

# **TOWN OF LYNNFIELD CONSERVATION COMMISSION**

## **MEETING MINUTES**

**April 20, 2021, 6:30 PM**

Virtual Meeting via ZOOM

### **Members present:**

Commissioners; Chairman Don Gentile, Kirk Mansfield, Janice Solomon (arrived 6:40), Angelo Salamone, Erin Hohmann, Bryce Foote, Jared Yagjian (arrived 6:46), Director Emilie Cademartori

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

## **New Public Meetings**

### **6:33pm - Request for determination - 3 Windsor Rd**

Applicant: George Bloom

Project: Construct sunroom with enclosed lower level and a new deck in place of existing deck.

Kevin Kieler from Brady Built Sunrooms presented the project. The new sunroom extends 1-½ feet closer to the wetland. The sunroom is pre-fabricated, and is crane-lifted over the house and bolted into place. The crane operates from the driveway. The old sonotubes will not be used, and will be left in place. New posts will be Techno-Metal posts which disturb very little soil during installation. No heavy equipment or machinery will be used.

*On a motion duly made by Hohmann and seconded by Foote, the LCC voted (5-0) to issue a negative determination, not confirming the wetlands delineation for 3 Windsor Road. Roll Call Vote: Mansfield-Aye, Foote-Aye, Hohmann-Aye, Salamone-Aye, Gentile-Aye.*

## **Continued Public Meetings**

### **6:33pm - 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 revised plan. A replanting plan is complete, including reclaiming of a section of existing lawn, and revegetating a buffer area next to Bates Brook.

Sixteen trees will now be planted - double the 8 originally proposed. Gentile asked about a pipe from the house going into the resource area. The homeowner believes it to be an exterior drain that pumps water away from the exterior of the house, and sees it operate only rarely. Kirby said the homeowner is flexible about the specific placement of trees in the area where the existing pines will be removed, and welcomed LCC input..

Mansfield asked about the deer resistance of the proposed ferns. Kirby said he could increase the number or have them caged to discourage deer browsing. Mansfield expressed concern regarding the clump of 3 healthy looking large pines, citing the danger to the exposed pines once adjacent pines are removed. Solomon agreed.

Abutter Nancy Sacco, 15 Chatham Way, spoke against the proposed project, expressing the environmental and neighborhood aesthetic concerns of removing mature trees. Homeowner Casey McGah responded that the safety of her children were at stake, as the large pines were too close to her home. Cademartori reminded the board that an assessment letter was available from a certified arborist. Some board members were most concerned about the children's safety. Cademartori recommended an RDA as the most appropriate path for this project.

***On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (5-1-1) to issue a negative determination, not confirming wetland determination for 12 Chatham Way. Roll Call Vote: Mansfield-No, Foote-Abstain (due to absence in the March 16, 2021 LCC meeting), Hohmann-Aye, Salamone-Aye, Solomon-Aye, Yagjian-Aye, Gentile-Aye.***

## **Continued Public Hearings**

### **7:27pm - 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. Cademartori secured a confirmation from FEMA that Sparages' presentation of March 16, 2021 was in fact correct - the barn at the proposed location is acceptable per the performance standards, as long as the water in the brook, having breached the brook, can travel around the structure and not leave the property and impact the property of another. Gentile asked for Sparages to summarize the performance standards for riverfront parcels.

Yagjian complimented Sparages on the diligence of his firm's work, and the good fortune of DEP's assistance. Gentile agreed. Cademartori indicated that the proposal seemed complete.

*On a motion duly made by Salamone and seconded by Hohmann the LCC voted (6-0-1) to issue an Order of Conditions for 1 Skinner Lane. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye, Foote-Abstain (due to absence in the March 16, 2021 LCC meeting).*

**7:45pm - 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 Nina Pickering-Cook, with Anderson Kreiger (abutters' attorney), and a number of abutters.

