

Town of Lunenburg Conservation Commission

Mary Wilson, Chair
Bob Pease, Vice Chair
Richard Tremblay, Clerk
Richard Bursch
Jeffrey Viviano
Michael Larouche
Chris St. Germain

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

Anna Petrie
Conservation Administration

July 5, 2023, 7:00PM, ZOOM REMOTE

Minutes

Roll Call: Mary W., Rich T., Rich B., Mike L. and Anna Petrie (Admin.)

Absent: Bob P. and Chris St. Germain

Call to Order at 7pm by Mary W.

Announcements/Public Comment- none.

Minutes of previous meetings – none

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 an Amended Order of Conditions by Nicholas Eaton for repair and construction of existing deck at **441 Townsend Harbor Road** (DEP # 208-1240). Anna screen shared the original site plan. Nick Eaton (applicant) noted that the shed and deck had been there for 30-40 years. Two trees fell on the house and deck 3 years ago and the deck needs reframing. He will use Trex decking and a Techno post as a support beam. Rich T. noted that there was 1 post in the water and asked the Nick to modify his plan so all posts are on land. Rich B. asked Nick to talk to the Building Inspector about design but he cannot make the deck any larger and to add material list to the plan. The Commissioners discussed the footings and to continue hearing. Nick agreed to keep the pilings out of the water and he was given permission to take the deck apart.*

Motion: Rich B., Second: Rich T.

To continue 441 Townsend Harbor Road to 7/19/23.
approve.

Roll Call Vote was unanimous to

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). Greg Roy (Dillis & Roy) screen shared the site plan for the concrete skate park at Marshall Park and noted they are coordinating this with the Parks Commission. Greg also shared older plans and noted the changes made, such as reshaping the drainage. He added that Matt Marro delineated the wetlands and stated that it is not jurisdictional under the Wetlands act – just under the Town's by-laws. There will be nothing done in the 30', a stormwater berm in the 50' and a small portion in the 100' buffers. They will need to take down 7 or 8 additional trees between the 50' and 100' to do the drainage. Rich B. asked for a statement from Matt that the wetland is under 5,000 sq ft. Mary asked about replanting and Greg replied that they will plant 7 maples, which he will update on the site plan. He added that Parks will need to see the updated plan before closing so he asked to continue the hearing to 7/19/23. Rich B. asked Greg to make Parks aware of the stormwater maintenance plans.*

Motion: Jeff V., Second: Rich T.

To continue 100 Chestnut Street to 7/19/23.

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 Request for Determination of Applicability by Town of Lunenburg Facilities Department for the proposed addition of sand at the town beach at 265 Prospect St. Ana Lockwood, Karin Menard, and Pat Hackey (Parks Commission). Ana noted that the beach is currently open and they are hoping to get approval for 20 yards of sand to improve the beach. They need to turn the sand over and remove rocks that are hazards. They will also pull some sand from the water and will add sand as needed to level it. Mary suggested pulling sand every year and Ana agreed.

Motion: Jeff V., Second: Rich T.

For a negative determination with an Order of Conditions and to have sand from the lake to be reclaimed post season.

Discussion: Mike asked to have erosion control when beach is not used. Ana replied that they do not have a complete plan yet but will get back to the Commission when the Parks Commission has a doable plan.

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 Robert J. Correa for the Construction of a garage at 932 Flat Hill Road (DEP #208-XXXX). James Tetreault (Azimuth Land Design) screen-shared the revised site plan, per the Commission's request to lessen impacts. They have added infiltration from the existing house run-off and all work will be outside of the 50' buffer. James read the riparian area stats from the revised plan and noted there is less net impervious area now. Mary asked about tree removal and James replied there will now be just 4 or 5 trees removed, with the rest left alone. Rich T. inquired about the location of the driveway and James pointed it out, adding that they will raise the septic slightly to prevent break-out for Title 5. Mr. Correa asked how much area would need to be remediated and Rich B. replied just the area newly disturbed in the riverfront area. James will revise the site plan.

Motion: Mike L., Second: Jeff V.

To continue 932 Flat Hill Road to 7/19/23.

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 Request for Determination of Applicability by Kate Jackson for tree removal and maintenance at 1338 Lancaster Ave. Patrick and Kate Jackson (applicants). Anna screen-shared the updated plan showing the trees to be removed and those just pruned. She noted that she did a site visit and reflagged the trees accordingly. Mary asked how close the trees were to the stream and Anna replied 1 is 67'-68' but the rest are further away. Anna shared photos of the trees that are overhanging the structures and stated they are red maples that do not look healthy. Originally they were asking to remove 28 trees but revised it to removing 19 trees and pruning 9 trees. Mike L. asked if they plan to replace the 19 trees and Patrick replied there was no replanting plan. Anna noted that the stumps and wood chips would be left. Mary stated that he would need written permission to remove trees on the abutters property and Anna replied that Patrick gave her a permission letter from the abutter.

Motion: Rich B., Second: Mike L.

For a negative determination with added statements that all stumps are to remain in the ground and there is to be no expansion of the lawn area.

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 Request for Determination of Applicability by Michael Masciarelli for Tree Removal at 131 Island Road. Michael screen shared the updated drawing with corrected buffer lines. He added that he wants to remove 1 tree within the 50' and 8 in the 50' to 100'. They will limb 3 trees near the house to preserve the canopy and add 6 new trees, along with a privacy hedge. They will also plant native shrubs along the walkway to the water. Mary asked for a list of plantings to be added to the plan and Michael will ask a professional to assist.

