

Town of Lunenburg Conservation Commission

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Ashleigh Denio
Conservation Assistant

November 1, 2023, 7:00PM, ZOOM REMOTE Minutes

Roll Call: Mary W, Bob P, Rich T, Rich B, Mike L and Chris S. Also present – Charlotte (Admin. Agent)

Absent: JV

Call to Order at 7pm

Announcements-none

Public Comment: Rich B. noted on the website it shows his term expired June 2023 and asked to have it updated as he was reappointed and sworn in during the summer. Bob P. said he would take care of that.

Minutes of previous meetings – May 17, 2023

Motion: Bob P., Second: Rich B.

To approve the minutes of May 17, 2023.

Roll Call Vote was unanimous to approve.

Bob noted the minutes of 6/7 are done but not on the drive, so they will be held until the next meeting.

Appointments: none

NEW PUBLIC HEARINGS – Mary stated they cannot be addressed due to lack of legal advertisements and be heard at the next 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 an Abbreviated Notice of Resource Area Delineation by Kevin O'Brien at 390 Howard Street (DEP #208-1304)- Bob P. reported that Matt Morro had asked for a continuance to Nov. 15th.

Motion: Bob P., Second: Rich B.

To continue 390 Howard Street to November 15th. 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 Joanne Hamberg for the installation of a new septic system at 201 Fire Road #16 (DEP #208-1309) – Chris MacKensie (Dillis & Roy) asked for another continuance because they were requested to locate some trees and a retaining wall along the lake shore. The crew went out to do so but he was not able to make the changes to the plan. He will do so and be ready for the 11/15 meeting.

Motion: Chris S., Second: Mike L.

To continue 201 Fire Road #16 to November 15th. 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 Mario Patacchiola for removal of

decaying trees at 143 Island Road - Mary asked if Mario or any representative was on the call. There was no response and Mary noted no one was present at the last meeting either. She added that due to the office staff shortage, they may not have been told to come to a meeting to support the RDA. Bob thought they may have hired an engineer to submit this. Mary replied that he may be thinking of the other Island Rd request. Bob stated he will send Ashleigh an email to notify them that they are on the agenda for 11/15.

Motion: Rich T., Second: Chris S.

To continue 143 Island Road to November 15th. Roll Call Vote was unanimous to approve.

Mary reiterated that the items under New Public Hearings will be held on 11/15.

Administrative Determinations:

833 Flat Hill Road tree removal- Mary reported that Bryanna did a site visit and Charlotte screen-shared the pictures. Sue Ropiak (homeowner) pointed out the dead tree near the creek running into the lake. The next tree is a slanted, leaning over the bridge over the stream. The third tree is 50-60' from the lake, between their property and the neighbors and is dead. They have branches hanging over the lake that they would like to remove so they can walk and see under the trees. Bob P. read the site visit report by Bryanna. **Bryanna's Findings:** She had noted the resident would like to take 3 trees down – 2 of which are on the bank of a stream which is a tributary to Lake Shirley, 1 tree is within the buffer zone, located 55' away. Resident would also like to trim branches starting at 10' on the tree hanging over the shed and at 18' on a tree hanging over the lake. She recommended letting the homeowners remove the trees but leave the stumps in the ground and plant 3 saplings, 2" diameter breast height of the same genus or native tree, such as red or silver maple. Rich T. asked the homeowners if the 3rd tree was on their property or their neighbors and Sue R. replied it is close but on their property. Mr. Ropiak noted that they want to remove the branches over the shed up to 18'-20'. In addition, they also want to trim branches over a cabin up to 18'-20'. Mary asked if any commissioners felt they needed to go through the formality of an RDA but no one did, so she asked for a motion.

Motion: Bob P., Second: Rich B.

To accept the administrator's recommendations, with added note to allow limbing in the additional area above the cabin, with stipulation that by April 1, 2024, they submit pictures to the office of the 3 saplings, 2" diameter, breast height, to be planted as replacements.

Rich B. suggested they submit the pictures by May 1st instead in case of frost in the ground.

