

Town of Lunenburg Conservation Commission

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Matthew S. Marro,
Conservation Administrator

FEB 2 2022
7:00 PM .
MINUTES

Call to Order Meeting called to order at 7 PM by Chairman Pease with all members present

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. Please address all comments to the Chair.*

Minutes of previous meetings

Appointments/Hearings –commences at 7 PM

1. Request for field change 168 West Street

Barbara Battle appeared before the commission and noted the changes in the plan which was to change the proposed addition so that the overall foot print was smaller. The addition on the side of the house comes out father. JV motioned for approval of the field change. ML seconded and the commission unanimously approved the motion by roll call vote

2. LSIC Annual report presentation

Wendy Gendron appeared before the commission and presented the prior years treatment results. She and Dominic Meringolo reviewed the successes and items to be addressed with the coming year and discussed future strategies.

Public Hearing

The Conservation Commission will hold a public hearing on a request for a Determination by Marsha Beers for grading to accommodate a septic system within the 100 foot buffer zone at 205 Sunset Lane.

Dan Wolfe outlined the proposed project to the commission which is on the outer edge of the 100 foot buffer zone. He outlined the details of the grading and the proposed loaming and seeding. A negative determination with the condition that the plans be revised to show erosion control was made by RB and a second by JR with a unanimous motion approved by roll call vote.

The Conservation Commission will hold a public hearing on a Notice of Intent by The Town of Lunenburg removal of an Old Dump site in Municipal Conservation land next to bordering vegetated wetlands along the Catacoonamug Brook at 104 Fairview Ave.

Heather Lemieux appeared before the commission review of the plans showed the outline of the limit of work. RB asked for the type of debris. Heather Lemieux reviewed the type of materials listed on the narrative. RB reviewed DEP comments which asked for erosion protection to be added to the plan. JR wanted to know how the materials can be removed without excessive tree removal. BP noted that in his estimation the items at the bottom of the slope would not be an issue. Heather Lemieux noted that the NO noted that no work would be done in the channel and the work would be completed within a time frame of a flow minimum. ML asked if there was soil testing going to be completed. Heather Lemieux reviewed the prior site assessment and the consultant noted there did not appear to be any worries. MM reviewed the comment from DEP and recommended that the documentation changes be completed. RB noted that he felt the erosion protection should be on the plans now. The meeting was continued to February 16 by a motion of RB and a second by JV with a unanimous vote to approve by roll call vote.

CONTINUED PUBLIC HEARINGS

The Conservation Commission will hold a public hearing on a Notice of Intent by Paul Gosselin for the relocation of an existing drain line on 21 Brookview Terrace.

21 Brook view BP noted the DEP issued a file number with no comments. A motion was made to issue an Order of Conditions by RB with a second by JV and a unanimous vote to approve the motion by roll call vote

The Conservation Commission will hold a public hearing on a Notice of Intent by Eric Fowler for the development of a 4 lot residential subdivision at 711 Massachusetts Ave.

Wes Flis and Eric Fowler appeared before the commission and reviewed the prior issues from the previous meeting. He reviewed the profitability of the subdivision proposal and that the bank would require a minimum profit margin. RB noted he wanted a report in writing. Eric Flower wanted to know what level of a financial data the commission would require. He noted that the development costs are varied currently due to inflationary pressure on prices. He also noted that interest rates are slated to rise to an unknown degree. He noted that no profit would not be made until the 8th unit is sold. If the development was less than 8 units then it would not be profitable. MM asked what the development costs would be in the infrastructure if the development was reduced to six units. Eric Fowler noted the reduction would only apply to the utilities not being run to the units. Wesley Flis elaborated on the infrastructure and noted the footprint of the utility management would not change. Wesley Flis noted that quad units would not be allowed due to zoning. RB asked if the applicant went to the ZBA. Wesley Flis noted that they did go to the ZBA for a special permit and the subsequent hearing to the planning board resulted in the planning board not allowing quad units and that was the reason for the units. JR quoted from the DEP reviews and stressed there was an alternatives analysis required. He also noted that a single-family home could be placed on this property. Eric Fowler asked if he really has to do an alternatives analysis for single family homes as he felt he meets the requirements under the wetland protection act. BP noted the DEP comments. RB noted that the comments DEP put forth is basically from the regulations and it needs to be done. Wesley Flis noted there was an alternatives analysis included and that DEP comments was requesting further analysis. RB explained that the alternatives analysis should present as much evidence as the applicant can submit to show the overall economic viability of the project. Wesley Flis asked RB about the types of financial numbers. RB responded he would leave it up to the applicant. JR noted that regardless the standards of the wetland protection act needs to be met. BP noted that at the last meeting the issue that was outstanding was the alternatives analysis. Wesley

