the requirement to file a NOI. So, in going through the form again...1) Is the work in a resource area – yes. Is there altering of the resource area – yes. This leads to a filing. And, the 10.02 exemption being talked about is that BCW would be exempt from that filing of a notice and allow the work to proceed. But, because BCW has admitted that it’s not exempt under that provision, how can LCC not check that box? Though the work is important and the building is structurally deficient, she needs to advise board members of the correct procedures. If not procedurally correct, BCW could face an appeal. She added that she cannot find a place where LCC can avoid BCW filing an NOI, unless it qualified for that exemption, which BCW has admitted that it does not. Nylen then restated his previous rationale.

Cademartori explained that last year BCW asked for an emergency, to which LCC and DEP said that BCW didn’t qualify for the emergency provisions under the Act. Town Counsel agreed. The emergency under structural collapse is different than technical emergency under the Act, and BCW did ask for that, but it was determined by both authorities that it did not qualify, which is why it circled back, and would require BCW to file an NOI. Cademartori added that she emailed this information to Nylen, who then responded that with such limited work BCW would file an RDA. Cademartori said that she was expecting a different project than what was originally proposed, but the work before the LCC is essentially the same. Therefore, she finds herself unable to advise the board to issue a negative determination when BCW is doing work in a resource area.

Nylen said that LCC has the ability to approve the work as an emergency project and when the LCC first took it up, it was submitted to the building inspector. Cademartori denied that it was submitted to the building inspector at that time.

Nylen said that BCW received a letter from Town Counsel that said before proceeding, BCW would need to file a building permit application with the building inspector. Cademartori agreed, but said this was a totally different jurisdiction. To do the work, BCW would need a building permit, but a building permit hadn’t been filed. She added that she never asked the building inspector to make a determination. If BCW had filed for a NOI, it would have also filed for a building permit just like any other applicant, but this hadn’t been done. The building inspector had never seen it. Even if BCW had received an emergency approval from LCC it would have still needed a building permit.

Marchionda added that BCW had the building inspector on site who said he could issue a building permit within 2 hours of the LCC signing off. Marchionda again summarized the proposed work.

Yagjian said that even though this may be an ideal time for BCW to have the work done, it doesn’t mean that LCC has enough information to issue a negative determination. Gentile said that he believed LCC has enough information to make a positive determination, but BCW needs to file a NOI. He added again that very similar work was proposed over a year ago, and with the many times LCC opened the hearings, the applicant never showed up to present the project. Cademartori reiterated that the structural work presented is essentially the same as what was originally proposed.

Gentile then said that he would like to make a motion to issue a positive determination and direct the applicant to file an NOI. This would entail a positive number 1 - the area described in the reference plans and documents is an area subject to protection under the Act - removing, filling, dredging or altering the area requires the filing of an NOI. It would also be a positive 3, the work described on the reference plans and documents is within an area subject to protection under the Act, will remove, fill, dredge or alter that area and therefore said work requires the filing of an NOI. Also, a positive 4, the work described on the reference plans and documents is within the buffer zone and will alter an area subject to protection under the Act, therefore said work requires the filing of a NOI, or ANRAD simplified review if work is limited to the buffer zone (which it is not). And, also, the area or work described on the reference plans and documents is subject to review and approval under the Bylaw which is a positive 5.

Salamone asked why BCW wouldn't just want to make the repairs inside the building- emergency or otherwise – in order to avoid the need for a building permit or any permission from the LCC, to which Nylen responded there is not enough height in the building to do the work inside. It is too confining.

Cademartori asked if BCW would be amenable to a site visit in advance of the filing of the NOI. Nylen responded that BCW will withdraw the RDA, if necessary, as BCW goes forward with the pipe work allowed under the original RDA, and hope that the building doesn't collapse. Cademartori asked if that meant that BCW would not want to have an LCC site visit conducted in order to facilitate a faster review in the future when BCW might file, to which Nylen said yes.

Gentile asked if, even though it is an emergency, BCW is not going to move forward on an expedited basis with respect to an NOI, to which Nylen responded that yes, it is an emergency, but one that has to be taken care of now, and not in December.

Gentile asked Nylen if this was "the pipe", to which Nylen replied that it was the reinforcement of the building. Gentile responded that BCW would need an NOI for that work, and now BCW will not move forward quickly with an NOI, and that BCW will do some other work instead.

Nylen responded that BCW already has an NOI that's filed, making a new NOI redundant. Gentile said that that work is a different project currently under appeal.

Nylen added that by not issuing a negative determination, BCW is at a standstill. BCW will go forward with the superseding order and deal with the LCC under the Bylaw. Gentile asked Nylen if BCW was not going to do work that it was not permitted to do, to which Nylen responded that BCW was going to install the pipe but not do any work on the building.

Hohmann asked Nylen if he was opposed to the LCC coming into the building to take a look prior to filing? Nylen responded that the LCC can inspect the site at any time with 3 days' notice. Further, when BCW is prepared to file a NOI Nylen will contact Cademartori and a site visit can be scheduled prior to filing.

On a motion duly made by Solomon and seconded by Yagjian the LCC voted (6-0) to issue a positive Determination of 1, 3, 4, and 5 for Boston Clear Water - 165 Lowell Street. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Salamone-Aye, Hohmann-Aye, Gentile-Aye.

Other Open Permitting Items

8:42pm - Request for Certificate of Compliance - 434 Summer Street - DEP File #209-0581

Cademartori summarized the request. A partial was issued for the completion of a new septic system. The property was sold but the vegetation had not yet been established, so the LCC voted a partial. Since then, Field Inspector Patrick McDonald has conducted a site visit, and the site is stable.