Bob P. amended it to submit pictures by May 1, 2024. Roll Call Vote was unanimous to approve.

70 Horizon Island Road tree removal- Bob said the residents were not present but he read Bryanna's site visit report. **Bryanna's Findings:** The residents would like to cut down 3 trees that are 47' to 48' from the bank of Hickory Hills Lake. Two are dead (closest to the house) and the other is alive but poses a threat to the abutting property. She recommended allowing the homeowners to remove the trees but leave the stumps and if the Commission deems it necessary, to replant 3 Eastern white pine saplings 2" diameter breast height. A Request of Determination of Applicability may be necessary upon the Commission's request. Bob screen-shared the pictures from the site visit and added that he does not think they should be asking anyone to replant white pines because they just grow up to become a hazard. He would suggest planting another species, such as a native hardwood. Rich B. said that white pines are native plants and important habitat for birds and small mammals. They should plant in a proper spot where it could flourish and would recommend spruce or fir. Bob suggested having a site map showing where it makes sense to plant these trees. Mary noted that without the residents present, she agrees they should request a site map and designate new planting locations. Bob suggested tabling it and ask Ashleigh to send the homeowners a request to attend the next meeting.

Motion: Bob P., Second: Chris S.

To continue the Administrative Determination for 70 Horizon Island Road to 11/15 and ask the homeowners bring a site map with designated new planting locations.

Roll Call Vote was unanimous to approve.

ENFORCEMENT:

Violations (Enforcement Actions and Hearings)

780 Northfield Road – Mary noted this is the farm access to the old Christmas tree farm. Bob said Matt made a decision that this was an exempt activity but there is a resident that is pursuing this matter. The DEP decided the Commission should issue a friendly enforcement order asking Jim to replace the culvert and to do a wetlands replication. Jim Lattanzi (owner of the property) has indicated he is more than willing to do that without an enforcement order. Bob added if Jim had been invited to the meeting he would have been present. He suggested tabling it to the next meeting, with the hopes the office staff invite Jim to the 11/15 meeting. Charlotte asked for clarification on the subject and Bob replied there is another resident who has been complaining and insisting there is a problem about this for over a year. Bob will send information to Charlotte to add to the meeting notes and they will inform Jim of the next meeting.

390 Howard St- Mary reported this was added due to residents sending photos of soil washing off the parcel and down the street, into storm drains. They did a site visit and determined the erosion was not near wetlands, which would be out of their jurisdiction. In the course of the discussion for the ANRAD, they determined there were some serious concerns for erosion on that parcel to wetlands, so Mary has left it on the Enforcements list. Bob noted when they had the public hearing, Eric Bilotti stated there was siltation going into their pond and they talked about doing a site visit downstream to observe the siltation. Bob suggested doing that site visit separate from the site visits for the ANRAD and they are waiting for permission to go on those parcels.

NON 205 Sunset (Beers lot)- no updates.

1118 Massachusetts Avenue- Steve Wright (property owner) stated he emailed the site plan and he was waiting for a memo stating what his violation was. He also would like to finish the work that he had to stop. Mary said she is an abutter of the property and was told that a tree was being taken down within the buffer zone to an intermittent stream. She asked Steve to stop work until they could get an Administrative Determination on the tree removal. Steve said the tree snapped and fell on a truck. Bob read Bryanna's Administrative report on her 11/1 site visit, which stated 3 trees (68-70' from top of bank) had been cut, and they were in the process of cutting a 4th (35-40' from top of bank). She suggested the owner replant 4 saplings in their place and that he would need to contact the Conservation Commission prior to earth or tree removal to get approval. Mary recused herself and Bob took over chair. Bob screen-shared the photos of the trees. Steve said that he did not know he would need permission and according to the enforcement handbook, the work could have been finished because it was a safety hazard. Rich T. asked to see the picture of the standing tree and Steve noted the tree company cut half of it as a compromise. Bob asked Steve how he felt about Bryanna's suggestion to replace the 4 trees with saplings. Steve said he would be willing to plant 4 saplings closer to the bank and would want to talk to his neighbor before replanting the tree near his property. He would also want to wait until spring to plant. Bob said the trees 68-70' from the bank are a fair distance from the resource area but could see replacing the tree that is 35-40' from the top of the bank. He suggested he be allowed to cut the remaining tree. Mike L. asked if any are within the 30' or 50' buffer zones and Bob replied just the tree still standing. He said the tree closer to the buffer zone should be replaced and they could recommend replacing the other 3. Rich T. asked what the plan was for the stumps and Steve replied to remove them. He would have them ground but can put the hay barrows up. He would like to get it done before winter and the stumps are still a hazard. Rich T. said the tree 35-40' should be replaced. He would like to see a plan for the stump removal and the grade. Rich B. agreed to replacing 1 tree and would like to see a plan (even hand drawn) for erosion protection when the stumps

