

TOWN OF LYNNFIELD CONSERVATION COMMISSION

MEETING MINUTES

September 19, 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, Bryce Foote, Director Emilie Cademartori

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

Discussion

6:31pm - Lynn Woods Conservation Restriction - Essex County Greenbelt

Vanessa Johnson Hall, Director of Land Conservation Division at Essex County Greenbelt Association was present to request a recommendation by the Conservation Commission that the Lynnfield Select Board sign a Conservation Restriction (CR) to perpetually protect Lynn Woods, a decade-long effort by the City of Lynn, Lynn Water & Sewer Commission, DCR, Greenbelt, and Friends of Lynn Woods. The area includes 2,200 acres and is granted to DCR and Greenbelt to jointly hold and monitor the CR. All current uses will continue. The City of Lynn and Lynn Water & Sewer will still own and manage Lynn Woods. Greenbelt and DCR will ensure that Lynn Woods always stays as open space and a public water supply.

Chair Gentile questioned why several connected but smaller parcels were shown as outside of the Lynn Woods CR proposed map, to which Director Cademartori said that these particular parcels still have questionable title ownership, but may be added to the CR once clear title is confirmed.

On a motion duly made by Foote and seconded by Yagjian, the LCC voted (6-0) to write a letter of support to the Select Board encouraging the Board members to sign the proposed CR for Lynn Woods.

6:40pm - Pillings Pond Presentation - Alternative Algae control system

John Higgins, Higgins Environmental Associates Inc., presented an alternative Algae control system for Pillings Pond - the A-POD HAB Trap and Removal Process. This technology is an open-water deployed water body restoration process for targeting and permanent removal of harmful algae/cyanobacteria, their toxins and excess nutrients. This is a passive harvesting technology which does not use chemicals. Higgins has 2 A-POD installations in the 40-acre, 62'

deep White's Pond in Concord and a smaller pond - Upper Green Pond in Newbury, MA. Higgins reviewed the technical details of the A-POD system. Cademartori asked if current treatment of Pillings Pond would need to be stopped with an A-POD installation, to which Higgins said not necessarily. Higgins said that the first season (May through October) would be devoted to data collection. An A-POD structure would be installed in the second season. The Higgins system costs \$24,000. Each A-POD structure needed would then be installed at a cost of \$18,000 each. Mansfield asked if docks would interfere with the A-POD operation, to which Higgins said that this could be possible. Mansfield also asked if the system mitigated spiny naiad, to which Higgins said no. Abutter Patti Fabbri opined that the current treatment is failing and a waste of Town money.

Abutter James Mamos asked how long the A-Pod lasts, to which Higgins said 2-3 years. Higgins also suggested investigating grant opportunities, specifically the Grant 319 due November 1. Cademartori noted that years ago Lynnfield applied for a Grant 319 but was denied. She also noted that it is a challenging grant application and that a consultant would probably be hired at no small cost to apply for the grant.

New Public Hearings

7:02 Notice of Intent – 397 Walnut File # 209-0671

Applicant: Town of Lynnfield, c/o Lisa DeMeo

Project: Construction of golf clubhouse facility at King Rail Golf Course with parking lot and stormwater infrastructure

Lisa DeMeo, Town Engineer kicked off the discussion and introduced Bill Jones, Linden Engineering, who presented the plan. Many abutters were present. This is the 3rd clubhouse proposal since 2015. The current proposal does not affect wetlands. The design meets the stormwater and WPA standards.

The clubhouse will extend into the buffer at 75' from the wetland, between the LIFE facility and Walnut Street. The project will include paving the existing driveway, and improving the existing parking area, making it slightly shorter on the northwestern end by about 20'. The parking lot will be pervious gravel. The cart storage area will be on gravel and be relocated adjacent to the parking lot on the Walnut Street side.

Gentile asked for abutter comments. Many comments revolved around nuisance golfer behavior. One abutter asked about the "tar pile", which DPW Director John Tomasz said would be removed and relocated to Town Hall within the month. Abutter Jaspal Singh noted that his home at 3 Thistle Lane has no netting and is frequently hit by golf balls.

Cademartori reminded abutters that the Conservation Commission's jurisdiction was limited to the wetland and stormwater issues, and that complaints of noise, trash pick-up/dumpsters, trash and recycling barrel storage, golfer behavior, fences, landscaping, trees, etc., would be better directed

to the Zoning Board at their October 11 meeting. Cademartori also noted the Zoning Board of Appeals cannot act until the Conservation Commission provides a positive recommendation.

On a motion duly made by Salamone and seconded by Foote, the LCC voted (6-0) to issue a Order of Conditions for 397 Walnut File # 209-0671.

