

# **TOWN OF LYNNFIELD CONSERVATION COMMISSION**

## **MEETING MINUTES**

**May 16, 2023 - 6:30 PM**

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

### **Board Members:**

Chairman Don Gentile, Vice Chair Kirk Mansfield, Erin Hohmann, Angelo Salamone, Jared Yagjian, Bryce Foote, Director Emilie Cademartori

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

## **Continued Public Hearings**

### **6:32pm – Notice of Intent – 397 Walnut Street**

Applicant: Town of Lynnfield

Project: To construct a golf clubhouse facility with new gravel parking lot with associated drainage infrastructure

Chairman Gentile stated the applicant requested a continuance of the hearing to the next regular monthly meeting of the LCC on June 20<sup>th</sup>, 2023. Chairman Gentile explained the applicant requires more time to prepare their plans and presentation to the LCC.

*On a motion duly made by Chairman Gentile and seconded by Yagjian, the LCC voted 6-0 to continue the public hearing on 397 Walnut Street to the next LCC monthly meeting on June 20, 2023 at 6:30pm in the Maney Room at Town Hall.*

## **Other Items**

### **6:33pm - Request for Extension – 4 Magnolia DEP #209-0618**

Applicant: James and Bernadette Covelluzzi

Project: Construction of single-family home

Director Cademartori stated that 4 Magnolia was an order originally issued in 2018 by the LCC, and the applicant is requesting a one-year extension through May of 2024 to complete the project. Director Cademartori explained that recent site visits to the site revealed there are some erosion control issues actively being addressed- Director Cademartori recommended the extension but stated it would not be issued until site issues are resolved.

*On a motion duly made by Chairman Gentile and seconded by Yagjian, the LCC voted 6-0 to grant a one-year extension through May 2024 for the Order of Conditions for 4 Magnolia Drive (DEP #209-0618).*

**6:35pm - Request for Stormwater Modification – 2 & 6 Sagamore Place, 1466 Main Street**

Applicant: Ghandi

Project: Stormwater Bylaw Permit 2021-01

Director Cademartori explained Sagamore Place, a subdivision on upper Main Street, was issued a stormwater permit in 2021. Since this time, the lots have been modified, altering the watershed and impervious calculations. Director Cademartori required the applicant provide a plan to the LCC to show compliance with stormwater regulations; this new plan reflects an up-to-date watershed analysis and stormwater calculations based on new impervious surfaces added to the lots including a pool and basketball court. Director Cademartori explained this does not require a formal action from the LCC, the new calculations are sufficient to confirm continued stormwater compliance.

**Continued Public Hearings**

**6:37pm – Notice of Intent – 267 Main Street**

Applicant: Mario Zepaj, Zepaj Development, LLC

Project: Construction of new single-family home, including new roadway, driveway, stormwater infrastructure, utilities, landscaping and septic system.

*(6:37pm-Vice Chair Mansfield recused himself from the dais)*

Tony Capachietti of Hayes Engineering on behalf of applicant Mario Zepaj presented to the LCC on the construction of the single-family home, located at 267 Main Street. He described the details of the septic system, roadway installation, home location, and tree removals in relation to the 100 and 50ft. buffer zones at the rear of the property. He noted that only a portion of the driveway for the home, which is designed as a porous surface, dipped 8ft into the 50 ft. buffer. Mr. Capachietti noted that after the site walk with LCC members last week, the plan was updated to address LCC recommendations and/or concerns. He reviewed the wetland line, and described the new soil transects samples that offered updated insights to the current wetland line. He discussed the removal of existing arborvitae trees and those which would remain, acknowledging that 20 of the 23 trees to be removed on the plan would be mitigated with a new set of diverse tree plantings.

Chairman Gentile asked Director Cademartori to confirm if native plantings require permission from the LCC; she stated that the planting of native species doesn't require a permit. She added in this particular case with the land already being disturbed in the 50ft buffer, it does not require permission to rehabilitate the area. Director Cademartori stated that it would be recommended to confirm the methods for planting with the LCC, so as not to cause a greater disturbance with any kind of machinery.

