

October 2, 2020

Lynnfield Conservation Commission
55 Summer Street
Lynnfield, MA 01940

**Subject: Amendment Request; Order of Conditions, DEP#209-0634, 45 Lakeview Avenue,
Lynnfield, MA**

Dear Commissioners,

Enclosed please find eight (8) copies of the above referenced request for an Amendment to the Order of Conditions ("OOC") issued to Aguiar Jr. DeFreitas on January 21, 2020. The OOC was issued by the Lynnfield Conservation Commission in accordance with the Massachusetts Wetlands Protection Act ("WPA") (M.G.L. c. 131 § 40) and implementing regulations (310 CMR 10.00) and the Lynnfield Environmental Bylaw.

The Applicant is proposing to Amend the OOC to include approval of a subsurface sewage disposal system, landscaping features and approval of a Buffer Zone and Bank Wetland Restoration Plan associated with a single family home currently under reconstruction. Work will be constructed within the 100-foot Buffer Zone to Bank associated with Pillings Pond.

A check is enclosed in the amount of \$35 for fees associated with the legal notice advertisement in the Lynnfield Villager.

If you have any questions, please do not hesitate to contact me at 603 475-5826 or via email at jvondrak@yahoo.com.

Sincerely,



Julie Vondrak/Wetland Scientist

CC: Aguiar DeFreitas
DEP Northeast Regional Office
Jon Whyman
Joseph Serwatka, P.E.

Amendment/Bank and Buffer Zone Restoration Plan

Massachusetts Wetlands Protection Act (M.G.L. c.131 s.40)
Lynnfield Environmental Bylaw

45 Lakeview Avenue Lynnfield, Massachusetts

Prepared for:

Aguiar Jr. DeFreitas
45 Lakeview Avenue
Lynnfield, MA 01940

Submitted to:

Lynnfield Conservation Commission
55 Summer Street
Lynnfield, MA 01940

Submitted by:

Aguiar Jr. DeFreitas
21 Lakeview Avenue
Lynnfield, MA 01940

In Coordination with:

Julie Vondrak
Wetland Permitting Consultant
56 Corinthian Drive
Salem, NH 03079

October 2, 2020

Attachment A – Project Narrative

**AMENDMENT/BANK AND BUFFER ZONE RESTORATION PLAN-45 LAKEVIEW AVENUE-
LYNNFIELD, MA**

I, Julie Vondrak, on behalf of Aguiar DeFreitas the owner (the "Applicant"), is pleased to submit this Bank/Buffer Zone Restoration Plan and request for an Amendment to the Order of Conditions ("OOC") to the Lynnfield Conservation Commission ("LCC"). This Restoration Plan has been prepared in accordance with the Massachusetts Wetland Protection Act (MGL c.131 s.40) and implementing Regulations (310 CMR 10.00) (the "Act"), and the Lynnfield Environmental Bylaw (the "Bylaw") and Regulations.

1.0 PERMIT SUMMARY

The Applicant previously filed a Request for a Determination of Applicability for construction of a septic tight tank and a Notice of Intent for demolition and reconstruction of a single family home. The LCC issued an Order of Conditions on January 21, 2020 approving reconstruction of the single family home on a 5,200 s.f. lot (tight tank approved under a Negative Determination of Applicability) with conditions. Project activities are located within 100-feet of the banks of Pillings Pond and within Bordering Land Subject to Flooding identified at elevation 98.3 ((identified by James M. Kavanaugh P.E), 98.0 according to FEMA-FIRM MAP (NAVD 1988)) on the subject property.

The OOC prohibited fill within BLSF (condition #45) and the Applicant was required to remove a section of lawn within 8-feet inland from the top of bank. The restored area was required to be planted with native plants and be maintained in perpetuity. A planting plan was required to be submitted for approval by the Conservation Administrator.

