

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

March 16, 2021, 6:30 PM

Virtual Meeting via ZOOM

Members present:

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

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

New Public Meetings

6:31pm - Pine Hill Trail - Abutter Encroachment Discussion

The Bossis were not present for this discussion time. Chair Gentile set aside and continued with the agenda.

6:32pm - Request for Determination - 12 Chatham Way

Applicant: Casey McGah

Project: Installation of a sports court, reconstruction of an existing patio, the removal of eight trees, and the removal of invasive plants with revegetation along Bates Brook.

Rich Kirby from LEC Environmental presented the project. A replanting plan is developed, including reclaiming of a section of existing lawn, and revegetating a buffer area next to Bates Brook.

Mansfield suggested that in the left corner, the white pines expected to be removed looked to be healthy, to which Kirby referred to Keith's Tree Service evaluation letter which indicated tree damage. Chair Gentile suggested a site visit, which will be 5:30pm Wednesday, March 31.

Cademartori asked the consultant to walk through the performance standards and which components of the request are exempt so that the site visit could be more focused. Solomon asked what would be marked before the site visit. Cademartori suggested stakes mark the area in

the BVW for the area of restoration, the overall area of the sports court, as well as all the white pines.

On a motion duly made by Solomon and seconded by Yagjian, the LCC voted (6-0) to continue the hearing for 12 Chatham Way to the April 20, 2021 meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

Continued Public Hearings

6:59pm - 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

Chris Sparages of Williams and Sparages presented the update. Sparages showed the revised plan with a new location for the proposed 24' x 24' barn, further down the driveway. Sparages used FEMA and town topo maps to argue that at elevation 110, it's impossible for flood waters to rise that high in the vicinity of the home. Solomon asked what the difference in distance is between the original and the revised plans, and expressed concerns about Sparages' opinion of interpretations of the FEMA maps, based on how wet the area presented during the site visit. Yagjian echoed Solomon's concerns. Gentile asked if Sparages needed compensatory flood storage, to which Sparages said no. Gentile then questioned the conflicting nature of the FEMA data with the board's ability to issue a permit. Sparages suggested submitting a letter of map amendment as part of a FEMA appeal process to resolve such conflicts. Cademartori said that she has seen examples of map amendments in the past. Salamone asked if the board could agree on whether the area was a floodway or a floodplain. Gentile expressed concern over the level of technical detail, and suggested that the board might either need an opinion from either FEMA or a third party consultant - and perhaps both - to reach closure. Cademartori asked if the NOI originally included a riverfront analysis in terms of adding a new structure, to which Sparages said that an alternatives analysis was included in the NOI for the position of the barn in the backyard. There was no abutter comment.

On a motion duly made by Hohmann and seconded by Solomon, the LCC voted (6-0) to continue the hearing for 1 Skinner Lane to the April 20, 2021 meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

7:35pm - Pine Hill Trail - Abutter Encroachment Discussion

Homeowners John Bossi arrived to discuss the encroachment issue on the ConCom property. Gentile reminded everyone that the meeting was specifically called to discuss the Bossi's use of ConCom land. He added that if the abutters needed more time, perhaps a special meeting for abutter issues should be scheduled. Bossi said that he had not yet gotten a survey conducted, and therefore had nothing else new to discuss. Gentile then opened up the discussion to abutter issues. Abutters aired concerns about dog behavior, lack of transparency, lack of communication, people out with flashlights, the need to call the police several times, the loss of deer, partying by high school students, etc. Cademartori introduced Animal Control Officer David Crockett to speak to

some of the lingering dog behavior issues that surfaced in the February 16 LCC meeting. Crockett spoke to abutters about ways to handle dog behavior issues. Neighbor Beth Aaronson reported that she has walked the trail with her dog numerous times and has seen no issues with trash, loss of deer or other wildlife, negative visitor behavior, etc. Gentile suggested scheduling a separate meeting with the abutters for the April 20 agenda, and inviting a representative from the police department to attend. Cademartori also reminded all abutters that they have been notified of these meetings through several vehicles. Further, as a Town employee, she is unable to post on social media with the exception of the Town of Lynnfield facebook page.

8:04pm - 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.

Julie VonDrak, Wetland Scientist, presented the update. The applicant has received approval for DEP review of variances, and the BOH will issue approval for the septic system. Revised plans are submitted regarding bank restoration. The homeowner would like to begin the work ASAP and before the pond water level rises. The intent is not for a rip rap bank, but may incorporate some stone features.

On a motion duly made by Mansfield and seconded by Solomon, the LCC voted (6-0) to issue an amended OOC to approve the septic system and the restoration activities for 45 Lakeview to the April 20, 2021 meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

8:13pm - Notice of Intent – 3 Dale Avenue DEP File # 209-0647

____ 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, LJR Engineering presented the update for a septic system replacement. Cademartori asked if the BOH had been given waivers from DEP, to which Roy said yes. The homeowners have also supplied a new planting plan. Solomon asked about bolstering the steep slope with some shrubs and/or ground cover. Blueberry bushes and red twig dogwoods are planned for slope erosion control. Yagjian said that during the site visit, it was discussed that the front left corner in the resource area be left unaffected, to which Cademartori suggested adding this in as a condition. Tree Committee chair Jane Bandini questioned the value of replacing the large white pines with

new dogwoods. Cademartori responded that the replanting plans incorporated the guidance from the arborist.