Chairman Gentile asked Director Cademartori if she had any concerns regarding the wetland delineation; she noted the new soil samples taken from areas of the wetland line that were questionable increased confidence in the updated wetland delineation.

Abutter Arthur Katz of 11 Village Road asked if the foundation of the home and roadway would be towards the right of the lot; Director Cademartori stated this was correct. Mr. Capachietti noted that the home would be 120ft. away from Mr. Katz property line which abuts the rear side of 267 Main Street. He asked if there would be any structures built to the left of the property; Mr. Capachietti stated only new plantings may be added.

Bryce Foote asked if the plan depicts the location of no disturb wetland markers; Director Cademartori stated the markers are conditioned in the Order, where increment spacing can be specified along with a construction sequencing plan.

Mr. Katz asked the LCC what recourse was available to him should his property be adversely affected by the construction of 267 Main; Chairman Gentile recommended Mr. Katz consult an attorney in the unlikely event his property be adversely affected. Mr. Katz asked what guarantees the Town can make to ensure his property is free from adverse effects; Chairman Gentile stated there are no absolute guarantees the Town or any board or commission are able to provide. He referenced the due diligence the Town provides to enforce local, state and federal laws and regulations pertaining to permitting for wetlands, new subdivisions, and stormwater. Mr. Capachietti stated that although not required, the plan meets the state stormwater standards for new subdivisions, which mitigates stormwater run-off to not increase the current stormwater run-off conditions.

*On a motion duly made by Chairman Gentile and seconded by Yagjian, the LCC voted 6-0 to issue an Order of Conditions for 267 Main Street.*

## **Administrative Matters**

### **6:57pm – Pillings Pond Treatment Update**

*(6:57pm- Vice Chair Mansfield re-joined the dais)*

Director Cademartori summarized the Water and Wetland consultant report which included testing for curly leaf pond weed. Instead of spot treatments, they treated the entire shoreline. She noted that the invasives came back in full force this season, requiring another full treatment. Chairman Gentile asked why the invasives returned; Director Cademartori noted the herbicide used to kill the invasives also kills the native species as well, and its anyone's guess as to which manages to survive for the next season. Director Cademartori stated they are planning to return in the next few weeks to conduct an algae treatment for the pond as well as do a follow-up review of their shoreline treatment. She noted that they also did water sampling mid-pond as well as Bates Brook, and is waiting on results from these samples.

### **Rotary Park**

Director Cademartori shared a local landscaper plans to revitalize Rotary Park including the native bank plantings and overall site restoration in the coming weeks. Foote asked if the landscaper will provide a shoreline planting plan; Director Cademartori stated that for now, he will begin with

overall clean-up of the area to assess plantings. She noted that if the LCC wants to plant additional plants, the landscaper would provide the labor to install them.

Vice Chair Mansfield noted that the no-wake markers on Pillings Pond were successfully installed, however, the jet skis continue to speed across the pond in deliberate violation of the signs. He added that a jet ski company is coming to the pond and delivering more jet skis than the previous year, causing more water turbulence and erosion. The LCC discussed ways to address jet ski speeds on the pond and other licensing and enforcement regulations; Director Cademartori noted that every boat and jet-ski owner is required to have a license to ride on the pond, however, this policy has not been followed or enforced. Chairman Gentile noted that the jet-ski company should not be able to use Town property to conduct business; Director Cademartori stated that the environmental police can be contacted regarding the jet ski business. Vice Chair Mansfield added he is concerned with what substances or species are being brought into the pond via jet skis.

