

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

August 15, 2023 - 6:30 PM

H. Joseph Maney Room, Lynnfield Town Hall

Board Members:

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

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

Discussion

6:31pm - Pillings Pond - Jet Ski and Boating discussion

Julia Hallenborg, 14 Crescent Avenue, was present to begin the discussion. Hallenborg had provided a July 24, 2023 letter to Town officials in preparation for a discussion. Hallenborg began by relating a brief history of her near 80 years of living on the Pond. She noted the recent significant erosion that is causing large shoreline trees to fall into the Pond, and said that the activity is happening in a small area near the Highland Avenue boat ramp, caused by out-of-town jet ski dealers who are test driving the jet skis, presumably for future customers. This activity is happening on Pillings Pond as it is not disallowed by the Town (when asked, jet ski dealers note that nearby towns do not allow jet ski activity). Hallenborg described the sizable wakes caused by the jet skis. She also noted that a very large motor boat was recently seen washing out its motor at the Highland Ave. boat ramp.

Hohmann asked how long motor boats have been allowed, to which Hallenborg mentioned that they have always been allowed, and that this activity, including all activity from pontoon boats, and small craft is welcome, quiet, and respectful.

Mansfield added that the jet skis are now using the 2 no-wake buoys as part of an obstacle course. In addition to shoreline erosion, this jet ski activity is disrupting to wildlife.

Yagjian asked Director Cademartori what the process would be to ban jet skis. Cademartori said the Pond is now only subject to a set of regulations under the purview of the Select Board. The Select Board could post a public hearing to amend the regulations that are already on the books without having to go to Town Meeting.

Yagjian also asked about implementation of fines and fees that are imposed on commercial jet ski test drive activity on the Pond, to which Cademartori noted that there are currently licensing and fee schedules included in the Pond regulations, and again, they are subject to the Select Board posting a public hearing to amend these regulations. Yagjian noted that he believes the board works to improve the Pond and that members would be supportive of Pond abutter efforts to eradicate or stem negative jet ski activity.

Cademartori also noted that current regulations prohibit operating a business for selling motorized vehicles, however, the regulations date back to 1956, and fines are not substantial. She added that she was unclear if certain types of motorized vehicles could be banned, or if a Pond-wide speed limit could be imposed, and suggested that the State would need to provide guidance. Specific information regarding enforcement by the Environmental Police and Lynnfield local police also needs to be clarified.

Gentile said that he did not believe that the ConCom had the jurisdiction to enforce the laws that are already on the books, and suggested that abutters work through the Select Board. Cademartori suggested that the ConCom could write a letter of support to accompany any request by Pond abutters to appeal to the Select Board, as it is in the ConCom's best interest as stewards of the Pond. She added that some of the current regulations could be strengthened.

Salamone asked about providing funding for a Harbor Master, to which Cademartori said that Mass boating law can be enforced by local police if designated by the State. Mass boating law allows local towns to adopt a mirrored law that is the same as the State law, and then can be adopted and enforced as the local law. She recommended that Hallenborg and staff review the regulations and make suggestions for amendments/additions in preparation for any appeal to the Select Board. Abutter James Mamos added that boater education is needed, to which Mansfield added that information boards have recently been added to Rotary Park and the Highland Ave. boat ramp and should be helpful in disseminating general Pond information and Pond use safety education.

(Gentile suggested that the Beaver Dam Brook Reservation/Grayland Road discussion be taken out of order and addressed next.)

7:06pm - Update Beaver Dam Reservation - Eagle Scout project at Grayland Road

Gentile began by providing a brief history of the project and the Grayland Road abutter concern presented at the Open Space & Recreation Plan's WORKING GROUP meeting, July 18, 2023.

Cademartori noted that the Eagle Scout, Jack Mackey, is nearing completion of his project, which will now exclude the restoration of Grayland Road access to Beaver Dam Brook Reservation.

New Public Hearings

7:14pm - Notice of Intent – 21 Lakeview

Notice of Intent – 21 Lakeview File #209-0____

Applicant: Aguiar and Adrienne De Freitas

Project: Construction of outdoor kitchen paver patio, walkway and stairs (after the fact)

Wetland Scientist Julie VonDrak provided a brief history of the project. The new proposal includes permitting of the existing paved area. Additional mitigation includes the removal of 1 small paved walkway to be replaced by stepping stones to decrease the total impervious area, and adding additional plantings in buffer zones. Vondrak noted that there are no performance standards in buffer zones.