2.0 CURRENT CONDITIONS

2.1 House Construction/Tight Tank

The exterior and interior work on the proposed 2-story house and deck is close to completion (see attached photos). The tight tank has not yet been installed and the existing cess pool has not been removed from the site and no sewage is being generated from the site. The detached garage remains and will be demolished to accommodate the location of the new subsurface sewage disposal system. No landscaping activities have occurred and the request for the Amendment will include additional landscape features including patios and walkways.

2.2 Bank Alteration

Currently, the Bank resource area on property has been altered by an unpermitted natural vertical stone boulder wall along Bank bordering on Pillings Pond (see photos 1 & 2 attached). The wall was constructed by hand and has not been fully completed. The wall ranges in height from 2 to 3.5-feet at its highest elevation and extends almost the entire

length of the Bank resource area on the subject property. Construction of the wall is in violation of Conditions #45 and #57 of the Lynnfield OOC and section 310 CMR 10.54 (Bank) of the Wetland Protection Act Regulations.

3.0 Proposed New Activities and Resource Area Restoration

The request for an Amended Order of Conditions will include approval of the demolition of the existing garage, removal of the existing cess pool, construction of a new subsurface sewage disposal system, construction of a walk-out basement patio, a stepping stone walkway, a fire pit area and approval of the Bank and Buffer Zone Restoration Plan. Proposed work is discussed in detail below.

3.1 Subsurface Sewage Disposal System

The Applicant is requesting approval of a new subsurface sewage disposal system to be located in front of the house partially within the area currently occupied by the existing detached garage which is proposed to be demolished. As discussed above, the Applicant was previously permitted to construct a 2,000 gallon septic tight tank which was never installed. The existing cess pool, which appears to be located just off the property boundary on the abutters property, will be removed and replaced with a new subsurface sewage disposal system in replacement of the previously approved tight tank.

The new system will be located in front of the existing dwelling and will be a raised gravity conventional leach field including a 1500 gallon septic tank. The system will be surrounded by a retaining wall (see attached site plans).

Activities associated with construction of the new subsurface sewage disposal system will be partially located within the 100-foot Buffer Zone to Bank associated with Pillings Pond. MassGIS identified a wetland resource area across the street from the Project Site on the property of 22 Lakeview Avenue. The area was field inspected and several wetland flags were hung in the field to establish an approximate distance to the limit of work associated with the subsurface sewage disposal construction on the Project Site. The off-site resource area was estimated to be approximately 115-feet from the limit of work.

3.2 Landscaping Features

Additional landscaping features not proposed under the original filing include construction of an on-grade 7-foot 5-foot paver stone patio leading out from the walk-out basement, a 10-foot by 10-foot paver stone fire pit area, and a blue-stone stepping stone walkway leading from the new rear stairway to the existing concrete boat dock (approximately 10 24-inch by 48-inch stones). With the exception of the stepping stones, all patio materials will be located outside the 100-year flood elevation. Currently, a large stockpile of loose boulders remains on site and will be removed. Remnants of a sand stockpile area will be

removed and the area will be stabilized with a thin topsoil layer of soil and will be seeded to establish a stabilized grass cover.

3.3 Bank Restoration

3.3.1 Wall Removal

The unpermitted stone wall along the length of Bank on the Project Site will be removed in its entirety. Approximately 40 l.f. of bank was altered by the vertical retaining wall which was constructed immediately along the face of the existing bank. Wall removal will be conducted by hand only and all wall materials will be disposed of properly. The base wall stones may be kept in place to stabilize the bank. The bank was previously armored with loose stone and did not contain an established vegetation layer (see photos 3 & 4 attached). Therefore, the previous bank materials will be left in place for stabilization and several woody plantings will be installed along the bank slopes to provide further stabilization and wildlife habitat (see table below).

At the time of initial inspection in July and again in September of 2020, pond water levels extended up to the base of the wall. If water levels extend to the base of the wall during wall deconstruction, it is recommended that a silt curtain or a containment boom be installed if necessary to capture any concrete debris or sedimentation that may collect within the pond. If water levels do not extend to the base of the wall, if necessary, it is recommended that plywood or other suitable material be placed at the base of the wall to support the weight of the masons and to limit disturbance to Land Under Water during wall deconstruction. If the wall is removed during frozen conditions, these additional erosion control measures may not be necessary. Wall removal will be monitored by the wetland scientist.

