

# Town of Lunenburg Conservation Commission

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Richard Tremblay, Clerk  
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Anna Petrie  
Conservation Administrator

**June 7, 2023**

7:00 PM

Minutes

**ZOOM REMOTE**

**Roll Call: BP, RB, CC, MW, ML, RT, and Anna Petrie**  
**Absent: JV**

**Call to Order at 7pm**

**Announcements:** none

**Public Comment:** none

**Minutes of previous meetings** – May 17, 2023 – tabled to next meeting.

## **Appointments/Hearings –**

**Hickory Hills Lake Management Plan Pretreatment Report DEP # 209-1266-** Dominic Meringolo, Project Manager for Solitude Lake Management stated he was presenting, on behalf of the Hickory Hills Landowners (HHL), treatment plan for this year and screen-shared his report. He noted the lake was treated with the Fluridone herbicide to manage fanwort. The lake residents also have been hand pulling fanwort to control regrowth in 2021 & 22. Four areas were identified as having the heaviest fanwort regrowth. The hand pulling has not been able to keep up with the regrowth and the decision was made to treat those 4 areas, totaling 15 acres. They will use Flumigard SC and have a DEP permit for the treatment. The treatment is scheduled for 6/15 and will apply 200 ppb subsurface from an airboat. They will post the areas to be treated and will restrict use/irrigation for 5 days. Rich B. asked if they would prevent the water from going over the dam during treatment. Dominic replied they will not need to do that because the Flumigard works quickly. Rich B. asked how they measure the 200ppb application and Dominic stated the label indicated how much to use for each area based on the average depth. The concentrate is diluted with lake water and applied. Rich B. asked how tall the fanwort was in the area. Dominic replied the plants vary from 6" to 2' to 3' long. He added the airboat is equipped with a submerge boom with drop hoses that disperse the treatment, which will dilute into the area in a matter of minutes. Rich B. asked if they checked the ph of the water and Dominic replied they will take a ph reading of the water on treatment day and put out a tank acidifier if the ph is too high. He added, based on past experiences, the ph should not be a problem. Rich B. asked Dominic to forward the acidifier label to the office. Mary asked how they can ensure it will not be an active herbicide when the water goes over the dam. Dominic replied the herbicide breaks down quickly, in 7-48 hours. Also they are treating only 15

acres out of the lake and it dilutes quickly. The product has been reviewed by DEP and Department of Agriculture Resources. Rich T. asked how close the treatment area is to the dam and Dominic estimated 800'-1,000' from the dam.

**Motion: RB, Second: CC**

**To approve the pre-treatment plan at Hickory Hills Lake.**

**Roll Call Vote was unanimous to approve.**

**40 Laurel Lane Preliminary Discussion-** Jack Maloney (Dillis & Roy), on behalf of Dennis and Laura McDonald, screen-shared the GIS map indicating the property on Lake Whalom and the concept plan. The owners want to put in a 25x10 wooden deck at the top of the slope and a set of stairs to a landing area, along with a proposed seasonal dock going into Lake Whalom. Currently, there is no feasible access to the lake for the homeowners. The slope is steep, with pines and deciduous trees. Bob P. asked if they plan on taking any trees down and Jack replied no. They want to keep it as natural as possible and have ideas of planting down by the stairway. They have talked to a landscaper about hardscaping with granite slabs and also thought of helical piles that screw into the ground to put the stairway foundation on top of. There will be little disturbance on the banking. Laura M. confirmed there is no lake access and they will not be removing any trees. Bob P. stated the least impact would be stairs on the helical piles and he would consider granite steps. Mary would prefer permeable stairs with space to allow moisture to pass through. Mike L. and Catie agreed. Rich B. said he was not sure if permeable pavers would move. He was ok with granite steps and helical pile with Trex would be his first choice. Rich T. was concerned about the size of the stairs and having railings. Jack assumed they would have railings for safety and the stairs would be roughly 4'. Bob liked that the deck was outside of the 50' buffer and the landing would be small.

**Marshall Park Trail Plans-** Karin Menard (Parks) stated they did not know this would be on the agenda and asked to table it. Chris Ruth (Facilities Director) said he wanted the Commission to see the early design. It will basically be a small system of trails down to the pond. The discussion was tabled.

