

**TOWN OF LYNNFIELD
CONSERVATION COMMISSION**

MEETING MINUTES

TUESDAY, SEPTEMBER 24, 2019, 6:30 PM

H. Joseph Maney Hearing Room, Lynnfield Town Hall

Members present:

Commissioners; Chairman Paul Martindale, Don Gentile, Bill Thompson, Melanie Lovell, Angelo Salamone, (absent - Kirk Mansfield, Janice Solomon) Director Emilie Cademartori

6:30pm Chairman Paul Martindale called the meeting to order.

New Public Meetings/Hearings

6:31 Request for Stormwater Management Permit Ch 213 § II

Applicant: Town of Lynnfield Dept of Public Works

Project: Jordan Park Reconstruction 3 Wildewood Drive; to renovate and expand the existing parking lot, demolish the existing playground and build a new playground and upgrade existing soccer fields

The hearing notice was read and the hearing was opened. Margaret Laracy, Gale Associates, and Lynnfield DPW Director John Tomasz were present to provide the project overview/updates.

Chairman Paul Martindale began the discussion by asking how the project differed from the original project slated for April, 2017 Town Meeting. Tomasz responded that it is essentially the same project, with the exception of a new parking lot layout and surface, expansion of the field and installation of a new playground area.

Laracy provided an overview of the existing and proposed project conditions. Martindale asked how the water would be collected and treated. Laracy explained how sheet flow would be slowed by vegetated islands in the parking lot. Infiltration chambers will be installed below the parking lot. Overflow will be directed into the existing drainage system. Laracy also noted that the new gravel parking lot surface material would be somewhat more pervious, and a settling tank would be added to further reduce the amount of TSS entering the system. There is also a berm that will be expanded to help stop some of the sheet flow. Handicapped parking will be provided. Two

solar parking lights will be added (there is no existing lighting now). Tomasz noted that the lighting would be controlled, and totally shut off after the soccer season.

Martindale asked if more surface area was being drained. Laracy answered that although the amount of surface area would increase, the amount of water flow would be less through the drainage system, designed to hold 2-year stormwater. Martindale asked about the maintenance schedule for system clean-out, to which Tomasz said he plans on 2 times per year, in the Spring and Fall. Martindale asked Tomasz when the project would begin. Tomasz replied that he expected bids in the next couple of weeks, and, depending on weather, construction would begin following the soccer season and continue through December and January.

Lovell asked about the tree replanting plan and if the replanting plan considers a privacy buffer for neighbors. Laracey responded that there is roughly a 1:1 tree replanting, and confirmed that the plan provides for privacy for the neighbors and shade for the playground. Thompson asked about the Porta Potties, to which Laracy said that a pad will be set aside near the storage trailer. Tomasz added that the existing gate at the parking lot entrance would stay in place.

Laracey noted the erosion control conditions, including silt socks on 3 sides of the total project perimeter during construction, and straw waddles around the vegetative islands post-construction. Tomasz added that the field will be closed for 6 months off season to allow the opportunity for the plantings to establish.

Martindale asked about the height of the fencing to ward off errant baseballs, to which Tomasz said that there would no longer be baseball games at Jordan Park. Gentile asked if all water will infiltrate, and Laracy answered yes, with the exception of 100-year storm conditions. Abutter Guy Grassi of 5 Wildewood interjected that his property is 7' lower than the fields and that his property frequently floods.

Martindale asked Cademartori her opinion of the stormwater design. She responded that the stormwater standards have been met. (The standard calls for the water leaving the site to be no faster or dirtier than under existing conditions.) The Town Engineer and Gale & Associates have confirmed the calculations, and that the project should see a reduction in the overall amount of water leaving the site, through infiltration and pre-treatment with settling tanks. Martindale also asked if water could be redirected under the easement and into the storm drains on Wildewood Drive, to which Cademartori responded that the bylaw actually disallows this practice.

Martindale asked for abutter comments. Abutters asked questions about water flow, solar parking light timing, buffer, tree removal, privacy screens, parking lot size, parking on Wildewood, leasing the fields to outside groups, playground size, tree removal, rail trail issues, soccer game scheduling, Board of Selectmen and other boards' project approval status, etc. Laracey and Tomasz responded with updates or clarifications. Martindale suggested that the ConCom arrange a site visit to include abutters. Tomasz added that all trees slated for removal, and the limit of work could be marked in advance of the visit.

