

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

February 21, 2023 - 6:30 PM

H. Joseph Maney Room, Lynnfield Town Hall

Board Members:

Chairman Don Gentile, Vice Chair Kirk Mansfield, Erin Hohmann, Angelo Salamone, Director Emilie Cademartori

6:31pm – Chairman Gentile called the meeting to order.

New Public Meetings

6:32pm - Request for Determination of Applicability – 80 Crescent Ave

Applicant: Roger & Linda Pelissier

Project: Tree removal within the 100ft. Buffer to Bordering Vegetated Wetland and Pillings Pond

In the December meeting, Robert Moses of Arbor Tree was present and identified 2 trees for removal. The board had approved the removal of two trees and mitigation was determined to be 2:1 (4 new trees, min. 2” caliper nursery stock). After the meeting, Moses informed the office that a third tree having one leaning limb was determined to be dead, and could be removed without removal of the entire tree.

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (4-0) to approve the removal of the one damaged leader of the remaining tree on the parcel for 80 Crescent Avenue.

6:38pm - Request for Determination of Applicability – 981 Summer Street

Applicant: Jon Whyman

Project: Proposed replacement of an existing septic system, construction of new driveway and a proposed deck within Bordering Land Subject to Flooding and the 200ft. Riverfront Area of Hawkes Brook.

Jon Whyman presented the project. Wetland Scientist Julie VonDrak had previously visited the site and flagged the Hawkes Brook tributary in the rear of the yard. A deck is now proposed in place of a previously planned patio. The rear yard is all lawn, with an existing shed within the 25’ No Disturb buffer. The front yard trees may be street trees which Whyman indicated he will work

to save. Director Cademartori said that the driveway grade cannot be raised, since it is in floodplain (the entire lot is in floodplain). She believes that the lawn encroaches into the wetland much nearer to the home, and the No-Disturb markers can be moved to better mark the transition during a field determination.

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (4-0) to issue a negative determination for 981 Summer Street; the property is within resource area, it is in floodplain and buffer although it is meeting the performance standards for both, the driveway grading cannot be raised, no expansion of lawn area is permitted, and wetland markers to be moved to more accurate locations.

New Public Hearings

6:52pm - 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 of Williams & Sparages presented the proposal. The homeowners would like to bring in fill to create more of a backyard, bound by a retaining wall which rises to 11' in one corner and continues to grade at the opposite corner. Three trees would need to be removed. Earlier concerns centered around the presence of an eagle nests. There are no nests in the trees slated to be removed, although they are nesting in nearby trees, between 124 and 128 Locksley..

Cademartori asked about heavy construction equipment access, to which Hochmuth said that a detailed construction schedule would need to be submitted. Tree roots seem vulnerable on one side of the property. Chair Gentile questioned the absence of 25' and 50' markings on the plan, and asked for them to be added.

Cademartori said that a State ornithologist had visited tree work nearby and noted that this time of year is critical for eagle nesting activity, and that construction activity in the area could cause eagles to abandon their nests, which could result in a charge of a "take of a species", a federal offense. She asked the State for an opinion, which confirmed that the eagles are within a mapped habitat area.

Abutter Marcia Hosterman of 140 Locksley asked for further details of the retaining wall.

Hochmuth will ask the homeowners if they are willing to plant additional trees. Mansfield asked about the precedent setting potential of approving wall construction and tree removal on other nearby properties.

A site visit is scheduled for Wednesday, March 8 at 5:00pm. Hochmuth and abutters John and Marcia Hosterman plan to attend. Cademartori asked if Hochmuth would develop the construction sequencing with the contractor, to ensure that the limit of work is legitimate, and that this sequencing plan be available for the commissioners to review during the site visit. Hochmuth agreed to provide this.

7:16pm -Request for Extension- Stormwater Permit 2021-01

Applicant: Hannah's View Estates, LLC

Project: New home construction 2 & 6 Sagamore Place, 1466 Main Street

Robert Lavoie, Esquire was present for this project. The permit was issued 2 years ago and will expire soon. Atty. Lavoie is requesting a 6 month extension. He expressed the need for the new homeowners at the now vacant lot at 1466 be made aware that their parcel is bound by this permit which also includes #2 and #6 Sagamore Place. There are no COC's yet on #2 or #6 Sagamore, and all 3 properties have different engineers. A short term extension may pressure #2 and #6 to obtain their COC's, but a longer-term extension may allow all 3 properties to come into compliance, including any amendments which may be made for new homeowners at 1466 Main Street. Hohmann asked if there was an HOA in place, to which Atty. Lavoie said yes.

