

Town of Lunenburg Conservation Commission

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October 4, 2023, 7:00PM, ZOOM REMOTE Minutes

Roll Call: Mary W., Rich T., Jeff V., Mike L., and Rich B.

Absent: Bob P.

Call to Order at 7pm

Announcements/Public Comment -none

Minutes of previous meetings – on backlog due to staffing issues.

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 by A & M Construction Services for the construction of three residential homes with associated driveways, utilities, and rain gardens at 274 Prospect Street (DEP #208-XXXX) – Wesley Flis (Haley Ward), representing A & M, screen-shared the site plan for the property. They are proposing 3 ANR lots and pointed out that the majority of the work will be outside of the 100' buffer zone. They are asking for a Request for Determination of Applicability for utility connections of water for 1 duplex and sewer hookup for the other 2 duplexes on Prospect St., which are in the 100' buffer zone. The other connections will be outside of the 100' buffer. They will repair portions disturbed on Prospect St. and any utility trenches will be returned to grassy field condition. There will be erosion control along Prospect St. and Wes noted the stockpile areas with erosion control. Mary asked for details on the erosion control barrier. Wes replied there will be 9" straw wattles with a filter fence. Mary and Rich T. did a site visit and noted there were no trees on the property. Wes stated the property has been cleared previously and is mostly overgrown brush. Mary asked if there is a plan for getting rid of the Japanese Knotweed on the property and Wes replied the intent is to get rid of anything that is invasive. Mike L. asked where the rain gardens would be located and Wes pointed them out on the site plan. They will be located downstream from the driveways. Mike asked if they have a DEP number and Wes replied they do not get one for an RDA. Mary noted that was a typo on the agenda and should not be there.

Motion: Jeff V., **Second:** Mike L.

To approve with a negative determination with a Standard Order of Conditions.

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 by Korina Veenstra for the placement of a 4'x16' rolling dock at 19 Cliffview Terrace (DEP # 208-XXXX) -Korina Veenstra, representing herself, noted she lives on Hickory Hills Lake and they are looking to place a 4'x16' rolling dock, sticking

out into the lake from their shoreline. Mary stated she did a site visit with Rich T. and she did not have any questions. Korina noted she had consent from the Hickory Hills Landowners Association, which was contingent on LCC approval. Rich T. added that the dock addition will not require taking any trees down and there will be very little disturbance. Mary screen-shared photos of the site where the dock will go in.

Motion: Rich T., Second: Jeff V.

To approve with a negative determination with a Standard Order of Conditions.

Roll Call Vote was unanimous to approve.

Korina asked if she would receive any paperwork and Mary replied she would from the office in a week or two, but noted the office is severely understaffed. If she does not receive any documentation, she can contact Mary.

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 Crocker for the removal and reconstruction of a two-family home at 899 Flat Hill Road (DEP # 208-1307)- Jack Maloney (Dillis & Roy) and Thomas Crocker were present. Jack pointed out he made a typo on the Notice and verified it is a 2 Bedroom house – not a 2-family. He said that the existing 2 bedroom home will be taken down and some of the foundation walls will be re-built, in the same spot, with the same dimensions. They are taking the old house down because the building inspector wanted some of the foundation walls rebuilt, which are cinder block and fieldstone. Greg Roy (Dillis & Roy) screen-shared the site plan and Jack noted there will be no other site work done other than the removal and rebuilding of the house. The new house will have a second story to move the bedrooms upstairs and give more living space on the 1st floor. They are proposing erosion control of straw wattles with overlaps. Jack pointed out the 50' and 100' buffers and noted the 100' buffer goes through the back of the house. There will be no regrading. Jack stated the DEP number is #208-1307 and the DEP had only 1 comment about the replacement of the foundation walls. Mary asked to add silt fencing to the straw wattles. Mike L. asked if they will be removing the existing deck and replacing it with a new deck. Jack replied that the new deck will be the same size and placed on Sonotubes like the old deck.

Motion: Jeff V., Second: Mike L.

To approve this NOI, with DEP # 208-1307, with the addition of silt fencing to the straw wattles.

Roll Call Vote was unanimous to approve.