**Hollis Road Tenant Custodian License Agreement** – Bob noted the tenant, Corrine Howard, received a letter from Town Counsel stating the Commission was interested in monthly reports. Corrine stated she had talked to Anna and will set it up in Google docs to share reports and hours. Mike L. spoke with Christopher Ruth about painting of the exterior first and they will look at the kitchen later. The exterior painting is doable, but the kitchen will cost about \$40K, so they will need to work on how to do it. There are also pieces of siding missing that need to be fixed.

## **NEW 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 Request for Determination of Applicability by Town of Lunenburg Facilities Department for the proposed addition of sand at the town beach at 265 Prospect Street.*

Christopher Ruth stated this is a renewal of the permit to replace sand that has eroded in the past year and the current 3-year permit has expired. The landscaper estimated 15-20 cu. yards of sand focused close to the beach house and spread from there. Bob asked Anna if they have anything in writing. She replied they have the WPA form for the sand and the parcel highlighted. Bob asked if it is a one-time request. Chris replied it is for this year and they will have to look at it each year. Bob asked if the town has reached into the water to pull back sand. Chris replied no but in the future they will request to rake the weeds out of water in front. Rich B. stated he was not in favor of adding sand to an existing beach and preferred reaching into the water to pull back sand. If they add 15-20 cu. yards each year, the sand will fill in the lake, which is a violation. Bob said they typically tell applicants that want to add sand to the beach to do their due diligence to reclaim the sand that has washed into the lake. He has not seen the beach, but Mary did a site visit. She confirmed there was some erosion and there are photos on the shared drive. Rich T. added he saw some erosion but the sand is not gone.

**Motion: MW, second: RB**

**To continue to 6/21 and have the town facilities try to reclaim as much sand as they can.**

Discussion: Mary noted according to the Wetlands Protection Act, sand eroding into the lake is considered a taking and therefore a modification of the wetland. Chris said he will look at it and asked if there were any equipment requirements. Bob replied the equipment needs to stay on the shore, with the arm reaching into the water. Rich B. noted anything done below the waterline needs to be done by hand and he read a comment from the DEP stating the equipment should not be in the water. Bob stated they had extensive discussion at a prior meeting and voted to allow it in that instance. Rich B. said he would not have been in favor of it and commented that continuing the request would allow Chris to submit a proper application. Bob requested details about the amount of sand and timing. Rich B. noted about 3 years ago, they had come before the Commission to request possibly 60 yards of sand, which has now gone into the lake. **Roll Call Vote was 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 Kenneth Bunting for Reconstruction of single-family home and installation of a new Sewage Disposal System, at 20 Fire Road 19 (DEP# 208-XXXX).*

Dan Wolfe (David Ross Associates) stated he was representing Kenneth Bunting and screen-shared the drawing for the proposed project. He stated there is currently a single-family home with a detached garage. They are proposing removing the current home and replacing it with a new home in roughly the same location. The current home is 30' from the wetlands and the new home will be 60' from that wetlands. There is a concrete retaining wall at the edge of the water and they have matched that offset of 51'. The deck extends a little bit closer as it did with the previous house. In the buffer zone, they will install the new sewer line, the septic tank, and a pump chamber to pump to the leaching trenches proposed outside of the buffer zone. The Commission did a site visit and Bob noted the existing deck is entirely over the 50' no-build. Dan said the existing deck is 47' from the lake and the new one would be 42'. It is closer but the deck would be pervious (wood with Trex) and below it would be crushed stones. There is an existing flat patio with steps closer to the lake. Mary asked about the garage building and Dan stated it is a 2-car garage, bathroom, and stairway on the 1<sup>st</sup> floor and 1 bedroom living area on the 2<sup>nd</sup> floor. Dan confirmed the shed would be removed and there will be erosion control surrounding the proposed activity. A portion of the paved driveway will also be removed. He added the only tree to be removed is a triple based hickory which has been growing in the existing leach pit. Mike L. asked to hear some of the DEP concerns and Dan replied he is still waiting to hear from them, as well as getting the DEP number. Bob read the technical comments from DEP and Dan replied they will be siting the new house 60' from wetlands and the offset to the lake will be the same. Rich B. asked about the existing foundation. Dan replied it will be collapsed and if the Commission desired, it will be removed and filled with clean gravel, topped by loam and grass. Kenneth Bunting clarified it is a slab, not a cellar hole. Dan added the project will have a net decrease of 325 sq.ft. of impervious area. Bob said he would be in favor of the plan because they have moved the house further from the resource area, decreased impervious area and have some rocks with hard places from a design point of view.