3.3.2 Bank Stabilization

Upon removal of all the retaining wall materials, the original bank materials consisting of loose stone and boulders are anticipated to be intact. The Bank will be restored to its original condition to the extent possible and the slope will be planted with native vegetation to further provide stability and wildlife habitat. All Bank restoration activities will be conducted by hand. It is anticipated that removal of the wall will be conducted this fall (2020) and plantings should be installed in May of 2021 to ensure a successful survival rate. Please see below the proposed bank planting plan in Table 3.0.

3.4 Buffer Zone Restoration

In accordance with Special Condition #57 of the OOC, an 8-foot No-Disturbance Zone extending off the top of Bank was required to be established and maintained in perpetuity. Historically, maintained lawn extended to the banks of the pond. Lynnfield requires a 25-foot No-Disturbance Zone extending off wetland resource areas for new construction, however, given the age of the property and limited s.f. of the lot, an 8-foot No-Disturbance

Zone was agreed upon between the Commission and the Applicant and conditioned in the original issued OOC. Native plantings are being proposed within the newly established No-Disturbance Zone (see Table 3.0 below).

A concrete dock allowing for pond access exists on the property and a path no greater than 7-feet in width to the dock will not be planted so as to allow continued access to the pond.

Prior to work, wooden stakes shall be installed every 10-15 feet along the limit of the 8-foot No-Disturbance Zone to demarcate the limit of work. Prior to planting, where necessary, grassed areas will be removed and a thin, clean topsoil layer will be applied. Currently, the buffer area within an area of floodplain to be restored to the south of the dock is vegetated with native wetland herbaceous grasses and sedges, and it is recommended the herbaceous layer not be removed and just planted with clusters of woody vegetation (see table 3.0 below). Areas currently not vegetated or vegetated with common grass species should be cleared by hand and planted with native vegetation. A seed mix will be applied immediately after plantings to ensure rapid stabilization. The proposed Buffer Zone Restoration Planting plan is identified in Table 3.0 below.

Table 3.0 Bank Restoration and Buffer Zone Planting Plan (Approximately 40 l.f. of Bank and 320 s.f. of Buffer Zone)

SPECIES	# OF SPECIES	SIZE	SPACING	LOCATION
River Birch (<i>Betula nigra</i>)	1	5' to 6"	N/A	S.E. property boundary, TOB
Red Osier Dogwood (<i>Cornus sericea</i>)	6	2' to 3'	5' OC	Bank Slopes within the stones
Highbush blueberry (<i>Vaccinium corymbosum</i>)	3	2' to 3'	Plant in clusters	Top of Bank in BZ, S.E. corner
Northern arrowwood (<i>Viburnum dentatum</i>)	3	2' to 3'	Plant in clusters with blueberry	Top of Bank in BZ, S.E. corner
Black chokeberry (<i>Aronia melanocarpa</i>)	3	2' to 3"	Plant in clusters	BZ Restoration
Winterberry (<i>Ilex Verticillata</i>)	3	2' to 3"	Plant in clusters	BZ /top of Bank
Optional Perennials:				
Astilbe (<i>Astilbe Japonica/Chinensis</i>)	3	1 quart		BZ Restoration
Black-Eyed Susan (<i>Rudbeckia hirta</i>)	3	1 quart		BZ Restoration
Coneflower (<i>Echinacea hybsisa/purpea</i>)	3	1 quart		BZ Restoration
New England Conservation/Wildlife Mix ¹ (or similar)			1lb/2500 s.f.	Bank

¹ Restored Buffer Zone area will be seeded with a New England Wildlife provided by New England Wetland Plants, Inc. (or equivalent). Exact seed mixture ingredients will be provided to the LCC prior to application.

