

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

November 16, 2021, 6:00 PM

Al Merritt Center, Market Street

Members present:

Commissioners; Chairman Don Gentile, Kirk Mansfield (arr. 6:20), Erin Hohmann, Jan Solomon, Bryce Foote, Angelo Salamone, Jared Yagjian, Director Emilie Cademartori

6:05pm - Chairman Don Gentile called the meeting to order and announced that the Board would be convening an executive session.

6:45 Returned to open session

Administrative Matters

6:45pm - Richardson Green - Update on Conservation Restriction

Chris LaPointe, Greenbelt, presented the update. The Conservation Restriction (CR) will be held by the Town of Lynnfield. The CR document describes the permitted and prohibited activities on the property. At the November 15 Select Board meeting, LaPointe indicated that all signs pointed to the Select Board exercising its Right of First Refusal and signing the Purchase & Sale Agreement. At the next Conservation Commission meeting board members should expect to vote to purchase the CR minus the cost that GreenBelt has fundraised on its own. La Pointe thanked the Board for taking an early leadership position with its initial funding of \$200,000 from its Conservation Fund.

6:39pm - Request for Certificate of Compliance –DEP File # 209-0637

New England Power 339 Line geotechnical soil borings project

Director Cademartori provided the update. She indicated that the work is complete and the COC can be granted.

On a motion duly made by Solomon and seconded by Foote, the LCC voted (7-0) to issue a COC for New England Power - DEP # 209-0637.

Continued Public Meetings

6:41pm - 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.

Applicant David Crockett was present to respond to Board questions. Chairman Gentile asked if an issue on one property influenced the Board's decision in issuing a permit on an abutting property owned by the same owner. Mansfield also asked if a similar situation exists now for 36 Elmwood Road, and expressed concern about setting an unwanted precedent.. Foote suggested, and Hohmann concurred, that 92 and 100 Crest be treated as separate projects.

Chairman Gentile opened the meeting to public comment. Abutter Stephen Fantone of 340 Summer Street referred to the original Order of 100 Crest Road and called out conditions that were never satisfied, which should prevent advancement of any permit on 92 Crest Road. Applicant David Crockett presented a brief summary of his activities on the property that he believes have complied with the guidelines from past ConCom boards.

Cademartori reported that an As-Built has now been provided for 100 Crest Road. She suggested that there is a requirement to apply for a COC for 100 Crest Road with an engineer's statement about what was in or not in compliance with the Order. She noted that 92 Crest Road is before the Board in this November meeting. Further, the Board could require that the COC request be filed for 100 Crest Road, which could now detail the As-Built and any discrepancies. And, if the members find that there are items in violation of this, then an enforcement order can be issued to reconcile those problems. If the applicant fails to file in a timely manner, then an enforcement order can be issued regardless of the filing of the COC.

Gentile asked the applicant if he would go forward with applying for the COC. The applicant said yes, as he has the As-Built and now just needs the certification and the engineer's letter from Hayes Engineering.

Gentile invited abutter Fantone to comment. Fantone asked the Board to require the applicant to remove the illegal fill and retaining wall built on Fantone's property. Gentile suggested that the Board move forward on a Determination of Applicability with respect to 92 Crest Road with a plan that the applicant will file for his COC for 100 Crest Road within the next 30 days.

On a motion duly made by Hohmann and seconded by Foote, the LCC voted (7-0) to issue a Negative Determination of Applicability for 92 Crest Road.

Continued Public Hearings

7:11pm - Notice of Intent – 99 Crest Road DEP File #209-0649

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 Yagjian and seconded by Mansfield, the LCC voted (7-0) to continue the hearing to the December 14, 2021 LCC meeting.

7:12pm - Notice of Intent – Camp Curtis Guild - DEP File #209-0655

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.

Matthew Burne, Senior Ecologist with BSC Group was present for the discussion. According to Burne, this 700-acre parcel is “loaded” with invasive plants. In order to protect native plants on the property, in 2020, BSC Group created a survey and mapping of the parcel, including a 5-year management plan to guide the Guard in addressing invasive plants on the property. The parcel is divided into 3 priority parcel segments with planned steps for each.

