

LYNNFIELD CONSERVATION COMMISSION

MINUTES

NOVEMBER 14, 2017

PRESENT: Chair Paul Martindale
Melanie Lovell
Angelo Salamone

Don Gentile
Christopher Martone
Janice Solomon

Chair Paul Martindale called the meeting to order at 6:30 p.m. and adjourned at 10:06 p.m.

CONTINUANCE OF A PUBLIC HEARING, AMENDMENT REQUEST TO EXISTING ORDER, KEVIN & MARA SMITH, 322 PILLINGS POND: Solomon called the hearing to order at 6:30 p.m. and read the legal notice as posted at Town Hall. No one was present, so Adelson spoke on behalf on this request by explaining that the owners had withdrawn their ZBA application since they were planning on selling the home. *On a motion duly made by Gentile and seconded by Solomon, the LCC voted (6-0) to allow the withdrawal of the Amendment Request without prejudice.*

447 ESSEX STREET DISCUSSION, MICHAEL D'AVANZO: The homeowner was not present for this discussion. The LCC was in receipt of a November 13, 2017 email from D'Avanzo to Adelson. Adelson explained that Kristin Kent had been out to the property to flag the wetlands on his property. At a later date she met D'Avanzo to show him that part of the walking path he was creating was in wetlands. D'Avanzo will be given the option to hire his own wetland scientist and come before the LCC with a Notice of Intent or Request for Determination. It was also suggested that D'Avanzo could apply for an abatement for his property taxes. The LCC thought D'Avanzo is still unclear about how the Wetland Protection Act applies to his property and why his walking path is not allowed. Adelson/Kent will draft an e-mail to D'Avanzo informing him of his options.

DITCH MAINTENANCE PROJECT: NE MA MOSQUITO CONTROL: Adelson was in receipt of an October 23, 2017 letter from the Northeast Massachusetts Mosquito Control in which they outlined their program for maintenance work in the drainage ditch near Perkins Street via manual/hand clearing. The LCC was given 15 days advance notice before the clearing was to begin. Adelson explained the second part of the project was by the Historical Center where Robinson's Brook flows underneath the library and comes out at the Commons. Grass is growing on the bend so the NMMC would like to remove the grass to increase the flood storage area. Adelson and Richter conducted site visits to the sites with Emily Sullivan of NMMC. Adelson also requested assistance in removal of limbs and trees in Hawkes Brook blocking the flow of water at 5 Timberhill. This is an emergency situation when these homeowners have experienced several floods into their home. Sullivan visited the Timberhill location and they cleared out the backed up areas. They reported someone upstream is dumping yard waste into the stream.

SITE VISITS: The LCC scheduled their upcoming site visits for Saturday, December 9, 2017 at 9:30 a.m. meeting at 26 Main Street, 3 Timberhill Terrace and other properties.

PUBLIC HEARING, NOTICE OF INTENT, ANTONIO SORDILLO, 30 MAYWOOD

ROAD: Solomon called the hearing to order at 6:45 p.m. and read the legal notice as printed in the November 1, 2017 issue of the Lynnfield Villager. Engineer Jim Kavanaugh and Antonio Sordillo were present on behalf of this project. Kavanaugh was attending another hearing, so the LCC held the hearing open until he arrived. The LCC conducted a site visit to the property. Kavanaugh is proposing to repair the failed septic system with the new system being located in the front yard, as far away from the wetland as possible. The system was approved by the BOH. Two-thirds of the property is wetland and Bordering Land Subject to Flooding. The LCC noted some perilous looking trees to the left of the house. Kavanaugh requested their removal be added to the Orders. It was noted that the former owner mowed up to the edge of Pillings Pond as well as an adjacent piece of land. The LCC will require conservation marker posts to be installed on both of the owner's land parcels and a No Disturb Buffer of 25' from the edge of the water. *On a motion duly made by Lovell and seconded by Solomon, the LCC voted (6-0) to close the hearing. On a motion duly made by Lovell and seconded by Solomon, the LCC voted (6-0) to issue an Order of Conditions with the following conditions: installation of Conservation Marker posts 25' from the water's edge, no mowing or cutting 25' from the water's edge and marking of perilous looking trees allowing them to be cut at the owner's discretion to be replaced 1:1 with maple or oak trees.*