On a motion duly made by Mansfield and seconded by Solomon the LCC voted (6-0) to issue a full COC for 434 Summer Street DEP#209-0581. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Mansfield-Aye, Salamone-Aye, Hohmann-Aye, Gentile-Aye.

8:44pm - Request for Certificate of Compliance - Windsor Estates - 525 Salem Street DEP File #209-0422

Cademartori noted that there is no new information.

8:45pm - Violation - 36 Elmwood Road

Cademartori provided the update. This masonry project may be partially on Town-owned land. Michael Novak, the project engineer had prepared a site plan, but was unable to appear on the ZOOM call to present. The owner is eager to close out an earlier open order for this property as well as deal with the violation.

8:46pm - Boston Clear Water - Superior Court Decision DEP#209-0632/2020-01

Cademartori noted that much discussion had already ensued earlier in the meeting. Cademartori updated board members of the recent Superior Court decision which was ruled in LCC's favor.

Administrative Matters

8:46pm - Partridge Island Boardwalk repairs

Rotary Club and Moynihan Lumber have provided funding for most of the expected costs of the boardwalk repairs. The lumber is ordered from Moynihan Lumber and is en route to the DPW.

8:49pm - Survey Pine Hill Lot - abutter encroachment issues

Cademartori had requested prices from 2 surveyors to confirm the markers for the abutter encroachment on the parcel. Hayes Engineering (the lower cost) will field locate the 3 boundary

markers in the area of question. Hayes will also locate the 4 corner points of the pedestrian easement at the end of Mirabeau Lane so that the LCC can work with the neighbors. The work can be performed within the next 2 weeks.

Cademartori then asked members how they would like to proceed with the surveyed information. The cross-country team is using the trail, but they are hesitant to cross the encroaching lawn area. The DPW has offered to mark the encroaching entrance and exit parts of the trail. Gentile suggested that the LCC work in collaboration with the encroaching homeowners to develop a planting plan. Yagjian said he believed the onus was on the encroaching homeowners to determine the accuracy of property lines, and the Town should not be responsible for the cost to determine this. Solomon noted that it would be important for the board to remember that the homeowners are neighbors and that it would be in the board's interest to maintain a good relationship with them.

8:59pm - Update - Eagle Scout Project - Partridge Island - Paul Wehle

Eagle Scout candidate Paul Wehle provided his project update. Wehle has installed the trail blazes. He has decided to carve the sign himself. When the sign is completed he can determine the location and solicit the help of the DPW for installation of the signposts. Cademartori asked about any progress on the mapping of the trail, to which Wehle said that his focus will be on the mapping once the sign is completed. Members thanked Wehle for his efforts to date.

9:02pm - MA DEP Spill Report - Reading Municipal Light - Willowby Way

Solomon reported that a tree had ripped the electrical lines from her home. The transformer was split open, with material going into a storm drain then on into BeaverDam Brook. The post sampling testing done came back negative.

9:04pm - Pillings Pond Subcommittee update

Mansfield, Chair of the Pillings Pond Subcommittee provided an update. In the October sub-committee meeting, featured speaker Joe Onorato from Water & Wetland who summarized the Pond treatment efforts this summer. Sub-committee members were impressed with his presentation. Onorato indicated that he would like to be routinely present at these sub-committee meetings. Mansfield and Gentile agreed with this suggestion.

Mansfield said that they still do not know the origin or purpose of the pipe coming out of Bellevue Island. The new website is active and will continue to be populated with content. Anthonio Sordillo has contacted 2 dredging companies amenable to a dredging project on a pond this small. Mansfield provided Cademartori with photos of leaning and fallen trees, as residents are questioning how to proceed with leaning and fallen trees on their shorelines. Cademartori presented several scenarios, the conclusion which was that each tree may need to be treated on a case-by-case basis. And, anyone wanting to remove a tree may need to ask for ConCom permission first.

Mansfield asked if 79 Oakridge Terrace had applied for their recent dock installation, to which Cademartori said no. Cademartori affirmed the confusion around dock permitting with the Town. Mansfield noted that the website is planned to be the site where up-to-date information can be maintained regarding Pond regulations of any kind. Yagjian opined that homeowners should have their docks removed if they do not have prior approval. Cademartori added that the Town does not provide a uniform list of dock standards. Yagjian suggested that standards and fines be established. He added that without a strict daily fine, homeowners will do as they wish and ask for forgiveness afterwards. Mansfield noted that there is quite a bit of new activity on the Pond with lots of newcomers, and activities that should not be occurring. Gentile suggested a specific meeting to address these issues. Cademartori suggested that first, the local bylaw should be amended to apply to all, not just new properties. Under the Act, a lot of work in the buffer is allowed, and a violation for work in the buffer can't be issued unless it can be proven that the work is harming the resource area. The local bylaw considers the buffer a resource area, and if it applied to all properties, then yes, a violation could immediately be issued for all work conducted in the buffer that wasn't permitted. Since the local bylaw applies to so few properties this level of enforcement can't be done until the bylaw is amended. Cademartori said she would highly recommend establishing a bylaw review committee to amend the bylaw to be applicable across the board. Hohmann agreed, saying education is the first important step. Mansfield also indicated inconsistency with swimming regulations. Cademartori explained that because there is no public beach, the water is not tested for public health. She confirmed that new swimming rules and regulations would need to be reviewed and approved by the Board of Selectmen.

9:37pm - Meeting Minutes

The draft September 15, 2020 LCC meeting minutes were not reviewed, as the hour was late.

9:38pm - Adjournment

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (6-0) 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.