

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

June 15, 2021, 6:30 PM

H. Joseph Maney Room, Lynnfield Town Hall

Members present:

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

6:35pm - Chairman Gentile called the meeting to order.

New Public Hearings

6:36 Notice of Intent – Hawkes Brook at Timberhill Lane and Fletcher Road

Applicant: Town of Lynnfield Department of Public Works

Project: Roadway improvement and flood mitigation including water main installation and the repair and or replacement of two culverts.

Town Engineer Charlie Richter and Bill Jones of Linden Engineering presented the project. A number of Timberhill and Fletcher Road abutters were in attendance. This a Town DPW project. Both roadways have aging culverts and are at risk. The Town has been working on this project for over two years, and attempts to get funding from FEMA and from the state through the Town's MVP program have been unsuccessful. Hence, the Town will fund this project through its capital budget.

The neighborhood (both upstream and downstream) does experience flooding during extreme events. This project hopes to alleviate some of that flooding, but primarily addresses roadway issues. A full hydrologic study was performed by Linden Engineering to ensure that the downstream properties will not be at increased flood risk from the slight increase in culvert capacity.

The work is planned for this August when it is drier. Road resurfacing of Timberhill Lane will be in 2021, and Fletcher Road in 2022. The 30" culvert will be replaced, a 12" pipe will be added adjacent to the culvert, and at Timberhill Lane, 40' of culvert will be removed and a 12" pipe will be added. The Lynnfield Water District will take advantage of the project timing and replace the water main on Fletcher Road at the same time.

Abutters suggested further, more aggressive efforts to reduce flooding in their respective backyards. However, both Jones and Richter expressed regrets that their work is significantly limited by the Wetlands Protection Act and that the Town is unable to divert water from one property which would then negatively impact another property. The Timberhill project is expected to require two weeks. Chair Gentile added that Town projects are not subject to the local Bylaw. Richter confirmed that, as part of the project, Mosquito Control will visit the area.

On a motion duly made by Solomon and seconded by Hohmann, the LCC voted (7-0) to issue an OCC for this project at Timberhill Lane and Fletcher Road subject to the special conditions added by Cademartori in the draft permit.

Administrative Matters

7:13pm - Needed revisions to Stormwater Bylaw Rules & Regulations

This agenda item was taken out of order so that Richter and Jones could answer any questions about proposed revisions to the Stormwater Bylaw Rules and Regulations that are associated with the Stormwater Bylaw amendments that were passed at the June 12 Town Meeting. Richter explained that the proposed revisions address the EPA stormwater permit requirements in order for the town to retain its license to discharge stormwater out to Mass. waterways. Cademartori suggested that the members review the revisions in order to consider approval at the July 20 LCC meeting. She added that the revisions also encourage the use of more Low Impact Development (LID) measures.

New Public Hearings

7:19pm - Notice of Intent - 19 Ryan Road

Applicant: Deborah Croke

Project: Removal of failed septic and installation of new wastewater treatment system consisting of Presby advanced enviro-septic leaching facility and pump chamber for existing single family home within 100 ft buffer of Bordering Vegetated Wetland and Inland Bank associated with Pillings Pond and within 200 ft Riverfront to Bates Brook.

Thor Ackerly, Wetland Scientist with Williams & Sparages, presented the project. Due to the proximity to Pillings Pond, this septic replacement holds no real alternative except for the continued use of a tight tank coupled with an advanced leaching field design. The disturbed area is entirely lawn now, other than one tree near the house that may need to be removed for the pump chamber. The BOH has approved the design (with multiple waivers), but it is still pending at MA DEP. Pillings Pond is now classified as a Class A water body. The Lynn Water & Sewer Commissioner has also approved this project.

On a motion duly made by Solomon and seconded by Foote, the LCC voted (7-0) to issue an OCC at 19 Ryan Road subject to DEP approval.