CERTIFICATE OF COMPLIANCE REQUEST, 3 YORKSHIRE DRIVE: The LCC was in receipt of a packet which contained a November 5, 2017 letter requesting a Certificate of Compliance and Easement from Town Engineer Charles Richter and an As-Built Drainage Improvement plan. The LCC visited the site with Richter. Adelson explained that this is a Town project to alleviate flooding which occurred at the Grey and Yorkshire intersection to improve the drainage from the street. The LCC said the area looked re-vegetated and stable. The work was completed three years ago. *On a motion duly made by Solomon and seconded by Lovell, the LCC voted (6-0) to issue a Certificate of Compliance.*

CERTIFICATE OF COMPLIANCE REQUEST, 11 HERITAGE LANE: An Order was issued in late October of 2012 for septic system repair which had a Condition stating "due to the onset of winter, in the spring and prior to the issuance of a Certificate of Compliance, the applicant or owner will install native plants and/or trees in the northeast area adjacent to the wetland establishing a 10' No Disturb Area. The proposed planting plan shall be presented to the LCC." Adelson followed up in the Spring of 2013 and 2014 to no avail. The previous owner has now passed away and the home is owned by an estate trust. Adelson emailed the realtor and visited the property noting that the native plantings were never installed. Adelson suggested money be put in escrow to contract with a landscaper to install native plantings approved by the LCC. The realtor has been notified of the requirements.

BUDGET SUMMARY: Martindale and Adelson attended the BOS budget summit the previous week. The FY 19 LCC and capital budgets are due December 1, 2017.

PUBLIC HEARING, REQUEST TO AMEND EXISTING ORDER OF CONDITIONS,

WILLIAM MANDELL, ONE ASHDALE ROAD: Solomon called the hearing to order at 7:01 p.m. and read the legal notice as printed in the November 1, 2017 issue of the Lynnfield

Villager, Sabrina & William Mandell and Peter Ogren of Hayes Engineering were present on behalf of this request. Ogren is proposing to relocate the septic system from the rear to the front of the property. The applicant is also requesting to eliminate the front driveway, add a 10' x 30' garage addition to allow access from Grayland Road, add pavement to the existing driveway to accommodate a 3-car garage, increase the size of the shed to 12'x20', install a spa area mostly within the patio area which was designed for the original pool but will need to be extended. The water service also needs to be relocated to maintain the 10' separation. Adelson reminded the owners that their Order expires on November 4, 2018 and should they need more time, they will need to file for an Extension Permit next year. Ogren said they held the line toward the BVW and nothing was being proposed closer to the wetland. The new bump out for the spa is 48 square feet but is not closer to the wetland than the originally proposed shed. The LCC requested that the pool/spa and its associated drainage be added to the Order of Conditions. Ogren said free chlorine is usually allowed to discharge 3-4 days after the chlorinator is shut down. The pool will be a saltwater pool. The LCC will research the treatment of pool water discharged from this type of pool prior to issuing the Orders. The LCC noted that it was observed that the vegetation was cut to the top of bank on the property and that was not allowed. The conservation marker placement was discussed and the LCC would like to see them placed at 10' from the wetlands. *On a motion duly made by Gentile and seconded by Lovell, the LCC voted (6-0) to close the hearing. On a motion duly made Gentile and seconded by Lovell, the LCC voted (6-0) to issue an Amended Order of Conditions with the following conditions: No mowing or cutting 10' from the wetlands, placement of conservation markers 10' from the wetlands and proper treatment of the pool/spa water discharge as determined by the LCC.*

