

**TOWN OF LYNNFIELD  
CONSERVATION COMMISSION**

**MEETING MINUTES**

**February 16, 2021, 6:30 PM**

Virtual Meeting via ZOOM

**Members present:**

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

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

**Continued Public 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

No representative was present.

**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 presented the update. The applicant is still waiting on septic approval and DEP review of variances. Chair Gentile asked if the applicant could proceed with the bank planting.

*On a motion duly made by Solomon and seconded by Mansfield, the LCC voted (5-0) to continue the hearing for 45 Lakeview to the March 16, 2021 meeting. Roll Call Vote: Solomon-Aye, Foote-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.*

**Discussion**

**6:39pm - Pine Hill Lot - Abutter encroachment issue**

John and Jamie Bossi, of 8 Mirabeau were present for the discussion. Cademartori reviewed the aerial plan. Gentile thanked Mr. Bossi for his willingness to participate in the discussion, and explained the LCC's position as steward of Pine Hill Lot.

Mr. Bossi complained of visitors with their dogs not on leashes "on his lawn", as well as dog waste. Mr. Bossi suggested that he be able to continue use of this land, and that the trail be moved further into the conservation land. He also said that he intended to survey the land, as well. Cademartori noted that Hayes had resurveyed the property, recovering the original 1920's boundaries.

Bossi asked what boundary alternatives were being considered. Solomon suggested natural plantings similar to what was recently planted on a property on North Hill Drive. Bossi suggested a fence to keep out dogs, to which Gentile suggested that a fence would not afford access for the Bossis. Gentile asked Bossi if he would be able to have his survey done within the next couple of months, to which Bossi said yes. Cademartori asked Bossi to allow visitors to peacefully pass along the trail until a resolution is reached.

George and Evelyn Rockas of 10 Mirabeau Lane asked about adverse possession, to which Cademartori responded that according to Town Counsel, adverse possession does not apply against a municipality.

Pauline and Chris Lampropoulos of 12 Mirabeau Lane questioned why only the Bossis were provided notice of tonight's meeting, and complained about dogs not on leashes. Evelyn also asked the LCC to reroute the section of the trail in question. Cademartori responded that the cross-country trail was laid out by considering maximum length, topography and safety of the runners.

Rockas suggested that the dog issue is significant, and perhaps more and better signage would be appropriate, including enforcement through fines. Gentile responded that more attention will need to be placed on the dog issue.

Mansfield asked if the dogs were running through the cleared area, to which the Bossis said yes and added that they are also concerned for the safety of young children playing in the yards. Mansfield suggested a temporary barrier be installed pending a resolution.

Cademartori informed everyone that there is no leash law in Lynnfield and that the Dog Officer David Crockett should be contacted for any dog-related issues. She further suggested that the "dog issue" be moved out of the meeting's agenda. Rockas asked if the LCC had the power and jurisdiction to pass its own rules for dog issues on its own conservation lands, to which Gentile said that he did not know but would investigate.

Don O'Keefe of 9 Mirabeau Lane asked about plans for the easement on his property which leads up to the trail. Cademartori affirmed that there is a pedestrian easement, and that she had earlier spoken to the O'Keefe's about a possible sign specifically for access to the property, mostly for the benefit of the neighbors and for use by EMT's in case of any trail emergency. O'Keefe added that he did not want much publicity and parking regarding this easement access. Lampropoulos again asked for all abutters to receive notice of the continuing discussions. She also asked why the easement for utilities and safety "is now becoming a walking path". Gentile asked that the discussion be continued for the March 16, 2021 meeting, and suggested that the agenda topic be limited to the Bossi's encroachment issue.

## **Continued Public Hearings**

### **7:17pm - 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

Peter Ogren of Hayes Engineering provided an update. Town Engineer Charlie Richter and Bill Jones of Linden Engineering met to discuss final issues. Cademartori reported that most of the items in the Feb. 9 peer review follow-up letter have been resolved. She further suggested that outstanding items could be handled as conditions, and noted that 2 additional lots can't be released until the permit is in hand.

*On a motion duly made by Salamone and seconded by Foote the LCC voted (3-2-0) to issue a stormwater permit with a standard list of conditions and those that need to satisfy the requirements of the Town Engineer and the Peer Reviewer which also comports with the Homeowners Association agreement. Roll Call Vote: Solomon-Nay, Foote-Aye, Mansfield-Nay, Salamone-Aye, Gentile-Aye.*

## **New Public Meetings/Hearings**

### **7:30pm - Stormwater Bylaw Permit – 160 Moulton Drive**

Applicant: David Palumbo

Project: Construction related disturbance (76,768 sq ft) associated with demolition of an existing restaurant and construction of a new multifamily building with 72 parking spaces.

