

Town of Lunenburg Conservation Commission

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



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Ashleigh Denio
Administration Assistant

Minutes

Wednesday, August 2, 2023, 7:00 PM Regular Meeting
ZOOM REMOTE

Members Present:

Mary Wilson, Chair
Bob Pease, Vice Chair
Richard Tremblay, Clerk
Chris St. Germain

Members Absent:

Jeffrey Viviano
Richard Bursch
Michael Larouche

Meeting Called to Order – 7:00 PM

- ❖ Announcements/Public Comment – N/A

Appointments/Hearings

- ❖ Jay Campbell presented concern with drainage issues caused by DCR tree cutting behind his property, 46 Maple Parkway. Jay claimed that the tree cutting was not performed properly to plans by DCR. He described large amounts of rain runoff that cannot be properly drained due to the terrain change, now affecting his and neighboring properties.

MW asked for description of the damage. Jay stated his backyard has flooded, as well as the crawlspace, and indoor spaces. He also described complications with the septic system and furnace.

BP recalled visiting the property with state forester associates, who agreed that the cuttings were not consistent with DCR plans. While the issue was being discussed with higher-ups, there was no update regarding possible DCR enforcements. BP agreed that there is more water arriving on the property due to cuttings, which are exempt from the wetlands jurisdiction to address.

MW utilized the DEP Wetlands map and agreed that the property is not within the ConComs jurisdiction, and that while the property is subjected to wetlands protection, the rain water discharge is not a violation.

Comment [MW1]:

Comment [MW2]:

Comment [AD3]:

Comment [AD4]:

BP suggested following up with DCR, since the issue is closest to their jurisdiction to address.

- ❖ Jim Lattanzi spoke regarding a farm access road completed at 780 Northfield Road. Jim stated that despite receiving a permit from previous conservation agent, Matt Marrow, complaints were filed with the DEP about the project crossing an intermittent stream without a limited NOI filing. Jim attested that there was an existing culvert pipe where the access road was built, which was replaced to be slightly larger. The second complaint from DEP was that the access drive was within the 100-ft buffer zone. Jim attested that the closest buffer-zone point was measured at 116-ft.

BP/RT M/S to affirm the initial decision of conservation administrator, Matthew Marro, in which the activities to improve and widen a farm access road were an exempt activity under the Massachusetts Wetlands Act and local bylaws. Roll call vote, unanimously approved.

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 Notice of Intent by Dennis & Laura McDonnell for a proposed deck, staircase for waterfront access, and a seasonal dock install at 40 Laurel Lane (DEP# 208-1302).

Greg Roy, with Dillis & Roy, represented the applicants. The applicants were also present. Greg presented plans, in which a 4-ft wide wooden stairway would be built to lead to the water from a stone pathway. Native shrubs would be planted along to edge of the boardwalk. Greg noted the commission's previous suggestions to use helical piles to the maximum extent by the water. Greg also noted a modification of original plans in which the deck structure was removed and replaced by a formalized walkway.

Greg stated that the DEP commented with question whether the project would affect resource areas. He clarified that the lower landing will be constructed above floodplain elevation, therefore not impacting any banks. Further, since the proposed dock is floating, it will not impact underwater resource areas.

CS asked for confirmation that deciduous trees on site would not be altered. Greg confirmed.

BP/RT M/S to approve Notice of Intent for 40 Laurel Lane (DEP #208-1302) with standard Order of Conditions. Roll call vote, unanimously approved.

- ❖ 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 Coulombe for installation of 2 4x20 aluminum roll-out docks with 4' ramp along shoreline adjacent to Hemlock beach at 100 Hemlock Drive.

Michael Coulombe and John Fortune represented Hickory Hills landowners in request to install two freestanding docks along the shoreline.

MW asked how the docks would connect to the shore line. Michael stated a 4-ft ramp would connect the dock to the shoreline. MW asked if considerations were made to diverge foot traffic

away from nearby vegetation. Michael stated there is an existing path along the shoreline and from the street. He also stated the foot traffic would be limited, since the dock would not be public.

MW requested that lease agreements stipulate no foot traffic on vegetation, and signs be installed to reflect the same. John Fortune agreed to install signs and proposed putting down woodchips to encourage walking away from vegetation. MW and RT agreed to woodchips suggestion.

BP/CS M/S to issue negative Request for Determination for installation of docks at 100 Hemlock Drive, stipulating that “stay-on-path” signs are displayed and walkways are laid with woodchips. Roll call vote, unanimously approved.

- ❖ 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 Justine Morgan to replace deteriorating retaining wall, replace pressure-treated stairs with granite, and replace decking at 701R Reservoir Road. (DEP #208-1301).

Christopher Coffin represented applicant. Site photos were presented of dock which is to be disconnected, installing retaining wall, and replacing wood-rotted timbers with composite decking. Christopher clarified that the support beams will not be moved.

BP asked the size of the granite steps. Christopher clarified no larger than 48 square ft.

RT asked if there are disposal plans for the removed timbers, Christopher confirmed. RT asked for clarification that construction will take place during dry down, Christopher confirmed.

