

Town of Lunenburg Conservation Commission

Bob Pease, Chair
Kenneth Jones, Vice-Chair
Richard Bursch
Catie Childs
Carl Luck
Jack Rabbitt
Jeffrey Viviano
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Matthew S. Marro,
Conservation Administrator

June 2, 2021
7:00 PM

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Topic: Conservation Commission Meeting
Time: Jun 2, 2021 07:00 PM Eastern Time (US and Canada)

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Please be aware that if you are using video, other people will be able to see you and that anything that is broadcast will be recorded.

The agenda lists all the topics which may be discussed at the meeting and are those reasonably anticipated by the Chair. Votes may be taken as a result of these discussions. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by Open Meeting Law. Each vote taken in this meeting will be conducted by roll call vote.

minutes

Call to Order Chairman Pease called the meeting to order at 7 AM All in attendance with CL appearing at 9 PM

Announcements

Public Comment *Comments are to be limited to 3 minutes and on a subject matter under the direct jurisdiction of the commission. Comments about current agenda items are to be made during the comment period of the specific agenda item.*

Minutes of previous meetings –May 19, 2021 JV moved to approve the minutes KJ seconded and the commission voted in favor by a vote of JV, KJ,CC and BP. JR and RB abstained.

Appointments/Hearings –commences at 7 PM

Appointment:1 LSIC UPDATE Wendy Gendron and Joanna Bilotta updated the conservation commission. Ms Gendron outlined the monitoring requirements and the results of the testing. The Water clarity data was excellent due to the extended drought, there was a reduction in the introduction of sediment from stormwater. Temperature and Dissolved oxygen noted that there was no times where the water was below 5 mg/l of oxygen. The remainder of the data noted normal levels for an urbanized lake watershed. The herbicide treatment and the targeted aquatic plants were reviewed as well as the areas that were targeted and left alone. Clipper was used to aid in the control of fan wort. The plant survey was also reviewed. The public outreach of the LSIC was also reviewed. She further identified the strategy for the treatment of the lake including the chemicals proposed to be used. JR noted that there was good progress and that the LSIC has done a wonderful job. RB asked if there was a reason for a spike in certain algae's. Wendy Gendron noted that it was likely due to the drought last year and further noted that there were differences in many lakes through the commonwealth. RB clarified the dates of the surveys with Ms. Gendron. The commission thanked the LSIC as there was no further comment or question from the commission or the public.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Request for a Determination by Timothy Beauchmin for work at 239 Prospect Street will be held. Work proposed is Installation of a gate in an existing chain link fence a dock along Lake Whalom.

Timothy Beauchmin represented himself. He oriented the commission to the details of the project and

the project and the orientation to the wetlands. He was not asking for any earthwork or any vegetation removal as there is a pre existing opening, JR clarified the address as 239 due to a change in designation from the address. He also examined the length. RB examined parcel C2 and it was noted it was an independent lot not associated with any of the houses. He examined where the applicant would park the vehicle. RB asked who the owner was. Mr. Beauchmin noted he was the owner. RB asked if the pathway would have any modifications. Mr. Beauchmin noted he proposed no tree removal or earth work as there was a pre-existing pathway. RB noted that the area is a very heavily used road way with short sightlines and suggested we consult the police department on the property. Mr. Beauchmin noted that in his location there was a 300 foot sight line in each direction as the lot is located on a straight away. JR asked if this area was part of the safety zone. The answer was unknown. JR asked if there was any input from the planning board. The applicant noted it was not required. KJ noted that the parking was not the purview of the commission and that the parking was not a requirement of the conservation commission. BP noted he agreed with KJ on the parking issue. KJ moved to issue a negative determination JR seconded . The commission approved the motion with RB abstaining. ‘

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Notice of Intent by Daniel Corey for work at 46 Pine Grove Road will be held. Work proposed is the removal of a partial section of Deck and an addition to a single family home.

Ryan Proctor from Dillis and Roy was present from the applicant. Mr Proctor reviewed the plan and the location of the work which was not within the 50 foot no touch zone. He noted the stock pile was designated and was outside the 100 foot buffer zone, He further noted that there was no DEP number currently.

