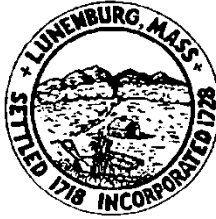


Town of Lunenburg Conservation Commission

Richard Bursch, Chair
Todd Dwyer, Vice-Chair
Bob Pease
Tom Bertram
Carl Luck
Jack Rabbitt
Kenneth Jones



Tel: (978) 582-4146
960 Massachusetts Ave.
Lunenburg, MA 01462

Matthew S. Marro,
Conservation Administrator

MINUTES

Wednesday, January 4, 2017 7:00 PM regular meeting
960 Mass Ave, Ritter Land Use Building
Lunenburg, MA 01462

Call to Order meeting was called to order at 7PM with Vice Chair Todd Dwyer presiding. All present with the exception of Chairman Bursch.

Announcements TB tallied work hours. The total was 463 hours on the Lane property in the fall season. This tally does not include BP's hours.

Public Comment - none

Appointments/Hearings –commences at 7 PM

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a **CONTINUED** Notice of Intent by Gougen Construction for work at 675 Reservoir Road will be held. Work entails the demolition and construction of a single family home, the installation of driveway and a septic system within the 100 foot buffer zone of a wetland resource area. Application and supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting is scheduled in the Ritter Memorial Building 960 Mass Ave on January 4, 2017. The public is invited to attend.

Chris from Hanningan continued to the 2/1/17 meeting. TB moved to continue. KJ seconded. CL indicated that he was concerned the separation of issues were not discussed. Specifically, he was concerned about the specifics of the fine timelines. The Commission noted that a firm timeline has not been determined. JR feels the public hearing should go forth and conclude first. TB clarified on the agreed procedure from his personal notes. The motion to continue was unanimously approved.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a **CONTINUED** public meeting on a request for a determination of applicability by Bob Proctor for work at 4 Sunset Ave will be held. Work entails Installation of an e1 / sewer connection system within the 100 foot buffer zone of a wetland resource area. Application and supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting is scheduled in the Ritter Memorial Building 960 Mass Ave on January 4, 2017. The public is invited to attend.

Documents presented to the commission for consideration was a request for a determination by Bob Proctor and a modified sketch by the applicant modified at the meeting January 4, 2017.

Mr. Proctor representing himself. He noted the project and oriented to the commission. Mr. Dwyer reviewed the plan with Mr. Proctor to confirm the details on the plan. Mr Dwyer requested the wattles be placed closer to the limit of work. The plan was

hand modified and signed by Mr Proctor after the wattles were corrected for location. BP moved for a negative determination based on revised plan. TB seconded and the commission approved unanimously.

Administrative Hearing NOTE CARL LUCK RECUSED HIMSELF, RETAINING RIGHTS TO Comment AS A CONCERNED CITIZEN–

Viviano, 338 Sunset Lane – TB noted that he went on the property no corrective action has been done as agreed. MM noted that he notified the owner two different ways (email and certificate of mailing) on the same day with adequate notice. TB outlined what he spotted on his own inspections which supported the commissions conclusions. MM noted two counts for fining purposes. The first Failure to appear. The Second -Failure to produce supplemental information and remedial action as agreed under the enforcement order. TD recommended 100 dollars per day for each count. TB recommended that the fines cease when the supplemental information is presented. It was clarified that presented information date is currently the 18th of January. KJ moved to issue fines based on those grounds at 100 dollars per day for two violations. BP seconded and the commission voted unanimously.

Mr. Vivano appeared to the commission shortly after the initial vote during Gary Gouldrup's presentation. The commission reconvened. Mr. Viviano presented an existing conditions plan. TD reminded Mr. Vivano of the thanksgiving deadline he had promised to the commission for removal of the wall. There was one area that has a large tree he is attempting to save. He requested to be allowed to keep the rocks in place to control the root system to prevent erosion. BP moved to rescind the fine for failure to appear. TB seconded and the commission voted unanimously. Wall remediation is to be completed with hand placed stone at a 45-degree angle or flatter. This is to be accomplished by removing the top course and place backward behind the wall with no fill. TB recommended that it be done for February 1st weather permitting. The fining will be 300 dollars per day if it is not completed. CL (commenting as a resident and not a commissioner as he had recused himself) expressed concern about the slope of the wall. TB made a motion to remediate the wall as defined by the 2/1 meeting with a 100 dollar a day fine starting today which will be suspended if the wall work is completed. The Commission debated full restoration of elevation versus replanting at modified elevation. It was also a part of the motion to have an as built completed by the design engineer. BP seconded the motion and the commission approved unanimously.