**Motion: RB, Second: ML**

**To approve the application at 20 Fire Road 19. Roll Call Vote was unanimous to approve.**

Don LaBell commented that he liked the application and asked about enforcement. Bob replied they have an agent and the project does not get final approval unless it is completed per the application. If done incorrectly, the applicant will be told to take it down.

*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 Determination of Applicability by Fred & Roberta Jewell for Septic System Repair, at 131 Cove Road.*

Doug Smith, representing the Jewells, stated this is an existing house in need of a new septic system. Anna screen-shared the septic plan drawing. The septic is outside of the 100' buffer but the tank and pump chamber are right at the 50' buffer. Nothing will happen within the 30' no-disturb area. Doug

proposes to put tanks and wattles just above the 30' no-disturb. The system being put in will replace the current system which is in failure. Doug confirmed that everything else (i.e. deck, house) is existing. Rich T. asked what would be done with the failed septic and Doug replied the system would be disconnected and the tank removed.

**Motion: ML, Second: MW**

**For negative determination for this application of determination of applicability for a septic repair at 131 Cove Rd.**

**Roll Call Vote was 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 Lunenburg Water District for Pilot Study at Hickory Hills Well Site 208 Northfield Road (DEP# 208-1294).*

**Representing Tighe & Bond:** Tom Mahanna, Derek Belanger, and Rick Canavan

(Bob recused himself and made Mary the host.) Mary noted the hearing is just limited to the jurisdictional confines of the Commission, the Wetlands Protection Act and By-laws. She was informed that the Woodlands Trust had not been notified of this hearing. Joan Pease, on behalf of the Woodlands Trustees, read a statement about communication of contact information with Lunenburg Water District (LWD) and their engineering firm, Tighe & Bond. At the 11/28/22 LWD Meeting, Joan informed VP Tom Mahanna of Tighe & Bond that the Woodlands private property abuts the project and they wanted to be kept informed. They exchanged contact information. At the 10/24/22 LWD meeting, Joan spoke to Mark Bursch to inform him of the Woodlands interest in the project and provided their contact information. She also read definitions of abutters, regulations on abutters notifications and added that an incorrect abutters map was used for notifications. The Woodlands Village is asking that the Conservation Commission postpone the public hearing until the applicant and agent can notify all abutters of the public hearing. Mary asked Tom Mahanna to comment on behalf of the LWD. Tom noted there were several representatives from his company and the LWD also on the call. He said he received the certified abutters list from the town's Board of Assessors and the first listing was the Woodlands Realty Trust (Michael J. Kenny, Trustee). Notification was sent to Mr. Kenny and Tom asked Rick C. to comment. Rick C. screen-shared the request for the abutters list, the abutters list, and the certificates of mailing. Tom said he received notification from the DEP that they followed their proper procedures. Mary asked Rich B. to take over the hearing. Rick C. said the statute stated to use the certified list of abutters provided by the Town Assessor but Joan P. replied that their firm was given the correct contact information personally. Mary stated that it was appropriate to proceed with the hearing. Joan P. noted that the Woodlands will be filing a formal appeal for a procedural irregularity in their opinion and asked that no work is begun on the project until the appeal is heard.

Tom M. said the proposed activity is to do a well treatment pilot study at the Hickory Hills Well Pumping Station. This will determine the treatment needed for iron, manganese and PFAS present in the well. Tom screen-shared an aerial photo of the site. The equipment will be located inside the pump station and in a frac tank trailer parked adjacent to the station. They will pump from the station to the frac tank and the study will last 6-9 months, continuously monitoring the results. The discharge will be 10 gallons/minute into an existing drain and drywell. After they receive approval from the Commission, they will file an application with the DEP to conduct a study and work would begin late summer, continuing to Winter 2024. Rick C. pointed out the wetlands limits and buffer zones at the project site. The frac tank will be located within the outer 50' of buffer zone and the wetlands are south of the station. Mary asked if the frac tank would be automated and Tom confirmed it would, based on the level in the tank. It will have a transducer to prevent overflow. Derek noted they will be there to monitor every day for the first week and then 2-3 times a week to check samples. Mary asked if the discharge would be drinking water quality and Derek replied yes, it would be treated for iron, manganese and PFAS. Mary asked if the non-

optimized discharges would also be drinking water quality. Derek replied the discharges would exceed the quality of water in the ground and the drywell capacity would exceed the rate of 10 gal./ minute.

