

Town of Lunenburg Conservation Commission

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Nadia Madden,
Conservation Administrator

July 20 2022
7:00 PM
Minutes

ZOOM REMOTE

Present: BP, JV, PA, CC, ML, MW

Absent: RB

Also Present: RT (associate), NM (administrator)

Call to Order at 7:00 pm.

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 – June 15

ML Moved/ seconded to approve minutes for June 15th meeting. Roll Call vote, unanimous to approve.

Appointments/Hearings

7pm: Lake Shirley – Survey and Treatment Plan

Dominic Meringolo from Solitude Lake Management presented the Lake Shirley pre-treatment survey, survey map and treatment plan, revised on July 18th. DM proposed to use diquat to treat snailseed and curly-leaf pondweed on ~70 acres of Lake Shirley where the density of aquatic vegetation is >75% of the water column. DM may also use Nautique in selected sections as needed.

John Fortune, 50 Hemlock Drive asked if notifications have gone out to residents yet. DM says notifications and posters will go out tomorrow. Joanna Bilotta said LSIC has put it on the website, but they are waiting for approval on treatment from the Commission before advertising to the town.

JV moved/ CC seconded to approve 2023 treatment plan for Lake Shirley. Roll Call vote, unanimous to approve.

PUBLIC MEETINGS AND HEARINGS

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a Request for Determination of Applicability by Arthur Magurn for the installation of a floating dock on Lake Shirley at 238 Fire Road #16.

Butch Magurn explained that the DEP asked the LCC to consider an RDA to approve the floating dock, as the superseding order of conditions cannot be amended by DEP, even to add a field change.

JV moved/ CC seconded to issue DOA approving the floating dock. Roll Call vote, unanimous to approve.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a Request for Determination of Applicability by Daisy Joanne LLC for septic system repair and associated grading within the 100' wetlands buffer at 55 Maple Parkway.

Doug Smith from Soilsmith and Maryann DiPinto from Three Oaks Environmental were both present as representatives of the applicant to explain the project which is a septic system replacement with grading just over the 50 foot buffer. JV asked if the wattles can be moved to the 30' no-disturb line rather than so close to the perennial stream.

M moved/MW seconded to issue negative determination with the condition that the erosion controls be moved to outside the 30' no disturb buffer. Roll Call vote, unanimous to approve.

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 (DEP # 208-1261) by Ed McSweeney for the construction of a house and associated grading in the buffer zone Lot 5 Northfield Road.

Angel Lehtonen from Northland Engineers was here representing the applicant. JV asked if the area on lot 5 that appeared to have additional wetlands had been reviewed for wetlands delineation. AL said that they are engaging an outside wetlands scientist to review the flagging on the site. BP recommended that the applicant request continuation until the wetlands flagging has been reviewed.

ML Moved/JV seconded to continue to August 3rd. Roll Call vote, unanimous to approve.

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 (DEP # 208-1262) by Ed McSweeney for the Construction of a single family home, garage and driveway at lot 3 Holman St.

AL from Northland Engineers was here representing the applicant. This lot has a shared common 1000+ sq ft driveway within the 100' buffer and a rain garden of 1080 square feet to the rear of the driveway 1080. The rain garden will receive all the stormwater along the driveway. RT asked about the small pond area observed on site and if that was the same area as the rain garden. AL explained that it was not, and indicated that the depression further north on the plan was where the pond was located. MW asked why the plan did not clearly indicate the pond as a wetland, but had the

30' no-touch zone apparently crossing the pond observed in the field. BP asked if the wetlands delineation notes were available for this site, and recommended that the applicant ask to continue and to develop more accurate wetlands and buffer lines.

PA moved/CC seconded to continue to August 3rd. Roll Call vote, unanimous to approve.

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 (DEP # 208-1263) by Ed McSweeney for the Construction of a well and a water line in the buffer zone Lot A Northfield Road.