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 Peter and Lily Koronis for the demolition of existing dwelling and detached garage, and construction of a new single-family dwelling, driveway, and septic tank at 38 Oak Ridge Road (DEP # 208-1306) – Ryan Proctor (Dillis & Roy), Peter and Lily Koronis were in attendance. Ryan screen-shared the site plan, noting this is a tear down and rebuild of a 2 bedroom dwelling. Since the hearing 2 weeks prior, they have received the file number from the DEP with a few comments. Ryan said that he has submitted a cover letter with the plan changes addressing the Commission's and DEP comments. Per the Commission, Ryan has added silt fencing to the straw wattles on the plan and has circled in red all the trees to be removed. In addition, he pointed out 2 proposed areas for mitigation – 1 near the existing sheds and a larger area in the footprint of the existing house. They will be removing mostly pine trees and are proposing replanting with 12 low bush blueberries, 4 dogwood and 3 red maples for shade. A grading plan was also requested so Ryan has added a color Cut-Fill plan for the gravel esker they are removing, to level the site for the new home. They have also supplied a revised WPA3 form with the signature of the abutter. They will work from the bottom of the area out and stockpiled material will be outside of the 100' buffer wherever possible. Ryan noted DEP commented that

the Commission may want to know how work this close to the resource area could be performed while providing protection to the resource area in perpetuity. He stated the erosion barriers will stay in place during construction, there will be landscape mitigation areas for post construction and any other areas disturbed will be restored with 4" of loam and seed. Mary asked about the location of the stockpile areas and Ryan replied they will be near the buildings. Mary noted DEP was looking for additional silt control near the stockpile areas and Ryan said they will add that. There are 9 trees to be removed, including a dead pine tree and will replace them with 7 trees. Three pine trees are within the 30' and 3 within the 50' buffer zone. Ryan pointed out the location for the replacement trees and bushes. Mary noted that trees removed from within the 30', need to be replaced 2:1 back in the 30' zone. Jeff V. agreed the trees should be replaced back in the 30' and would like to see maples and oaks, instead of the dogwoods. Rich B. asked if Ryan could look at changing out the dogwoods and Ryan replied he would talk to the homeowners. Jeff added that red pines appear to be native on the lake and suggested adding some. Mary thanked Ryan for the updated plan with more details and asked him to update the plan with the changes to the replacement trees. Ryan asked to continue the hearing to 10/18 and he will get them a revised landscaping plan in a week.

Motion: Jeff V., Second: Mike L.

To continue the hearing to 10/18/23.

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 Denise Charpentier for the removal of an existing dwelling and construction of a new single-family dwelling at 6 Peninsula Drive (DEP # 208-XXXX)- Ryan Proctor (Dillis & Roy), representing the applicant who is also present, screen-shared the site plan for the proposed tear-down of the existing structure and construction of a single family dwelling. They have received a DEP file number of #208-1305 and Ryan pointed out the changes made to the site plan. He noted 4 trees will be coming down- 2 of which are on the abutting property and they are all outside of the 50' buffer. They are proposing replacement with 3 paper birch trees along the property line. Also they will add a landscape area within the 30' zone with 3 Rhododendron and 1 trumpet honeysuckle. Ryan has added a table stating the building areas in the buffer zones. There will be 132 sq.ft. in the 30'-50' buffer zones for the proposed deck which is the same as the existing deck. They have added the silt fencing to the wattles as requested by the Commission. Ryan has submitted a WPA3 form with the abutter's signature as requested by the DEP, along with a letter of support from the abutter. The work area will be slightly in a floodplain and they noted on the WPA3 form that they are not changing the existing grade or filling in the floodplain. Ryan stated the applicant is working on obtaining a new deed for the property so she and her husband can take ownership from her deceased parents. Ryan screen-shared photos of the sand box which will be replaced with a flagstone patio, the 3 trees to be removed from the property line that will be replaced by the birches, the trees that will remain and the location of the proposed landscaped area. The applicant is proposing to construct a privacy fence along the property line to the south. There is a row of vegetation adjacent to the other tree that they want to take down and will be mitigated by the proposed landscape area. They also have a letter of support from the abutter for the project. Mary asked to review the Landcover summary within the buffer zone and the tree replacement. She noted there will be a lot of tree removal on the property to add the septic system which is outside of the Commission's jurisdiction. Mary questioned whether the landscaped area would adequately compensate for the big tree and the 50' vegetation strip being removed. Ryan replied that it is a crowded site and there is quite a bit of over story cover. Rich T. asked why the tree near the house needed to be removed. Ryan replied that one of the 3 trunks would be leaning over the house and might fall plus there could be root damage to the tree during foundation work. The 2 trees on the abutter's property will be removed because a limb already fell and the roots may also be damaged during site work. Ryan confirmed