Due to the lack of DEP number the applicant agreed to continue to June 16, 2021 at 7 PM by a motion of RB and a second by CC with a unanimous vote to approve the motion.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Request for a determination by Michael Shank for work at 313 Leominster Road will be held. Work proposed is the construction of a garage within the river front.

Mr Shank was present to represent himself. Mr Shank noted that there was a preexisting garage slab on the property and wishes to reconstruct it. MM noted the preexisting enforcement order and the details as it was resolved to unitil. JR noted that there was some equipment on the property. Mr. Shank noted that the foot print will be smaller than the original.

RB moved for a negative determination. JR seconded and the commission voted unanimously to approve the motion.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Request for a Determination by Eric Martineau for work at 45 Cove Road will be held. Work proposed is construction of a garage.

Eric Martineau was present to represent himself. He noted that there is an exiting deck and the proposed garage is slightly father away from the area. BP noted that he did a site visit and determined it was greater than 50. MM noted that the wetland is 74 feet to the rear of the property. RB asked if the variance was already received. MR Martineau noted yes. RB moved for a negative determination JV seconded and the commission voted unanimously to approve the motion,

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Notice of Intent at 326 Holman Street by Steve Fenner for the placement of a swimming pool, landscaping and tree removal within the buffer zone.

RB recused himself.

Mark Bursch represented the applicant. Area noted as 4 on the file plans was for an above ground pool. Mr Bursch noted that there were some trees to remove and that there was some areas of wetland on the property, hence the reason for the notice of Intent. He outlined doe to previous activity on the lot, there as a wet area that was partially filled and the proposal was to remove the area to re-establish the wet connection and restore the flow. There are some trees proposed to be removed within 30 feet, however, it would not affect the canopy. He noted that mosquito control and DPW recommended that the work be done. BP reviewed the scope of the work to ensure accuracy MM reviewed the wetland line with the commission. He recommended the commission do a site walk on the property, KJ reviewed the property and agreed with MM to conduct a site walk, KJ recommended that the area be staked and the trees to be cut be flagged.

JR noted that realistically would we approve the pool within the 50 foot or 30 foot zone? MM noted that usually on a waiver request

there should be a benefit to the wetland in return. He noted the reconnection of areas on and two could be a public benefit. The commission continued to the meeting of June 16th by a motion of KJ and a second of JV and a unanimous vote of the commission by roll call vote. (RB recused).

They agreed to a site walk on the 12th of June.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Notice of Intent by Town of Lunenburg for a replacement of the bridge at Flatt Hill Road adjacent to 878 Flatt Hill Road (note 878 Flatt Hill is a private residence used for reference purposes only)

Emily Martin, Dave Cloutier and Olivia Richards and Rob Oliva represented the applicant.

Olivia Richards outlined the work, the current conditions of the site and the location of the wetland resource area to the commission. She outlined the phasing of the construction. It was noted that the work would take place during the winter and that there was a slight increase of flood storage proposed. The erosion control, dewatering and use of a coffer dam was also examined. BP asked if the catacunemug brook flows through this culvert. The answer was no, that the brook itself was to the north of it.

RB examined the elevations of the inverts and outlets of the new and proposed culvert. He asked if there was a new based proposed to the brook. Dave Cloutier from VHB noted that the structure's intention was to allow a 2 ft natural bed to be established. KJ Noted that it is the catecunemug brook does flow through the property and it is noted on the USGS map. Olivia Richards noted that this area is where the brook converts to lake area and that during the winter periods there was low to no flow recorded and that construction should take place with no flow considerations. RB asked for a schedule of construction and the actual calendar period it would be designated for. He was concerned of the variability of drawdown versus flow. MM noted to the applicant noted that the engineers should make certain they coordinate with the dam keeper to ensure those variability can take place. Joanna Bilotta noted that the applicant should take note of the drawdown conditions form the previous years and will work to get the numbers to the applicant. MM noted that he could help coordinate with the Shirly Conservation Commission if the drawdown causes the flow conditions required by the LSIC's order of conditions in Shirley to be temporarily adjusted. BP further cautioned on the flow variabilities on the brook and asked the applicant to ensure that was accounted for. RB also reminded that a proposed schedule be added to the file.