CONTINUANCE OF A PUBLIC HEARING, STORMWATER BYLAW PERMIT APPLICATION, JORDAN PARK, PILLINGS POND ROAD/WILDEWOOD DRIVE, TOWN OF LYNNFIELD C/O JIM BOUDREAU, TOWN ADMINISTRATOR: Solomon called the hearing to order at 7:20 p.m. and read the legal notice as posted at Town Hall. The LCC was in receipt of an October 31, 2017 letter from Boudreau requesting the withdrawal of the permit application for the Jordan Park project without prejudice, citing a lack of funding. The intent is to move forward with the project at a later date. *On a motion duly made by Gentile and seconded by Solomon, the LCC voted (6-0) to accept the withdrawal of the Permit Application for Jordan Park.*

CERTIFICATE OF COMPLIANCE REQUEST, 12 RAMSDELL WAY: The LCC was in receipt of two sets of As-Built plans and a Request for a Certificate of Compliance form. Engineer Paul Marchionda of Marchionda & Associates was present on behalf of this request. The LCC visited the site and the work was completed five years ago. The site is vegetated. Adelson noted Condition #60 requires post-construction photos. Marchionda asked if the recent site visit could be a substitute for the photos. The LCC was in agreement that the site looks good. *On a motion duly made by Lovell and seconded Gentile, the LCC voted (6-0) to issue a Certificate of Compliance.*

CERTIFICATE OF COMPLIANCE REQUEST, 433 BROADWAY: Attorney Ted Regnante, Peter Ogren of Hayes Engineering, Bill Jones and Richard Cutts of Linden Engineering were present to speak on this matter. Attorney Regnante requested to withdraw the request for the Certificate of Compliance in order to address the issues set forth in Jones'

November 4, 2017 report. Regnante said they were valid points which should be addressed. Ogren explained that he did not supervise the construction of the basin. The LCC asked what would be needed to obtain the appropriate amount of drainage after storms. Ogren reviewed the design and his thoughts on the reason for the poor drainage. He added, there was a detail of a well in the basin but it was not installed. Ogren prefers to wait until the basin is dry to have the well installed. He said the installation of an underdrain is possible. Spring seems like an optimal time to investigate the cause.

Eight items were listed in the Linden report and the construction manager for Herb Chambers has requested instruction on the eight items. The LCC reviewed these items: extend more stone in the swale to avoid erosion; install a second stone check dam as listed on the plan; replacement Arborvitae shrubs appear to be in poor health and many do not meet the plan design of 6 feet high and only 16 shrubs were planted vs. the proposed 22 shrubs which should be planted in a double, staggered row rather than in a single row; area at top of slope along the shrubs has no vegetative growth; nine willow and maple trees on berm are planted, but not shown on As-Built Plan and assessment is needed on health of trees; infiltration basin discussed above is not functioning as designed as required by MA Stormwater Regs; required monitoring well has not been installed in the basin; and erosion controls around the perimeter need to be removed. Ogren would like Jones onsite when the hole is dug so both parties can observe. Cutts suggested Ogren have his soil scientist be onsite during the time of the test, when the hole is dug for the infiltration system.

CONTINUANCE OF A PUBLIC HEARING, NOTICE OF INTENT, 165 LOWELL STREET, ANDREW ZUROFF, BOSTON CLEAR WATER COMPANY, LLC: Solomon called the hearing to order at 8:01 p.m. and read the legal notice as posted at Town Hall. Present for this hearing were Boston Clear Water Attorneys Julie Connolly of 8 Ridge Road, Concord, NH and Attorney William Squires of Hinckley Allen Associates of Boston, Engineer Paul Marchionda of Marchionda and Associates of 62 Montvale in Stoneham, Anthony Gattineri of Boston Clear Water, Lynnfield Town Counsel Thomas Mullen, Richard Cutts and Bill Jones of Linden Engineering of Woburn, Ken Burnham, Superintendent of the Lynnfield Center Water District (LCWD) and Richard Lamusta of LCWD. Also attending were the following abutters and residents: Claire Santilli of 170 Lowell, Henry and Kathy Finkel of 2 Pocahontas, Mike and Jane Villane of 4 Pocahontas, Jack Carley of 2 Mohawk, Bill O'Brien of 155 Lowell, Greg Sonek of 6 Smith Farm, John Sievers of 163 Lowell, Jack Farrell of 10 Pocahontas, Charles Wills of 7 Smith Farm, Mark and Robyn Davis of 185 Lowell, along with Hunter Frederickson of 272 Salem, who was interested in an LCC board opening and Jim Kavanaugh representing his 30 Maywood septic client.

