

# **TOWN OF LYNNFIELD CONSERVATION COMMISSION**

## **MEETING MINUTES**

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

**H. Joseph Maney Room, Lynnfield Town Hall**

### **Members present:**

Commissioners; Chairman Don Gentile, Kirk Mansfield, Erin Hohmann, Bryce Foote, Director Emilie Cademartori

**6:33pm - Chairman Gentile called the meeting to order.**

### **New Public Hearings**

#### **6:34 Abbreviated Notice of Resource Area Delineation– 79 Chestnut**

Applicant: Darren Ryan, RYBO Inc

Project: Verify the delineation of 114 linear feet of Bordering Vegetated Wetland and Riverfront Area

Director Cademartori reported that the applicant and the consultant were not present, however, based on the simplicity of the application She suggested that the board could feel free to review in their absence. A future plan calls for a demo and rebuild.

*On a motion duly made by Hohmann and seconded by Foote, the LCC voted (4-0) to approve the resource area delineation for 79 Chestnut.*

### **Administrative Matters**

#### **6:36pm - Minutes - June 15, 2021**

*On a motion duly made by Hohmann and seconded by Mansfield, the LCC voted (4-0) to approve the June 15, 2021 meeting minutes, as corrected.*

### **Continued Public Hearings**

### **6:38pm - 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.

The applicant submitted a written notice to continue the hearing to the August 17, 2021 meeting.

*On a motion duly made by Mansfield and seconded by Foote, the LCC voted (4-0) to continue the hearing to the August 17, 2021 LCC meeting.*

### **6:39pm -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.

The applicant submitted a written notice to continue the hearing to the August 17, 2021 meeting.

*On a motion duly made by Foote and seconded by Hohmann, the LCC voted (4-0) to continue the hearing to the August 17, 2021 LCC meeting.*

## **Administrative Matters**

### **6:40pm - Proposed revisions to Ch 213 Stormwater Bylaw Rules & Regulations**

Cademartori reported that a properly posted public hearing must be posted first before the board can discuss and approve the proposed revisions.

### **6:41pm - Pillings Pond Sub-Committee Updates**

Mansfield reported that the sub-committee decided to move forward with the dredging survey. Cademartori reported on the second algae treatment with the heavy dose copper treatment typically necessary in July. Also, there have been almost no sightings of spiny naide, indicating the success of the June treatment. She added that an abutter reported an algal bloom earlier in the week.

## **New Public Hearings**

### **6:45pm - Notice of Intent - 376 Lowell Street**

Applicant: Peter Varone

Project: Installation of inground swimming pool, associated patio and landscaping within the 100 ft Buffer to Bordering Vegetated Wetland

Thorsen Ackerly, registered sanitarian with Williams & Sparages presented the project. Ackerly delineated the property in March 2021. The proposed pool is 40' long, located as close to the house and garage as possible. The edge of the pool is 19' from the BVW at the closest point. A non-backwash filtration system is proposed, so that there is no need to discharge any chlorinated water. Change of grade to accommodate the pool is minimal. Dewatering during construction will be handled with use of a temporary crushed stone bed surrounded by hay bales with a dirt bag inside, all within the limit of work area.

Gentile asked if the entire backyard is existing lawn, to which Ackerly said yes. Foote asked about construction access. Gentile also asked about tree removal history on the property. Cademartori reported that many trees had already been removed, but that typically for a pool installation the board could request some mitigation through replanting. Gentile asked about replacing the existing fence that is already in the wetland. Cademartori suggested shrubs be planted in front of the fence. Gentile also asked if the applicant would be willing to plant replacement trees, to work with Cademartori and to pull tree species from the ConCom's native tree list.

***On a motion duly made by Mansfield and seconded by Foote, the LCC voted (4-0) to issue an OOC for 376 Lowell Street, subject to wetland shrubs being planted just north of the wetlands line, and the addition of 1 to 5 trees, depending on the location and conditions, as approved by Director Cademartori.***

#### **7:04pm Notice of Intent – Transmission Line S145/T146**

Applicant: Andrew Cole, New England Power Company

Project: Maintenance activities, including repair, removal or replacement at 38 structures; installation of 2 new structures within Bordering Vegetated Wetland and its 100 ft Buffer, Bordering Land Subject to Flooding and Estimated Habitat of Rare Wildlife.

Alison Milliman from BSC Group presented the project on behalf of New England Power. This is an existing transmission line that requires routine system replacements and repairs to equipment. The work includes an additional access gate, repairing 31 existing structures, replacing 3 existing structures and removing 4 structures with their replacement of 2 structures. The Town of Lynnfield doesn't recognize all public utilities exemptions, which is requiring Milliman to present the full scope of the project. Gentile asked who would monitor the project, to which Milliman said that BSC Group is on retainer for inspections.

The work is slated for November (with some preliminary work to be conducted in September) to avoid migratory bird and vernal pool activities. Cademartori noted that Natural Heritage had not yet submitted formal comments, so the meeting could not be closed at this time. There is no DEP number currently on file.

*On a motion duly made by Hohmann and seconded by Mansfield, the LCC voted (4-0) to continue the hearing to the August 17, 2021 LCC meeting.*

**7:17pm – Abbreviated Notice of Resource Area Delineation - 12 Hampton Court**

Applicant: Victoria Ricciardiello

Project: Verify the delineation of Bordering Vegetated Wetland located on and/or adjacent to the property.

