

Town of Lunenburg Conservation Commission

Bob Pease, Chair
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Patricia Adams
Catie Childs
Jack Rabbitt
Jeffrey Viviano
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Matthew S. Marro,
Conservation Administrator

May 18, 2022
7:00 PM
MINUTES

**ZOOM REMOTE
ALL VOTES ARE TAKEN BY ROLL CALL**

In accordance with the requirements of the Open Meetings Law, please be advised that this meeting is being Audio/Video 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. Please address all comments to the chair.

Call to Order RB chairing, all members except BP present.

Announcements

Public Comment

Minutes of previous meetings – May 4, 2022 approved

Appointments/Hearings

commenced at 7 PM

Public Hearings

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, The Conservation Commission will hold a public hearing on a Notice of Intent by Jillian and Nicholas Pauling for the Construction of 18'x36' detached garage within the current location an 10'x12' shed, 12'x24' "garage" shed, playground / swing set area and covered wood pile.

Proposed project also includes the removal of existing railroad timber edging from the existing yard area along with the placement of fill to be loamed and seeded within a former 8'x8' pool shed, above round pool and pool deck area (current "fire pit" area). Proposed earth excavation and disturbance is limited to excavation for the slab of grade foundation of the proposed garage and placement of fill / loam within the depressed yard area at 568 Reservoir Road

Nick Pauling was present to represent himself. He outlined the work and showed photo exhibits of the site in question. He outlined the scop of work and its relation to the wetlands and buffer zone. It was noted that there was no work within the 50 foot buffer zone. MM noted he was out on the site with both RT and NM. He recommended a negative determination.

There was a motion by JR with a second by CC for a negative determination. The Commission unanimously approved the motion by roll call vote.

Continued Public Hearings

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, the Conservation

Commission will hold a public hearing on a Notice of Intent by Glenn Maki to construct and replace a culvert at 160 Massachusetts Ave.

The applicant noted there was a DEP number. RB asked to have the DEP comment addressed. The applicant noted that there was a response issued to DEP and noted that DEP was satisfied with the response. MM noted that he reviewed the emails referred to and recommended a standard order of conditions. A motion was made by CC to issue a standard order of Conditions. JV seconded and the commission approved the motion unanimously by roll call vote.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, The Conservation Commission will hold a public hearing on a Notice of Intent by Fitchburg Land property Owner LLC to construct a 367,000 square foot warehouse and distribution facility with parking and storm water controls at 260 Fahlulah Road

The meeting was continued to June 1, 2022 by a motion of ML and a second PA by with a unanimous vote to approve the motion by roll call vote.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, Conservation Commission will hold a public hearing on a Request for a determination by Jason Zirkle for landscaping and regrading a 20 by 25 foot section of front yard, removal of a 14 by 20 foot section of driveway to be replaced with a storm water control feature, replace a section of driveway with new pavement and the placement of Vinyl Siding on the garage at 379 Townsend Harbor road

Jason Zirkle appeared in front of the commission to represent himself. The updated drawing was reviewed. The commission examined the detail plan of the trench and the prior photos of the site. JV examined the location of the additional bricks. Robin Jacobs at 372 Townsend Harbor Road spoke to the commission and asked of there was any study done on the drainage pit. She wondered if there was a simpler way of addressing the drainage issue by the use of gutters. She noted that there was graded base on the land with a tarp underneath and wondered if there was a more absorbent material that could be placed in the area. JR noted the pit was within the 30 foot mark with no permit pulled for it. He noted that it runs towards the lake and was interested in the fate of the pit. He asked what was the plan to accommodate the overflow from that trench. Mrs. Jacobs noted the trench was a temporary fix to prevent further runoff of the existing beach. JR noted that perhaps more plantings on the Jacobs property could use more plantings. JR proposed the possibility of the Jacobs submitting an RDA in the future. If the Zirkle solution works then the trench could be covered. MM asked if the applicant could turn the trench into a rain garden for more absorption? RB noted that the stone would provide more percolation. Robin Jacobs Asked what an RDA is. RB noted that it is an application that the commission requires if there is other work proposed. RB noted that his opinion of the work would be helpful. Robin Jacobs asked of the problem gets worse how are we protected? RB noted that the commission cannot require further work than what was applied for on this RDA.