The LCC was in receipt of the October 30, 2017 peer review letter from Linden Engineering. Marchionda noted that the project's scope had been significantly scaled down, with items removed such as fencing in wetlands, additional driveway, etc. Marchionda explained that at the September LCC meeting, it was suggested that the two engineers meet to review all the comments which occurred on October 10, 2017. In an October 12, 2017 letter to Linden Engineering, Marchionda outlined the items which were addressed and said the proposed pruning has been reduced from 25' to 15' and said BCW wanted to make it clear that it was just

pruning. Marchionda feels he has taken care of all the technical issues in the Linden letter. The October 30, 2017 letter said all of their peer review comments had been addressed.

Chairman Martindale asked if any LCC members had questions for Marchionda. Gentile inquired if the pervious driveway leading up to the storage equipment area requires any maintenance; Marchionda replied that he did not think so since it would not be sanded. Jones said since it is not the main access to the site, it should not require maintenance, but it may settle a little. He added, we had them add a strip of crushed stone as a construction vehicle entrance pad. Gentile asked if the access to the equipment storage area as well as the storage area is currently an undisturbed area. Marchionda replied, it's wooded. The LCC asked how many trees would need to be removed. Marchionda replied that he did not want to guess how many trees would be removed. Jones added it would be quite a few trees. Gentile also asked the reason for the proposed plant and brush trimming around the springhouse within the wetland and 25' No Disturb Area. Marchionda replied that historically, it's the berries and rodents attempting to eat the berries, could cause some contamination of the water source. Attorney Squires said a 2009 Board of Health document noted that some phenols from some berry shrubs were found in the water, that's one of the reasons and the other is to prevent rodents from getting into the infrastructure. Gentile asked if there were any reports that substantiated the claim that rodents have gotten into the water source or is it a concern? Squires replied that it was just a concern but there are rodents there and he doesn't think there is any written documentation. Gentile followed up by asking if we are sure that these phenols are getting into the water and are coming from these plantings around the springhouse or could they be coming from something else? Squires replied that he only had knowledge of the berries based upon the 2009 document and they had not run any berry-related tests. The LCC confirmed that they were requesting to go into the wetlands and within the 25' no disturb zone and trim these bushes in perpetuity; Attorney Squires confirmed that is what they were requesting and noted that the area within the wetland was reduced to 15' radius rather than 25', thereby reducing the trimming area from 1,562 square feet to 750 square feet. The LCC asked if there was a potential to eradicate eliminating these bushes and replacing them with new plantings so they could be left alone. Jones replied that it could potentially be done but it would require physical root removal and believes trimming them would be less invasive.

Regarding the new proposed building on the left side of the site, the LCC inquired if BCW was seeking to increase the size of the existing concrete pad. Marchionda confirmed, yes and that the bituminous concrete would need to be removed and replaced with concrete. Jones asked if a foundation was proposed and he was told no, but let Marchionda know that if they did need to add a foundation in the future, it would be a change to the plan. That's between the applicant and the Building Department. The LCC asked what material the path leading up to the springhouse was comprised of and maintenance involved. Marchionda replied that it was pervious pavers as shown on the plan. Jones added that typically, pervious pavers do not require maintenance.

