

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

December 15, 2020, 6:30 PM

Virtual Meeting via ZOOM

Members present:

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

6:30pm Chairman Gentile called the meeting to order.

Continued Public Meetings/Hearings

6:31pm - 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 Solomon and seconded by Hohmann the LCC voted (7-0) to continue the hearing for 1 Skinner Lane to the January 19, 2020 meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Salamone,Aye, Mansfield-Aye, Foote-Aye, Gentile-Aye.

6:32pm - 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.

Julie VonDrak, Wetland Scientist presented a brief update. The septic design is before DEP. Further discussion of the neighbor's drive and plan revisions are required. The vertical stone wall has been removed leaving an unstabilized bank. Coconut matting will be installed at the top of the bank. VonDrak suggested that instead of waiting until the spring, the low Pond water levels allow work to be done now. However, Cademartori added that continuation of work now would be done in the absence of a valid permit, and the board would need to put on record if the work is to be done prior to issuance of a permit, or not. Gentile suggested that the work stop until a plan can be approved. VonDrak recommended that coconut matting be installed along the upland area and the bank in order to stabilize the area over the winter months.

On a motion duly made by Solomon and seconded by Hohmann the LCC voted (7-0) to continue the hearing for 45 Lakeview to the January 19, 2020 meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Salamone-Aye, Mansfield-Aye, Foote-Aye, Gentile-Aye.

New Public Meetings/Hearings

6:41pm - Notice of Intent – 10 Fletcher Road

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. Ten trees are proposed to be removed due to proximity to the house, and replaced with new Red Maples. Gentile expressed concern with the new retaining wall, but noted that the existing timber wall appeared closer to the resource area. Landscape Architect Matt Ulrich added that the timber wall is failing and will be removed, and confirmed that the replacement new wall will be built further away from the resource area. A new fence will be pinned directly on top of that new wall. A mini excavator will be used to no detriment. Gentile asked if all the trees that would be removed were white pine, to which Guvendiren answered a mix of white pine and oak.

Ulrich said that the work could be done this winter if the tree work could be done. Gentile suggested a site visit. Some discussion about tree removal ensued. Solomon questioned the number of trees and their proximity to the house, and expressed concern about the removal of mature trees that would be replaced with saplings. Homeowner Andrew Hamilton said that 3 tree companies have visited the property. A site visit was scheduled for Saturday, January 9 at 9:30am. Cademartori noted an incorrect indication of flood plain. Guvendiren assured the board that the area was recently surveyed and that the new flood plain locations were correct.

On a motion duly made by Solomon and seconded by Mansfield the LCC voted (7-0) to continue the hearing for 10 Fletcher to the January 19, 2020 meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Salamone-Aye, Mansfield-Aye, Foote-Aye, Gentile-Aye.

7:02pm - Notice of Intent – 880 Summer Street

Applicant: Rodrigo Farias

Project: Addition and Renovations to single family home & landscaping improvements

Applicant Rodrigo Farias was present for the update. A wetland is in the rear of the property. The addition will be on the right side of the house, including a second garage bay, with a second floor over the existing garage and over the top of the deck at the rear. No work will be done in the side yards and rear of the house. Landscaping is limited to the front of the house, and there is no plan for lawn installation in the rear. Cademartori recommended that in issuing an OOC, a very specific limit of work be noted as well as verbiage that any additional work to be done in the spring or by a future owner would require an amended order. She further suggested that the limit of work be established along with erosion control in the field during a future site visit prior to construction.

Abutter Scott Martin of 890 Summer Street asked for clarity regarding the specific location of the proposed work. Farias said that the project would end 23' from the property line at 890 Summer. Solomon suggested 25' markers be installed at the rear, to which the applicant agreed.

On a motion duly made by Solomon and seconded by Hohmann the LCC voted (7-0) to issue an OOC for 880 Summer Street with the understanding that LCC staff will set limits of work and call for 25' markers to be installed prior to construction. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Salamone-Aye, Mansfield-Aye, Foote-Aye, Gentile-Aye.

7:20pm - Notice of Intent – 165 Lowell Street

Applicant: Boston Clear Water LLC

Project: Reconstruct existing spring house including grading, tree removal and the construction of a retaining wall

Boston Clear Water attorney Richard “Chip” Nylen, project manager Paul Marchionda of Marchionda Associates, and contractor Michael Touchette were present for this local bylaw application. Greggory Cohen, Structural Engineer with Simpson Gumpertz & Heger was present to review his independent recommendations.