7:32pm - Notice of Intent – 30 Chatham Way

Applicant: Brian & Kelly Regan

Project: Installation of pool with surrounding patio, retaining wall, fence and associated landscape plantings within 100 ft buffer to Bordering Vegetated Wetland

Joseph H. Orzel, Wetland Scientist with Lucas Engineering presented the project. This is a proposed pool in an area that is currently lawn. No work is proposed within a resource area. At the closest point, the edge of the retaining wall is 21' from the BVW boundary. The proposed fence is approximately 2 feet from the wetland. Gentile asked about the fence construction, to which Orzel said that it would have 4" slats, and not be a barrier to wildlife. Gentile asked if any trees would be slated for removal, to which Orzel said no. Cademartori asked if any trees would need to be removed for access to the work, to which Orzel said no. Solomon asked about the height of the retaining wall. Orzel said that it was between 1 and 2 feet tall.

On a motion duly made by Yagjian and seconded by Solomon, the LCC voted (7-0) to issue an OCC for 30 Chatham Way.

7:43pm - Notice of Intent – 99 Crest Road

Applicant: Mary Jo Milano

Project: Installation of 194 feet of stone rip rap along the shoreline of Pillings Pond; work is proposed within Bank, Land Under Water, Bordering Land Subject to Flooding, and the 100 ft buffer to Bordering Vegetated Wetland.

Peter Ogren of Hayes Engineering presented the project and reviewed the plans for bank containment using boulders that the homeowner had already had delivered to the property.

Prior to this meeting, Cademartori had asked for a cross section and an analysis of how the design meets the performance standards for the multiple resource areas that will be impacted, with particular concerns for Bank and Land Under Water. Determining the extent of the various resource areas is difficult because the water levels are artificially manipulated, making the high and low water marks difficult to determine. Land Under Water is the area below the mean annual low water mark, and then the Bank is above that to the break and slope.

Ogren had submitted a letter opining that the performance standards are met, because Pillings Pond is a man-made pond and the water level is controlled by the Town.

Gentile expressed an overarching concern about the lack of any good erosion prevention solution that can be used as a model for this project and other similar projects for other pond abutters. He suggested that ConCom work with the applicant, and hire a consultant such as LEC Consultants that could work on ConCom's behalf for this project which could serve as a model going forward.

Solomon expressed concern about the effect of water level changes on the privately owned Mill Pond. Cademartori noted that she is waiting on further clarification of the performance standards from DEP. Cademartori suggested a site visit, now scheduled for Tuesday, June 29 at 6:00pm. In attendance was Ana Maria Carvajal Novoa from AMC Design Studio in Beverly, who spoke of a ribar and rock design to prevent bank erosion.

On a motion duly made by Solomon and seconded by Hohmann, the LCC voted (7-0) to continue the public hearing to the July 20 meeting.

New Public Meetings

8:12pm - Request for Determination – 163, 165, 175 Lowell Street

Applicant: Anthony Gattineri, Boston Clearwater

Project: Remove all tree limbs, branches and vegetation overhanging buildings within the 25 ft buffer; remove all saplings 3.3 inches or less and remove all dead, diseased, cracked and broken limbs within the 100 ft buffer (but outside the 25 ft) to Bordering Vegetated Wetland.

Paul Marchionda of Marchionda & Associates, and the applicant's attorney Richard "Chip" Nylen presented the project.

Marchionda described the project as a compilation of the 3 properties. The request was written as tree trimming and understory removal for "the operation of the public water supply and to ensure safe access to customers to the surrounding grounds."

Gentile first asked for clarification of the ownership and applicant authority to file for all three properties. Marchionda confirmed that all property owners signed the application. Gentile then asked about the purpose of the tree trimming and material removal on the 2 residential properties, when the 2 residential properties have nothing to do with the commercial water business. Atty. Nylen argued that the LCC only needs to regulate activity, not use, which is regulated by zoning, and that the LCC should only focus on the impact of the activity to the wetlands.

The local bylaw applies only to the property at 165 Lowell. The two residential properties on either side are only subject to the WPA, so the LCC does not have the same power to impose no disturb and no build zones within the Buffer as it has historically done both on the hillside above the spring house and in general on the property as a whole.