7:36pm - Abbreviated Notice of Resource Area Delineation – 1282 and 1287 Main Street

Applicant: Toll Brothers

Project: Verification of the delineation of Wetland Resource Areas

Dan Wells and Ann Marton were present from LEC Environmental, along with Sagamore Golf Course owner Richard Luff. Wells stated the applicant was seeking delineation of wetland resource boundaries. There are 2 streams that LEC confirmed were intermittent. There are no mapped vernal pools. In 2022, Wells looked through the wetlands for evidence of vernal pools. The standard for proof of a vernal pool is that it must hold water for 2 consecutive months, and the wetlands did not meet this standard. Cademartori noted that the presence of a vernal pool creates a significant difference under the bylaw, and would require 100' of upland around the pool as a resource area. These findings also confirm results of vernal pool studies done in 2006. Both Gentile and Cademartori noted the thoroughness of LEC's mapping.

Barry Sinewitz of 62 Catherine Drive Peabody, alerted the Commission to the significant water flow in his neighborhood and suggested that the buffer be tagged at 100' rather than 50'. Gentile reminded abutters that the ANRAD is designed to map the wetlands, and that many questions should be asked when the engineer returns with an NOI and can further explain the project details.

On a motion duly made by Hohmann and seconded by Foote, the LCC voted (6-0) to confirm the delineation of multiple resource areas including bordering vegetated wetland, isolated wetland, intermittent stream, bank to both intermittent stream and pond, the bank to high water line and river front.

7:56pm - Amendment Request Order of Conditions – 200 Essex Street File# 209-0595

Applicant: Diego Sabbardini and Claudeston Quaresma

Project: Construction of a 5 bedroom single family home with grading and landscaping

Attorney Andrew Delory presented the amendment request. This is a vacant lot across from the high school. There is an existing OOC for a raze and rebuild from 2016. The applicant is filing an amendment because the plans are different and the prior OOC did not address the grading and landscaping. The 5-bedroom house is outside of the 50' buffer. Nearly 30 trees are slated to be removed, including large street trees and many in the rear of the property to make way for lawn.

The OOC was previously extended and will expire in February, 2024. A P&S is ready contingent on permits. Engineer Eric Lane, Hayes Engineering, explained the layout including the house,

driveway and limit of work. Lawn will be installed up to the 25' buffer behind the house. Delory would like the applicant to be able to move forward with the P&S and provide a planting plan at a future date. Cademartori explained that trees in the front of the yard are tree bylaw protected trees and the trees in the zoning set-backs will require mitigation. There may be significant mitigation under the tree bylaw. A similar project was addressed at 267 Main Street.

Gentile asked if a fence was proposed to separate the rear lawn from the resource area, to which Delory said not at this time. Yagjian noted that a new homeowner could then be ignorant of any restrictions. Cademartori asked Commissioners if they wanted to define the 25' no disturb, plant trees in specific distances/locations behind the house, and mark the resource area. Cademartori recommended that the project include an O&M included in the OOC so that the infiltration trench proposed includes a provision for how any new homeowner can maintain the trench.

Gentile asked about the trees identified to be removed to which Cademartori said that the new plan shows much more information about the trees to be removed/saved. Lane noted that 4 wetland markers are shown on the plan. Yagjian suggested that markers be placed at the 25' line. Yagjian confirmed that there is currently no planting plan. Mansfield asked about the street tree removal, to which Cademartori noted that a public hearing is scheduled for the next week, as Essex Street is a Scenic Road. Delory also noted that some of the street trees present a sight line issue for street vehicle traffic.

Salamone suggested adding 2 more markers to make a total of 6 wetland markers in the rear yard. Salamone added that the applicant should have come to the meeting with a wetland professional. Tree Committee chair Jane Bandini questioned the removal of the large trees only to have them replanted with smaller mitigation trees. Yagjian expressed concern about the number of trees being removed, and the lack of "room" to place this number of trees on the lot if a one-for-one mitigation plan is required.

Gentile again expressed concern about a decision without a proposed planting plan.

(at 8:36pm, Delory asked that he, the applicant, the seller and the attorney for the seller temporarily leave the meeting to discuss a planting plan, and did so. Gentile suggested that a new public meeting agenda item be taken up next.)

New Public Hearings

8:38pm - Request for Determination – 36 and 38 Greenwood Road

Applicant: Gerald and Stephanie Defilippo

Project: Tree removal on both private and town owned property

The owners are requesting 2 large oaks to be removed, 1 in the rear of their property, and 1 in abutting ConCom property. The letter from the arborist does not say that the trees are unhealthy - only that they have a heavy lean. If permitted they are proposing mitigation - but all maples. Cademartori indicated that she would like to see more oaks for mitigation. Salamone suggested that, rather than removal, the tree on Town property be trimmed up from the property line. Tree Committee chair Jane Bandini visited the site and opined that the Town tree does not appear to be

in danger of falling. Homeowner Gerald Defilippo said that the soil at the base of the tree does not appear to be robust enough and that if the tree falls, it will fall on the house.

Mansfield asked if the tree had leaders, to which Defilippo said no. He also asked about the effect of routine thinning/trimming that encourages healthy growth. Bandini responded that “trees like to be cut, if you want them to grow”.

