

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

January 19, 2021, 6:30 PM

Virtual Meeting via ZOOM

Members present:

Commissioners; Chairman Don Gentile, Erin Hohmann, Kirk Mansfield, Janice Solomon, Angelo Salamone, Bryce Foote, Director Emilie Cademartori

6:31pm - Chairman Gentile called the meeting to order.

6:33pm - Eagle Scout project presentation - Partridge Island Trail, Paul Wehle

Eagle Scout Paul Wehle presented a summary of his Eagle project at Partridge Island. His visual slide presentation included photos of the hand-carved Boy Scout sign, the clearing of the trails done on the islands and the trail approaching the boardwalk, the blazing done along the trail, the trail brochure created for visitors, and the clean-up effort done with his volunteer team. Board members were very impressed and appreciative of Wehyle's project. Director Cademartori said that a press release will be prepared and asked Wehle if he would provide some project information at that time.

6:38pm - Eagle Scout project presentation - Pine Hill Lot, Michael Madden.

Eagle Scout Michael Madden presented his summary of his Eagle project at Pine Hill Lot. Madden's project entailed the development of a .44 mile walking/running path for visitors and for high school cross-country team practices. The development of a cross-country running path was envisioned as early as 1998, identified as a community wish in Lynnfield's 1998 Open Space & Recreation Plan. Until now, the high school cross-country team has always been the only team in the Cape Ann conference that was unable to practice on any wooded ground. Madden's visual slide presentation included photos of the lot before and after construction. During his project, Madden worked with GIS expert Patrick McDonald, the Conservation Commission and the DPW. Board members were very impressed and expressed much appreciation.

As a consequence of these two Eagle trail projects, GPS expert Patrick McDonald displayed some of the recent mapping work being developed to provide printable and downloadable digital maps of these trails. The overall intent of this project is to have a consistent template for all of

the trailed conservation areas in town. Foote asked if a permanent sign of the map would be a possibility at the trailheads of the properties, to which Cademartori said that a sponsor may be needed to fund such a map. Mansfield asked if trash barrels would be placed at the trailheads. Cademartori responded that this would become a task for the DPW, and opined that those visiting the properties shouldn't have much more trash other than dog waste, which the removal of by the dog owners is included on the posted signage.

Solomon reiterated the need for the board to discuss and resolve the issue of the encroaching abutter on the mowed area of the parcel, now marked by 2 large orange ballards. The area was also officially resurveyed in the fall. Gentile suggested that the abutters attend the next meeting to participate with the board in developing a workable solution for property line demarcation. Cademartori will send an invitation to the abutters. Some discussion of possible solutions ensued. Cademartori suggested that prior to the meeting with abutters, board members may wish to think of some preferred methods of demarcation.

Continued Public Meetings/Hearings

7:12pm - Notice of Intent - 1 Skinner Lane DEP File # 209-0643

Applicant: George Georges

Project: Construction of 24' x 24' accessory structure within 200 ft Riverfront

Director Cademartori notified the board of a request to continue the hearing, as the applicant is still working on plan revisions.

On a motion duly made by Hohmann and seconded by Mansfield, the LCC voted (6-0) to continue the hearing for 1 Skinner Lane to the February 16, 2021 meeting. Roll Call Vote: Solomon-Aye, Foote-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

7:14pm - 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.

Cademartori notified the board of a request to continue the hearing, as the applicant is still awaiting septic system approval.

On a motion duly made by Solomon and seconded by Mansfield, the LCC voted (6-0) to continue the hearing for 45 Lakeview to the February 16, 2021 meeting. Roll Call Vote: Solomon-Aye, Foote-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

7:15pm - Notice of Intent – 10 Fletcher Road - DEP# 209-06

Applicant: Andrew & Mariya Hamilton

Project: Swimming pool repairs, driveway reconfiguration, tree removal, new hardscaping & landscaping.