Nylen reviewed an alternative plan for the spring house renovation project. Originally, DEP approved the plan to reinforce the springhouse walls by installing reinforcing walls around the exterior of the existing walls. Now, after the most recent site visit, and review by Greggory Cohen, a new renovation path will be pursued; removal of the roof followed by one-by-one replacement of the walls, all within the same footprint of the existing springhouse. Marchionda detailed this proposed construction plan. Cohen then provided his recommendations, agreeing with the new proposed construction path. He added that the original construction method would have impacted the resource area by an additional 3 or 4 feet.

Cademartori said that she had been in contact with Rachel Freid, DEP with regards to drinking water and wetlands. At this time, DEP will not impose any such additional issues on the property.

Salamone suggested alternative construction methods that would result in minimal disturbance, such as use of helical piles and/or diamond piers. Cohen disagreed, and responded that the only way to prevent the springhouse from “walking down the hill” is to reinforce the walls. Further, in order to use the helical piles, a bobcat would need to operate in the wetlands.

Solomon expressed concern about further disturbance during construction, to which Cohen assured her that specific equipment is readily available to minimize disturbance, and again recommended a “piece-by-piece” removal and replacement method. Yagjian agreed with Solomon and further stated that he agreed with DEP that no additional work should be necessary such as tree removal, terracing, granite steps, etc.

Gentile asked for contractor input as to the construction approach. Touchette answered that he would remove the roof, and excavate with a mini-excavator, using a vacuum truck if needed. He would free-form the dirt trench with a 12” bucket, and once grade is reached, concrete would be poured. One nearby pine tree would need to be removed. Touchette added that 7-8 working days would be the timeframe. Cohen agreed with this method.

Gentile asked about terracing. Cademartori suggested that there was no longer a need for terracing. Gentile agreed that the justification for terracing was minimal. Marchionda responded that he needed a variance for the two retaining walls. Cademartori asked if the 6 trees next to the building now need to be removed, given the new construction method. Marchionda said that one large pine tree with encroaching roots will need to be removed, and both he and Touchette suggested others may need to be removed when excavation is started. Cademartori suggested that a pre-construction visit be an opportunity to identify such trees.

Nylen suggested that the applicant define a construction sequence that Cademartori, the contractor and the structural engineer could review. Cademartori said that an OOC could be issued subject to an approved building permit with revised structural plans, with the limit of work and tree removal determined in the field prior to construction, as well as the erosion control methodology and location decided with the contractor in the field. Cademartori reiterated that the springhouse be the focus of the OOC, omitting any terracing work for the time being.

Gentile asked Nylen if he would withdraw terracing from the plan, to which Nylen said that he would rather not revise the plan, but suggested that the LCC just not approve the terracing part of the plan.

On a motion duly made by Hohmann and seconded by Yagjian the LCC voted (7-0) to issue an OOC for 165 Lowell Street 880 to dismantle and rebuild the springhouse, to be confined to the existing footprint of the springhouse, for identification of the removal of trees and erosion methodology to be made by ConCom staff in the field, subject to a construction sequencing plan submitted by the applicant to be approved by the ConCom administrator and the structural engineer consultant hired for this project, and subject to an approved building permit with

revised plans. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Salamone-Aye, Mansfield-Aye, Foote-Aye, Gentile-Aye.

8:15pm - 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 application has been sent out for peer review and that the applicant was not present. She suggested officially opening the hearing and continuing it to the January 19 LCC meeting.

On a motion duly made by Hohmann and seconded by Solomon the LCC voted (7-0) to continue the hearing for 1466 Main Street, 2 and 6 Sagamore Place to the January 19, 2020 meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Salamone-Aye, Mansfield-Aye, Foote-Aye, Gentile-Aye.

8:17pm - Request for Determination of Applicability – 24 Robin Road

____ Applicant: Robert & Julie Gregory
Project: Replacement of subsurface sewage disposal system

Julie VonDrak, Wetland Scientist and Jon Whyman, contractor with Whyman Construction provided the update.

The wetland area is to the north of the property. The leach field will be in the front of the house which is all lawn. No vegetation removal is required. The permit has been submitted to the BOH. The existing cesspool will be crushed and left in place. Cademartori suggested that the board would prefer, if in the field, there is an opportunity to move the components further from the wetlands. Cademartori reported that she has not verified the delineation.

On a motion duly made by Solomon and seconded by Hohmann the LCC voted (7-0) to issue a negative 3 determination, NOT verifying the wetland flags, for 24 Robin Road. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Salamone-Aye, Mansfield-Aye, Foote-Aye, Gentile-Aye.

8:24pm - Request for Determination of Applicability – 31 Bishops Lane

____ Applicant: Vincent Sutera, Bishops 31 Realty Trust
Project: Replacement of subsurface sewage disposal system

Julie VonDrak, Wetland Scientist and Jon Whyman, contractor with Whyman Construction provided the update.