Rich B. asked if they have tested to see if the drywell will work and Derek said they did not design the drywell but will rely on empirical testing. If the water is not infiltrating properly, they would suspend the test until it has infiltrated, then resume the test. They will put erosion control around the drywell, in case of issues. Rich B. said they would need to resubmit their proposal with that information and Derek said he may have spoken out of turn on that. Rich B. noted that discharging water for up to 6-9 months may inundate the drywell and they want to make sure there is a backup plan. He asked how they will treat for PFAS. Derek replied they will use granular activated carbon and a surface modified clay. No chemicals are additionally used and the contaminated media will be hauled off site. There will be 4-6 media filtering columns (6" wide, 5' tall) which will be used continuously for the duration of the pilot. At initial startup there will be back flushing for fine material and it may be done twice. Material will be captured, with PFAS waste tracked, hauled off-site to a landfill, or incinerated. Rich B. asked to be sent testing results and receipts for material hauled away.

Joan Pease (11 Wintergreen Court) screen-shared a photo of 2 large water storage tanks and Derek confirmed it was representative of what they will use. She noted that when they are filled with water (20,000 gallons), they will compact the soil, killing vegetation. They are also impermeable. She also noted that the Woodlands were told in the past that their kayaks could not be on the ground because of soil compaction.

Renee Emkey (Iris Court) asked to confirm the length of the pilot study and the engineers stated it would run through the fall into the winter. She also asked how often the testing will be done and the turn-around on the results. Derek replied 2-3 weeks for testing results and noted there are intermittent sample ports for checking the break-through in the media. They can monitor the columns to prevent PFAS and will be stopping the pilot when the lead column is saturated. Renee noted her concern was what was in the water being discharged into the lake since that water was coming from deep down in the well. She also stated that the streets near the easement were not on the abutters list and the Woodland's residents were not notified or able to read through the Notice of Intent.

Andy Starvaski (8 Wintergreen Court)– stated that Tighe & Bond did not notify 60% of the abutters to the project and they were made aware of that fact. He noted he is also an abutter. He asked how deep the drywell is and Tom M. said 6'. Andy asked how many times they will dump 20,000 gallons into the drywell. Derek replied the flow is 10 gallons/minute- similar to a garden hose-and they estimate the 20,000 gallons will empty over the course of a day. Mary and Rich B noted it would take 14 gallons/minute to empty 20,000 gallons. Derek replied they will pump the 20,000 gallons into the tank truck and then pump 10 gals/minute to the drywell. They may empty it less often or have some residues left in the tank.

Don LaBell (102 Royal Fern Dr.) – asked if the NOI would be updated with specifics before it is approved. Mary said it would be up to the Commission to ask for specifics before voting.

Rich B. asked to clarify the rates for pumping to the tank and to the drywell. Derek stated to reduce the impacts of the pilot study, they are pumping water into the tank at 200 gal/minute but pumping out to the drywell at 10 gal/minute. The testing will be done in a couple different spots.

John Fortune (50 Hemlock Dr.)- asked for the location of the drywell and Tom M. replied behind the pump station. John also stated that between the weight of the tank and 20,000 gallons of water, it will leave an indentation in the land.

Bobbi Turkington (110 Royal Fern Dr.) – stated concerns about the erosion/runoff so close to the lake, soil around the frac tank and accumulation into the drywell. Derek responded that the engineers will do everything to suspend the pilot to allow water to infiltrate.

Jack and Ann Denny-Brown (15 Wintergreen Court)- asked about an alarm system for alerting engineers if there are issues. Tom M. stated the pump station is alarmed and monitored by LWD. Derek said they can add a submersible transducer and there would be some automatic controls. There would not be any smells because it is groundwater-not sewage. Jack asked if it is a de-watering process and Derek said only residuals are the backwashing process. Any contaminants are captured and removed from the site.

Donald Monro (12 Wintergreen Court)-asked about the noise from pumping and Derek noted the pumps are submersible, with little noise produced. There may be brief noise when the water is going into the tank. Donald asked if the test results will be filtered back to the Commission. Tom M. replied they will prepare a report to submit to the DEP and LWD. They will share it with the Conservation Commission and will be giving periodic updates to the LWD.

