

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

March 21, 2023 - 6:30 PM

H. Joseph Maney Room, Lynnfield Town Hall

Board Members:

Chairman Don Gentile, Vice Chair Kirk Mansfield, Erin Hohmann, Bryce Foote, Jan Solomon,
Director Emilie Cademartori

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

New Public Hearing

6:31pm - Notice of Intent - 6 Alexandra Road

Applicant: Joseph Covino

Project: Construct a 25' x 32' addition to an existing single-family home and relocate two existing sheds within the 100ft. Buffer to Bank of an Intermittent Stream.

Homeowner Joseph Covino was present to explain the project. Covino plans to keep the newest shed on his property, which is sited on pavement. Two existing sheds will be moved further away from the intermittent stream. The addition's footprint will be replacing some existing driveway and existing lawn. Covino believes that the fill on the left side of the property is left over from the 2020 septic project. Enhancement plantings - wetlands shrubs and native seed mix - will be done when the 2 existing sheds are removed. A narrative will be prepared on the As-Built with planting details to follow.

On a motion duly made by Solomon and seconded by Hohmann, the LCC voted (5-0) to issue an OOC for 6 Alexandra Road, with a narrative prepared and restoration planting details overseen by Cademartori.

Continued Public Hearings

6:45pm - Notice of Intent - 144 Locksley Road

Applicant: Jennifer & Devin Abramowitz

Project: To construct an addition to an existing single family home and a block retaining wall with associated fill, tree removal and landscaping activities within the 100ft. buffer to a Bordering Vegetated Wetland and Suntaug Lake

Greg Hochmuth, Wetland Scientist with Williams & Sparages, presented the update. The homeowners are willing to plant two 1-½” caliper red maples to replace the 3 trees slated for removal. They will remove the debris pile. Construction access will be through the center of the existing home. In the enhancement area, the debris pile will be removed by hand, and 12 berry-producing shrubs will be planted.

The owners want the 3rd tree at the end of the wall removed, although there may not be a compelling reason for it to be removed. Solomon spoke of the importance of maintaining large trees for the eagle habitat, noting that the 1-½” caliper replacement trees are not adequate to replace mature trees. She suggested dry welling the large trees, to which Hochmuth said that this would not work for this property.

Cademartori noted that the Commission does not have authority to stipulate the timelines for construction activity near eagle habitat. She recommends that the applicant follow the U.S. Fish and Wildlife Service's “National Bald Eagle Management Guidelines (May 2007). If the applicant follows the guidelines, and the eagle abandons a nest, it is not considered a “take”. If the applicant does not follow the guidelines, it could be considered a “take”.

Hochmuth noted that eagle populations are on the rise. There is a section along Suntaug Lake that is mapped as priority habitat, but this project falls outside this zone. Mansfield asked if taking down all 3 trees was motivated by the desire for a clear view of the lake. Hochmuth noted the applicant wants to remove the 3rd tree because “acorns are a pain in the neck”, and to get it away from the house as it continues to grow. If the tree is saved, the retaining wall would probably need to be shorted by 5-6’.

Commissioners discussed their concerns regarding the proximity to the eagle nests and resource area. Hochmuth proposed three 2” caliper trees. Foote suggested a 2-year monitoring program. Cademartori said that she would prefer to see 2 red maples planted near the shoreline, with a 3rd tree being an oak species planting further upland in the general area of the oak tree being removed. Hochmuth noted that the property is not subject to the bylaw, and if the Commission refuses removal of the 3rd oak tree at the end of the wall, it would be likely that the homeowner would appeal to the State for a superseding order.

Chair Gentile asked for a motion to issue an OOC that includes the conditions of the enhancement area, removal of the debris pile, a 2-year monitoring program and saving the third 18” oak tree.

On a motion duly made by Hohmann and seconded by Foote, the LCC voted (4-0) to issue an OOC including the conditions above for 144 Locksley.

Hochmuth then noted that he would need to appeal this decision in order to remove the 18” tree. Cademartori noted that the wall would then need to be shortened by 5-6’. Hochmuth noted that they could also refile, and the risk would be that there would be replacement tree mitigation. A discussion then ensued as to the expectations of the parties going forward. Hochmuth then suggested a revision to the OOC which would include three 2” trees.