A motion was made for a negative determination by JR with a second by PA and a unanimous vote to approve the motion by roll call vote.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239 The Conservation Commission will hold a public hearing on a Request for a Determination by David Blatt for the removal of trees at 411 Goodrich Street

There was no applicant present. JR did note that there was other work on the property that may require further examination. A motion was made by ML to continue to June 1 with a second by CC and a unanimous vote to approve the motion by roll call vote.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239 , The Conservation Commission will hold a public hearing on a request for a Determination by John Welton for the construction of stairs, a landing and a dock within the 100 foot buffer zone at 205 Sunset Lane Map 129 Lot 68

John Welton appeared and MM noted that the applicant would need to go through the process of the NHESP. **A motion was approved to continue to meeting to June 1.**

New Business – no new business

Old Business

Update on encroachment issues at :

192 Townsend Harbor Road MM noted that he examined the areas in question and found he agreed with the proposal to leave part of the retaining wall in place to prevent erosion or a potential for erosion. Mr Katuria reviewed the area in question with the commission. JR moved to close the issue under enforcement ML seconded and the commission voted unanimously.

214 Townsend Harbor Road

240 Townsend Harbor Road

104 Woodland Drive

116 Woodland Drive

Update on maintenance work at Hollis Road residence.

Enforcement

Violations (Enforcement Actions and Administrative Hearings).

238 Fire Road 16 Butch Magurn was present for the applicant. He outlined the remedial action plan. Brandon Ducharme was present representing the applicant. He noted that there was erosion control replaced and added and the site continues to be shut down he reviewed the plans for remediation. RB noted that there was an other area if there was other plantings to be added. MR Magurn reviewed and clarified the other area in question. RB reviewed proposed grading. He asked if Ross presented a narrative of the violations. BR and JV reviewed the as built. Mr Magurn noted that a walkway and a dock would be presented in the future based on the approval from last year. RB noted that the remediation needs to be agreed on first. Mr Magurn indicated a willingness to replace the berm. MM expressed concerns about the replanting plan and asked for a better cover than low bush blueberry and requested that Mr Butler re-evaluate the area and add a different variety of plantings. RB noted that the entire site was regraded so there was no remnant left due to the regrading. JR offered to site with the applicant to review the site in question with the owner and compare photos on site. JR noted he would like to review the driveway area and asked for more trees along the driveway area to compensate for the wider roadway and would like to point out there was a larger amount of trees removed and wanted the low bush blueberry removed from the plan with more trees. Joanne Magurn noted that the trees were allowed to be taken down. The driveway was examined and Mr Magurn contends that the driveway was completed in conformance with the order of conditions. The calculations for the expanded crossing were reviewed with Brandon Ducharme and the amount of area filled. It appears it wasn't significantly more according to Mr Ducharme. He reviewed the topo's shot and the volumetric calculations used. It appears that the total filled was 394 cubic feet which is an additional 122 cubic yards. RB inquired as to the amount of the additional volume filled in. Mr. Ducharme reviewed what could be shown on an as built. The issue of flood plain compensation was reviewed and MM will review the record as to the flood plain disposition. JV asked Mr Magurn to share the photo he had referred to earlier in the meeting. JR reviewed the current driveway status, with Mr Ducharme. Mr Magurn reviewed a photo of the site that he took. JV asked why the crossing was widened. Mrs. Magurn noted that the stakes were placed on the outside of the blocks. JV asked why the erosion protection was moved and expanded. Mr. Magurn noted that it was to allow for maneuvering around the house. JV asked about the tree that was taken down and it was noted that it was due to the wind blowing it down. JV asked why the propane tanks were placed in the fifty foot. Mr. Magurn noted that he did not realize it would be an issue. JV examined the tree detail and the height and planting schedule. MR Ducharme noted that the erosion line on the plan was the limit of work plan and the vegetation in that area would be replanted. RB reviewed the extended work. JV shared a picture showing the shoreline depicting the shore prior to the alteration after the pine tree was removed. CC also indicated that she would like to see the as-built. She also indicated she would like to see the grading put back as approved. PA examined the options submitted and noted she would go with the plan as submitted. PA asked of there as a formula pertaining to the trees removed and the trees to be replaced. RB noted that there was some limits there was exceeded. PA noted that she would like to see the bushes. ML indicated he would like to see the maximum restored. RB reviewed the exceeded limits with ML. ML felt the remediation proposed to the commission is less than what the commission asked for and wished for a more environmentally sound plan. JV noted that he would like to see more planting and perhaps instead of grading another area where there was a pre-existing landing with degraded concrete and suggested that area be remediated and replanted in lieu of restoring the yard grading. Mr Viviano noted the area where the blueberry bushes proposed are in an area where he observed scant growth. JR feels there was a great deal of habitat lost and would like to see plantings down to the waters edge and that the approved plan should be followed as approved. JR asked if there was a DEP agent on site and was leaving the commission to finalize the decision on the plan. MM noted that DEP is awaiting the commission to finalize the decision on site and re-submit to the state agencies for their approval. RB indicated he was satisfied with the southerly side. The easterly side he concurred with JV and adding three trees. The easterly slope he indicated he wants the grade restored indicating there was a violation of the thirty foot no touch zone. He feels that not restoring the grading sets a bad precedent. He also noted that there should be more trees added to the waters edge. He noted that there is a need for a finished as built. Mr Ducharme noted that adding the grading back could create an erosion issue for the future. Mr. Magurn asked about

