

Town of Lunenburg Conservation Commission

Bob Pease, Chair
Richard Bursch, Vice Chair
Jeffrey Viviano Clerk
Patricia Adams
Catie Childs
Michael Larouche
Mary Wilson
Richard Tremblay, Associate



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

Nadia Madden,
Conservation Administrator

August 3, 2022
7:00 PM
Minutes

ZOOM REMOTE MEETING

Call to Order at 7pm by RB

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

Absent: BP

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

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 –

July 6 MW/ML M/S to approve. Roll Call vote, RB abstained, motion passed 5/6.

July 20 ML/JV M/S to approve. Roll Call vote, RB abstained, motion passed 5/6.

Appointments/Hearings –

7pm - Request for Field Change in OOC for 55 White Street (DEP# 208-1199).

Jamie Rhealt of and Brandon Breau described the request, which is in response to errors in the construction of the previously approved leach field which led to runoff that is ponding next to and going into the house. He presented a plan by Breau Lawn and Landscape (signed 7/27/2022) to construct a retaining wall next to the leach field and a drainage pipe that discharges in the outer 100' of the wetlands buffer (outside the 30' and 50' buffers). They also will add some fill so that the leach field pipes will be fully covered. Erosion controls will be used during construction. JR explained that this issue should have been addressed at the time of construction, and asked if it could be accepted as a field change than rather as an amendment. RB asked if the system was installed as designed. JR said he has not evaluated that but an as-built was being prepared and would be submitted when requesting the certificate of compliance.

PA/ML M/S to approve as a field change. 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 Jeff and Rachel Kozacka for excavation within 100' wetlands buffer and filling within the 30' wetlands buffer at 75 West Street.

Rachel Kozacka, homeowner, presented photos of the area impacted with flags indicating where the fill has

been placed on the property. She said a landscaper she had consulted had said it might do more harm than good to take the fill out and asked if replanting is possible. RB asked how much fill has been added, RK said it was 3 yards. RB said he would rather see the fill removed around the tree trunks so they are not being suffocated and that the homeowners could dig it out by hand. He recommended that some partial shade shrubs be placed to help stabilize the slope and provide natural habitat. He recommended blueberries or clethra or partial shade plants. RK asked what kind of timeline the Commission required. RB asked if they can dig out the slope by the October 19th meeting, and to use mulching straw for erosion. At that time the EO can be closed out.

JV/ML M/S to approve the restoration plan as a negative #3 determination with the following conditions: The added soil is to be removed, the slope to be revegetated with slope mix and covered with straw or hay, and 6 shrubs (blueberries, dogwood, or clethra) to be planted along the top edge of the bank to prevent further encroachment. Roll Call vote, unanimous to approve.

Pursuant to MGL ch 131, s40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a Request for Determination of Applicability by Jeremy & Elizabeth Henrickson for removal of existing septic system and installation of new building sewer within a riverfront area at 611 Goodrich St.

Chris Mackenzie from Dillis and Roy represented the applicants who are replacing and upgrading their septic system with a piping and a reserve area within the 200' riverfront area for Easter Brook. The work will be small and will take less than a day to complete. The house is also in the riverfront area but will not be increasing its footprint.

JV/ML M/S to approve the RDA with a negative #3 determination. 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 Sara Apollonio for installation of a dock on Lake Shirley at 755 Reservoir Road.

Sara Apollonio, property owner at 755 Reservoir Road presented her plan for a temporary dock that will be removed in the winter. She asked if the ConsComm can guide her about putting in a floating vs a rolling dock, RB commented that either is possible as long as the dock is removed. SA asked about where to store the dock per Lunenburg code and RB said it could be stored by the road. SA said there was a by law preventing storage of items within 40 feet of the road but almost her entire lot was within 40 feet of the road.

P /ML M/S to approve the RDA with a negative #3 determination with a condition that the dock will not disturb or block the culvert in any way and with the applicant to work with the Building officer to find an appropriate storage space for the dock in the winter. 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 Nicholas Pirro for reseeding and associated grading within a wetlands area at 408 Electric Avenue.

MaryAnn DiPinto from Three Oaks Environmental represented the application for owner Nick Pirro and explained that there is an upstream neighbor who is discharging water to the property which is ponding outside a blocked catch basin. She proposed that they clean out the catch basin and line the area with stone, and the owner NP said the new director DPW has offered to clean it and promised to maintain it going forwards. The rest of the site will be re-graded and re-seeded with a wetlands mix. NP asked how there can be a wetlands there if the neighbor is discharging water, RB asked MD to explain where the wetlands are. MD recommended putting straw wattles around the wetlands areas so that they are not disturbed in the future. MD suggested making the limit of wetlands with straw wattles in the field. RB asked if the applicant can submit another sketch and MD offered to submit a plan showing the limit of the wetland areas, the proposal for erosion protection and wattle and the proposed work around the garage.