AL explained that this site only has a well and a water line within. BP inquired about the drainage ditch and if it was connecting two wetlands or not. MW measured the GIS map and noted that the line-of-sight distance between the two wetlands was ~476'. She expressed concern that the wetlands flagging may not be correct and asked for field notes on the site. BP asked that the applicant come in with more detailed notes and methodology for wetlands at the next meeting.

MW moved/ JV seconded to continue to August 3rd. Roll Call vote, unanimous to approve.

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 (DEP # 208-1264) by Ed McSweeney for the Construction of a single family home, garage and driveway at lot 4 Holman St.

BP asked if the wetlands delineation issues on lot 5 also applied here and asked the applicant for permission to continue until the wetlands have been delineated.

ML moved/PA seconded to continue to August 3rd. Roll Call vote, unanimous to approve.

BP asked that AL ensure that MM can come before the commission per state ethics rules.

CONTINUED PUBLIC HEARINGS

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a Request for Determination of Applicability by Brian Haas for the paving of a driveway at 509 Townsend Harbor Road.

Brian Hass presented the additional measurements, before photos, and an estimate of the 30', 50', and 100' buffer. He plans to work with Hannigan Engineering to create a more detailed plan. ML asks if the Conservation Commission can really approve work that was potentially done on somebody else's property. BH explained that the trees that were removed that were removed at the request of the abutter. MW requested that the trees removed be displayed on the plan, along with the driveway compared to the property lines. Photos from Abutter Sue Petralia for 549 Townsend Harbor Road were also shared. SP said that the driveway bumpout currently extends into her lawn, which she has located the pin for. She said that 21' of her land have been disrupted and that the berm and low vegetation have been removed. BP noted that the Commission needs to focus on the wetlands protection and the bylaw. MW asked for information on elevations before and after the driveway development, in order to assess the slope of the driveway and the berm. BP asked SP that she be more specific about the berm and what changes had been made. BH said he will work with Hannigan Engineering to submit additional plans by August 17th.

ML Moved/ CC seconded to continue the public meeting to August 17th. Roll Call vote, unanimous to approve.

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 Matthew Proctor for the construction of a permeable paver patio at 172 Peninsula Drive.

Matt Proctor from M Proctor Masonry represented the property owner, he said the DEP # has not yet been issued so the hearing cannot yet be closed. Requested continuation to next meeting on August 3rd.

ML moved/CC seconded to continue to August 3rd. Roll Call vote, unanimous to approve.

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 Matthew Proctor for the replacement of a retaining wall at 207 Fire Road 16. (DEP # 208-1267)

DEP comments were shared for this filing:

"Removal and in kind replacement of the existing lake shore wall would appear to result in the alteration of Bank resource area which appears to be coincident with the wall. Additionally portions of the project may fall within mapped Bordering Land Subject to Flooding Zone AE. The applicant should therefore submit a revised WPA Form 3 to account for these alterations in addition to providing documentation how the proposed project complies with regulations 310 CMR 10.54(4) and 310 CMR 10.57(4)a., or demonstrate that the proposed work will not alter these resource areas. MassDEP recommends that replacement of the lakeside wall be conditions to occur during low water or draw down periods of the year. MassDEP recommends the implementation of sedimentation barrier or turbidity curtain below the lakeside wall proposed for replacement."

MP asked to work with Conservation Administrator to submit the additional data requested by DEP.

ML moved/CC seconded to continue to August 3rd. Roll Call vote, unanimous to approve.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, a public hearing on a Notice of Intent by Hickory Hills Association for the approval of a whole lake management plan at Hickory Hills Lake at Townsend Harbor Road.