Solomon inquired about the number of trees would need to be removed in the area noted on the plan for the proposed 12' x 56' trailer. Marchionda replied that it is well beyond the 100' buffer zone, over 200' from the wetlands, and said that much of that vegetation has already been removed. The LCC noted that there was a steel tractor seat located in the wetlands; Marchionda

said it was removed. Martindale interjected that he requested its removal as well as the material stockpiled in the wetland buffer as a result of the recent LCC site visit. Solomon noted her concern with the associated rust from the seat would be just as damaging to the water source as these berries. Martindale clarified the e-mail exchange that he requested removal of the stockpiled material and the iron seat. Attorney Connolly noted that the seat was located downstream from the spring and would not contaminant the spring. Lovell inquired if the solar panel installation would cause encroachment into the wetlands. Marchionda replied that they would be installed on the roof and did not believe they would have to go into the wetlands during installation. Marchionda noted that there are three sides that are not in the wetland. Salamone asked for clarification of the location of the 50' buffer line on the plan.

Chairman Martindale asked if any comments or questions from abutters. Marchionda noted that he removed the stone walkway path as requested from the Existing Conditions plan and that he also added a note to the plan stating that the property is in a Zone 2 watershed area per Mr. Burnham's request. Bill O'Brien inquired about the process. Martindale explained this complex project falls under the WPA and our Environmental Bylaw and the LCC will make rulings on specific items on the plan rather than on the entire plan as a whole. Bill O'Brien extended an invitation to the LCC to walk the Greenbelt property to get a different perspective looking down at the property. He added, there will be significant tree cutting. Charles Wills inquired about a proposed retaining wall and height of same. Marchionda showed the location on the plan along the utilities equipment storage area and wall height ranges from zero to ten feet.

Chairman Martindale suggested discussing items that are in different zones on the property to get a consensus from the LCC. Does anyone have an issue with the septic system, the gravel parking area, the proposed water dispensing station and all other structures that are outside and uphill of the 50' wetland buffer? Martindale explained the jurisdiction of the 100' buffer zone under the WPA, as well as the Environmental Bylaw, if we were to say that the resource area would be negatively impacted. This also includes the equipment storage area which is outside the 50' buffer and the driveway leading to the storage area. The first 50' of this driveway is partly in the 50' and partly outside the 50'. Gentile voiced reservations about the proposed driveway leading up to the equipment storage area and the equipment storage area. This is a very unique property because it is sloped down so dramatically to the wetland. I think it is a very degraded property part of which is grandfathered. I don't think that this would be permitted today and I'm concerned with taking the largest undisturbed area on this parcel that borders this wetland and doing significant clearing, significant grading in that area. I'm concerned about erosion, clearing trees which would increase the amount of sunlight going into that area which could have effect on the plant life in that area, destruction of the natural plantings in that area, those are the reasons why I'm very concerned about this large portion of the parcel which is undisturbed, being disturbed.

Martindale inquired if the equipment storage area could be located to the left of the existing driveway. Marchionda said the location as shown makes sense. He added that the driveway leading to the equipment storage would not be heavily used and in order to maximize the efficiency of the proposed solar panels, trees would have to be taken. Martindale asked Gattineri if he would consider moving over to this other area. Gattineri replied from a perspective of efficiency and general accepted good manufacturing process, the answer is no. Lovell asked,

considering the amount of trees that would have to be taken down, would that increase in sunlight have an adverse effect on the existing wetlands? Jones replied that the effects have not been thoroughly studied but over years would cause a difference in what plants you see there. They have the water, but now they have sunlight which could change what plants are taking hold. Those shade loving plants may wither, but others will take over, getting different species. The soils are hydric, so you would not de-vegetate the wetland by doing that, but you would change the predominant species. The LCC asked if it could contribute to the growth of invasive species. Jones replied, there's no way to know. Marchionda noted that the area being discussed was only 30' x 60' and will still be in a wooded area. Solomon noted that's where the residents live. Adelson asked what was being proposed regarding tree removal outside of the 100' buffer zone. Marchionda replied that he had no idea. She and Marchionda agreed that if work outside the buffer caused erosion, then the LCC would grab jurisdiction for that work. The LCC asked how many trees would be removed in the proposed equipment storage area. He replied that he was unsure of the amount of trees to be cut, it's a wooded area. Martindale inquired, does anyone have an issue with the proposed structures and proposed activities outside of the 50' wetland buffer, from the 50' buffer up toward Lowell Street other than the equipment storage area. Abutter John Sievers referred to Section 6 of the Wetlands Protection Bylaw and read from it, 'If there's a no disturb zone within 200' of rivers...' He asked if Will's Brook was considered to be within the 200' range. The LCC quoted from page seven of the Linden Engineering report stating "Will's Brook is not a perennial stream for the purpose of the regulations. Although there is a perennial stream off the property, there is not one on the property." The LCC confirmed that on the left half of the property, outside of the 50' buffer zone, the Commission members were not opposed to any of the proposed improvements. Salamone inquired about timeframes. The Order is good for three years and they would have to come in and request an Extension Permit

