

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

October 19, 2021, 6:30 PM

Al Merritt Center, Market Street

Members present:

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

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

Open Permitting Items

6:31pm - Request for Certificate of Compliance - Windsor Estates - DEP File#209-0422

Donald Cooper, the applicant's attorney was present to request the COC. Chairman Gentile noted that Bill Jones of Linden Engineering had no further outstanding issues with the project. Mark Martin, Co-President of the HOA for Windsor Estates said that the residents are generally satisfied with the work and supportive of the partial COC.

On a motion duly made by Yagjian and seconded by Solomon, the LCC voted (7-0) to issue a partial COC for Windsor Estates.

Continued Public Hearings

6:36pm – 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 Yagjian and seconded by Solomon, the LCC voted (7-0) to continue the hearing to the November 16, 2021 LCC meeting..

6:42pm - 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.

On a motion duly made by Mansfield and seconded by Hohmann, the LCC voted (7-0) to continue the hearing to the November 16, 2021 LCC meeting.

New Public Meetings

6:36pm - Request for Determination of Applicability – 92 Crest Road

____ Applicant: David Crockett

Project: Installation of a rip rap stone wall with associated grading and the installation of fencing within the 100 ft Buffer to Bank and Bordering Vegetated Wetland.

David Crockett was present to explain his request. The applicant would like to continue with a retaining wall from 100 Crest Road, approximately 12-15' from the Pillings Pond edge, to his abutting property at 92 Crest Road. He would like to raise the grade in this area, level the ground, and install a chain link fence for dogs. Solomon requested a site visit which will take place Saturday, November 6 at 10:00am.

Abutters Stephen and Elizabeth Fantone of 340 Summer Street were present to provide feedback on the applicant's proposal. Mr. Fantone read a prepared statement expressing concerns with the applicant's plans and asked that board members deny the request and have the applicant remove the existing retaining wall and restore the bank to its original condition.

On a motion duly made by Mansfield and seconded by Hohmann, the LCC voted (7-0) to continue the hearing to the November 16, 2021 LCC meeting.

6:59pm - Request for Determination of Applicability – 7 Timberhill Lane

____ Applicant: Admir Celikovic

Project: Installation of new subsurface sewage disposal system for an existing single family home within the 100 ft Buffer Bordering Vegetated Wetland.

Jerry Pezzella, the applicant's septic system contractor was present for the request. The site is difficult with respect to locating the new septic tank and leaching field. There are 5 waivers requested due to the proximity to gas lines, wetlands and the tributary in the back yard to Hawkes Pond. No vegetation will be disturbed for the construction, however, Pezzella indicated that it was likely that a multi-trunk oak tree very close to the construction activity would be seriously impacted. Solomon suggested that 2 trees be planted to replace the 2 trees that will be removed. With further discussion, most agreed that only one area for tree replanting was feasible - just off the corner of the garage. Approval has not yet been received by the Board of Health. A pre-construction site visit will need to be scheduled with Cademartori when ready.

On a motion duly made by Mansfield and seconded by Yagjian, the LCC voted (7-0) to issue a negative determination (a negative 3 and a negative 5) adding the condition that 2 trees be planted to replace the 2 trees slated for removal. The delineation of the wetland would not be confirmed. No NOI is required, citing exemption 10.586 - repair/upgrade of onsite septic system in a riverfront.

New Public Hearings

7:16pm - Notice of Intent – Camp Curtis Guild - DEP File #209-06xx

_____ Applicant: Jacob McCumber, MA Army National Guard
Project: Implementation of a 5 year Invasive Plant Management Plan, including the use of herbicides, within wetland resource areas and their respective buffer zones.

On a motion duly made by Yagjian and seconded by Foote, the LCC voted (7-0) to continue the hearing to the November 16, 2021 LCC meeting.

7:17pm - Notice of Intent – 0 & 36 Elmwood Road - DEP File #209-06xx

_____ Applicant: Bryan Last
Project: Installation of paver patio, creation of flood storage area and associated landscaping plantings.

Applicant Bryan Last, his attorney Glenn Wood and his engineer Michael Novak were present to summarize the project.

Novak summarized the work, which includes the installation of a smaller footprint pervious paver patio to replace the original 30' x 30' patio.

A discussion ensued as to the ownership of the land in which the bar/patio/wall was built. Atty. Glenn Wood expressed his firm's opinion that the applicant clearly owns the property in question, citing case law in a letter previously submitted to the board. Board members suggested that the ownership first needs to be verified to feel comfortable discussing permitting of the project work.

Cademartori said that in the prior year, an enforcement order to remove/alter the structures was considered, but was not issued because the ownership was not determined at that time. The applicant agreed to apply for the work rather than be subject to an enforcement order.

Yagjian suggested that the unpermitted work be removed. Mansfield agreed, citing the danger of setting a precedent with other pond abutters wishing to do similar work. Solomon added that it would be unfair to others who have had to have unpermitted work removed. Salamone said that permitting after the fact is going backwards, and that the Commission shouldn't permit project work that is a violation. Foote noted the positive aspects of the project - the smaller footprint of the patio, the imperviousness of the new patio surface, and the fact that a wall was pre-existing which could be seen as reasonable for any new homeowner to want to improve. Solomon noted that the ends of the "Woods" roads were always intended to be public access points to the pond.

Novak suggested that the applicant work with the Commission to satisfy further requests for information or outline further conditions in order to facilitate the project moving forward. Cademartori suggested that the different project items be considered in the performance standards. Yagjian added that his fear is the precedent-setting potential of other abutters doing similar work and asking for approval afterwards.

On a motion duly made by Hohmann and seconded by Salamone, the LCC voted (7-0) to continue the hearing to the November 16, 2021 LCC meeting.

Administrative Matters

8:15pm - Richardson Green- Draft Conservation Restriction

Cademartori reported that a draft CR has been drafted, reviewed by counsel on both sides, and sent to the State for preliminary review. She expects the Commission to see the updated draft in the November 16 LCC meeting. The State approval of the CR is needed prior to the execution of the P&S at the closing. The P&S has also been reviewed by counsel. She expects a separate joint meeting of the Select Board and the LCC sometime in November. She also noted the importance of the Commission delineating allowed uses for the property and consistency of the allowable uses with other Town properties.

8:19pm - Ongoing/New projects/Adopt-A-Property

Solomon noted that a tree had fallen across the path at Pine Hill Lot. Staff will request clearing from the DPW. Cademartori suggested another work team form to "clean" 70 Walnut Street, and begin thinking about a possible pocket park there. Mansfield noted that the Historical

Commission sign may be replaced by a granite sign similar in design to other Historical Commission signs being installed around town.

Solomon also added the need for some signage at the Mirabeau entrance to Pine Hill, as some of the markings are now missing. She also asked for an update for the Bossi's encroachment on the property. Cademartori asked if the Commissioners would prefer a letter from the staff informing the Bossi's of the Commission's preferred plans for marking the property, to which there was agreement. A letter will be drafted.

8:30pm - Possible Camp Curtis Guild Site Walk

Cademartori will see if a site visit on November 6 is possible.

8:32pm - Minutes - August 17 , 2021, and Minutes - September 21, 2021

On a motion duly made by Hohmann and seconded by Salamone, the LCC voted (7-0) to approve the August 17, 2021 and September 21, 2021 minutes, as corrected.

8:39pm - Adjournment

On a motion duly made by Hohmann and seconded by Solomon, the LCC voted (7-0) to adjourn the October 19, 2021 meeting.

NEXT REGULAR MEETING – Tuesday, November 16, 2021

As recorded and submitted by Jennifer Welter.