Peter Ogren of Hayes Engineering provided the project history and update. Cademartori noted that Linden Engineering was able to quickly list issues and Hayes Engineering was able to quickly respond. However, there was not enough time for all the information to be provided to the board for a comfortable review for the February meeting. Gentile suggested that there was still work to be done between Hayes and Linden, and that board discussion be put off until the March 16 meeting. Cademartori suggested that in the interim, outstanding issues be addressed, abutter feedback continue to be heard in this February 16 and in the March 16 meetings, and a draft permit be prepared for the March 16 meeting.

Brad Keene (a neighbor, but not 100' abutter) said that the project seems rushed at the expense of the abutters and the Town, and should be delayed. Abutter David Trefry of 5 Locksley spoke for absent abutter Drew Taylor 4 Oak Street, informing the LCC of Taylor's concerns.

*On a motion duly made by Solomon and seconded by Mansfield, the LCC voted (5-0) to continue the hearing for 160 Moulton Drive to the March 16, 2021 meeting. Roll Call Vote: Solomon-Aye, Foote-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.*

**8:03pm - Notice of Intent – 3 Dale Avenue DEP File # not yet issued**

Applicant: Edward Baud

Project: Construction of new septic system for an existing single family dwelling, multiple tree removals and replanting within 100 ft of Bordering Vegetated Wetland and 200 ft Riverfront area of Beaver Dam Brook.

Luke Roy of LJR Engineering presented the project. Wetlands and a bank have been identified. The replacement septic is for the same size 3-bedroom dwelling, will be in the same general location, which is the only feasible area. Most of the property is within the 100' wetland buffer and riverfront setback. Solomon suggested a site visit. Cademartori added that a separate tree removal plan is included in this project, in addition to the tree slated to be removed for construction of the septic system. Arborist Bob Moses reviewed the condition of the trees slated for removal, outside of the area of septic construction. Applicant John Dvorak expressed concern that a large Silver Maple on the eastern border is not shown on the plan, but is slated to be removed.

A site visit is scheduled for Wednesday March 3 at 5:00pm.

**8:24pm - Notice of Intent – 5 Yorkshire Drive DEP File # not yet issued**

Applicant: Jason & Carly Caggiano

Project: Installation of 16' x 32' inground swimming pool with a perimeter concrete patio, construction of a retaining wall including backfill and associated landscaping improvements within 100 ft of Bordering Vegetated Wetland.

Consultant Wayne Lozzi, representing applicant Jason Caggiano, presented the project. Solomon reminded the board that this property was subject to much street flooding some years ago. Gentile asked how many trees would be removed. Lozzi said that 9 trees would be removed, and that 3 trees on the right side of the property would be removed for safety reasons, as they are located too close to the house. Mansfield asked if the 3 trees were assessed by an arborist, to which Lozzi replied that he did not know.

A site visit is scheduled for Wednesday, March 3 at 4:30pm.

*On a motion duly made by Mansfield and seconded by Solomon, the LCC voted (5-0) to continue the hearing for 5 Yorkshire Drive to the March 16, 2021 meeting. Roll Call Vote: Solomon-Aye, Foote-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.*

**Other Open Permitting Items**

#### **8:39pm - Request for Certificate of Compliance- DEP File # 209-0534 17 Village Row**

Cademartori reported that she did not receive the plan in time.

#### **8:39pm - Violation - 36 Elmwood**

Cademartori reported that she has no additional information for this project.

### **Administrative Matters**

#### **8:40pm - Pillings Pond Subcommittee- Bank stabilization and dredging concepts**

Mansfield reported that the west end around Bellevue Island seems in danger of being filled in. Cademartori reported that at the sub-committee meeting, questions concerned the capital funding for the Pond treatment each season. She explained the funding mechanisms. Cademartori suggested that this coming year, the request for Pond treatment could be split into two pieces - a lesser amount for Pond treatment, with a second amount earmarked for a pond dredging analysis. Cademartori added that a sub-committee decision to go forward with this analysis should be provided to her soon to be incorporated into the budget.

Mansfield also noted that there is a pond abutter who has made allegations about a grant that may have been given by the state to the LCC for \$100,000, and is raising questions about possible misappropriation. Mansfield has asked the Select Board to investigate this matter, so as to set any record straight.

Gentile expressed Bryce Foote's interest in becoming a member of the board on the sub-committee. Foote will now join this board. Gentile reported that a "universal" template for erosion on the Pond won't be realistic, as every property and bank situation may be different. So, instead of preparing universal templates, general guidelines may be more appropriate.

#### **8:55pm - Meeting Minutes - January 19, 2021**

*On a motion duly made by Salamone and seconded by Mansfield the LCC voted (5-0) to approve the January 19, 2021 minutes as presented. Roll Call Vote: Solomon-Aye, Foote-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.*

#### **9:05pm - 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: Roll Call Vote: Solomon-Aye, Foote-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.*

**NEXT REGULAR MEETING – Tuesday, March 16, 2021, 2021**

As recorded and submitted by Jennifer Welter.