Martindale suggesting looking at the equipment storage area outside the 50' wetland buffer and the driveway leading up to it, partly within and partly outside of the 50' buffer zone. Martindale asked, does anyone have any issues with approving that part of the project? Gentile will stick with the issues he noted previously. The potential for disturbance, erosion, changing the light conditions and disturbing what is a natural habitat which is really the only preservable portion of this parcel that can be preserved in its natural state said Gentile. He continued, we are stuck with certain things on this parcel and that is the one part of this parcel that isn't disturbed other than the wetland and I'm concerned about drastically altering that area. I don't know if it is something the LCC would consider, but I will point out that if we feel that will degrade the wetland, we have the ability to expand the No Build Zone under our Bylaw. Solomon inquired, is the purpose of the storage area for the storage of vehicles? Marchionda replied, storage equipment. Marchionda stated that though this project has an unusual placement with it being by a public water supply, there is nothing unusual about what is being proposed. He said that the concern of erosion on the property was not valid because erosion could be controlled. He argued that because the site contains so many wetlands, they only have so much room to work with here. He added, we are trying to do a good job here. Martindale interjected that the challenge here is with the slope which is quite a bit different than in the front. Gentile stated my primary concern is not with the abutters' views, but I'm concerned with protecting the wetland habitat and see a parcel with other options for storing equipment. Connolly asked where would be a better option. The LCC suggested the front left of the property. Martindale summarized, there are five LCC members with no votes on the location of the proposed equipment storage area.

As Martindale proceeded to discuss proposed items in the 25-foot No Disturb, Attorney Connolly requested clarification if the no vote meant that no trees could be cut in there? Martindale said that it means that item on this plan was probably not going to pass. Connolly also asked, are you also saying that no trees can be cut in that area if it is outside the 100'? He replied, it's not just the tree cutting, it's a matter of the totality of the disturbance. You have a hillside that you are going to excavate out and make a flat equipment storage area. Yes there are some trees coming out, but my concern is more the disturbance more than the trees and I also see a better place where you could potentially put that area with much less disturbance. My own personal vote would be a no to leave the storage equipment area there as proposed. It was clarified that the LCC was voting on this plan let's say in the future you want to remove a certain amount of trees, you could come back before us and mark the trees and we would vote on that. O'Brien asked for clarification about the trees and do they fall within the No Disturb Zone or 50' buffer zone? The LCC showed O'Brien the 25' and 50' buffer zones explained that the equipment storage area is outside the 50', so it's not in the No Disturb Zone. It is within the 100' buffer zone. Martindale explained that if the LCC feels there is too much disturbance and that there is a potential for degradation of the resource area, then our jurisdiction goes out 100'. Marchionda mentioned the trees overhanging the building, the LCC commented that if there were trees that were a hazard to a building, we actually pointed out to you on site, two trees near the building on the left that you may want to include in your permit to take these out. Marchionda said that's why we're here. Gentile replied you have a plan before us with this whole equipment storage area. If you want to take down a few trees, then mark them and request permission for their removal. Connolly inquired about splitting the vote on the storage area and the driveway. Would you be willing to consider the pervious driveway separately as drawn on the plan? Martindale said the driveway is as problematic as the equipment storage area for me personally since part of it is within the 50 foot buffer. Gentile stated that his comments on the equipment storage area were also applicable to the driveway. Connolly stated that she's confused since your peer review found it was okay. Gentile clarified that our peer reviewer didn't say it was fine, but that it met engineering requirements.