starting some of the planting now. RB indicated he would like to see the flood plain restored, Mr. Magurn asked if he could execute the remedial action JV proposed now so the area could be done while equipment was there. JV felt that the work would be a great addition and expressed agreement with the engineer with regard to the grading. RB reviewed the required follow ups for the next meeting. MR Magurn asked if he needed permission for a floating dock and the answer was yes.

615 Townsend Street

441 Townsend Harbor Road

NON 48 Oak Ridge

NON 23 Cove Road

190 Peninsula Drive

NON 54 Pine Grove MM noted the trees were not within the no touch zone and is working with the homeowner to file an RDOA

EO 4 Gabes Place MM indicated that he visited the site with the homeowner and NM and agreed that he would file for the remedial work and the proposed pool.

NON 366 Arbor St

NON 205 Sunset, Beers lot Bryan Coffren was present to represent himself. He noted that there was sketch and some minor modifications and that any decisions were made for minor modifications to ensure there was no impacts. RB asked if an as-built could be submitted for the June 1 meeting. RB asked for as much detail as possible. JV asked for the size of the decks as well.

75 West St MM to check out

Update on trails grant – status report, if any.

Certificates of Compliance

335 Chase Road lot 1 granted by a motion of CC and a second by JV with a unanimous vote to approve the motion

137 Flynn Road granted by a motion of ML and a second by JV with a unanimous vote to approve the motion

939 (FKNA 915) Northfield Road MM recommended to hold off for mow

Extension Permit –

Committee Reports – Any Update

Administrator's Reports/action items:

Administrators Determination –

Talley 172 Peninsula Drive- removed

19 Crocker Ave approved by a motion of ML and a second by JV with a unanimous vote to approve the motion

Open space and land and Trail use issues and strategies:

The meeting adjourned at 10:15 PM with a motion OF ML and a second by CC with a unanimous vote to approve the motion

Meeting schedule: Next meeting is June 1, 2022 at 7:00 PM BY ZOOM PLATFORM