Ogren reported that he has responded to the abutters' hired engineer ESS's listing of project concerns, and found none of significant concern. Jones indicated that there was only one issue - the distance from the soil absorption system to the roof drain needs to be 10 feet, and the plan can be modified prior to site work. Jones said that in his review of the ESS concerns, none were of significant concern. Jones also noted that the project is redevelopment; including a reduction of the amount of impervious surface, infiltration of the amount of runoff from a 100 year storm, and collection and treatment of the runoff from the parking lot - none of which is occurring now - all an improvement of the current situation.

Pickering-Cook commented that she received Hayes Engineering's response to ESS comments only earlier that afternoon. She noted that the project is large and needs the attention it deserves, particularly because of its proximity to a drinking water source.

Jim Black, abutter at 158 Moulton Drive provided approximately 3 minutes of dissenting remarks out of concern for the neighborhood. Gentile reminded abutters that the jurisdiction of the LCC was limited only to the stormwater issues. Abutter Brad Keene called into question the lack of definition of the stormwater system details before a permit is granted.

Cademartori noted that an additional condition be added that after the permit is issued but before construction begins, a \$1500 inspection fee be paid which will allow the consultant to monitor construction once it begins.

Gentile asked for a motion, which was moved by Salamone but not seconded. Pickering-Cook interjected that the public did not have access to the 7-page draft permit in anticipation of the LCC vote. Cademartori noted that practice does not include sharing draft permits in advance to the public. Keene suggested that Town Counsel weigh in on this issue. Gentile again asked for a second on his motion. Both Solomon and Mansfield indicated they would want more time to review the revised permit. Pickering-Cook requested a copy of the draft permit. Applicant David

Palumbo expressed concern about the delay of a decision this night. Gentile suggested a special meeting in the following week.

*On a motion duly made by Mansfield and seconded by Solomon the LCC voted (4-0-2) to continue the public meeting to a special meeting held Tuesday, April 27 at 6:30pm for 160 Moulton Drive. Roll call vote: Solomon-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye, Foote-Abstain (due to absence in previous LCC meetings), Hohmann-Abstain (due to absence in previous LCC meetings); Yagjian-Abstain (due to absence in previous LCC meetings).*

## **Other Open Permitting Items**

### **8:31pm - Request for Certificate of Compliance- DEP File # 209-0422 - Windsor Estates**

Cademartori reported that the applicant was not present at the meeting, and has not had the opportunity to respond to the peer review comments. She suggested a site visit prior to the next meeting. The site visit is scheduled for Wednesday, May 12 at 6:00pm. Cademartori offered to schedule a special site visit time with board members not able to meet May 12.

### **8:35pm - Request for Certificate of Compliance - DEP File #209-0413 - Michael's Landing**

Cademartori reported that board members would like to see the property now that there is no snow on the ground. She suggested a site visit at a separate time, not in combination with another site visit.

### **8:36 - Enforcement Order - 165 Lowell Street**

Cademartori reported that the Enforcement Order was issued on behalf of the LCC 3 weeks prior, which needed to be ratified by board members. The applicant was invited to respond. The applicant's attorney, Chip Nylen, was present.

Cademartori provided the background for the Enforcement Order. Two outstanding orders and two enforcement orders are under appeal, so no work should be occurring. Abutters informed the office of tree work on site. Cademartori called the applicant's attorney who was not aware of the work. Cademartori arrived at the property. The tree company continued the work, aware of the jurisdiction area, and noting that the company had lost a prior to another company when it ceased work. The enforcement order was issued two days later.

Nylen responded that the work was tree trimming. He also referred to language from the injunction which bars the LCC Administrator from entering the property without 3 days notice. He said that there was no need for the enforcement order since there was no pruning work, no earthwork, no erosion, and the hillside is stabilized and heavily vegetated. He said that his presence in this meeting was required in the enforcement order. He said that his client is in compliance with the Wetlands Act. He suggested filing an RDA.

Gentile responded that the client continues to do work in violation of the orders, and suggested the matter be directed to the Superior Court via Town Counsel. Nylen then responded by disagreeing. Cademartori responded that the tree work was jurisdictional and the tree company

equipment was well within the resource area. The tree company asked for Cademartori to visit the property. Nylen again suggested directing the argument to Superior Court.