Mansfield then sought clarification asking if the Commission would now expect the OOC to include approving the build of the retaining wall, planting of 3 trees, removal of the debris pile,

planting shrubs. He asked what guarantee the Commission would have if the applicant refused, to which Gentile said that the applicant would not receive their COC. Hochmuth added that if after 2 years' monitoring, if the homeowner cuts down the trees, an enforcement order can be issued, since there would be a paper trail and a notation on the as-built. Cademartori suggested that the 2 red maples be planted at the base of the slope closer to the resource area and the 3rd tree be an oak planted closer to the location of the tree that will be removed.

On a motion duly made by Hohmann and seconded by Foote, the LCC voted (4-0) to rescind the previous motion for 144 Locksley.

On a motion duly made by Hohmann and seconded by Foote, the LCC voted (4-0) to issue an OOC 144 Locksley, including the conditions above.

Hochmuth added that he will submit a revised plan that has trees in the legend, with a note that trees would be placed subject to the Conservation Agent's direction in a pre-construction meeting.

Cademartori said that, in their permit, she will add the reference to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines (May 2007)". Foote suggested that the Commission craft communication to National Heritage regarding eagle activity and priority mapping. Cademartori further recommended that homeowners/observers continue to document the presence of species in the area, which keeps the area accurately mapped.

Administrative Matters

8:00pm - Upates Ongoing/ New projects at conservation properties

Cademartori reported that Jack Mackey, Eagle Scout candidate, is finalizing his project proposal and may present it to the board at a future date. Trash, fire pit paraphernalia and make-shift benches with inappropriate carved graffiti was removed this morning from the Beaver Dam Brook conservation area at the request of Cademartori. The Reading Municipal Light Department is working on a legal way for the community to use their vacated parcel behind Center Stores at the entrance to Beaver Dam Brook conservation area.

Cademartori is hoping for a clean-up party for 70 Walnut Street, as a couple of trees have fallen across the stream. She has asked the DPW to have a split rail fence installed along the property line, to which the Police Chief agrees. DPW's John Tomasz asked Cademartori to wait until June to see if there is enough money in the DPW budget to have this fence installed. Also, on the DPW schedule for this Spring is replacement of the 2 dilapidated white fences on either side of the street, where the stream runs through. Mansfield said that the Historical Commission's sign for the granite post, and the memorial bench are ready to be installed. If the split rail fence is going in, could the bench be installed on this right side? Cademartori added that if the fence does not go in, the bench should not be placed there, but rather on the left side. This would then require clearing of the invasive brambles, and some equipment.

Mansfield reported that the Rotary Club has approximately \$1,000 for educational signage to be placed at Pillings Pond - at the Highland Avenue boat dock, and at Rotary Park on Summer Street. Cademartori added that a small “gift” fund of approximately \$3,000 is available for use at Pillings Pond, which is the amount when the original Pillings Pond subcommittee was dissolved and their account was closed. She encouraged Mansfield to see Julie McCarty, Town Accountant, as to the restrictions and guidelines for the fund’s use. Mansfield also added that a Pond spring clean-up would need to be scheduled soon. Jennifer Welter added that this would be a good opportunity to install the 2 NO WAKE markers in the Pond for the boating season. The buoys are being stored in the sign room with the DPW.

Cademartori alerted the Commission that the Theresa Yulling home on the Pond at Summer Street should come up for sale shortly, although there are limitations to this property like the small septic system. The Conservation Commission, and the Town do not have the ability/desire to buy this property.

8:09pm - Approval of Minutes - February, 21, 2023

On a motion duly made by Mansfield and seconded by Solomon, the LCC voted (5-0) to approve the February 21, 2023 LCC minutes, as corrected.

8:10pm - Review Member Term Expirations, discuss possible alternates

Cademartori reviewed the term limits for each board member as understood with the Town Clerk and the Assistant Town Administrator. She added that with the ability to add 2 alternates, perhaps some full-time commissioners would like to step back and become an alternate. She would like for all members to be sworn in when they are reappointed. She also added that she would appreciate members to think of any colleagues that would be interested.

8:18pm - Adjournment

On a motion duly made by Mansfield and seconded by Hohmann, the LCC voted (5-0) to adjourn the March 21, 2023 meeting.

NEXT REGULAR MEETING – Tuesday, April 18, 2023

As recorded and submitted by Jennifer Welter.