Whyman said that perk testing at the site of the original system had been done, but this area does not perk. The proposed location encroaches on some wetlands (roughly 54'). No trees are impacted. A few rocks may need to be placed, or small tree wells may need to be built during construction. These decisions will be made in the field. Cademartori had asked VonDrak to identify the entire flagged line on the plan so that the new owners would know the exact limits.

On a motion duly made by Solomon and seconded by Hohmann the LCC voted (7-0) to issue a negative 3 determination confirming the wetlands delineation for 31 Bishops Lane. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Salamone-Aye, Mansfield-Aye, Foote-Aye, Gentile-Aye.

Other Open Permitting Items

8:32pm - Request for Certificate of Compliance- Michaels Landing – 2 Broadway - DEP File # 209-0413

Richard Williams, from Williams & Sparages was present to review the project. Cademartori suggested that because the site visit was postponed, because all the information was not available at the last meeting, and, because most of the board members have had no experience with this property, a review would be helpful. Williams reviewed all 24 items focusing on those representing departures from the plan.

Gentile asked if anything would present a significant problem. Williams noted two items: 1) the location of the retaining wall, and 2) the level spreader. Gentile asked how close the retaining wall is now to the wetlands, to which Williams responded 21' instead of the original 25' distance. Gentile then asked if a variance would be triggered, to which Cademartori responded that because this is a comprehensive permit, the local bylaw does not apply. Regarding the level spreader, Williams suggested a second site visit to review. Cademartori suggested that this would be fine if snow was not an issue. Williams then added that the last discrepancy concerned the footbridge from the walkway to the back parking lot. The footbridge was deleted and an I-beam and pipe configuration was constructed in its stead. The pipe now needs to be strapped to the I-beam so that it is stable. Williams confirmed that it would now be desirable to schedule a site visit.

Gentile suggested that if there is no urgency for a COC, then ConCom could wait until Spring for a site visit, to which Williams agreed.

8:54pm - Violation - 36 Elmwood

Cademartori reported that after the last meeting, she contacted Town Counsel Tom Mullen regarding property ownership issues. The structure does partially sit on Town property. Should the

LCC allow any part of the structure to remain, a license for its use could be granted. Regarding the stormwater issues, Town Counsel would recommend that the Town be the beneficiary of a drainage easement that could be formalized. This would need to go before Town Meeting. Should the LCC move forward with any drainage improvements there, which would constitute a public/private partnership, there is room within the public right of way where infrastructure could go that would become Town-owned and maintained - for example a catch basin, but the receiving area on the private property would be subject to an easement that the 36 Elmwood owner would grant to the Town. Also, the engineer is investigating some proprietary stormwater treatment that could be placed in the actual width of the right of way prior to the water being piped off to the infiltration area.

8:57pm - Emergency Certification - Beaver Activity

Cademartori reported that she issued a breaching permit for Bates Brook, as evidenced by very high water near Meservey Lane. It is currently open trapping season, so the BOH also needed to declare an emergency for the breaching. The permit was signed on behalf of the board.

8:59pm - Sub-Committee Updates

Cademartori suggested an agenda change going forward regarding the tracking and reporting of sub-committee reports and special projects. The idea is to distribute an updated spreadsheet prior to board meetings for informational purposes. Any items that the board would like to discuss in the meetings would be done as wished. Gentile suggested that this was a good idea at this time.

9:03pm - Meeting Minutes

The draft November 17, 2020 LCC meeting minutes were reviewed and corrected. The October 20, 2020 meeting minutes will be reviewed at the January 19, 2021 meeting.

On a motion duly made by Solomon and seconded by Hohmann the LCC voted (6-0) to approve the November 17, 2020 minutes, as corrected. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Salamone-Aye, Mansfield-Aye, Foote-Abstain due to his board member candidate status only at that time, Gentile-Aye.

9:05pm - Welcome new board member Bryce Foote

Chair Gentile welcomed new board member Bryce Foote. Cademartori noted that, with the addition of Foote to the board, at the January 19, 2021 meeting all sitting board members will need to vote to authorize Cademartori to sign for matters on behalf of the board.

9:08pm - Adjournment

On a motion duly made by Yagjian and seconded by Solomon the LCC voted (7-0) to adjourn the December 15, 2020 LCC meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Salamone-Aye, Mansfield-Aye, Foote-Aye, Gentile-Aye.

NEXT REGULAR MEETING – Tuesday, January 19, 2021

As recorded and submitted by Jennifer Welter.