Gentile and Yagjian expressed concerns about the sheet flow potential of water leading down the main paved walkway directly into the Pond. Salamone noted that the flared end of this walkway increases this sheet flow activity. Yagjian noted the general “egregious” activity and the multiple enforcements that have not been followed by the applicant, and the dangerous precedent that could be set for all abutters. He said that all the paved walkways should be removed. Mansfield agreed with Yagjian. Salamone added that even the proposed stepping stones are not impervious. Gentile pointed out the additional significant erosion potential with this project, noting that almost the entire shoreline on the property is walled. Salamone questioned the imperviousness of the driveway, as well.

On a motion duly made by Yagjian and seconded by Mansfield, the LCC voted (5-0) to continue the hearing for 21 Lakeview September 19, 2023 meeting.

Requests for Certificates of Compliance

7:33pm - Request for Certificate of Compliance - 4 Taylor Terrace #209-0640

Cademartori reported the no-disturb markers have been installed and the silt fence has been removed. This is an older permit. When the property was sold, the new owner brought in an amended order. Four trees (a maple, an oak, a beech and a pine) were removed by an arborist before staff had the opportunity to ascertain their health. Cademartori noted that the project engineer has since ascertained that the stored pool equipment had no impact on the basin. The homeowner has since planted a significant number of mostly evergreen trees, many along the limit of work.

On a motion duly made by Yagjian and seconded by Hohmann, the LCC voted (5-0) to issue a Certificate of Compliance for 4 Taylor Terrace - File #209-0640.

Enforcement Order Updates/Violation Updates

8:09pm Violation Updates:

80 Crescent - Pillings Pond homeowners Roger and Linda Pelissier provided the brief history of the tree removal request and the planting of trees on their property. Linda Pelissier explained that they have purchased the house since the December ConCom meeting when removal of the Pond shade trees were last discussed. Arborist Bob Moses had suggested 2 large shade trees be removed and a 3rd tree trimmed. The home and the lot are quite small. An RDA was filed with the stipulation that 4 replacement trees were required. These have since been planted, and the trees are Dogwoods. Cademartori noted that these trees don't really compensate for the shade value of the removed trees, but staff did not have the opportunity to prescribe larger shade trees.

Pond abutters James and Julia Hallenborg also noted that years ago pine trees were encouraged to be planted, as the falling deciduous leaves add to and raise the pond bottom.

Hallenborg also asked if any decisions would be made about treatment of the growing phragmites along the Pond shoreline. Cademartori noted that although this had happened in the past, the current contract with Water & Wetland does not include phragmites treatment, and that Cademartori has some concern about using public funds to treat private land (shoreline). Yagjian suggested a mechanism in which homeowners could contact and pay for this service individually with Water & Wetland. Cademartori also noted that phragmites root systems are very beneficial for shoreline retention, and that removal of them requires careful restoration to prevent subsequent erosion. Gentile suggested that the discussion be taken up in depth at a Pillings Pond sub-committee meeting, to which Mansfield agreed.

14 Magnolia - A site visit was conducted. The homeowner has hired an attorney, a wetland scientist and an engineer and will file an NOI to do a restoration. (*Chair Gentile recused himself from this discussion.*)

11 Ramsdell - the soccer field has been completely removed, the fence has been removed. The neighbors have not yet removed their fence.

45 Wildewood - The homeowner was specifically asked not to plant the trees until the Fall. The site is stable, the lawn has come in.

15 Townsend - The homeowner will plant the trees in the Fall. The lawn and the fence are installed.

King Rail Conservation Restriction - It's expected that the Town will apply to build the clubhouse at the September ConCom meeting. The ConCom holds the CR on this property, which requires that the ConCom make an annual inspection - meaning walking the golf course. Yagjian and Gentile volunteered to do this during a round of golf.

12 Hampton Court Appeal - DEP contacted Cademartori and reported that the DEP Wetland Hotline had received a complaint letter. Town Counsel Tom Mullen is not required to respond. Cademartori was unclear if ConCom would be able to provide any input.

Administrative Matters

8:16pm - Updates Ongoing/New projects at conservation properties:

Cademartori reported that Patti Fabbri has provided a good deal of materials regarding Pillings Pond treatment, and will attend the September 19 meeting to present. Cademartori will send materials to ConCom members ahead of the meeting.

8:19pm - Review July 18 minutes:

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (5-0) to approve the July 18, 2023 LCC minutes, as corrected.

8: 21pm - Adjournment

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (5-0) to adjourn the August 15, 2023 meeting.

NEXT REGULAR MEETING – Tuesday, September 19, 2023

As recorded and submitted by Jennifer Welter.