Dave MacDonald - asked Tom M. how many of these studies they have conducted. Tom M. replied dozens, including a similar one in Raynham, in addition to Webster and Dudley. He also noted that these pilot studies are standard procedure for planning water treatment projects and required by DEP. Dave asked for a list of 10 cities/towns they have worked with on these studies for references. Tom stated they can do that if the Commission desires and Mary said she is not opposed to that. It is up to the discretion of the Commission.

Renee Emkey (6 Iris Court) asked what safeguards are in place if there are leaks in the holding tank, which would contain untreated water -especially if there are any hard freezes in the winter. Derek said they can provide a temperature transmitter and a large volume of water would probably not freeze in a couple of hours. Tom M. said the LWD would visit the site daily in addition to their visits. Renee added she would like to have some type of alarm in case of leaks.

Fran McNamara (LWD)- stated they go to every well site every day and will check the pilot study site daily or twice a day, if necessary.

Joan Pease (11 Wintergreen Court) – noted in the past the LWD has run this well, at full force, down some soil to a wetlands on the Woodlands property. She added that land which has been irrigated with PFAS water has become polluted. She is asking the Conservation Commission to request the LWD test the soil where they have been discharging over the past several years, to make sure they have not created a toxic waste site. The activity at the site could stir up the soil and add PFAS contamination in the area.

Andy Starvaski (8 Wintergreen Court) – asked what the original duration of the study and Derek was replied they reduced the time from 1 year to 6-9 months to lessen the costs to the LWD of renting the holding tank. Andy asked if the lesser time would impact the integrity of the data. Derek stated they can model the data and help them accurately estimate the full treatment system. Andy asked when the study would start and Tom M. said late summer/early fall. Derek said the pilot study data is required by DEP and needed to design a full-scale system. They have made some conceptual estimates with the LWD and will refine them after the study is done. Tom M. stated they have not started designing a treatment facility at the site. DEP has some typical designs they have developed but Tighe & Bond needs the study data to move forward with a design.

Robin, Shirley, Bill & Diane Sharra (22 Wintergreen Court) -asked about noise at the study site and Derek replied he did not believe there would be any significant noise pollution. The wells are submersed and pilot activities are within the pump station. It would just be minor traffic to the site.

Iris Single (13 Wintergreen Court) – asked how this project would impact the lives of the residents and if there was a catastrophic event, would it pollute not only Hickory Hills lake, but other lakes downstream via Mulpus Brook. Tom M. said the only impact to abutters would be the presence of the tank adjacent to the pump station. He said if a hose broke, it would be well water dispersed. They are planning on securing the area to keep children or others from getting near the equipment. Iris asked if residents would be restricted from getting to their boats and the lake. Mary asked the LWD to comment and Fran (LWD)

stated they will not block off the area – just enough to safeguard the tank. Residents will have access to their kayaks and the beach. Iris asked what the impact would be to wildlife (i.e. beavers) and plants such as lady slippers. Rick C. replied the activities will be concentrated near the pump station, which has lawn and scrub vegetation. It would have minimal impact to wildlife. Iris asked about impact to the residents closest to the pump station. Tom M. stated the tank is no taller than the station and it would be parked on the opposite side of the building. The residents may have a partial view of the tank.

Rich & Michelle Lodder (130 Royal Fern Dr.) – asked if something caused problems at the site, who would be liable and would the residents be exposed to liability going forward. Mary said that liability is not under the purview of the Conservation Commission- they can only speak about impact to protected resources such as wetlands. Fran M. (LWD) stated they were not concerned about impacts to water quality and contamination if the water was dumped onto the ground because PFAS numbers are low. The LWD has liability insurance for that. When the well was being run in the past, they pumped 200-300K gallons a day- mostly in the summer. Fran noted there have been numerous studies done on the impacts on the lake if the well is operated again and every professional has stated there would be no impacts to the lake. Reopening the well is not part of the pilot study.

Dave MacDonald – clarified that he would like to know the last 10 jobs Tighe & Bond had done for PFAS. He asked if there would be a shut off valve for the tank when it is full of water. Derek replied there would be isolation valves on each line going into the pump station. It could be slowly drained if maintenance was needed. Dave asked for a schematic on how it works and Tom M. said they can share one.

Don LaBelle (102 Royal Fern Dr.) – asked if the Commission had been to the site for a walk-through and Mary replied they did a site visit on the past Saturday.

Debby Ricci (10 Wintergreen Court) -asked how large truck traffic will impact the wetlands in the area. Tom M. said it would be mostly LWD vehicles and pickup trucks, after the tank is delivered. Tom said the tank would not be in the wetlands and Mary said it would be between the 50' and 100' buffer zone.