A site visit is scheduled for Saturday, October 5 at 10:00am at Jordan Park.

(Martindale interrupted the hearing to advise the abutters that a second hearing was scheduled with Boston Clear Water at 7:00pm, but that no one representing Boston Clear Water was expected to be present. He added that he would open that meeting at the conclusion of the Jordan Park hearing.)

On a motion duly made by Salamone and seconded by Gentile the LCC voted (5-0) to continue the hearing to October 15, 2019 LCC meeting.

7:39pm Notice of Intent – 165 Lowell Street

Applicant: Andrew Zuroff, Boston Clear Water Company, LLC

Project: Restore and or reconstruct portions of an existing stone spring stone, regrade areas around the structure, remove six trees, construct a series of field stone retaining walls and create a wetland replication area.

The hearing notice was read and the hearing was opened. No one from Boston Clear Water (BCW) was present. Martindale indicated that the new NOI involves the replacement of the Spring House, including grading, terracing, removal of trees, etc. He added that there was little point for further discussion without their representation. Because of a lack of quorum, the LCC was unable to hold the hearing on September 17. Therefore, BCW has appealed to the DEP, to which Cademartori added that BCW was only appealing the state filing - BCW did not withdraw the local bylaw Notice. BCW has the right to appeal this to the Superior Court for failure to act. Martindale added that the DEP may remand this back to the LCC and that BCW may present the project at the October LCC meeting. Cademartori asked if board members wished her to pursue expert reviews of the project ahead of time. Martindale suggested that a site visit be scheduled with a structural engineer and a wetland scientist, and suggested Stantec Engineering would have that full capability. Cademartori noted that work is currently being done inside the Spring House, to which Martindale indicated that ongoing work inside the existing building would be within their purview.

Cademartori added that because work is proposed within the resource areas, MassDEP reviewed the application and deemed the wetland replication plan as insufficient, and has asked the applicant for more information.

Abutter Bill O'Brien, of 155 Lowell Street, asked about the existing enforcement order and the violations since its issuance, and, how any new violations should be addressed given the new proposal. Martindale said that former Conservation Agent Betty Adelson made a point to clear any old NOI before a new NOI was filed. Martindale further suggested that any new NOI be issued contingent on compliance with the enforcement order and the full payment of all accrued fines.

O'Brien again welcomed Commissioners to enter his property and the Greenbelt property in order to observe activity at BCW.

As an update on the enforcement order, Cademartori noted that Town Counsel Tom Mullen sent BCW attorney Chip Nysten a reminder that BCW continues to deny access for a site visit and that the accruing fines are not being paid. Nysten's response is that access has not been denied and that a site visit will be scheduled for the next week, which is counter to all the written correspondence Cademartori said that she has received.

On a motion duly made by Lovell and seconded by Thompson the LCC voted (5-0) to continue the hearing to October 15, 2019 LCC meeting.

Other Open Permitting Items

7:59pm - Enforcement Order – 165 Lowell Street DEP File #209-0604 & LCC 2019-01 Boston Clear Water Violation

Cademartori reiterated that Town Counsel Tom Mullen sent BCW attorney Chip Nysten a reminder that BCW continues to deny access for a site visit and that the accruing fines are not being paid. Nysten's response is that access has not been denied and that a site visit will be scheduled for the next week, which is counter to all the written correspondence she has received.

Updates/Correspondence

8:01pm - Pine Hill Lot - Eagle Scout Project - Michael Madden

Michael Madden, Eagle Scout candidate and LHS Junior & Cross-Country team member, provided an update for his project for construction of a cross-country trail through Con Com owned land Pine Hill Lot. His powerpoint presentation showed the cleared entrance and exit point off Littledale Road and the marked path which is an inner circle around the perimeter, with a cross-through path for emergency use purposes. Cademartori said that a sign is ready to be installed. Thompson asked how the cross-country team would use the path, and Madden explained how the Pine Hill Lot would be incorporated into their now all-road route through the King James Grant neighborhood. Martindale asked about timing for completion, which Madden said "hopefully" this Fall. He further noted that large logs are in the way and machinery will be needed to complete clearing.