A motion to continue to June 16th was made by RB and seconded by KJ with a unanimous vote to approve the motion by roll call vote.

CONTINUED PUBLIC HEARINGS

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Notice of Intent by Kevin Hill for work at 41 Country Road will be held. Work proposed is the construction of a single family home, driveway and septic grading within the buffer zone.

This meeting was continued by request of the applicant to the June 16th meeting by a motion of CC and a second by RB with a unanimous roll call vote to approve the motion.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws seven public hearings on individual Notices of Intent for work at 150 Holman St lots 1 – 7 by PSG Realty will be held (Notices of Intent individually filed for each lot). Work proposed is the construction of a seven lot subdivision within 100-feet of a wetland resource area.

Brian Marchetti appeared before the commission. He outlined and reviewed the changes to the plans that the commission asked for from the previous meeting. He noted the planting legend and the noted on the 50 foot no touch zone. He outlined the demarcation of the 50-foot buffer zone. He reviewed each lot and the demarcation. JR noted that with regard with the 50 ft designation would it be recorded on the deed? Brian Marchetti noted that there was not a permanent restriction proposed. JR asked if there could be a clause reminding the new owners of the filing requirements. RB noted concerning the rain gardens noting that they have an O&M Plans asked if there should be a way to be permanently spelled out on the deed.

The comments from the planning board reviewing engineer were reviewed by the applicant and the responses to the comments. JR and JV reviewed the comments JV made at the previous meeting regarding the extensions of the erosion protection. JV indicated it was satisfactorily addressed.

Lot 1. Changes were reviewed. RB asked for an additional perpetual condition attached to the deed with respect to the rain garden maintenance. JR asked about ensuring the demarcation was also noted on the deed reminding each applicant of their responsibilities to come forward if work within the buffer zone was requested in the future. RB moved to issue an Order with the additional condition of the rain garden maintenance being perpetual. KJ seconded and the commission approved unanimously with CL as an abstention. by roll call vote.

Lot 2. Changes were reviewed. RB asked for an additional perpetual condition attached to the deed with respect to the rain garden maintenance. JR asked about ensuring the demarcation was also noted on the deed reminding each applicant of their responsibilities to come forward if work within the buffer zone was requested in the future. RB moved to issue an Order with the additional condition of the rain garden maintenance being perpetual and the inclusion of the buffer zone demarcation. KJ seconded and the commission approved unanimously with CL as an abstention. by roll call vote.

Lot 3. Changes were reviewed. RB asked for an additional perpetual condition attached to the deed with respect to the rain garden maintenance. JR asked about ensuring the demarcation was also noted on the deed reminding each applicant of their responsibilities to come forward if work within the buffer zone was requested in the future. KJ moved to issue an Order with the additional condition of the rain garden maintenance being perpetual and the inclusion of the buffer zone demarcation. JV seconded and the commission approved unanimously with CL as an abstention. by roll call vote.

Lot 4. Changes were reviewed. RB asked for an additional perpetual condition attached to the deed with respect to the rain garden maintenance. JR asked about ensuring the demarcation was also noted on the deed reminding each applicant of their responsibilities to come forward if work within the buffer zone was requested in the future. RB moved to issue an Order with the additional condition of the rain garden maintenance being perpetual and the inclusion of the buffer zone demarcation. JR seconded and the commission approved unanimously with CL as an abstention. by roll call vote.

Lot 5. Changes were reviewed. RB asked for an additional perpetual condition attached to the deed with respect to the rain garden maintenance. JR asked about ensuring the demarcation was also noted on the deed reminding each applicant of their responsibilities to come forward if work within the buffer zone was requested in the future. RB moved to issue an Order with the additional condition of the rain garden maintenance being perpetual and the inclusion of the buffer zone demarcation. KJ seconded and the commission approved unanimously with CL as an abstention. by roll call vote.