Joan Pease- screen shared a chart showing the difference in PFAS in LWD water measurements and samples by Hickory Hills Landowners' submittal to a lab. The PFAS amounts are significant. John Fortune stated there was an engineering study which said 100 days of pumping could drop the lake by 1 foot. Derek replied that a hydro-geologist came to a meeting to discuss this issue previously and the statement may be taken out of context. Mary noted she had received a copy of the study. John F. said no one could tell them how much the lake would drop if the well was running. Joan added that if there is a stress of water removal placed on the system, there will be a shift in equilibrium to counteract that stress and the lake will go down.

Mary thanked everyone who shared in the public comment. Mary and Anna did a site visit and she asked Anna to screen-share the photos. Mary pointed out that the first photo was taken where the pump has been historically discharged and there was a little bit of discharge visible on that day. The photo also shows some degrading hay bales that were placed as a barrier and she would like to see the LWD replace them. She suggested the Commission add corrective action on the hay bales when they move forward with this discussion. Anna shared more photos and Mary asked the LWD why there was water coming out of the hoses. Fran (LWD) replied that the well is off-line and there should not be any water coming from the hoses now. He will have someone go and take care of it. Joan Pease commented that the slide with the hay bales is the exact area they would like tested for PFAS and that the hay bales have been saturated with thousands of gallons of lake water. They are hoping the Commission will write an order to have the soil tested at the hay bales and compared to tests in other parts of the easement, along with disposing of the hay bales appropriately. Renee Emkey added it was extremely alarming that there was discharge of untreated water coming from that hose when the well is not supposed to be on. Christine Schwinger (LWD) stated that the LWD would have liked to be there for that site visit, but they were not aware of it.

happening. Mary said they would have liked to have the LWD there also and asked Anna to comment. Anna noted she was unable to attend the site visit with Tighe & Bond but had walked the site alone, as required. She sent an email to the representative at Tighe & Bond that they do site visits on the Saturday prior to the meeting. Christine asked Anna to include the LWD in the emails re. site visits and Joan Pease asked to include the Woodlands property owners also. Fran (DPW) noted the discharge from that hose would not be untreated water due to the well being offline and would be coming from the water system, which is treated water. He added the hoses come from the fire hydrant and Mary asked Fran to confirm that fact.

Mary requested a Motion and comments from Commissioners on the corrective actions. She noted these actions: To correct the erosion control at hay bales and around the drywell and alarm systems to alert for overflow in the Frac tank or leakage. Rich B. said there were a lot of ideas mentioned. He would like to continue the hearing until they have the schematics for the drywell, a plan for if the drywell becomes inundated so they cannot continue and a remediation plan to restore the site to the condition it is today, after the tank is removed. He would like a chance to research PFAS testing, the hay bales, and options for securing the area in the plan. He was in favor of continuing on those points. Mary said she thought Fran (LWD) stated there was not a plan to secure the area – the hose would run between the building and tank. Fran noted they did not plan to put up a fence, but they easily could. Their plan was to feed line from the fire hydrant with the hose, and elbow up to feed the tank. There is not a lot to vandalize but they could fence that side of the building. Rich B. stated if they had no plans to permanently secure it, it would not have to be part of the application. He also asked if Tighe & Bond had responded to the HHL water test showing the PFAS levels being higher in the well than the lake. Fran (LWD) responded that they have done many PFAS tests on the well and had results ranging from 2-37 ppt, with the typical being in the 20's, so it fluctuates. The Manganese is only a concern for drinking water and it is not hazardous. Mary asked Fran if he could provide a history of the data to share with the Commission and he said he would. Mary asked the Commissioners to comment on a continuance and all agreed to continue. Rick C. (Tighe & Bond) agreed with keeping the hearing open and he said they can send notification to the head of the Woodlands Trust, as provided by Joan Pease. Joan noted they still intend to file an appeal that they were not notified appropriately for the present meeting. She added she did not know if this meeting would have to happen all over again, and the continuance may need to wait until the appeal happens. Mary said she would like to clarify everything they expect from LWD but will follow the due diligence of the process and the Woodlands are within their rights to appeal. She wanted to let the LWD get on with the work at hand. Joan confirmed that Anna Petrie can assist her with the paperwork for the appeal. Rich B. stated that the appeal process is for the decision, not a specific hearing, so there is nothing to appeal until the Commission rules. Joan clarified that at that time she would file an appeal that the meetings were null and void because they were not notified appropriately. Rich B. stated when they give their finding, they have a 10-day appeals period and the applicant is warned that no work can be done during the appeals period. Mark Bursch asked for a list of all of the things the Commission requested to share with Tighe & Bond and Mary said she will work with Anna to give them a complete list of corrective actions.