Yagjian, Mansfield and Solomon expressed disappointment with the history and continued activity with this property.

***On a motion duly made by Hohmann and seconded by Solomon the LCC voted (7-0) to ratify the Enforcement Order issued by Cademartori on behalf of the Board. Roll call vote: Solomon-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye, Foote-Aye, Hohmann-Aye, Yagjian-Aye.***

### **9:17pm - Pine Hill Trail - Encroachment Area Discussion**

Homeowner John and daughter Jamie Bossi were present to discuss the encroachment issue on the ConCom property.

Gentile asked if a survey was done by the Bossis, but the question was not answered. Jamie Bossi spoke for the Bossis and asked if the Commission would put some kind of natural barrier so that trail visitors would see a distinction of the properties.

Solomon suggested a staggering evergreen plantings design in a photo forwarded to Cademartori. Mansfield asked if a “barrier” would forfeit some ConCom land, to which Bossi suggested some kind of “meet in the middle” barrier. Gentile suggested a meeting to initiate an agreeable plan. Cademartori said that any cooperative effort needs to address certain questions; location of barrier, type, cost, who would pay, maintenance, etc. Mansfield asked the Bossis if they agreed with the LCC survey results to which Jamie Bossi said no. Gentile suggested a site visit with the Bossis to get the conversation started, and asked Cademartori to arrange.

### **9:17pm - Pine Hill Trail - Abutter Update**

Cademartori reported that the Police Chief asked for a meeting that they would host with the neighborhood. He also asked for a representative from the abutters. Chris Lampropoulos volunteered. Lampropoulos then asked about liability in the event a trail visitor using the LCC easement is hurt on his private property. Lampropoulos noted ConCom rules and regulations, but misinterpreted their application to visitors. He also questioned an action plan for EMTs to access an injured trail visitor.

Bossi then reported a fire being lit by a group of trail visitors. Lampropoulos said that the police would not fully resolve an infraction. Abutter Heather from Daventry noted multiple infractions. A couple of abutters called for moving the trail. Gentile said that the Board is open to suggestions from all residents. Further, a formal process should be in place to handle abutter issues, and he would ask Cademartori to initiate a conversation with Town Counsel. He also noted that the Police Chief would schedule a meeting, and notice would be provided to abutters..

### **10:00pm - Arbor Day and Rotary Park Bank Planting Events - May 1**

Jennifer Welter provided a brief summary of planting expectations for May 1.

### **10:03 - Adopt-a-Property reports and updates**

Hohmann reported that Beaver Dam Brook may need a trash clean up, and reported that there seems to be a small hangout area, including graffiti. She will forward photos. Solomon reported a large pine tree down on the Pine Hill Lot path. Other than some minor trail trash, a very large piece of sheet metal, and abutter trash piles, there doesn't seem to be any evidence of infractions, such as setting fires. She knows of no abutter complaints in her immediate (Davenport Court) area. Mansfield reported that Bennant Keenan seems in good shape. Foote said that Partridge Island also seems to be in good shape. Yagjian added that an oily seepage is coming from a property near Partridge Island.

## **Administrative Matters**

### **10:16pm - Minutes**

Due to the late hour, review of the February 16 and March 16 meeting minutes were postponed until the May 18, 2021 LCC meeting.

### **10:17 - Unscheduled comments**

Mansfield praised Cademartori for her work and demeanor in dealing with a number of difficult property issues in town. All board members agreed.

### **10:18pm - Adjournment**

*On a motion duly made by Yagjian and seconded by Hohmann, the LCC voted (7-0) to adjourn the April 20, 2021 meeting. Roll Call Vote: Solomon-Aye, Yagjian-Aye, Hohmann-Aye, Mansfield-Aye, Salamone-Aye, Gentile-Aye, Foote-Aye.*

### **NEXT REGULAR MEETING – Tuesday, May 18, 2021**

As recorded and submitted by Jennifer Welter.