Lot 6. Changes were reviewed. RB asked for an additional perpetual condition attached to the deed with respect to the rain garden maintenance. JR asked about ensuring the demarcation was also noted on the deed reminding each applicant of their responsibilities to come forward if work within the buffer zone was requested in the future. RB moved to issue an Order with the additional condition of the rain garden maintenance being perpetual and the inclusion of the buffer zone demarcation. KJ seconded and the commission approved unanimously with CL as an abstention. by roll call vote.

Lot 7. Changes were reviewed. RB asked for an additional perpetual condition attached to the deed with respect to the rain garden maintenance. JR asked about ensuring the demarcation was also noted on the deed reminding each applicant of their responsibilities to come forward if work within the buffer zone was requested in the future. RB moved to issue an Order with the additional condition of the rain garden maintenance being perpetual and the inclusion of the buffer zone demarcation. KJ seconded and the commission approved unanimously with CL as an abstention by roll call vote.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a request for a determination for work on beach raking at 90 Ruth Street by Brian Dalmasso.

This meeting was continued by request of the applicant to the June 16th meeting by a motion of JV and a second by KJ with a unanimous roll call vote to approve the motion.

NOTE CL NOTED HE WAS RECUSING HIMSELF FROM FURTHER MEETINGS>

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Notice of Intent by The Town of Lunenburg, Thomas WU and Scott Benjamin will be held. Work proposed Restoration of a parking area to a naturalized state on town property at Fire Road 12

This meeting was continued by request of the applicant to the June 16th meeting by a motion of RB and a second by KJ with a unanimous roll call vote to approve the motion.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on

a Notice of Intent by Christopher and Suzanne DeGeorge will be held. Work proposed is improvement of access to Lake Shirley and control of erosion within 100-feet of a wetland resource area at 48 Pearl Street.

This meeting was continued by request of the applicant to the June 16th meeting by a motion of RB and a second by JR with a unanimous roll call vote to approve the motion.

Pursuant to MGL ch 131, s 40 as amended and Under Lunenburg Protective By Law chapter 335, the Lunenburg Conservation Commission will hold a public hearing for a Notice of Intent by Cynthia Ritchie for work at 137 Flynn Road to build a natural stone wall along the waterfront to protect against future erosion of the edges of the land and beach.

This meeting was continued by request of the applicant to the June 16th meeting by a motion of KJ and a second by RB with a unanimous roll call vote to approve the motion.

Pursuant to MGL ch 131, s 40 as amended and Under Lunenburg Protective By Law chapter 335, the Lunenburg Conservation Commission will hold a public hearing for a Notice of Intent by Empire Management Corp for work at 757 Chase Road for the demolition and reconstruction of a Commercial building with grading and parking

This meeting was continued by request of the applicant to the June 16th meeting by a motion of RB and a second by JR with a unanimous roll call vote to approve the motion.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Notice of Intent by MA Pleasant LLC will be held. Work proposed is construction of a six-lot subdivision, Roadway, utilities and a proposed wetland crossing at 101 Pleasant Street

This meeting was continued by request of the applicant to the June 16th meeting by a motion of RB and a second by JV with a unanimous roll call vote to approve the motion.

Under Lunenburg Protective By Law chapter 335, the Lunenburg Conservation Commission will hold a public hearing for a Notice of Intent by Richard Tremblay for work at 386 Sunset Lane for repairs to five existing retaining wall, the construction of a kayak rack, the reinforcement of existing fencing, the removal of a stump, the replacement of 2 existing concrete patios, and the removal and replacement of an existing driveway

Ryan Vickers was present to represent the applicant. Richard Tremblay was also present. It was noted that the issues with DEP were resolved and a file number was issued. Mr. Vickers removed the changes proposed to the plans. It was noted by Mr. Vickers that the proposed work is going to on the applicant's property only. The methodologies of the work were outlined. KJ asked of the sheet piles were permanent? The response was yes. JR examined the overall protection of the slope. Mr Vickers noted that the materials would be craned in the middle section. It was noted that there appeared to be no potential issue for tree removal, however if issues were encountered, the applicant is aware they would have to come back to the commission. There is only one stump by the applicant ;s shed proposed to be ground. Richard Tremblay noted that there would only be one piece of equipment on his property and will not be on the sand nor the water, He acknowledged that if trees were to be removed that he would come back to the commission.