that the foliage on the bottom fence line is hemlock. Jeff V. asked about the fieldstone patio and Ryan said it would be level, open joint and semi-pervious. Also a walkway in similar material will be put along the side of the new home. Mary stated that she would like to have the 4 removed trees replaced with 4 new trees and any area around the flagstone patio should be loamed and seeded. Rich B. asked to see pictures of the shoreline and asked to have some low vegetation added there along with some flagstones in place of the carpet presently there. He also asked if they could get a narrative on the construction of the patio and if the other trees on the property are healthy. Ryan agreed to the narrative and stated the trees are healthy as far as he knows. The Commission asked Ryan to add the additional information to his plan and Ryan replied he can do so for the next meeting. Tom Charpentier (abutter) noted that one of the trees they are taking down has some large holes from a Pileated Woodpecker, indicating some insect activity in the tree.

Motion: Rich B., Second: Jeff V.

To continue the hearing to 10/18/23.

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 an Amended Order of Conditions by Nicholas Eaton for repair and construction of existing deck at 441 Townsend Harbor Road (DEP # 208-1240)- No one present for this hearing and Commission agreed to continue it.

Motion: Rich B., Second: Jeff V.

To continue the hearing to 10/18/23.

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 Larry Coffren & Marsha Beers for the Relocation of an Existing Deck at 205 Sunset Lane (DEP # 208-1299)- Greg Roy (Dillis & Roy), representing the applicant who is also on the call, screen-shared the site plan. He said that at the previous hearing, the Commission was not looking favorably at the proposed mitigation package which was an attempt to keep the lower landing. They have worked with the applicant and the new plan shows a reduced landing (4'x8'), which is similar to area previously approved. They will overseed the existing dock storage area with a conservation wildlife seed mix that will grow during the spring and summer when the dock is not there. Rich T. asked how large the existing landing is compared to the proposed one. Greg replied the existing one is about 155 sq.ft and the proposed one is 32 sq.ft., with the same type of construction that is there now. Mike asked if the supports would be in or out of the water and Greg replied they would be out of the water. There will be Sonotubes with no work in the resource area. Mike asked about seeding the area and Greg said they usually seed up to October 15th but it is dependent on the weather. Mary asked Marsha about the dock and she stated it is still in the water. She will need to find out when FW Docks would be coming to take the dock out. Jeff inquired when the lower landing will be built. Marsha said they have not hired anyone yet and were waiting to see if the Commission would approve it. Mary stated she would like a note added on the footing of the new landing. Rich suggested putting a date of March 15th for the removal of the pilings and existing deck before the water level comes back up. Marsha suggested they could dismantle the lower section now and wait until spring to do the construction. Rich said the pilings on the existing deck need to be removed during the low water time since this was a violation. Also, he suggested putting erosion control while taking it apart. Greg noted the existing landing is on rocks -not on Sonotubes and the new landing would also be put on blocks. He asked if the Commission would have an issue if the Building Commissioner said they would need to put the new landing on Sonotubes. Mike said he would acquiesce to the Building Commissioner as to the best way to secure that deck. Marsha said the past Commission approved the project with nothing in the ground and Rich B. agreed to that. Greg said they could stake it prior to constructing the new landing, to

make sure it is in the correct position and the March 15th deadline would be good. Mary asked whether the Commission wanted to require the handrail and have it noted on the drawing. Marsha stated the handrail was not required but a recommendation from Bob to keep people off of the ground. The Commission discussed and agreed that the handrails are a good idea. Jeff questioned whether the railings on the north side would give access for storing the dock and other items.

Mary summarized the conditions: 1. the deconstruction happens immediately and no later than the high water return in March 2024. 2. When reconstruction is getting planned, the new deck be marked out with proposed location and contact the Commission prior to rebuild. 3. Reseeding to happen in the fall. 4. Handrail on the south side.

Motion: Jeff V., Second: Rich B.

To approve this NOI with the 4 conditions as previously outlined.

Roll Call Vote: Rich T. -aye, Rich B.-no, Jeff V.-aye, Mike L.-aye, and Mary W.-aye.

NEW BUSINESS:

Topics unknown 48 hours in advance of meeting

Update on Timber Rights Fund

Agenda Formats – Mary suggested addressing the Enforcements and Certificates of Compliance first. Rich B. noted the agenda order is at the discretion of the chair and the rest of the Commission agreed. Also, Mary will work with Ashleigh to underline the addresses to make it easier to scan minutes and historical data. Rich B. noted in the drive the folders are being labeled with DEP numbers rather than addresses and that the Meeting ID was incorrect. Mary will note those items.