Current Business

- 1. Signatures on documents to be issued.** *The Commission signed off on the documents approved from the prior meeting.*
- 2. Certificates of Compliance**
- 3. Enforcement**
 - **121 Peninsula Continuation from 11/2/16** – Mr Marro is expecting items to be ready for the February 1 meeting
 - **43 Island Road Continuation from 11/2/1-6** Mr. Marro requested information as to the disposition from a Hannigan Engineering representative.
 - **338 Sunset Lane Continuation from 11/2/16** – refer to administrative hearing above.
 - **675 Reservoir Road** – Hannigan Engineering appeared along with Charles Caron. Mr. Caron explained the method he used to determine the riverfront. JR stated he was not in agreement with the line and feels it should be moved towards the lake. CL also agreed and felt the resource map also supported the river ending further "downstream". The site pre-existing condition was discussed, as well as the limit of work and where the proposed restoration would take place. This included restoration of the flood plain. The Commission had discussed how to balance the enforcement with the Notice of Intent proposal. MM to walk the site with any commissioner available and Mr. Caron prior to the next meeting to tour both the areas to be restored and the proposed end of riverfront. MM also recommended once the scope of restoration is settled that an Order of

Conditions, if approved, be written for two phases with the restoration being completed as phase one and the construction of the proposed house being the last phase. MM also recommended that strict time lines be established. TD recommended the remediation be quantified for bonding. CL had recommended establishing a vegetated buffer area reaching down to the lake shore. TB noted that the remaining hillside on the lake side needs to be stabilized as ordered. The fine decided on 300 dollars a day until the hay is spread as ordered. This was approved by a motion from TB and a second from BP and a unanimous vote. CL discussed potential fine schedule and potential retroactive fines based on the enforcement order issued. CL moved to issue a fine based on four counts of 300 dollars per day per count for the six-day period between the issuing of the enforcement order to the filing of the notice of intent for a total of 7200 dollars. TB seconded the vote was TB, TD, JR, CL yes and KJ and BP no.

The four counts at 300 were based on : 1. Exceedance of scope of determination 2. Failure to come forward to amend. 3 unauthorized work within the buffer zone. 4. Failure to comply with the enforcement order.

- **183 Hemlock Dr** – MM noted that notice was sent to Mr. Thomas and has not received a response. He suggested the commission add it to the site inspection list.
- **Emerald Place Beach Erosion**- awaiting to hear from Mr. Cleaves.

New Business – Discussion of regulations with respect to hunting on Conservation Lands. The Commission discussed ambiguity. BP feels the regulations are clear that bow hunting is the only type allowed.

Diane Guneard requested the Cowdrey be no hunting zone.

154 west street – noted they see a lot of residents with children concerned with safety and have one property with no hunting.

Paula Bertram agreed with cowdrey being off limits but hunting be posted.

It was noted there were signs at the Cowdrey that suggest no hunting allowed. Research of the deeds of the property did not indicate any restrictions and it was speculated the existing restriction signs were placed independently of the commission.

CL suggested that the signs on Cowdrey that were not put up by the LCC are not correct and that they be removed. It was agreed that this should happen to avoid confusion of misrepresentation of the hunting regulations. No time line for removal was determined but consensus was that they could be taken down by any Commissioner at any time.

This discussion was continued for another time.

Old Business – Forest Stewardship Grant implementation – discussion of meeting with Gary Gouldrup. Gary Gouldrup came to the meeting to review the forest stewardship planning. He noted he was going to send a goals sheet suggesting strategies for each forest land and the applicable attributes. Mr. Gouldrup indicated that he can have goals sent out to MM and it can be discussed at the next meeting. Diane Guenard 238 wanted to know if the planning can be in a public forum. The Commission noted that it would be at our regular public meetings and that it would be advertised in the Ledger. TB mentioned maintenance of the Mulpus Brook Habitat.

Approval of Minutes 12/21/16

Committee Reports –

- *Holman St property program*
- *Storm water Committee Report*

Agents Report /Action Items :

- *Woodlands*
- *Status of Recording of Orders*
- *Hearings/Meetings/Appointments scheduled for the 1/18/17 meeting*

- 338 Sunset

Communications

Meeting Schedule- Next meeting for January 18 ,2017 at 7:00 PM In Ritter Memorial Building 960 Mass Ave

Public Comment For Meeting Close.

Adjournment

The meeting adjourned at 11:05 PM with Mr. Luck moving to adjourn and Mr Jones seconding.