Flis asked JR if he was stating the applicant was in some kind of violation. JR noted no that he was asking if any other configurations could still be profitable and that if they met the wetland standards are met, he would likely view it favorable. RB asked that the information be provided prior to the next meeting. JV asked if it is not financially viable for six units why are we asking for any more paperwork. BP noted DEP is asking for the paperwork submitted to satisfy the requirements under regulation. Straw poll among the commission indicated that the commission was not ready to vote. A motion was made by RB to continue to February 16th with a second by JR and a unanimous vote to approve the motion by roll call vote.

The Conservation Commission will hold a public meeting on a request for a determination by Paulo Majovski for work at 2 Gabe's Place for the removal of trees within the buffer zone.

Fran Majovski presented the revised plan. JR asked if the area was drawn to scale and if the makers were along the 30-foot zone. A motion for a negative determination was made by JV with a second by CC. JE asked if the determination was enough of a mechanism. MM noted that the mitigation of the violation is satisfactory and recommended a negative determination. The motion was passed unanimously by a roll call vote.

The Conservation Commission will hold a public hearing on a Notice of Intent by William Emkey for work at 445 Townsend Harbor Road for the replacement of railroad tie steps and a timber retaining wall within the buffer zone.

Continued to Feb 16 by a motion of RB and second by JV with a unanimous vote to approve the motion.

TO BE CONTINUED TO FEBURARY 16, 2022

The Conservation Commission will hold a public hearing on a Notice of Intent by Zachery Taylor for the construction of a new duplex home, septic and related site grading at 123 Chase Road.

Continued to February 16 by a motion of RB a second by JV and a unanimous vote to approve the roll call vote.

NEW BUSINESS -

Old Business- update on encroachment issues at 192 Townsend harbor Road remaining materials to be removed at break of weather per homeowner.

192 Townsend Harbor Road- BP is discussing letters to be issued with Town Counsel and will come back to the commission after this is resolved.

Update on maintenance work at Hollis Road residence.

BP reviewed the issues with the site visit with ML and after the site visit BP wrote a onkg email to the assistant town manager. MM has had the septic tank pumped. The toilets still don't work right so MM is going to go to DPW to see if they have a plumber that can go visit the house. BP noted that Heather Lemieux gave permission to allow the commission to work with the DPW to come up with a bid spec for remedial work. Rodent control will be completed. JR asked if a roto rooter person could be called. MM noted DPW may be able to do it.

By Law review committee Review of existing Wetlands Bylaw for possible future amendments
BP noted 2 items that keep coming to his attention. One was the legal ad requirement for a determination of applicability. The other items were the exemption criteria from DEP should be part of the consideration of the local by law. MM recommended further discussion, due to the differing natures of how the exemptions would be applied.

ENFORCEMENT:

Violations (Enforcement Actions and Administrative Hearings).

615 Townsend Street

441 Townsend Harbor Road

TH Road Field Change for the roof until the new roof truss is in place. MM suggested that the owner submit a narrative with the phasing for remediation of the roof and have the commission consider it as a field change. JR Asked about the retaining wall. Nick asked if he could do the retaining wall at the same time. JR asked if it could be done in the drawdown period. The owner noted that there is a pine tree on top of the railroad tie that would need to be removed. This will be reviewed at the next meeting as a field change.

NON48OakRidge

NON 23 Cove Road

190 Peninsula Drive

| **Update on trails grant – status report, if any.** BP noted signage is being created.

Certificates of Compliance 30 Laurel Lane MM requested it be held until the next meeting

Extension Permit –

Committee Reports – Any Update

Administrator's Reports/action items:

Administrators Determination

Open space and land and Trail use issues and strategies:

Communications / public comment
Adjourn

Meeting schedule: Next meeting is February 16, 2022 at 7:00 PM BY ZOOM PLATFORM