*On a motion duly made by Mansfield and seconded by Foote, the LCC voted (4-0) to continue the hearing to the August 17, 2021 LCC meeting.*

**Other Open Permitting Items**

**7:18pm - Request for Certificate of Compliance- DEP File # 209-0422 - Windsor Estates**

Developer Gregg Monastiero provided an update. Approximately 15 homeowners were present for the discussion.

Monastiero presented a brief history of the project, and reported that Linden Engineering's engineer Bill Jones, and his engineer Rich Williams are working together on a solution for the retention basin issue.

Gentile asked why inspection ports were not put on a plan during build, to which Monastiero said that these were installed, but some of them have been grown over. Gentile recapped the major issues being the detention basin, roof infiltration system and stormwater maintenance. He then asked for homeowner comments.

Gilda Lutz spoke of the detention basin in question that does not drain, now inhabited by ducks and frogs. She has provided the HOA board with significant photo evidence over many months. She said that the area is an eyesore, it is mosquito infested, and negatively affects her property value.

Paul Guarracino, Co-President of the HOA, requested an enforcement order from the board to make sure that the work is done. The storm drains have not been cleaned in 18 months; the problem exacerbated by the lack of as-built drawings from the developer. As-built drawings have previously been requested by Bill Jones. Six driveways are failing prematurely, with no documentation to indicate where storm drains are draining.

HOA Co-President Mark Martin echoed Guarracino's comments and reiterated his skepticism that the work will be done.

Rosann Sillari stated that her driveway is "soaking wet" without any indication of the source.

Roger Schenkel reported that water pours over his entrances, and reported that some downspouts were never connected to a drainage system.

Linda Malloy implored the board to make sure that the work is done. She noted that many promises have been made by the developer but not fulfilled.

Annette Lebic said that the property behind her unit 29 is like a jungle and is a complete mess. She is unable to enjoy her backyard.

Alana Cooper stated that her driveway was failing.

Gentile suggested that an enforcement order be issued with no fines at this time, but done to create the sense of urgency. The applicant should consult with the LCC peer reviewer and report back at the next meeting with a status update and a plan going forward. He further suggested that the residents' engineer be involved in this process along with the peer reviewer and the applicant's engineer. Gentile also added that, to his knowledge, the developer has not had a problem like this with any other project in town. Monasterio suggested that any solution will not satisfy the residents.

*On a motion duly made by Mansfield and seconded by Foote, the LCC voted (4-0) to issue an enforcement order asking the applicant to come to the August 17, 2021 meeting with the stormwater maintenance records through the time when he relinquished control of the condo - the 2019 report, the key showing the locations of the roof drains and associated information, and a plan to address the outstanding issues listed in Bill Jones' letter of April 14, 2021.*

*On a motion duly made by Hohmann and seconded by Mansfield, the LCC voted (4-0) to allow Director Cademartori to sign an enforcement order on behalf of the board.*

### **8:17pm - Violation – 3 Cooks Farm Lane**

Homeowners James and Rosalie Giardina were present for the discussion. Cademartori provided a brief history. The permit for a pool was provided in 2019. The pool was dug but not completed until spring 2020. COVID delayed the patio build. The homeowners did not know of any wetlands in the area (which was also news to the LCC), but did proceed with the permits they had in order to do pool construction. Cademartori noted that if the pool application had come before the ConCom, it would have been permissible because it was in existing lawn. She added that the permit probably was done with a mortgage survey, and that their permit was provided during the transition of Lynnfield's building inspectors. Field Inspector Patrick McDonald was alerted to fill being placed in the wetlands, and he conducted a field inspection May 25. They have hired Norse Environmental to deal with the wetlands filling issue.

The homeowners reported that they have had unpleasant dealings with Norse Environmental, once Norse had confirmed wetlands near their property. Mansfield suggested that the homeowners seem to be “victims” of circumstances, through no fault of their own. The homeowners also complained that their neighbors have also been doing work in the wetlands area but to no consequence. Cademartori suggested that they hire a good earthworks contractor to pull the fill back from the tree line. She also suggested a site visit once this earthworks has been done.

#### **8:42pm - Violation – 36 Elmwood**

Cademartori reported that the homeowner has hired an attorney, however he was not ready for the meeting tonight.

#### **8:45pm - Request for Certificate of Compliance- DEP File # 209-0534 17 Village Row**

This request is from an old project from 2003. The homeowner now wants to cut down 3 trees, but because these very large pine trees are close to the wetlands, Cademartori suggested they come before the board. The trees are in front of the fence, and the question is if replacement trees should go before or behind the fence.

Mansfield commented that tree removal is becoming an issue with the board not having guidelines on tree removal, and making decisions under the risk of denying tree removal and then having falling trees occur. Cademartori then asked the board what specific mitigation they would like to see pending the tree removal, and whether board members wanted the trees placed before or behind the fence. Mansfield suggested a 2:1 tree mitigation replacement.

*On a motion duly made by Hohmann and seconded by Foote, the LCC voted (4-0) to issue a Certificate of Compliance for 17 Village Row subject to a 2:1 tree mitigation replacement per the ConCom tree list, as approved by Cademartori, and placed in the buffer where room allows.*

#### **8:53pm - Adjournment**

*On a motion duly made by Hohmann and seconded by Foote, the LCC voted (4-0) to adjourn the July 20, 2021 meeting.*

#### **NEXT REGULAR MEETING – Tuesday, August 17, 2021**

As recorded and submitted by Jennifer Welter.