4.0 Erosion Control Measures

4.1 *Sedimentation and Erosion Control*

Siltation barriers composed of silt socks (or appropriate alternatives) will be installed along the limit of work associated with the construction of the subsurface sewage disposal system upgrade. Additionally, a row of silt socks may be installed upgradient the No-Disturbance Zone to prevent sedimentation runoff from upgradient activities. Upon demolition of the retaining wall, it will be determined in the field the most appropriate location for a row of erosion control (possibly along top of bank). The siltation barrier will demarcate the limit of work, form a work envelope and provide additional assurance that construction equipment will not enter the resource area. All barriers will remain in place until disturbed areas are stabilized by vegetation.

Bank deconstruction, Bank and Buffer Zone plantings will be monitored by the wetland scientist to ensure erosion control measures are properly implemented and plantings are properly placed within the newly planted areas.

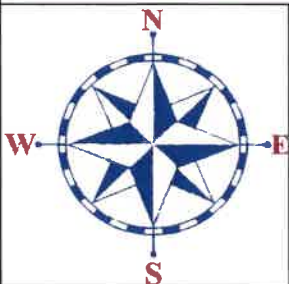
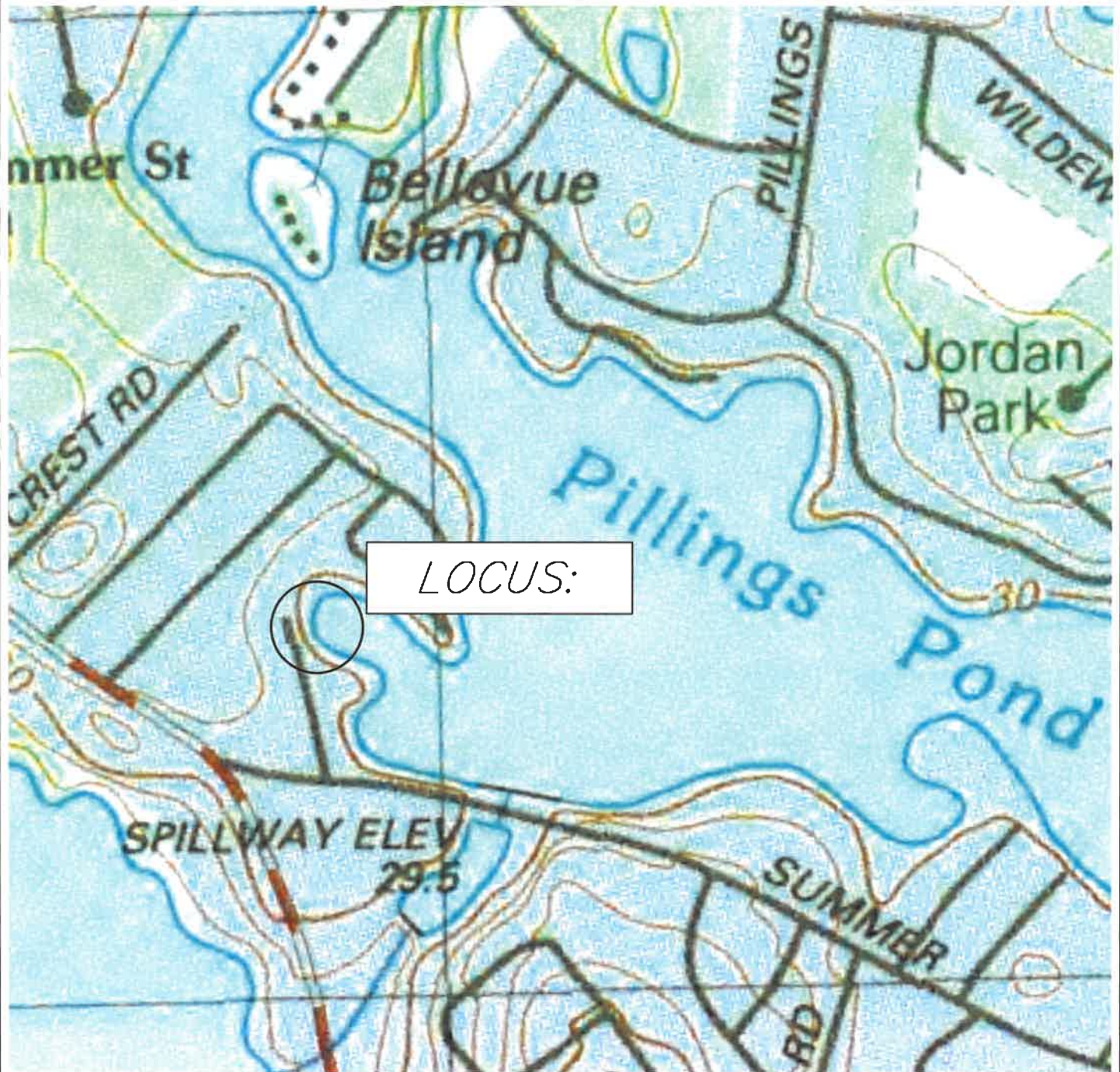
5.0 Conclusion