Evin Guvendiren from DeRosa Environmental Consulting presented the update and reviewed the plan. The hearing had been continued subject to a site visit with a special focus on the trees proposed to be removed. Cademartori mentioned that there was some question during the site visit as to the necessity of removing one of two trees that was not reported by the arborist. Guvendiren said that this tree was leaning over the pool. However, Solomon reported that in fact, it was not leaning over the pool, that it looked healthy, that it was located away from the home, and recommended that it not be removed. Guvendiren suggested selective pruning as an alternative. Gentile asked what members thought about the trees in the front of the house. Solomon said that the comments included crowding of these trees, but that crowding would no longer be an issue with the extent of the proposed tree removal. Mansfield asked about the number of trees in the front of the house and the tree replacement plans. Guvendiren said that 10 replacement trees would be bare-root 1-½” caliper Red Maples and would be replaced one-for-one. Gentile questioned the large oak to the left of the house, which is closest to the wetland. Hamilton said that he would leave this tree, if necessary. Gentile asked Solomon about the necessity for diversifying the replacement tree species. She replied that a recommended tree listing is available on the website, and suggested some diversity with an emphasis on native species. Guvendiren said that she and Hamilton would review the list, with an eye on tree species diversity.

Gentile then questioned the building of the retaining wall that will be built close to the wetland boundary, in which material will be excavated in between the wall and the resource area. Guvendiren said that the contractor confirmed that he could access the area without going into the wetland area. Gentile then asked about the erosion control, and was happy to see the first phase of the project as the wall which would provide additional protection for the wetland area. Cademartori asked about any revegetation plans after the wall is built, or if the area will be left to renaturalize, to which Guvendiren said that the plan was for renaturalization.

Gentile asked if there were any other areas, other than on the property lines, that members would like to see have replacement trees. Cademartori suggested focusing on the distances from the resource areas, and noted that there might be too little room for this in the rear of the house. Gentile thanked the applicant for their productive application.

On a motion duly made by Solomon and seconded by Hohmann, the LCC voted (6-0) to issue an OOC for 10 Fletcher Road subject to the conditions: 1) the construction route to be identified, 2) the work proposed from the topside down so as to minimize impact to the resource areas, 3) standard work sequencing with the installation of erosion control first, 4) a schedule for tree removal and tree planting prior to the pre-construction site visit, under the direction of the arborist, and on record so that the timing is such that the trees can be observed to have been planted and thriving, and 5) the first construction focus being the building of the wall. Roll Call Vote: Solomon-Aye, Foote-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

7:40pm - Stormwater Bylaw Permit - 1466 Main Street, 2 & 6 Sagamore Place

Applicant: Angus Bruce

Project: Land disturbance (140,000 sq ft) associated with construction of 3 single family homes

Cademartori reported that the hearing has been continued pending completion of a peer review. The peer review identified several issues the applicant needs to address prior to moving forward.

On a motion duly made by Hohmann and seconded by Solomon the LCC voted (6-0) to continue the hearing for 1466 Main Street, 2 and 6 Sagamore Place to the February 16, 2021 meeting. Roll Call Vote: Solomon-Aye, Foote-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

Other Open Permitting Items

7:43pm - Request for Certificate of Compliance- 16 Jordan Road - DEP File # 209-0598

Cademartori reported that this began as a minor residential addition in 2017. The COC was filed on the pool the year prior, but not on the addition. Site inspector Patrick McDonald has since conducted a site visit with the homeowner, reviewed the site conditions. The site is stable with the vegetation filled in. McDonald asked the homeowner to replace the no-disturb markers to be installed on the larger 3" x 3" instead of the 2" x 2" posts, to which the homeowner agreed would be done in the spring. Cademartori said that she would hold the COC pending the reinstallation of the larger markers.

On a motion duly made by Mansfield and seconded by Hohmann the LCC voted (6-0) to issue a COC for 16 Jordan Road with the understanding that the COC will be held pending the reinstallation of the larger no-disturb markers. Roll Call Vote: Solomon-Aye, Foote-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

7:46pm - Violation - 36 Elmwood

Cademartori reported that the applicant has submitted a concept plan. Town Engineer Charlie Richter has some reservations with the stormwater design. Nothing new has been presented.