Staff and Support – Mary reported that they are still looking for a full time administrator and the interim administrator has also resigned. Adam Burney (Land Agent) has resigned effective 10/13. Mary and Bob met with the Town Manager and Assistant Town Manager to ask about the short-term plan. The Assistant Town Manager is working on some temporary resources for getting meeting minutes caught up. They outlined the critical needs and brainstormed on solutions. They will reach out to other towns to see if there are conservation administrators that could use some extra hours. They got a referral from the new administrator in Groton who would like some more hours.

Application Instructions and Guidelines – Mary reported that Bob is working on putting together application instructions and guidelines that Ashleigh could give to applicants for self-help.

Certificates of Compliance:

4 Townsend Harbor Road – Jack Maloney (Dillis & Roy), Steven Petrazillo (owner) and Kelly Feehan (Realtor). Jack stated they were scheduled for tonight for their request of a Certificate of Compliance, which Jack filed under #208-1203. In 2020 there was an Order of Conditions issued by the Commission. A site plan had been done for Alan Dantonio by Engineering Design Consultants of Southboro. When Jack submitted the request for a COC, he also added photos of the site on 9/14/23. A new driveway and shed had been added according to the plan. The limit of clearing is now established lawn area as proposed. Rich B. asked if they submitted an as-built and Jack replied that they did not because the engineer's plan did not have a benchmark, so they did not have anything to tie any grades to. Visually, the limit of clearing appears to be in the right location. Everything has been loamed and seeded and stabilized. Jack read the letter he submitted with the request for the COC. Rich B. stated he would be ok if Dillis & Roy supply a narrative that the project has been done in compliance with the Order of Conditions and the approved plan.

Motion: Rich B., Second: Mike L.

To approve the Certificate of Compliance, contingent upon Jack providing the extra certified language to his letter.

Roll Call Vote was unanimous to approve.

Mary asked Jack to email her when he provides the certified language.
176 Elmwood Road – no update.

OLD BUSINESS:

Update if any on encroachment issues at: no updates.

950 Chase Road
315 Lancaster Ave.
26 Mulpus Road

Hollis Road Residence:

Update – Maintenance Work- Mike spoke to Chris Ruth who said they have addressed the 2 attic windows that were omitted from the original window project. The front door overhang has considerable rot that needs to be addressed by Nick Morrison who is doing the painting of the trim. He also found some cedar siding in the garage and repaired the bullet hole. Right now, they are \$3,300 above the quote of \$4,800 for current total of \$8,100. Mike noted also that the chimney flashing which was not installed properly and caused a leak. It is being worked on and everything else should be sealed up now. Mike added that Nick Morrison has been able to do the carpentry, painting, and chimney work. Mary asked if the \$3,300 overage included the chimney flashing and Mike replied he did not think that was included. There is a \$10,000 cap. Mike noted that they have discovered some jumping worms at the Pollinator Habitat. Mary said she read the jumping worms are replacing native worms and their castings are depletive of the nutrients our native plants need.

Administrative Determination:

Extension Request Permits:

Notice of Project Change:

ENFORCEMENT:

Violations (Enforcement Actions and Hearings)

NON 205 Sunset (Beers lot) – covered in continued hearings.

143 Island Road

10 Massachusetts Avenue- Mary noted that Bob visited the site a week after the last meeting to check if they had installed erosion barrier of straw wattle and silt fence per the interim administrator but found they had not. No one was on the property during his visit and Bob reported his findings to the office.

39 Island Road – Greg Roy (Dillis & Roy) reported that the owners have retained their firm to file a Notice of Intent for the construction of the proposed wall. They filed the NOI and hope to be on the next agenda. He is representing DJ and Christa Palma, the homeowners, and they contacted his firm within 24 hours of being contacted by the Commission.

Emergency Certification:

Open Space and Land Use:

Grants Update (LCC sponsored, award year 2023) – no update

Grants Update (LSR sponsored, award year 2022) – no update

Timber Sales

Conservation Land Improvements

Committee Reports – no updates

Communications and Public Comment: none

**Motion: Mike L., Second: Jeff V.
To Adjourn at 9:43pm.**

Roll Call Vote was unanimous to approve.

Respectfully Submitted,

**Jane Ranley
Minutes Clerk**