Gentile complimented the Guard for this project. Burne suggested holding an annual walk on the site so that Board members can view the ongoing progress on the property. Cademartori added that the NOI was filed as an Ecological Restoration NOI - therefore a Restoration OOC will be issued, which also includes some waivers for the local Bylaw.

On a motion duly made by Hohmann and seconded by Solomon the LCC voted (7-0) to issue a Restoration OOC with the appropriate waivers of the local Bylaw to Camp Curtis Guild for DEP File #209-0655.

7:28pm - 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.

Cademartori reported that the applicant requested a continuance to the December 14, 2021 LCC meeting.

On a motion duly made by Yagjian and seconded by Solomon, the LCC voted (7-0) to continue the hearing to the December 14, 2021 LCC meeting..

New Public Meetings

7:29pm – Request for Determination of Applicability – 79 Chestnut

Applicant: RYBO, Inc

Project: Grading associated with the installation of new subsurface sewage disposal system for a new single family home within the 100 ft Buffer to Bordering Vegetated Wetland

Chair Gentile recused himself from the hearing. Mansfield continued as chair. Paul Marchionda of Marchionda Associates presented the update. Marchionda noted that the septic work is outside the 100' buffer zone but some of the grading work is within the jurisdiction area of the Commission. Cademartori asked if the area would be returned to lawn after grading, to which Marchionda said yes.

On a motion duly made by Solomon and seconded by Hohmann, the LCC voted (7-0) to issue a Negative Determination for 79 Chestnut.

7:33pm - Request for Determination of Applicability – 240 Essex St

Applicant: Christy Zarella

Project: Installation of new subsurface sewage disposal system for an existing single family home within the 100 ft Buffer to Bordering Vegetated Wetland and 200 ft Riverfront area.

Julie VonDrak, Wetland Scientist was present to summarize the project. All proposed work will be done in the lawn area previously disturbed. No other vegetation will be disturbed. Solomon asked how the old system will be handled, to which septic contractor Jon Whyman said that the old tank will be removed.

On a motion duly made by Mansfield and seconded by Solomon, the LCC voted (7-0) to issue a Negative Determination of Applicability for 240 Essex Street.

7:40pm - Request for Determination of Applicability – 49 Homestead

Applicant: Kenneth Romano

Project: Installation of new subsurface sewage disposal system for an existing single family home within the 100 ft Buffer to Bordering Vegetated Wetland and 200 ft Riverfront area.

VonDrak reported that this project was similar to the project at 240 Essex Street.

On a motion duly made by Mansfield and seconded by Yagjian, the LCC voted (7-0) to issue a Negative Determination of Applicability for 49 Homestead Road.

Administrative Matters

7:46pm - Ongoing/New projects/Adopt-A-Property

Cademartori reported on the 70 Walnut Street project clean-up. She will ask the Tree Warden to view the site and see if his budget can handle the removal of the invasive-infested dead trees that could be dangerous and have a fall hazard. On the opposite side of the stream, more of the trees could be saved if the invasive vines can be removed soon. She also indicated that any kind of

pocket park might be best situated on the left side of the stream. She added that the DPW has it on its list to replace the white fencing at the sidewalk on either side of the road.

Mansfield suggested an opening in the fence to provide access to the stream. Cademartori added that access to the stream could also be accessed on the opposite side of the stream, and may include less intrusion on any abutter property, as the north side is already delineated by an abutter's stone wall. Salamone suggested that a line be delineated on the south side of the stream to prevent any kind of dumping of yard waste.

Cademartori reported that the Willis Woods Community Forum scheduled for Thursday, November 18, now has 75 registered participants for the virtual meeting.

8:01pm - Minutes - October 19, 2021

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

8:04pm - Adjournment

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

NEXT REGULAR MEETING – Tuesday, December 14, 2021

As recorded and submitted by Jennifer Welter.