Cademartori requested that Atty. Lavoie add the March 11, 2022 addendum letter that was submitted after the original issuance, since it documents the final plan of record with dates. Atty. Lavoie agreed to include the letter when the permit is recorded.

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (4-0) to issue a six-month extension for Stormwater Permit 2021-01.

Other Items

7:35pm - Request for Certificate of Compliance – 266 Old Pillings Pond – DEP File #209-0388

The 2004 project was never closed out. The correct rip-rap stone size has been installed, a correct as-built is now on file, and this old open order appears to be satisfactory enough to be closed out. Homeowners will now be applying to the Building Department for a shed that they are wanting to add to their property.

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (4-0) to issue a Certificate of Compliance for 266 Old Pillings Pond – DEP File #209-0388.

7:37pm - Request for Certificate of Compliance – 177 Main Street – DEP File #209-0519

This is an older project, which had been encumbered by an enforcement order. Remediation has since been done, an as-built is on file and the property has been inspected.

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (4-0) to issue a Certificate of Compliance for 177 Main Street – DEP File #209-0519.

7:39pm - Request for Certificate of Compliance – 6 Magnolia Dr. - DEP File #209-0308

A previous permit had expired, but was still open and attached to the deed. The work was actually completed under a newer permit that has already been closed out with a CoC.

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (4-0) to issue a Certificate of Compliance for 6 Magnolia – DEP File #209-0308.

7:40pm - Request for Certificate of Compliance – 3 Ryan Road – DEP File #209-0347

This 2002 project was never closed out. The pool has long been installed, and subsequent requests for work have been properly filed and completed.

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (4-0) to issue a Certificate of Compliance for 3 Ryan Road – DEP File #209-0347.

7:41pm - Request for Certificate of Compliance – 8 Carpenter – DEP File #209-0596

This is an older project, and the minutes are unclear as to prior ConCom decisions. This overgrown lot was sold, with debris in the rear slated to be removed, saving all the trees. A site visit was conducted. Cademartori believes that the lawn has expanded and is encroaching into the wetlands, and that the wetland line needs to be re-established along with some mitigation, and that the homeowner should come to a meeting to present his/her thoughts. Cademartori will send an email inviting the homeowner to appear at an upcoming Con Com meeting.

Administrative Matters

7:50pm – Year-End report - Pillings Pond Treatment Plan Proposal - Water & Wetland

Cademartori reported that she has only asked for \$10K for this year, having sufficient roll-over fund availability from previous years. Mansfield asked about the sox installation, which Cademartori indicated had been a beneficial element for the 2023 season. The year-end report has been distributed to the Pillings Pond subcommittee.

On a motion duly made by Mansfield and seconded by Salamone, the LCC voted (4-0) to allow Cademartori to renew the contract with Water & Wetland for 2023/2024.

7:51pm – Approval of Minutes – December 20, 2022

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (4-0) to approve the December 20, 2022 LCC minutes, as presented.

7:52pm – Review Member Term Expirary - discuss possible alternates

Cademartori asked board members if they know of any interested alternate board members. The Select Board would also request community participation through a press release.

8:02pm –Discussion - Restoration of headstones - Historic Cemetery

Mansfield announced the Historical Commission's application for a grant to hire a company to restore the headstones in the "Old Burying Ground". Mansfield said that growing roots from some of the trees have pushed the headstones over. Additionally, falling dead branches have smashed

some headstones. Therefore, given the substantial grant funding potential, could the ConCom evaluate some of the trees to determine if they could be removed or trimmed to prevent further damage. Cademartori suggested that once an arborist can determine the status of these trees, the Historical Commission can file an RDA.

8:10pm - Adjournment

On a motion duly made by Mansfield and seconded by Hohnmann, the LCC voted (4-0) to adjourn the February 21, 2023 meeting.

NEXT REGULAR MEETING – Tuesday, March 21, 2023

As recorded and submitted by Jennifer Welter.