**Motion: ML, Second: RT**

**To continue the hearing to June 21<sup>st</sup>.  
approve.**

**Roll Call Vote was unanimous to**

Bob P. resumed as chair for the meeting.

### **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 Lunenburg Skate Park, Inc. for the proposed construction of a skate park and drainage basin at 100 Chestnut Street (DEP #208-1290)*

Bob stated no one from the Skate Park or Dillis & Roy were present and asked for a motion to continue.

**Motion: RB, Second: CC**

**To continue the hearing to June 21<sup>st</sup>.**

**Roll Call Vote was unanimous to approve.**

Bob asked Anna to contact Greg to get an update.

*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 Thomas and Melanie Payne for the proposed construction of three replacement retaining walls, a replacement patio, and a set of replacement stone stairs at 647 Reservoir Road (DEP #208-1289).*

Anna reported the applicants requested a continuance to June 21st.

**Motion: RB, Second: MW**

**To continue the hearing to June 21<sup>st</sup>.**

**Roll Call Vote was unanimous to approve.**

## **NEW BUSINESS:**

There were no updates on **Timber Rights Fund** or **Topics unknown 48 hours in advance of meeting.**

**Definition of Rivers** – The Commission agreed they want to discuss the topic but do so at the next meeting.

**Timing of election of officers-** Bob stated typically boards elect new officers when the membership changes. Catie C. is not continuing but Rich B. would like to be reappointed and the Select Board intend to reappoint him. Bob and Mary have written letters of endorsement for Rich B. and 1 of the 2 other applicants. Typically, election of officers is done in July but he will be in Africa for both meetings in July. Last year, they did not have election of officers until December or January and Bob wants to avoid that. He would like to see Mary become Chair and would be willing to serve as Vice-Chair. Mary asked if it is a requirement that all Commissioners are present for the election and Bob replied it is tradition but there are no rules about it. Rich B. suggested Bob could step down at the end of the next meeting and then they could have an election. Bob will add it to the next agenda.

## **OLD BUSINESS:**

### **Grant Application Proposals Update- no update**

**Hay Rights-** Bob stated he sent out the Hay Rights License updates from Town Counsel. There is a fellow haying 4.2 acres at the Laurelbank property on Pleasant St. and he will contact him to verify he is still interested.

**Hollis Road** - Mike L. reported he met with Bill Bernard (DPW) and he has granted the Conservation Commission permission to get 5 gallons of fuel to continue mowing the Pollinator Habitat.

### **Update if any on encroachment issues at:**

**950 Chase Road** – Bob asked Anna if there has been any response after Town Counsel sent a letter and Anna replied no. He said there was a deadline in the letter, so they will be going to the Select Board to ask for authorization for litigation.

315 Lancaster Ave.

26 Mulpus Road

### **Administrative Determination:**

**17 Crocker Ave.-**Anna screen-shared the plot plan, pictures of the 3 trees to be removed and noted they are outside of the 50' buffer. Two of the trees-a pine and a hemlock- are dead. The hemlock is 85' from the water. The live tree is a heavily damaged pine, which is on the property line and is 65' from the water. It is leaning toward the neighbor and they asked to have it removed. Mike recused himself from the vote.

**Motion: RB, Second: CC**

**To approve removal of the 3 trees.**

**Roll Call was unanimous to approve.**

Bob noted he has seen dead needles under hemlocks. He asked Rich B. and Anna if it is from adelgids and they replied most likely. Anna said they are the number 1 thing killing them. Rich added the drought affected them too.

**Certificates of Compliance:**

**611 Reservoir Road** -Anna said there are 2 open order conditions. The first is File # 208-619 and it was for an addition to the existing house. It was issued and completed in 2001. The other order is File # 208-1141 for a retaining wall on the property. It was in May 2023. She looked at the property and found the retaining wall and addition looked good. The owners are asking for a certificate of compliance for both orders of conditions.

**Motion: ML, Second: CC**

**To approve the Certificate of Compliance for File # 208-619 at 611 Reservoir Road.**

**Roll Call was unanimous to approve.**

**Motion: MW, Second: RB**

Rich B. asked Anna if she saw if the Cleveland Pear was planted and she said she could check.