On a motion duly made by Solomon and seconded by Yagjian, the LCC voted (6-0) to issue an OOC for 3 Dale Road. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

8:22pm - Notice of Intent – 5 Yorkshire Drive DEP File # 209-0646

____ 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 presented the update. The surveyor was unable to make the site visit in order to see the trees proposed to be removed and the proposed retaining wall. Both have been moved 2 feet from the original locations. Cademartori suggested that an arborist provide an opinion on the trees that the homeowner would like to remove. Mansfield asked about the health of a cluster of 3 pine trees to the right of the house slated to be removed, to which Lozzi responded that a fence that needs to be added for pool safety would necessitate these trees' removal. Solomon expressed concern that more trees were proposed to be removed than understood at the site visit. Yagjian suggested that a revised final plan be submitted. Solomon expressed concern about replacing large trees with 1" saplings. Homeowner Caggiano asked for approval for the specific tree removal so that the pool and the retaining wall projects can go forward.

On a motion duly made by Yagjian and seconded by Hohmann, the LCC voted (6-0) to issue an OOC for 5 Yorkshire Drive, subject to 1) submission of a clear plan that shows a one-for-one replacement for the 4 smaller trees, a two-for-one replacement for the 30" tree, and 2) if written evidence from a certified arborist shows that if #3 tree on the plan should be removed, it will be replaced on a two-for-one basis. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

8:58pm - 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 and Bill Jones of Linden Engineering provided the project update. Also present was Greg Rogowski with ESS Group (abutters' engineer), Nina Pickering-Cook, with Anderson Kreiger (abutters' attorney), and a number of abutters.

Bill Jones has responded to Haye's most recent submission. Jones reported that soils testing forms were expected but not submitted, among other elements that were not included in the draft

permit package, particularly noted in condition #19. In summary, the property is being developed with less impervious area and with no stormwater controls onsite. Jones believes the project is not in full conformance with standards, but represents a reasonable effort. Gentile asked Jones' preference for resolution of the outstanding issues in advance, or post-permit approval. Jones said that conditioning the outstanding issues in advance would be acceptable, presuming the applicant will comply. Cademartori mentioned that the Zoning Board meeting was the following night, and she had hoped that they could attach the ConCom permit decision, rather than closing their meeting with a decision subject to ConCom approval. She added that with the time sensitive nature of a project, permit approval subject to future conditions is common. Jones then added that commencing work could not complete until the outstanding conditions are met. Ogren remarked that some issues could not be resolved in advance.

Abbutters' attorney Nina Pickering-Cook expressed concerns about the LCC approving a project with insufficient information and not in full conformance with standards, and argued that there is no time constraint for the stormwater permit.

Abbutters' engineer Greg Rogowski from ESS Group expressed concerns that the information he has reviewed does not meet the Town and DEP stormwater standards, which he then detailed.

Solomon asked if it would be prudent to delay approval for another month. A number of abutters expressed similar sentiments. Jones suggested that Hayes Engineering take the opportunity to review ESS's issues and address them so that ConCom can proceed with confidence with a decision. He added that he did not see a problem with the Zoning Board making their decision conditional on a ConCom stormwater approval. Developer Matthew Palumbo agreed to continue the meeting, if necessary.

Hohmann suggested delaying a decision until firmer facts are known. Yagjian said he was comfortable relying on ConCom expert opinions, and would support Jones' recommendations. Gentile agreed with Solomon and Hohmann. Salamone said that he was in support of a conditional approval. Mansfield said that he was wanting to hear further discussion before making a decision.

On a motion duly made by Hohmann and seconded by Solomon, the LCC voted (6-0) to continue the hearing for 160 Moulton Drive to the April 20, 2021 meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

Other Open Permitting Items

9:56pm - Request for Certificate of Compliance- DEP File # 209-0422 - Windsor Estates

Cademartori reported that no representatives were present. She remarked that she does not see it fit for a Homeowners Association to be responsible for a stormwater system that is not properly located on a plan. Bill Jones of Linden Engineering noted that although some changes have been made, there are still some significant outstanding issues, and he recommended that the Board deny the request.

Administrative Matters

10:07pm - Pillings Pond Subcommittee - report

Mansfield reported that the subcommittee would move forward with having the west area of the Pond reviewed for a dredging analysis, by ESS Engineering Group, in a \$5,500.00 budget request for FY22. This will be “Part B” of the annual treatment plan capital request for the Pillings Pond. Gentile asked for a summary document describing this capital account accounting that could be posted for informational purposes on the subcommittee’s website.

Subcommittee members also would like posted NO WAKE ZONE signage at the end of Highland, Ryan and towards the island, where boaters turn around create the most erosion. Additionally, at the end of Highland, members would like a sign that instructs boaters how to properly launch their boats and which would also include some boater courtesy verbiage as well as speed limits.

Finally, with summer coming, Mansfield would like to see outreach focused on lawn maintenance, with a particular focus on the prudent use (or alternatives) to pesticides and their impact on Pond water quality.

10:15pm - New Project - “A Vision for Willis Woods” Conservation Area

Cademartori reported that the last week, the 4 towns of Lynnfield, Peabody, Middleton and North Reading have come together in a regional effort to pursue MAPC technical assistance funds to create a regional vision for passive recreation on the water district and conservation lands in north Lynnfield and the Salem/Lowell railbed. This effort has come into focus with the Richardson Green discussion. MAPC has previously been interested in this large area. The current water superintendent is interested. The MAPC grant application for this project is due March 19. Lynnfield would be the lead community, and will submit the application on behalf of all 4 communities.

10:17pm - Minutes

Due to the late hour, review of the February 16 meeting minutes were postponed until the April 20, 2021 LCC meeting.

10:18pm - Adjournment

On a motion duly made by Yagjian and seconded by Hohmann, the LCC voted (6-0) to adjourn the March 16, 2021 meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye.

NEXT REGULAR MEETING – Tuesday, April 20, 2021

As recorded and submitted by Jennifer Welter.