Martindale moved on to the proposed activities within the 25' buffer and the 50' buffer consisting of the 500-gallon pump chamber connected to the septic system and the snow storage area. The LCC had no concerns with these items. Regarding the activities of trenching to replace leaking waterline and installation of conduits within the 25' buffer zone, the LCC agreed that the maintenance and repair of these items were necessary and should be allowed. Solomon suggested oversight while trenching work was being conducted. Martindale asked if the applicant was okay with supervision during this process. Next activity discussed was the removal of the piles of rubble and debris which would be done from the concrete pad reaching in with a machine. No LCC member had issue with this request.

The proposed extension of the existing concrete slab-on-grade pad and construction of an addition on the concrete pad were not seen as favorable improvements by the LCC because of their location in the No Build Zone. Marchionda offered that the building extension would cause a positive impact because of the improved water runoff. He explained that roof water is considered to be clean by DEP and can be recharged. Marchionda felt that that Commission was short sighted and stated that his client was willing to remove that proposed building addition from the plan. Attorney Squires formally stated that the applicant withdraws the request for a

variance with respect to the building addition and wouldn't do anything to the existing building. Marchionda replied to a comment made by Salamone about hand removing the debris and said that the debris removal could not be done by hand. Marchionda said that his client was removing the debris as a courtesy to the Commission and if the LCC could not find a way to approve the equipment storage area, then his client would no longer be willing to remove the debris. One member offered that it would still be a violation. Another member offered that when applicants come before us, we sometimes issue an Enforcement Order to remove debris from wetlands.

The next activity discussed was the proposed stone steps between the 25' and 50' buffer zones which lead to the equipment storage area. Gentile inquired do you need a variance under our Bylaw for the stone steps? Squires replied a variance was not required under the No Build as dictated by the criteria set forth in the Bylaw. He read from Section 2B of the Commission's Rules and Regulations on prohibited activities within the No Build Zone. Squires stated that the language focuses on construction, construction of structures and installation of impervious surfaces, neither of which applies to the stone steps, therefore does not require a building permit. The LCC was in agreement that the stone steps fall out of their jurisdiction and had no comments. Sievers inquired about the number of trees to be cut to create the stone steps. Marchionda said possibly eight trees may need to be removed, but the steps could also be constructed between trees. The plan shows 4 semi-circular stone steps at elevations 84', 86', 88' and 90' and Marchionda said they would be natural stone steps, roughly 5' wide. Asked if Marchionda would need to clear 5' on each side of the steps, he replied in the negative.

Regarding the clearing of the existing brush with no grubbing or grading proposed between the BVW and 25' wetland buffer zone, located uphill behind the stone spring house to protect the water supply, BCW said this is being proposed to preserve the water quality and integrity of the stone house. The LCC had concerns with trimming in the No Disturb Zone. Connolly said they would withdraw that proposed request. The LCC asked if they were also proposing to withdraw the request to trim plants within the wetland area. Connolly replied yes, they would withdraw the proposed request to trim the perimeter around the stone house. Gattineri said, we can withdraw that and let DEP handle it. Martindale summarized those items that were withdrawn by the applicant: the building addition, the concrete slab extension, the trimming of plants in the wetland area and in the buffer zone. He added, the equipment storage area and the driveway leading up to it was unanimously a "no" vote from the Commission.

Also proposed was a pervious walkway leading to the door of the stone house and security entrance gate. While the LCC had no issues with the security gate and thought it was a good solution, there was some concern about allowing a walkway in the 25' No Disturb Zone and the variance it would require. 8' of the walkway would be within the 25' No Disturb Zone. Marchionda said a walkway to the existing building made sense, in his opinion. The LCC noted at least three no votes for the walkway. Squires withdrew the proposed request to build a walkway through the 25' No Disturb Zone. Gattineri announced that he would like to withdraw the proposed security gate from the plan and said he would install security lighting instead. A stormwater management plan was deemed unnecessary because there are no new impervious surfaces. Martindale asked Jones if he had any comments for the LCC. Jones noted the uniqueness of the property with a building located at the wetland line. Jones suggested that the

LCC needs a plan that you are approving and it's going to be difficult to see what you are and are not approving and what was withdrawn by the applicant.