On a motion duly made by Hohmann and seconded by Yagjian, the LCC voted (6-0) to approve the removal of the 2 trees and the mitigation planting plan with the stipulation that at least 2 of the trees be oaks - for 36/38 Greenwood.

Public Hearing (Resumed)

(at 8:53pm, Amendment Request Order of Conditions – 200 Essex Street File# 209-0595, resumed)

Delory proposed 4 additional native trees along the 25’ buffer, with 4 plants at the base of each tree, and a row of 10-12 *arborvitae* behind this line of trees. Cademartori said that *arborvitae* will not do well under these conditions. Gentile suggested 6 total trees along the 25’ buffer.

Cademartori asked if Commissioners would prefer written conditions shown as a departure to the plan, or the filing of an amended plan. Gentile suggested written conditions. Cademartori also noted that an extension would need to be requested, since the expiration permit expires in February and the house won’t yet be built. Delory suggested an extension until February 2025.

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (5-0-1 abstention-Mansfield) to approve the agreed upon revised written conditions showing 6 additional native trees along the 25’ buffer line with 4 shrub plants at the base of each tree, wetland markers installed along this line, and an Extension of the deadline until February, 2024, for 200 Essex Street, File# 209-0595.

8:58pm - Request for Determination – 9 Stafford Road

Applicant: David and Alison Delory

Project: Installation of 20’ x 40’ inground swimming pool and after the fact approval of sports court, including tree removal and grading.

Attorney Andrew Delory presented the request. The applicant is seeking approval of the pool that is within the 100’ buffer, and retroactive approval for the sports court. Delory would like more time to revisit the planting plan and return in the October 17 meeting. Hohmann requested a site visit. The site visit is scheduled for October 4 at 5:45 - 6:00pm.

On a motion duly made by Yagjian and seconded by Foote, the LCC voted (6-0) to continue the public hearing until the October 17 LCC meeting.

(At 9:04, Yagjian leaves the meeting)

7:14pm - Notice of Intent – 21 Lakeview

Notice of Intent – 21 Lakeview File #209-0670

Applicant: Aguiar and Adrianne De Freitas

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

Wetland Scientist Julie VonDrak provided an update for the project.

The new proposal includes removal of the main walkway to the dock and replacing it with stepping stones, and replacing the 8' flared pavement which joins the walkway and the dock, with lawn. The kitchen area and patio will remain. There is an infiltration swale for the kitchen area. All but one of the buffer areas have been completed. The net result is that nearly ½ of the impervious area is being replaced by pervious area. The work is expected to be completed by June 1, 2024.

On a motion duly made by Salamone and seconded by Foote, the LCC voted (3-0-1 abstention-Mansfield) to approve the updated conditions for 21 Lakeview September 19, 2023 meeting.

Other Matters

Stormwater Permit – 2 and 6 Sagamore Place and 1466 Main Street

Request for Extension

Request for Minor Modification 1466 Main

Request for partial Certificate of Compliance for 2 Sagamore

Engineer Scott Cameron was present for the request. Cademartori provided the stormwater permit history for 2 and 6 Sagamore Place, which have been built, and a 3rd lot that has not been sold yet. However, as all 3 lots are all tied together, an extension request is needed to allow construction of the last lot. Cameron explained the background for the request for the minor modification for 1466 Main is also requested.

On a motion duly made by Hohmann and seconded by Salamone, the LCC voted (4-0) to approve the minor modification for 1466 Main Street.

On a motion duly made by Salamone and seconded by Foote, the LCC voted (4-0) to issue a 1-year extension for the stormwater permit for 2 and 6 Sagamore Place and the unbuilt lot.

Cameron then explained the request for a partial Certificate of Compliance for 2 Sagamore Place. Cademartori said that if the Board is comfortable with the peer review showing satisfactory completion of compliance, Cademartori can write a letter on behalf of the board in advance of the October 17 ConCom meeting.

On a motion duly made by Gentile and seconded by Hohmann, the LCC voted (4-0) to issue a partial COC for 2 Sagamore Place, contingent upon Cademartori receiving a peer review showing satisfactory completion of compliance.

Administrative Matters

Updates Ongoing/New projects at conservation properties:

9:30pm - Review August 15, 2023 minutes:

On a motion duly made by Salamone and seconded by Hohmann, the LCC voted (4-0) to approve the August 15, 2023 LCC minutes.

Bench installation - 70 Walnut Street:

Cademartori requested a work party for sometime this Fall at 70 Walnut Street in anticipation of the installation of the Historical Society's 2 memorial benches.

9:33pm - Adjournment

On a motion duly made by Foote and seconded by Hohmann, the LCC voted (4-0) to adjourn the September 19, 2023 meeting.

NEXT REGULAR MEETING – Tuesday, October 17, 2023

As recorded and submitted by Jennifer Welter.