## **New Public Hearings**

### **7:20pm - Notice of Intent – 4 Haywood Farm**

Applicant: Eric and Fiona Devroe

Project: Construction of swimming pool with adjacent patios and landscaped areas

***On a motion duly made by Chairman Gentile and seconded by Salamone, the LCC voted 6-0 to open the public hearing on 4 Hayward Farm.***

Salamone read aloud the public hearing notice for 4 Hayward Farm. Elizabeth Wallis, wetland scientist at Hayes Engineering, presented on behalf of the applicant the site plan for 4 Haywood Farm. She described the location of the 702sq. ft. pool and patio located towards the rear left of the property in relation to the wetland line. She noted that the stormwater will be infiltrated on the patio, filtered through a Stormtec filtration system and ultimately discharged to the adjacent lawn. She added none of the construction will be within the 25ft. buffer zone, and construction access will begin through the left side of the property closest to Chestnut Street, so as to avoid impacting the wetland towards the right of the property. Director Cademartori advised that the leaching field be flagged so as not to have heavy equipment drive over it and cause damage.

Chairman Gentile asked if any trees were to be removed; Ms. Wallis stated no trees would be removed. Director Cademartori also stated that given that the homeowner is simply replacing lawn with a swimming pool outside of the 50ft buffer, the LCC should focus mostly on construction access and protection of wetland from construction activities. She added the site required engineering for drainage is due to impervious limits from the groundwater protection district.

Brian Brodigan, attorney on behalf of the applicant, stated the applicant plans to request a permit from ZBA in June 2023 for groundwater infiltration plans due to the location of the property in the Groundwater Protection District.

Director Cademartori noted that the property had been the subject of two prior Orders of Conditions: the first, issued to create the subdivision and manage stormwater, and the second specific to the lot to build a garage addition. She stated that both orders received full Certificates of Compliance, however, she asked the engineer if wetland markers are still installed and if the

edge of lawn line was corrected as required in the perpetual conditions from the prior order; she stated that compliance with the perpetual conditions of prior orders is required before a new order can be issued.

***On a motion duly made by Salamone and seconded by Yagjian, the LCC voted 6-0 to issue an order of conditions for 4 Haywood Farm.***

**7:20pm -Notice of Intent- 12 Hampton Court**

Applicant: Maryrose Pino

Project: Construction of 4ft. retaining wall with associated backfill and grading, removal of 17 trees, installation of an irrigation well and fence.

***Chairman Gentile requested a motion to open the public hearing on 12 Hampton Court; Salamone seconded the motion. The motion carried 6-0.***

Salamone read the public hearing notice aloud to the audience. Engineer Adam Marchionda of Marchionda and Associates, Inc. spoke on behalf of the applicant for 12 Hampton Court and explained the proposed site plan for 12 Hampton Court. Director Cademartori shared that an Order of Conditions was issued for the property roughly 18 months prior to construct a single-family home on a wooded, undeveloped lot. She stated a Certificate of Compliance was issued with perpetual conditions, specifically, a 10-ft no disturb line along the entire wetland edge.

Mr. Marchionda explained the applicant is looking to grade and level the backyard with a retaining wall, as well as remove 17 trees and associated overgrown brush outside of the lot setback area. He noted that this would reduce the 10ft. no disturb line to 5ft. in certain areas of the rear wetland line. Director Cademartori stated that the wetland line on the rear lot is irregular, and the developer made a straight, 10ft line from the closest point of the wetland line creating some areas of 20 or 25ft from the wetland line in different locations of the rear lot.

Yagjian noted that at the public hearing for the prior NOI at 12 Hampton Court, abutters spoke about their flooding concerns related to increased run-off due from potential development on the lot. Yagjian noted that the existing flooding conditions on abutting properties were a significant concern- so much so, that the LCC was circumspect in their permitting of 12 Hampton Court to protect as much of the wetland and buffer as possible. Yagjian emphasized that considering the drainage issues in the area, the LCC was very generous with their permitting for development on the lot.