The Project has been designed to comply with all local, state and federal wetland regulations and the Project has been designed to minimize impacts to the identified wetland resource areas and applicable buffer zone to the extent practicable. The Applicant therefore requests that the LCC issue an Amendment to the Order of Conditions approving the above described activities and restoration plans.

Attachment B - Figures

USGS TOPOGRAPHIC PLAN

from MassGIS Website



Aguiar Jr. DeFreitas
45 Lakeview Road
Lynnfield, MA 01940

Scale: 1"=500'

National Flood Hazard Layer FIRMette



71°27'23"W 42°32'1"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, AE, X
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/5/2020 at 5:16 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



USGS The National Map of Imagery Data refreshed April 2020

71°14'5"W 42°31'34"N

Attachment C - Site Photographs



**Photos 1 & 2:
Unpermitted stone wall
constructed along
bank (8.10.20).**





**Photos 3 & 4 :
Previous bank
condition prior to wall
construction(2019).**





Photos 5: Area 8-foot upgradient Bank to be restored with natural vegetation (8.10.20).

Photos 6: Newly reconstructed house and deck from the rear of the house facing pond side (8.10.20).





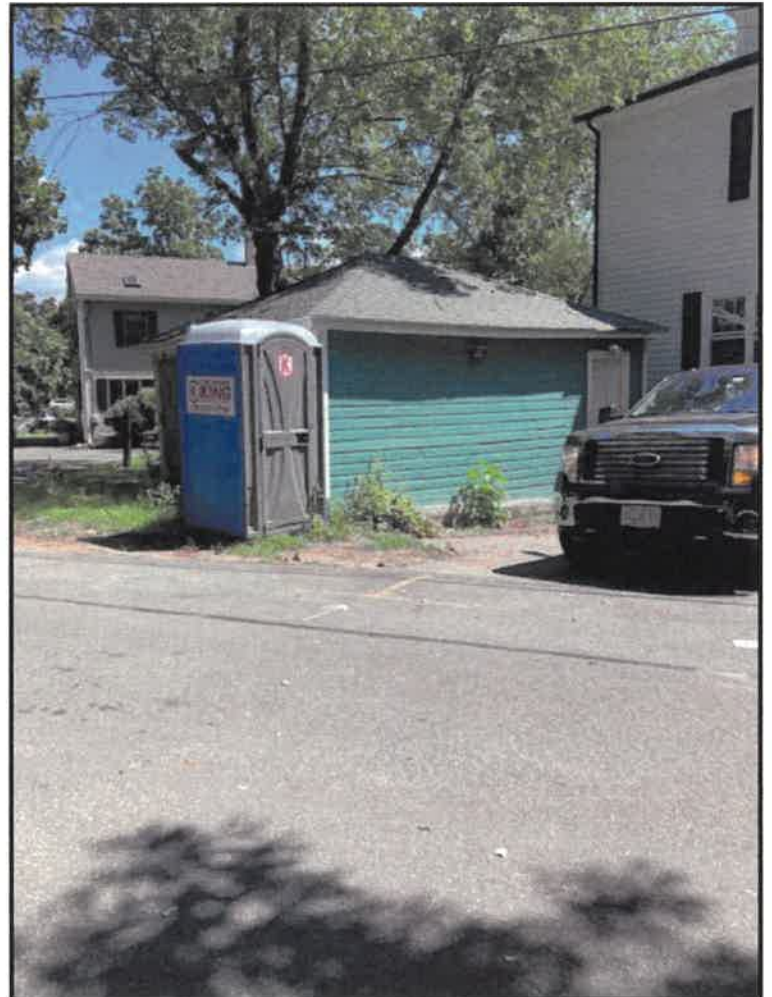
Photos 7: Original bank condition with large stones (8.10.20).