Paula Bertram and John Fortune represented Hickory Hills Landonwers, Inc (HHLI). BP asked NM to share the draft order of conditions for discussion with the applicants. JF said HHLI monitors the dam regularly, but not weekly due to the difficulty of getting to the measurement site and asked if that condition could be changed to be more in line with HHLI drawdown monitoring plan. Nicole Waters, abutter from 80 Horizon Island, asked why the staggered drawdown is not a goal. NM noted that the GEIR recommends a maximum of 3 feet of drawdown and that the condition is not written to preclude a staggered drawdown, but rather to set the limit of total drawdown at 4 feet. PB and JF asked that the Commission find a way to expedite the process of approving FY23 lake management activities, as treatment activities for aquatic plants at Little Hickory are overdue. ML expressed concern that providing approval of chemical treatment as part of overall project approval could be the abdicating the responsibility given to the Conservation Commission by the Massachusetts legislature under the wetlands act.

PA Moved/CC seconded to issue order of conditions for Hickory Hills Lake as revised during the meeting. Roll Call vote, unanimous to approve.

PB shared the 2022 plant survey and treatment recommendations from ESS for Little Hickory for Robbins Pondweed with Diquat and a low dose of Copper Algaecide which was originally shared with the commission on 7/12.

PA Moved/CC seconded to approve treatment per recommendations by ESS at little Hickory lake. Roll Call vote, unanimous to approve.

NEW BUSINESS:

Election of Officers (If all members participating). BP recommended that waiting to vote on this item when members are present.

Request for field change - 238 Fire Road #16 Order of Conditions under the Lunenburg Wetlands bylaw (DEP SOC # 208-1189). Property owner Butch and Joanne Magurn have requested to put in low-growing clover sod in replacement area C (see Ross Plan L-14083). Commissioner RB provided input on this question noting that the area in question has mitigation plantings required for replacement area C.

Commission rejected request for field change.

Donation – 360 New West Townsend Road. The property owner has offered to donate the back 4 acres to the Conservation Commission. The land contains Pearl Hill Brook and a wetlands, and abuts property owned by the golf course abutting Table Rock. BP recommended that we discuss this proposal with the Land Use Director Adam Burney first.

OLD BUSINESS:

Update on encroachment issues at:

192 Townsend Harbor Road

104 Woodland Drive

116 Woodland Drive

BP said the owners have not responded to the letters from the town attorney. Town Attorney Adam Costa said the next step would be litigation, BP is scheduled to talk to the Select Board on 8/7.

CC Moved/PA Seconded to ask the Select Board to consider litigation on the encroachment on these two properties

Hollis Road residence:

ML has an appointment this Saturday with a window installer to replace windows and a sliding glass door. He is still working with the tenant for reimbursement so that it meets town accounting requirements.

NM noted that the Treasurer has asked the ConsComm to create budgets for the revolving funds so that the Conservation office can handle expenses more independently.

Certificate of Compliance:

68 Laurel Lane (DEP #208-0812)

ML Moved/CC seconded to issue Certificate of Compliance. Roll Call vote, unanimous to approve.

Administrative Determination: Lizard Island

NM recommended an administrative determination for cutting 8 dead trees and 1 live tree that was split by lightning on Lizard Island on Hickory Hills Lake.

ML Moved/CC seconded to ratify administrative determination. Roll Call vote, unanimous to approve.

ENFORCEMENT:

Violations (Enforcement Actions and Administrative Hearings)

EO 411 Goodrich St – David Blatt, property owner, received enforcement order. DB has asked David Roy to mark the wetlands on site and wanted to know what the Commission wants him to do to remediate the 30' buffer. DB says they did not realize that they needed to come to additional meetings with the ConsComm after the first meeting, and thought that Conservation would come out to visit again. NM proposed scheduling a site visit with the Conscomm now that the wetlands have been flagged. Timing of the visit is to be determined outside the meeting.

EO 23 Cove Road – NM to visit site and review existing enforcement orders and determine next steps.

Open Space and Land Use

Howard Street Driveway Permit application
Update on trails grant – status report, if any.
BP trying to close out trails grant

Committee Reports – Any Update

Stormwater Committee – LCC representative needed. No volunteers at this time

Communications /Public comment

PA/CC M/S to adjourn at 11:04 pm. Roll Call vote, unanimous to approve.

Adjourn

Meeting schedule: Next meeting is August 3, 2022 at 7:00 PM