

LYNCH, DESIMONE & NYLEN, LLP

ATTORNEYS AT LAW

10 POST OFFICE SQUARE, SUITE 970N

BOSTON, MASSACHUSETTS 02109

Telephone: (617) 348-4500

Facsimile: (617) 348-4545

JOHN M. LYNCH, P.C.
ERNEST P. DESIMONE
RICHARD A. NYLEN, JR.
STEPHEN W. DECOURCEY
SHANNON MICHAUD

Email: RNylen@ldnlip.com

July 21, 2020

OF COUNSEL

JAMES W. MURPHY
WAYNE H. SCOTT

Via Email & 1st Class Mail

Thomas Mullen, Esq.
40 Salem Street
Building 2, Suite 12
Lynnfield, MA 01940

Paul Martindale, Chairman
Planning and Conservation
Town of Lynnfield
55 Summer Street
Lynnfield, MA 01940

**Re: Boston Clear Water Company LLC; 165 Lowell Street, Lynnfield, MA; Virgil
Lynnfield Properties, LLC; 163 Lowell Street**

Dear Attorney Mullen, Chairman Martindale and Members of the Conservation Commission:

I am in receipt of your transmittal of two (2) Enforcement Orders issued on or about June 25, 2020 for alleged work in the buffer zone at 163 and 165 Lowell Street, Lynnfield, MA. We reply as follows:

163 Lowell Street

As you know, the boundary at 163 Lowell Street extends from the single-family house down to the pavement adjacent to the 165 Lowell Street property. The Enforcement Order for 163 Lowell Street is for the limited work in the buffer zone associated with the removal of trees and stabilizing the area. The work was observed by Ms. Cademartori earlier this spring. The Owner staked the buffer zone for Ms. Cademartori and the Owner complied with the Enforcement Order by hydroseeding the area and has placed and repaired the straw waddles adjacent to the pavement to prevent erosion. The buffer zone area is seeded and stabilized without evidence of siltation or alteration of the downgradient wetland.

165 Lowell Street

The Enforcement Order cites the Owner of 165 Lowell Street for placement of fill, performance of grading and the installation of a water storage tank within the 100-foot buffer zone without an Order of Conditions. While the Enforcement Order does not state when the activities took place, there is a reference to the placement being post-June 18, 2020. The reference is to the

July 21, 2020

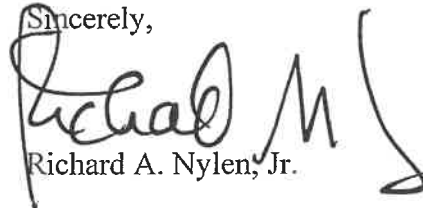
2 | Page

tree removal work is on the opposite side of the driveway. The soils and area on the Property have been stabilized with wood chips. Per verbal instructions by Ms. Cademartori in my presence this spring, we agreed not to remove the wood chips until a landscape plan is submitted to the Commission to describe further stabilization work in the buffer zone. There is work taking place outside the buffer zone (toward Lowell Street).

The water storage tank referenced is not used for water storage and is upright and on the 100-foot buffer zone line. It has not disturbed the area or resulted in alteration of wetlands. Consistent with the Enforcement Order, the area has been stabilized and erosion controls were placed immediately below the hillside in several places and have been repaired or replaced as necessary. No erosion or wetland alteration has been noted to date. There are two sets of erosion controls on the pavement and upgradient of the wetlands without evidence of siltation or alteration.

We are available to answer questions.

Thank you.

Sincerely,

Richard A. Nysten, Jr.

RAN/kad

cc: Mr. Anthony Gattineri/BCW
Paul A. Marchionda, PE
Mr. Michael Abell/MassDEP
Stephen F. Gordon, Esq.
Julie Connolly, Esq.