Photos 8: Rear of house facing pond. 8-foot Buffer Zone to be planted off pond banks (8.10.20).





Photos 9 & 10: New subsurface sewage disposal system to be located in front of the house. Garage to be removed (8.10.20).



Attachment D - Abutter Notification

NOTICE TO ABUTTERS

MASSACHUSETTS WETLANDS PROTECTION ACT

NOTICE OF INTENT: WPA FORM 3

As required by M.G.L. c 131, S40 (“the Act”), the **APPLICANT** shall provide notification to all abutters and any property owner within 100 feet of the property line of the land where the activity is proposed, including if separated from that land by a public or private street. Notice must be made in writing by certificates of mailing or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

The following applicant has filed an Amendment Request to the original Order of Conditions (DEP #209-0634) issued by the Lynnfield Conservation Commission on January 21, 2020. A public hearing will be held as stated below.

Mr. Aguiar Jr. DeFreitas

NAME OF APPLICANT

41 Lakeview Avenue, Lynnfield

ADDRESS OF APPLICANT

45 LAKEVIEW AVENUE

PROJECT ADDRESS

Assessor’s Map **35** Parcel **1651**

The applicant proposes to amend the existing Order of Conditions for approval of the construction of a subsurface sewage disposal system, landscaping features and approval of a Bank and Buffer Zone restoration plan on the shores of Pillings Pond.

PUBLIC HEARING: Tuesday, October 20, 2020 at 6:30 p.m. (Conducted as a virtual meeting due to Covid, please call Town to confirm)

AT TOWN HALL, H. JOSEPH MANEY HEARING ROOM

DATE AND TIME OF PUBLIC HEARING

Copies of the Notice of Intent & plans may be examined in the Town Clerk’s Office on Mondays-Thursdays 8:00 A.M. – 4:30 P.M. and on Fridays 8:00 A.M. – 1:00 P.M. or in the Conservation Commission Office on the lower level on Mondays-Thursdays from 10:00 A.M. – 3:00 P.M. (Due to Covid, please call to inquire about viewing options).

The public hearing is advertised in the Lynnfield Villager. Please call Emilie Cadamartori (Conservation Administrator) at (781) 334-9495 in the Conservation Office with any questions.

Affidavit Of Service
Under The Massachusetts Wetlands Protection Act
And
Lynnfield Environmental Bylaw

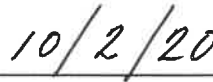
I, **Aguiar Jr. DeFreitas**, hereby certify under the pains and penalties of perjury that on **October 2, 2020** gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Request for an Amendment to the Order of Conditions (DEP #209-0634) dated January 21, 2020 issued under the Massachusetts Wetland Protection Act and Lynnfield Environmental Bylaw to **Aguiar Jr. DeFreitas** for property located at **45 Lakeview Avenue, Lynnfield, MA (Tax Map 35, Parcel 1651)**.

The form of notification, and a list of the abutters to whom it was given and their addresses are attached to this Affidavit of Service.