Motion: Jeff V., Second: Rich B.

To continue 131 Island Rd. to 8/2/23.

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 Dan Proctor for the Construction of a replacement septic system at 1074 Lancaster Ave (DEP# 208-1298). Greg Roy (Dillis & Roy) reported that they received the DEP file number and there were no comments.

Motion: Rich B., Second: Rich T.

To approve the application as presented.

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 Larry Coffren & Marsha Beers for the relocation of an existing deck at 205 Sunset Lane (DEP# 208-XXXX). Anna received a request from the applicants' representative to continue to 7/19.

Motion: Mike L., Second: Rich B.

To continue 205 Sunset Lane to 7/19/23.

Roll Call Vote was unanimous to approve.

NEW BUSINESS:

Update on Timber Rights Fund – no update.

Definition of rivers – tabled

Notice of Project Change-

406 Sunset Lane – Greg Roy (Dillis & Roy) and Nancy Malady (applicant). Greg screen-shared the site plan for construction of a proposed house addition and replacing the existing railroad tie retaining walls. They previously received an Order of Conditions, cleared trees and removed the existing deck. He noted that they are proposing a full foundation and the applicants would like to add walk-out access for storage of kayaks. They want to make a change to the proposed retaining wall, lower the grade to add the walk-out and are proposing native plantings near the retaining wall. Greg stated that they had to remove 2 trees when excavating because they would not make it. They ran it by Anna and are proposing new plantings as mitigation. Rich asked if they are submitting this as a Field Change and Greg replied yes.

Motion: Rich B., Second: Mike L.

To approve the Field Change for 406 Sunset Lane.

Roll Call Vote was unanimous to approve.

OLD BUSINESS:

Grant Application Proposal Update: Mary reported that they got the nod from the State of Massachusetts for the parking areas but it still needs to go through the rest of the state process.

First Refusal Lot 4 Leominster Road – Mary noted the owner is not amenable to the property going to Conservation. The Commission discussed and were not interested in pursuing it.

Motion: Rich B., Second: Mike L.

To inform the Select Board that the Conservation Commission is not interested in pursuing Lot 4 Leominster Road at this time.

Roll Call Vote was unanimous to approve.

Encroachment issues: Anna reported that there are no updates and the letters were all sent out.

Hollis Rd updates- Mike L. reported that Chris Ruth has asked a contractor for a price on painting the trim, house and back of foundation. He noted that the Pollinator Habitat rescheduled their Open House to 7/22 (rain date 7/23). He added that over the holiday, he and Rick Hilson installed a water reclamation system at the Hollis Road shed to collect rainwater.

Administrative Determinations:

45 Island Road – Anna shared pictures of the birch tree near the water that broke in half during a storm. The property owner removed the broken portion and would like to remove the rest of the tree, leaving the stump. Rich B. stated that he was ok since there are other trees there and as long as the stump is left.

Motion: Rich B., Second: Mike L.

To approve the administrative determination to remove the damaged limb.

Roll Call Vote was unanimous to approve.

246 Prospect Street – Anna stated that the property owner wants to remove 5 trees at his lake access. They are large red maples in the 30' buffer zone and are mostly dead and split. The rest of the trees are dead ash trees that are up against the fence, so there is no canopy. The property owner is concerned that the maple trees could fall on the dock or boat. They propose restoring the understory with blueberries. Rich B. asked to have this application presented as a Request for Determination of Applicability. He added that this access was intended to be a 4' pathway to the dock but the understory is getting cleared along Lake Whalom. Also there are sheds and chairs there.

Motion: Rich B., Second: Jeff V.

To deny the administrative determination and have them file for an RDA.

Roll Call Vote was unanimous to approve.

Certificates of Compliance:

290 New West Townsend Road– Anna stated this was for a septic system with DEP # 208-1271. She visited the site which has been reseeded, stabilized and all conditions met.

Motion: Jeff V., Second: Mike L.

To approve the Certificate of Compliance for 290 West Townsend Rd.

Roll Call Vote was unanimous to approve.

238 Fire Road 16 – Anna stated this was for construction of a single family house, sewage disposal and driveway. They had issued an enforcement order for needing mitigation, grading and site plantings. She did a site visit and shared photos of the property with plantings and established seedings. Anna said that she is satisfied that everything was done to standards. Rich B. asked for a letter from the engineer of record, stating the house was completed as permitted and a list of anything outside of the application. He added that they need to file a concurrent request with the DEP and to table the discussion to the next meeting. Butch Magum (Homeowner) noted that Nadia came out last fall and recommended the COC. He will have the engineer change the verbiage on the letter and also noted that the site plan displayed was not the updated one. Butch asked Rich B. to do another site visit.

Motion: Rich B., Second: Mike L.

To continue the request to 7/19/23.

Roll Call Vote was unanimous to approve.

ENFORCEMENTS:

Violations: EO 23 Cove Road – Anna reported that she received correspondence that they took down the greenhouse and did a site visit to confirm so. They still need to remove the parts out of the area.

Public Comment: This is Anna's last meeting and Mary thanked her for all her work for Conservation. The Commissioners wished her well. Anna thanked them and noted that her new part-time assistant will be starting on 7/1, working 2 days a week.

Motion: Rich B., Second: Mike L.

To adjourn at 10:04 pm.

Roll Call vote was unanimous to approve.

Respectfully submitted,

Jane Ranley
Minutes Clerk