Gentile and Cademartori noted that the applicant is claiming the work is for “the operation of the public water supply and to ensure safe access to customers to the surrounding grounds.” Per Lynnfield zoning, the business is only allowed to operate on the one parcel at #165 Lowell. They are not entitled to expand any business use to the abutting residential properties, therefore, there should be no customers visiting the surrounding grounds. Cademartori added that if a residential applicant were to ask for this same project scope, the LCC would ask for a full plan and overall project goal. A discussion ensued regarding the overall intent of the tree removal work. Solomon, Gentile and Yagjian expressed general disappointment with the ConCom’s overall dealings with the applicant. Solomon added that she was not comfortable combining a commercial and residential property in the same request, to which Atty. Nylen said he could reapply with each individual property, if necessary.

Atty. Nylen suggested that the applicant return with a revised projection description. Cademartori suggested a site visit so that members could visualize the work, which is scheduled for Tuesday, June 29 at 6:30pm. Cademartori also asked for some site photos.

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (7-0) to continue the public hearing to the July 20 meeting.

Other Open Permitting Items

8:50pm - Request for Minor Modification DEP File # 209-0620- Lynnfield Centre Septic

Joseph Peznola from Hancock Associates summarized the minor modification. The installation cost for the new septic system is approximately \$1.1 million. (Hayes Engineering had done the original engineering, with a cost of \$1.5 million.) The project also takes advantage of the opportunity to upgrade the stormwater system. The new design is an improvement over a conventional septic system, and is approved by DEP. The system also must be operated by a licensed operator required to provide monthly monitoring reports, with reporting to Lynnfield and DEP if the system is not operating properly. Cademartori noted that the ultimate drainage of the project from the parking lot is to Beaverdam Brook. Therefore, the permit is more about how to best mitigate impacts during the construction, and how to improve the stormwater management.

The project will begin within the next 2 weeks and is expected to take 4 months.

On a motion duly made by Yagjian and seconded by Foote, the LCC voted (7-0) to approve the amended Hancock Associates plan for the Lynnfield Centre septic project. as a minor change.

9:01pm - Request for Certificate of Compliance- DEP File # 209-0422 - Windsor Estates

The applicant was not present. Cademartori reported that she had met the previous week with the applicant's engineer, and that he had agreed to comply with everything she had requested.

Administrative Matters

9:03pm - Emergency certification - Dam Breaching - Saugus River

Cademartori reported that the permit wasn't issued because the water levels were too high. She expects that this will be on the agenda for the July meeting.

9:04pm - Ongoing/New projects/Adopt-A-Property - Walnut Street Pocket Park

Cademartori described development of a possible pocket park at the relatively new conservation parcel at 70 Walnut. She noted the overgrown invasives, the DPW's plan to replace both street fences on either side of Walnut Street, and the desire to replace the Historical Commission sign marking Gerry's Cider Mill. She suggested that a small group or one member spearhead this effort, if interested.

9:05pm - Minutes - May 18, 2021

On a motion duly made by Hohmann and seconded by Solomon, the LCC voted (7-0) to approve the May 18 meeting minutes.

Unscheduled Comments:

Mansfield asked if board members would be available to weed the recently planted Rotary Park bank area at Pillings Pond on Saturday, June 19 at 9:00am.

Solomon asked for an update on the encroaching Elmwood Road outdoor kitchen. Cademartori reported that the engineer called to say that he had something to submit, but that he never followed through. Solomon said that this issue needs action because the owner should not be allowed to enjoy this encroachment all through the summer.

Manfield spoke of the difficulty in reaching any solutions regarding bank erosion, speeding, wakes, etc., on Pillings Pond.

Cademartori announced that we received early notice that Lynnfield has received the MAPC Technical Assistance Grant for "A Vision for Willis Woods" project.

9:16pm - Adjournment

On a motion duly made by Foote and seconded by Yagjian, the LCC voted (7-0) to adjourn the June 15, 2021 meeting.

NEXT REGULAR MEETING – Tuesday, July 20, 2021

As recorded and submitted by Jennifer Welter.