Martindale asked the BCW reps one more time if they were certain that they sought to withdraw the debris removal, the vegetation trimming, and the walkway. The LCC referenced the walkway to the existing building after Jones' comments and the LCC vote was split 3-3 on the walkway vote. Marchionda requested a 5 minute recess so the BCW team could consult with each other.

Note: Salamone left at 9:20 p.m.

SAGAMORE SPRING GOLF PLANTING PLAN: Adelson updated the LCC on the location of the 12 proposed replacement trees. As was observed at the November 4, 2018 site visit, 8 have been planted in the disturbed area by the pond as well as near the practice green. Assistant Kristin Kent approved the location of the other four trees elsewhere on the property for a spring planting. **Note: Salamone returned at 9:24 p.m.**

DECEMBER LCC MEETING: Adelson reminded the LCC members of the date change for the December meeting to the second Tuesday, December 12, 2017 rather than the third Tuesday. The application deadline for that meeting is Wednesday, November 29, 2017.

CONTINUED PUBLIC HEARING, 165 LOWELL STREET, BOSTON CLEAR WATER COMPANY: Upon their return at approximately 9:25 p.m., Marchionda stated that BCW would like to close the hearing this evening and would be open to receiving an Order of Conditions stating the BCW was required to submit an updated plan prior to construction, which would reflect the proposed withdrawn items, the approvals and denials. Connolly and Squires requested the security gate not be withdrawn as previously stated by Gattineri. The LCC noted a revised plan shall be submitted 45 days prior to the start of construction.

On a motion duly made by Lovell and seconded by Gentile, the LCC voted (6-0) to close the hearing. Adelson suggested voting on the requested variances to our Environmental Bylaw at this time. On a motion duly made by Gentile and seconded by Salamone, the LCC voted (6-0) to approve the variance for the trenching and replacing of leaking water lines, removal and trimming of trees overhanging the wood buildings, installation of erosion controls, plus existing facilities within the 25' Buffer Zone. On a motion duly made by Salamone and seconded by Lovell, the LCC voted (6-0) to approve the variance for the installation of the septic tank and pump chamber plus existing impervious pavement within the 25'-50' Buffer Zone. On a motion duly made by Lovell and seconded by Gentile, the LCC voted (6-0) to issue an Order of Conditions minus the following withdrawn items: increase in the concrete slab, proposed building addition, pervious walkway, removal of existing debris piles and installation of grass area and berm to left of the building, vegetation pruning in two areas in the wetland and in the Buffer Zone, and minus the following denied items: the equipment storage area and associated driveway on the grounds that this is a unique site with a lot of disturbed area, but this is one large undisturbed area on the site where the proposed equipment storage area and driveway are proposed. Those improvements would require the removal of a vast amount of trees, the disturbance of an otherwise undisturbed area, extensive regrading in that area, the clearing of all native plants, the potential to adversely affect the resource area out to 100 feet from the wetlands, degrade the resource area in a way that cannot be adequately mitigated

in accordance with the regulations under the Wetlands Protection Act, as well as the Lynnfield Bylaw, potential wildlife destruction, erosion into the resource area which could contribute to sedimentary build up in the resource area, and a decrease shade to the area potentially impacting both the flora and fauna of the associated resource area and I'm wondering if for those reasons, we should expand the No Build area under our local Environmental Bylaw.

Special Condition was discussed to include: Prior to any activity on the property, the applicant shall submit a revised plan reflecting the removal of those items which were withdrawn by the applicant as well as the denied equipment storage area with its access driveway.

MOTION TO ADJOURN: On a motion duly made by Solomon and seconded by Lovell, the LCC voted (6-0) to adjourn at 10:06 p.m.

As recorded and submitted by Marlene Clapp and Betty Adelson

Betty Adelson
Conservation Administrator