NP asked what can be done about the neighbor discharging into their property and RB suggested contacting the conservation commission office.

JV/ML M/S to continue to 8/17 meeting. Roll Call vote, unanimous to approve.

CONTINUED 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 hearing on a Notice of Intent (DEP# 208-1269) by Matthew Proctor for the construction of a permeable paver patio at 172 Peninsula Drive.

NM noted there is now a DEP number with no comments from DEP. JV asked if the Conscomm has previously approved patios within the 50' buffer and RB said they will put permeable pavers. MP explained the pavers are fully permeable with at least 8" of crushed stone underneath it. RB asked if MP can submit the datasheet on the product prior to construction so the Conscomm can review it.

CC/MW M/S to approve the NOI with a standard order of conditions and the condition that the permeable paver product be submitted to conservation office prior to starting construction. 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# 208-1267) by Matthew Proctor for the replacement of a retaining wall at 207 Fire Road 16.

Matthew Proctor represented the applicant for this project and said there was a miscommunication with DEP as no work impacting the bank or the BLSF was proposed and the lowest retaining wall will remain in place. NM concurred.

PA/JV M/S to approve the NOI as submitted with a standard order of conditions. 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.

Applicant has requested to continue until August 17, 2022

ML/JV M/S to continue hearing until August 17. 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.

Applicant has requested to continue until August 17, 2022

PA/ML M/S to continue hearing until August 17. 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.

Applicant has requested to continue until August 17, 2022

PA/ML M/S to continue hearing until August 17. 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.

Applicant has requested to continue until August 17, 2022

ML/JV M/S to continue hearing until August 17. Roll call vote, unanimous to approve.

NEW BUSINESS:

Election of Officers (If all members participating) No action.
Topics not known 48 hours in advance of meeting

OLD BUSINESS:

Hollis Road residence:

ML has received the second of 3 quotes for the window replacement.

Pollinator Habitat:

ML presented the vegetation plan for the poison ivy and bittersweet at the pollinator garden at 123 Hollis Road which will likely be a multi-year process starting with mowing progressing to sheet mulching with cardboard and mulch to regenerate the space.

PA/ML M/S to approve the vegetation management plan for the pollinator habitat. Roll call vote, unanimous to approve.

ENFORCEMENT:

Violations (Enforcement Actions and Administrative Hearings)

AH Horizon Island Causeway

NM explained that DPW cut 28 dead trees along 550 feet of Horizon Island Causeway. HHLI is willing to do some replanting if there are open spaces, RB recommended proceeding with an Administrators Determination and remediation plan, and for NM to contact the DPW director regarding cutting in the future. MW said there was quite a bit of vegetation on the causeway and there might not need to be many replantings

NON 48 Oak Ridge

NON 54 Pine Grove

NON 23 Cove Road

NON 336 Arbor St

NON 445 Townsend Harbor Road

NON 205 Sunset, Beers lot

NM said she has gotten an email from the Beers about their current plans.

EO 411 Goodrich St

David Blatt has gotten the wetlands flagged by Dillis and Roy and is willing to clean up anything that needs to be cleaned up. JV said 1 pine appears to definitely be in the 30' no-disturb buffer. BP recommends that we ask DB to continue to re-flag so the work can be assessed.

RB recommends a re-filing of an RDA at the minimum with a more complete report from Dillis and Roy, complete plans of the work in the wetlands on the site including the 30', 50' and 100' buffer lines and removal of any fill in the 30' wetlands buffer and remediation and revegetation. JV suggested based on a site visit that the wetlands boundary be flagged on the entire property. MW thought the culvert discharge area be evaluated for wetlands.

EO 615 Townsend Street – NM gave an update on the enforcement order, all the work has been completed however the wood chip berm needs topping up. NM stated she thought that once the berm has completed the site would be compliant. RB asked for a motion that enforcement order be completely fulfilled and verified by the agent by 9/7 and that a fine of \$300 a day be issued afterwards.

JV/CC M/S that the enforcement order be completely fulfilled and verified by 9/7 and that a fine of \$300 a day be issued thereafter if the work is not complete. Roll call vote, unanimous to approve.

RB requested NM obtain a written statement from the Beers about the when they expect to be able to

address the noncompliance.

RB asked NM to contact Bill from Hannigan Engineering for the Leominster-Shirley Road, they have a lot of seepage in the lower sedimentation pond and RB would like an update on what is planned for the site

Open Space and Land Use

Howard Street Driveway Permit application A plan is being prepared.

Update on trails grant – status report, if any.

NM said this is almost completely closed out per Karen.

Committee Reports – Any Update

Stormwater Committee – LCC rep needed

PA/CC M/S to adjourn at 8:43 PM, roll call vote unanimous.

Adjourn

Meeting schedule: Next meeting is August 17, 2022 at 7:00 PM