**To approve the Certificate of Compliance for File # 208-1141 at 611 Reservoir Road.**

**Roll Call was unanimous to approve.**

**147 Robbs Hill Road**- Anna reported this is a property with open order conditions, dating back to 2000 and they are trying to sell their property. She inspected the property and obtained as-builts from the Board of Health. To her knowledge, the property is per the as-builts.

**Motion: RB, Second: MT**

**To approve the Certificate of Compliance for 147 Robbs Hill Road.**

**Roll Call was unanimous to approve.**

**ENFORCEMENT:**

**Violations (Enforcement Actions and Hearings)**

EO 23 Cove Road – no update

NON 205 Sunset, Beers lot – Anna reported they are scheduled for the 21st.

**Open Space and Land Use:**

**Howard Street Driveway**- Bob wrote a letter to Bill Bernard (DPW) to see if he had money in the FY23 budget to do the driveway. Bill said he was optimistic and would look carefully at the budget. They should know by the next meeting if it will be done in FY23 or FY24.

**Timber Sales** – no update but Bob will contact the forester to see when King Associates will be out to log the Rayno property.

**Conservation land improvements** – Bob went to Maki's and bought some saw blades, bits, and pieces of chain for \$137. He also ordered \$700 of lumber for railings on the footbridges next to the Mulpus Brook and plywood to complete the signs at the Northwest Town Forest, which will be delivered to the Woodlands Treatment Plant. He will also pre-cut the railings and supports. Mary W. noted that the Cleveland Pear is a cultivar of the Bradford Pear which is being banned as invasive in several states. Bob reported he signed the Waiver on the telephone poles and he will measure the poles needed for the Hunting Hill bridge and the bridge at the Cowdrey lot. He will send the specs to Unitil and in the coming years, Unitil will assemble those poles and they will get them to the DPW yard.

**Committee Reports –**

**Stormwater** – Mike L. said he is learning a lot but has no update yet.

**Open Space** – Mary W. reported she and Anna walked the Reservoir Rd. and Parmenter Rd properties. Reservoir Rd. is a large parcel but the title is not clear. Parmenter Rd. is a smaller, more congested area

but the title is clear and has access to a much better body of water than 0 Reservoir Rd. Bob wrote to Town Manager about doing title searches on the 3 properties they wish to acquire and she said they will do them one at a time until they run out of money. Bob will ask Town Counsel for an update on the title searches. Mary asked if she should bring this up at the Open Space meeting. Bob said she could and that it has been going on for 3 years. They want to acquire the swamp in the middle of Cowdrey (Gove property), the road that provides access to the rear lots off Page St. and also Turnpike 0, which provides access to rear lots off Page. He suggested approaching the owners of the rear lots about donating them to Conservation to have direct access to the Fairbanks gift land. Mary noted there are a lot of trails there.

**Communications:**

Bob reported they received a letter from Elaine Peterson regarding a parcel on Sunset which goes down to Leominster Road. It is a large parcel, not Chapter 61 Recreation but it is for sale. Bob screen-shared the drawing of the parcels. The Catacoonamug Brook will stay in Chapter 61. Parcel 4 will be coming out of 61, but it probably is not in their interest because it is part of a bigger parcel and doesn't meet any criteria. Mary asked what the criteria is. Bob said it needs to be continuous with other conservation land. Mary noted it is across the street from the Woodruff property. She would like to see greenway protection for the tributaries going into our lakes. Catacoonamug feeds Lake Shirley and Mulpus Brook has headwaters in northwest Town Forest, and they may eventually be able to patchwork a greenway up there. Mary screen-shared the GIS map of Lunenburg, pointing out the protected land and potential for protecting the wetlands along the Catacoonamug Brook. Rich B. asked how they develop a price without a purchase and sale. He suggested tabling the discussion to another meeting. Bob asked Rich to send him what they needed to find out and put it on the agenda for the next meeting. Anna Wilkins, North County land trust said they are planning to get 5 house lots.

Bob said Mary and Rich B. did a fine job running the meeting. Mary said she appreciated Rich's guidance.

**Adjournment-**

**Motion: RB, Second: CC**

**To adjourn at 11:00pm.**

**Roll call vote was unanimous to approve.**

Respectfully submitted,

Jane Ranley, Minutes Clerk