8:09 - Bow Ridge Signage

Cademartori reported that Kelly has offered to pay for the 2 remaining signs - one at the Kelly property entrance to Bow Ridge, and the 3rd sign that our DPW would install at the Ledge Road entrance. However, there is disagreement about who will fund the installation of the Kelly

property sign, even though the lawyer Marc Kornitsky has stated that Kelly would install the sign with granite posts. Cademartori suggested a conversation to clarify the expectations.

Administrative Matters

8:11pm - Pillings Pond Demonstration Garden - Review of responses to RFP

Cademartori noted that of the 5 RFPs issued, 3 proposals have been received, with the De Rosa proposal being a partnership with the 4th applicant - Ipswich River Watershed Association.

Martindale asked Cademartori for her assessment of the proposals. Proposals were sent to firms having a history of working with the Town or firms that Cademartori was familiar with. Cademartori likes different elements in each of the proposals. Prices are quite varied.

Commissioners discussed pricing, plant sources and suitability of the Rotary Park location vs. an alternative site such as Town property at the end of one of the “Woods” streets. Thompson asked if, assuming that Pond abutters were the direct beneficiaries of this project, perhaps a benefit would be for an abutter to have a “free” demonstration garden put on their property as a “model” for one of the neighborhoods around the Pond. Thompson noted that Pond abutter Brian Roberts, of 3 Lakeview Road, had earlier expressed much interest in the health of the Pond, and could be a good candidate. Martindale agreed with Thompson that a model on a private parcel could be considered. Salamone and Lovell specifically asked how the pricing of the wetland plants could be made more comparable between the proposals.

Martindale reminded members that abutters would receive the resulting scalable plans which they could forward to their contractors. He asked Cademartori for her preferences for the 3 proposals. Horsley-Whitten is eliminated due to the high price. Martindale requested Cademartori to ask CEI to respond with a more itemized breakdown of his proposal so that a good comparison can be made between CEI and Derosa Environmental. The results can then be discussed by members in the October 15 LCC meeting.

8:31 - Tree Removal Policy Draft

The draft document is an administrative approval process, modeled after the Town of Weston’s tree removal policy within ConCom jurisdiction. Martindale confirmed that the ConCom intends to work on both an administrative approval process, as well as a tree retention bylaw and regulations. Cademartori likes the process of the Weston model, but is unclear as to the “triggers” for administrative approval, and believes that Weston’s triggers are too liberal. Cademartori indicated that she would like further guidance from Commissioners as to the specificity of the triggers, but reiterated that she likes the Weston policy “process”. Martindale suggested that Cademartori modify the language and review with Commissioners at the October 15 meeting.

Thompson noted that an arborist could have a conflict of interest if left to be the sole decision-maker for a tree to be removed/retained. He also mentioned that the process of developing a bylaw will be difficult, noting that Town Meeting passage could be more of a hurdle than expected.

Martindale reiterated that Cademartori should tighten up the language as she sees fit, and circulate it by email to Martindale, Thompson, and Lovell prior to a board discussion at the October 15 LCC meeting.

Cademartori added that a recent request for tree removal is for an applicant that would like to install solar roof panels, potentially adding a new element to any policy statement.

8:43pm - Minutes

The draft September 3, 2019 LCC meeting minutes were reviewed and corrected.

On a motion duly made by Lovell and seconded by Gentile the LCC voted (5-0) to approve the draft September 3, 2019 LCC meeting minutes, as corrected.

8:45pm - Request of Board of Selectmen to purchase a small parcel of Town-owned land

Cademartori said that the BOS is requesting board review/approval of the sale of a small parcel of Town-owned land to an abutting resident at 500 Edgemere Road. After several brief questions, board members expressed no opposition to the sale.

8:49pm - Pillings Pond treatment update

Cademartori reported that the last copper sulphate treatment for Pillings Pond was conducted September 24. She also requested a second testing for blue-green algae. The August 29 samples were taken from 3 test sites rather than the single site tested July 24. These results were elevated, but still well below dangerous levels.

8:56pm - Adjournment

On a motion duly made by Salamone and seconded by Gentile the LCC voted (5-0) to adjourn the September 24, 2019 LCC meeting.

NEXT REGULAR MEETING – Tuesday, October 15 , 2019

As recorded and submitted by Jennifer Welter