Aguiar Jr. DeFreitas



Date



100 foot Abutters List Report

Lynnfield, MA
September 23, 2020

Subject Property:

Parcel Number: 0035-0000-1661
CAMA Number: 0035-0000-1661
Property Address: 45 LAKEVIEW AVE

Mailing Address: DEFREITAS FAMILY TRUST DEFREITAS
ADRIANE P
21 LAKEVIEW AVE
LYNNFIELD, MA 01940

Abutters:

Parcel Number: 0035-0000-1623
CAMA Number: 0035-0000-1623
Property Address: PLEASANT AVE

Mailing Address: ROULIER SANDRA W ROULIER PAUL R
55 PROSPECT AVE
LYNNFIELD, MA 01940

Parcel Number: 0035-0000-1635
CAMA Number: 0035-0000-1635
Property Address: 53 PLEASANT AVE

Mailing Address: GRASSO GERTRUDE V GRASSO
STEVEN A
49 LAKEVIEW AVE
LYNNFIELD, MA 01940

Parcel Number: 0035-0000-1638
CAMA Number: 0035-0000-1638
Property Address: PLEASANT AVE

Mailing Address: GRASSO GERTRUDE V GRASSO
STEVEN A
49 LAKEVIEW AV
LYNNFIELD, MA 01940

Parcel Number: 0035-0000-1652
CAMA Number: 0035-0000-1652
Property Address: PLEASANT AVE

Mailing Address: ROULIER SANDRA W ROULIER PAUL R
55 PROSPECT AVE
LYNNFIELD, MA 01940

Parcel Number: 0035-0000-1655
CAMA Number: 0035-0000-1655
Property Address: 22 LAKEVIEW AVE

Mailing Address: MAURO/MATARAZZO
22 LAKEVIEW AVENUE
LYNNFIELD, MA 01940

Parcel Number: 0035-0000-1667
CAMA Number: 0035-0000-1667
Property Address: 35 LAKEVIEW AVE

Mailing Address: VENTURA EDYTHE F C/O L BUCHANAN
CO
PO BOX 2007
WAKEFIELD, MA 01880

Parcel Number: 0035-0000-1688
CAMA Number: 0035-0000-1688
Property Address: 20 LAKEVIEW AVE

Mailing Address: WORMSTEAD RAYMOND & JUDY
17 CHATHAM WAY
LYNNFIELD, MA 01940

Parcel Number: 0035-0000-1714
CAMA Number: 0035-0000-1714
Property Address: 98 CRESCENT AVE

Mailing Address: GRASSO GERTRUDE V GRASSO
STEVEN A
49 LAKEVIEW AV
LYNNFIELD, MA 01940

Parcel Number: 0035-0000-1955
CAMA Number: 0035-0000-1955
Property Address: PILLINGS POND RD

Mailing Address: LYNNFIELD TOWN OF PILLINGS POND
TOWN HALL
LYNNFIELD, MA 01940



9/23/2020

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

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GRASSO GERTRUDE V
GRASSO STEVEN A
49 LAKEVIEW AVE
LYNNFIELD, MA 01940

GRASSO GERTRUDE V
GRASSO STEVEN A
49 LAKEVIEW AV
LYNNFIELD, MA 01940

GRASSO GERTRUDE V
GRASSO STEVEN A
49 LAKEVIEW AV
LYNNFIELD, MA 01940

MAURO/MATARAZZO
22 LAKEVIEW AVENUE
LYNNFIELD, MA 01940

LYNNFIELD TOWN OF
PILLINGS POND
TOWN HALL
LYNNFIELD, MA 01940

ROULIER SANDRA W
ROULIER PAUL R
55 PROSPECT AVE
LYNNFIELD, MA 01940

ROULIER SANDRA W
ROULIER PAUL R
55 PROSPECT AVE
LYNNFIELD, MA 01940

VENTURA EDYTHE F
C/O L. BUCHANAN CO.
PO BOX 2007
WAKEFIELD, MA 01880

WORMSTEAD RAYMOND & JUDY
17 CHATHAM WAY
LYNNFIELD, MA 01940

Attachment E – Project Site Plans (Bound Separately)