Carl Luck speaking as an abutter noted that there was some excellent solutions and wanted to reiterate that his walls will be secured. Mr Vickers noted yes. CL noted that when his walls would need to eventually be replaced would it result in a need to go onto the Tremblay's properties. Mr. Vickers noted that Mr Luck could employ a similar technique that Mr Tremblay was proposing. Mr. Luck noted that he could excavate from the sheet up to the metal and use a similar technology. Mr Vickers answered yes. CL noted that there may be some pruning of trees to be done and if Mr Tremblay. MM Noted that an amendment would require notification. Mr Luck asked if there could be a condition added that he be notified of any modifications. He asked where the tree was being removed resulting in a portion of the fence being taken down noting that the fence was attached on the backside which would require access from his property and asked how that process would unfold? He also noted two other areas of fence that may need to be addressed.

JR motioned to issue an order of conditions with the condition that abutter Carl Luck be notified of any modifications proposed in the field. KJ seconded and the commission voted unanimously. Mr Tremblay clarified with BP that the threshold was if any changes were required that rose to the level of coming back to the commission then it would trigger the notification. Joanna Bilotta asked if pruning were required would that have to come back to the commission? BP noted that if the agent determined there was a requirement to go back to the commission, then the abutter notification.

Hearings Continued to June 16, 2021

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Request for a Determination of Applicability for work at 73 Peninsula Drive by Daniel Murphy will be held. Work proposed is the removal of trees within the buffer zone.

Old Business-

ENFORCEMENT:

Violations (Enforcement Actions and Administrative Hearings).

Leominster Road- Illegal Dumping activity

MM asked the commission if we want to proceed with the town filing a notice of Intent or an enforcement order.

KJ noted that he felt that there should be a notice of intent filed. JR and BP expressed agreement with KJ.

MM will tell the town to file a notice of Intent.

EO 615 Townsend Street- monitoring timeline and work

NON 467 Lancaster Ave – Monitoring site regrowth through the 2021 growing season

EO Fire Road 16- Clean up to commence- for next meeting

NON48OakRidge – working on a new RDA

EO 205 Arbor Street -Waiting for DEP

NON 37 Pearl – Owner to file a RDA for work on his walkway

NON 2 Brookview Terrace. Owner to file an RDA f

For work over and above the former approval

Encroachment on town property issue- BP is reviewing the documentation with MM

New Business

Update on trails grant – *status report, if any.*

Certificates of Compliance

Extension Permit –

Committee Reports – *Any Updates*

Administrator's Reports/action items:

Administrator's determination – 54 Pine Acres Drive Removal of three trees-

Open space and land and Trail use issues and strategies:

- *Forestry Planning/Encroachment on town open space (draft plan discussion) **Update on Rayno/Hollis road for scheduled June 16, 2021 meeting The Commission requested an advertisement be placed for the benefit of the public.***
-

Communications / public comment: BP is working with the hunting hills abutters. KJ noted that the mower for the Hollis Road property needs replacement, and he purchased a new lawnmower. The cost was 300 dollars.

JR moved to reimburse KJ the 30 dollars for the purchase. CC seconded and the commission voted unanimously with KJ abstaining.

RB noted he was seeking a more stand operating procedure for waiver request. MM provided a form for a waiver request and asked that he issue it for the application for waiver. He noted that the NOI handout should require colored lines and that the applicants should follow it. BP noted that at a future time that he would eventually examine time for handouts and content on the website.

CL thanked the commission for all of the hard work that the commission does. He wished the commission well and hope they have great success in the future. He noted he enjoyed his experience with the commission. The commission wished Carl well on his retirement.

Adjourn The meeting was adjourned by a motion of RB and a second by JR and there was a unanimous vote of the commission. 10:20 PM

Meeting schedule: Next meeting is June 16, 2021 at 7:00 PM