MW asked for clarification that no trees, shrubs, or vegetation will be affected by construction. Christopher confirmed.

RT/CS M/S to approve Notice of Intent for 701R Reservoir Road (DEP #208-1301) with Standard Order of Conditions. Roll call vote, unanimously approved.

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).

BP/RT M/S to continue Notice of Intent for 100 Chestnut Street (DEP # 208-1290) to August 16th meeting due to lack of voting quorum. Roll call vote, unanimously approved.

- ❖ 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 #208-1300).

BP/RT M/S to continue Notice of Intent for 932 Flat Hill Road (DEP #208-1300) to August 16th meeting due to lack of voting quorum. Roll call vote, unanimously approved.

- ❖ 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.

CS/BP M/S to continue Request for Determination for 131 Island Road to August 16th meeting due to lack of voting quorum. Roll call vote, unanimously approved.

- ❖ 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 #208-1299).

RT/CS M/S to continue Notice of Intent for 205 Sunset Lane (DEP #208-1299) to August 16th meeting due to lack of voting members. Roll call vote, unanimously approved.

- ❖ 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).

BP/CS M/S to continue Amended Order of Conditions for 441 Townsend Harbor Road (DEP #208-1240) to August 16th meeting due to lack of voting members. Roll call vote, unanimously approved.

Old Business

- ❖ Certificate of Compliance – 238 Fire Road 16; 43 Summer Street; 386 Sunset Lane; 54 Pine Acres Road.

MW stated the four addresses requesting a Certificate of Compliance will be tabled until the August 16th meeting due to staffing shortages in the conservation department.

- ❖ Update on Shawn Kelley Estate

Lisa Pollock was present to ask for an update regarding the Commission acquiring the estate. BP explained that Shawn Kelley, an avid outdoors man, had left his estate to the conservation commission. Letters from a state attorney detailed the necessity of a signed order settlement for this process to take place. Lisa also informally requested that should the commission purchase any land with the estate money, it be memorialized with Shawn Kelley's name.

RT/CS M/S to authorize Bob Pease to sign the probate document for the Conservation Commission in regard to the Shawn Kelley estate. Roll call vote, unanimously approved.

New Business

- ❖ Topics not known 48 hours in advance of meeting – N/A
- ❖ Update on Timber Rights Fund – N/A
- ❖ Definition of Rivers & Invasive Species Initiatives were subjects tabled until further notice.

- ❖ 208 Northfield (Hickory Hills Well) Appeal to DEP #208-1294

MW stated an appeal has been filed on DEP Order of Conditions. A site walk has been scheduled for August 10th at 11:00 AM. CS stated he will attend the site walk.

- ❖ Update on New Kiosk Conservation Signs

BP stated that multiple new informative signs are being made to be added at existing and proposed kiosks.

- ❖ Proposal to put up Mushroom Sign at Robbs Hill

BP stated he will talk with the town Council regarding a disclaimer addendum to proposed mushroom signs.

- ❖ Funding for Title Searches – 1529 Mass Ave Rear; 731 Page Street; 0 Old Turnpike Road R/W

BP stated that the town will not fund the title searches for the properties. BP suggested utilizing conservation funds at a later time to purchase these title searches. MW agreed with this as a possibility.

Old Business (Cont.)

- ❖ No update on grant application proposals.
- ❖ No Update on Encroachment Issues for 950 Chase Road, 315 Lancaster Ave, or 26 Mulpus Road.
- ❖ No Hollis Road Residence updates on Maintenance Work, Pollinator Habitat Open House, or Painting Quote due to absence of ML during meeting.
- ❖ No Administrative Determinations, Extension Request Permits, or Notice of Project Change.

Enforcement

- ❖ NON 205 Sunset Lane (Beers Lot) – N/A
- ❖ Town Beach Erosion – N/A

Open Space and Land Use

- ❖ Howard Street Driveway

BP stated that Dan Proctor has been contracted to construct the driveway.

- ❖ Timber Sales – N/A
- ❖ Conservation Land Improvements – N/A

Committee Reports – Any Update

- ❖ BP stated that Adam Burney relayed a complaint regarding siltation by Thopson Harbor Road. BP stated he would follow up.
- ❖ BP stated Adam Burney issued three emergency certifications which included a split tree on Townsend Harbor Road and spillway repair of a pond north of White Street.
- ❖ BP advised there was an invoice from Home Depot regarding plywood bought for repairs on Hollis Road. BP stated increasing the purchase order by \$225 would suffice to pay the invoice.

BP/MW M/S to increase purchase order amount by \$255 to pay Home Depot invoice for plywood. Roll call vote, unanimously approved.

Communications/Public Comment

- ❖ No public communications or comments.

Meeting Adjourned – 8:28 PM

- ❖ CS/BP M/S to adjourn the meeting. Roll call vote, unanimously adjourned.

Adjourn 8:28 PM

Meeting schedule: Next meeting is August 16th, 2023 at 7:00 PM by Zoom platform