Hohmann expressed concern about the homeowner's ownership of the land across the street, as well. Gentile asked about next steps. Richter would like to see a more robust stormwater design, with more of the structure contained within the right of way. (If the stormwater flows through his property, an easement would be required to allow public water to flow into this private property.) Town Counsel has provided guidance.

Cademartori said that when one owns property on either side of a public way, the owner controls to the middle of the public way from both sides. However, originally the layout of the road and the ownership on both sides of the property continued to the water's edge. The new question is, with the changing of the shoreline, does the layout of the original roadway change. The applicant hasn't made a legal argument one way or the other. In the absence of an argument, Cademartori suggested that the board needs to decide the future of the structure - the bar and part of the wall - which in her opinion is on Town-owned land.

Mansfield provided some historical perspective. Solomon asked if the applicant would continue with the stormwater project if the Commission asked him to remove the structure. She expressed much concern about issuing inconsistent enforcement decisions to homeowners. Hohmann echoed her comments.

Gentile said that a decision regarding the future of the bar on Town land is well within the LCC's right. For the second issue regarding the wall Gentile questioned if there is enough evidence of any permission given the owner(s) to build the wall. Discussion ensued involving the now completed renovation of the wall with cement and low-voltage lighting, and alteration of a wall that is located within the floodplain. Solomon also raised the concern that the current homeowners' structures are daunting to access by neighborhood visitors. Hohmann echoed her comments noting that the area feels very "private".

Cademartori will invite the applicants back to discuss their expectations with the board, and will ask for an update on a legal argument arguing for their right to exclusive use to some of the land. Salamone remarked that the wall and the bar structures are both encroachments, and are clear violations of the Wetlands Protection Act. Cademartori will also seek further clarification regarding ownership and use from Town Counsel. Mansfield added that the homeowner's lawn was being treated earlier in the summer with materials directly entering the Pond.

Cademartori suggested that, through aerial imagery, the shoreline be compared today with some determined date in the past. Properties can be identified having walls then and now. A database of permitted properties can be made. Plans to address these properties can then be made by the board. Going forward, consultant DeRosa is collaborating with the ConCom office in developing a "living wall" strategy going forward.

8:27pm - permission for emergency signature on behalf of the Commission

The following motion was made as an update to include a vote by newest LCC member Bryce Foote.

On a motion duly made by Solomon and seconded by Hohmann the LCC voted (6-0) to authorize conservation administrator Emilie Cademartori to electronically sign LCC documents on behalf of individual LCC members, and only those documents that the LCC voted to issue and sign in a public meeting during the COVID-19 state of emergency. Roll Call Vote: Solomon-Aye, Foote-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

Administrative Matters

8:28pm - Emergency Certification - Beaver Activity

Cademartori reported that she had to reissue the breaching permit for Bates Brook as the beaver activity was so extensive during the dry summer that the trapper has not been able to complete the work.

8:32pm - Meeting Minutes - October 20, 2020

On a motion duly made by Mansfield and seconded by Solomon the LCC voted (5-0-1) to approve the October 20, 2020 minutes as presented. Roll Call Vote: Solomon-Aye, Foote-Aye, Hohmann-Abstain due to absence, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

8:34pm - Meeting Minutes - December 15, 2020

On a motion duly made by Hohmann and seconded by Mansfield the LCC voted (6-0) to approve the December 15, 2020 minutes as presented. Roll Call Vote: Solomon-Aye, Foote-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

Hohmann asked how members could become more involved in the “Adopt-A-Property” idea proposed by Cademartori in the last meeting. Cademartori said that the listing of properties will be forwarded to members so that they can individually select a property to monitor on behalf of the Commission.

8:37pm - Adjournment

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (6-0) to adjourn the January 19, 2021 LCC meeting. Roll Call Vote: Solomon-Aye, Foote-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

NEXT REGULAR MEETING – Tuesday, February 16, 2021, 2021

As recorded and submitted by Jennifer Welter.