Director Cademartori noted that with the proposed retaining wall so close to the wetland itself, the construction would inevitably harm the wetland. Vice Chair Mansfield asked if there was a plan in place to replace any of the 17 trees being removed; Mr. Marchionda stated that the applicant is willing to do plantings and work with the LCC but was unsure what the LCC would require. Yagjian stated that replacement of 17 mature trees would not be an equivalent form of mitigation in this particular case, given that mature trees offer more value and benefits to the existing wetland, soil stabilization and drainage in the area.

Director Cademartori stated that the prior order required a planting plan to be approved by the LCC should the owner wish to plant native species within the 10ft no disturb. She reiterated that based on the 10ft. no disturb line, having a retaining wall at 5ft. would not be permissible.

Chairman Gentile recommended the LCC make a site visit to examine the current condition of the site before making any decisions regarding the NOI. The LCC decided to conduct a site visit on June 7<sup>th</sup> at 6pm and Mr. Marchionda agreed to be present for the visit.

Jane Bandini of 537 Essex Street shared a typed letter to the LCC written by Melanie Lovell of 68 Bourque Road. The letter was read aloud by Salamone, and implored the LCC not to deny the permit for 12 Hampton Court arguing that the LCC should “protect the town’s natural resources.” Ms. Bandini echoed Ms. Lovell’s comments in her letter, noting that the trees provide an irreplaceable value not only to the property but abutting properties, as well. She noted that the homeowner purchased the home understanding it had a wetland, and that there were perpetual conditions to be adhered to.

Director Cademartori asked if the applicant had selected a fence style for the project; Mr. Marchionda stated it would likely be a black metal fence, with ample spacing between bars at the bottom and along the width to allow for wildlife to pass through. Director Cademartori asked about the well to be installed, and if it was intended to be for drinking or lawn irrigation; Mr. Marchionda stated it was for drinking, but Director Cademartori questioned why it was not a deeper well for that purpose.

***On a motion duly made by Yagjian and seconded by Hohmann, the LCC voted (6-0) to continue the public hearing on 12 Hampton Court to the next LCC monthly meeting on June 20<sup>th</sup>, 2023 at 6:30pm in the Maney Room at Town Hall.***

## **Administrative Matters**

### **7:56pm – Forest Fire at Bennet Keenan Reservation Area**

Director Cademartori told the LCC that a 3-alarm forest fire occurred on evening of May 10th in the vicinity of a dirt bike area of Bennett Keenan reservation. She explained that Middleton, Lynnfield, and North Reading Fire Departments responded to the scene. Director Cademartori stated she would talk with the Lynnfield Fire Department and Police to explore stricter enforcement of the ATVs in conservation areas, citing damages to trails and habitat, as well as fire hazards.

### **7:59pm – Willis Woods Trails**

Director Cademartori noted that the recently purchased Richardson Green parcel will be presenting a proposal to the LCC in June to allow for a curb cut and tree removal to create an access point to Willis Woods and a parking lot for six vehicles off Main Street. She added that the trails map for the Willis Woods is close to completion, and she plans to seek grants to fund repairs and construction of trails.

### **8:05pm - Beaverdam Brook- Cub Scout Request for Camping**

Director Cademartori stated the DPW successfully mowed the entire field at Beaverdam Brook. She stated that now that the field is cleaned up, the Cub Scouts have asked the permission of the LCC to camp at Beaverdam Brook the evening of June 10th; the LCC agreed unanimously to grant the cub scouts permission to set up an overnight camp on June 10th.

### **8:10pm: Update - 45 Wildewood**

Director Cademartori stated that the owner at 45 Wildewood has been informed his work needs to stop until an NOI after-the-fact can be filed and a site visit done by the LCC to determine restoration for the illegal work completed prior to a permit.

**8:15pm - Adjournment**

*On a motion duly made by Vice Chair Mansfield and seconded by Hohmann, the LCC voted (6-0) to adjourn the May 16, 2023 meeting.*

**NEXT REGULAR MEETING – Tuesday, June 20, 2023**

As recorded and submitted by Sondria Berman.