are pulled out, along with a plan to revegetate the area. He stated Chris will need to do a Request for Determination of Applicability filing. Bob suggested they could handle this as an Enforcement Order to eliminate the need for a RDA.

Motion: Bob P., Second: Chris S.

Under Enforcement Actions, that we allow the applicant to cut the tree down, so long as he has the stumps ground with erosion protections in place while the stumps are ground, the area loamed and seeded and that the 2 saplings are planted in the vicinity of this last tree that is within 50' of the resource area.

Roll Call Vote: RB, ML, RT, CS and BP – all aye.

Mary W. resumed as chair.

143 Island Road – discussed under Continued Hearings

10 Massachusetts Ave. – Bob suggested having one of the administrators send notice that they need to file an RDA. Charlotte asked for confirmation and Bob noted Leah (interim agent) had talked to them. They had pushed a bunch of stuff over close enough to the resource area, that permission would have been required. She asked them to put up erosion control or they would need to do an RDA. However, they did not put in the erosion controls and there was no follow up. Bob stated they will now need to submit an RDA and Charlotte confirmed the owner as Lance Rossel.

39 Island Road- Mary said this will be on 11/15 agenda as a new hearing.

NEW BUSINESS:

Awareness Campaign - Mary suggested doing another public awareness campaign, since several people noted they were not aware of the municipal bylaws. In the past, Bob said they made up a brochure and added it to the tax bills, which appeared to be effective. Also he suggested doing more on the website. Rich B. suggested adding the brochure to the website. Chris suggested having something on the first page to let the public know what to do quickly. Rich B. noted the brochure is already on the website along with links for the Wetland Protection Act and Regulations. Mary suggested adding a QR code also and all agreed to look at adding the brochure to the tax bills again. Bob said they would need to update the brochure and contact the Tax Collector about timing and cost for adding it to the January bills. The last time, Matt Morro found money in the General Fund to cover the cost. Mary said she will contact the Tax Collector for cost/deadlines and suggested waiting until more staff are hired.

Application Instructions/Guidelines – will be held until full-time administrator is hired.

NCLT (North County Land Trust) planned CR review site visit to Hawes Property on November 20th – Bob noted the Conservation Commission owns the land at the Hawes Property but the Conservation Restriction is managed by the NCLT. Also at the Peabody property, the NCLT owns the land and the Commission manages the CR. The NCLT does a site walk each year and sends a report. Their site visit will be 11/20 and Mike L. volunteered to do the visit with them.

Review of coordination of staff activities and documenting Commission decisions for past and future meeting- Mary noted that there are a lot of decisions, activities, and staff to coordinate, so she asked Ashleigh to put together a task tracker. At present, Mary stated it appears to be some controversy as to whether it is appropriate to ask Ashleigh to do this and she was unable to get confirmation or denial from the Town Manager or the Assistant Manager.

Commissioner access to documentation of decisions – Bob suggested working on a process to allow Commissioners access to decisions, approvals, and forms. Rich B. noted the town has an online permitting system and Charlotte confirmed it is *opengov.com*, but it is for building permits. Rich added Matt Marro and Adam Burney were working on it through the Land Use Dept., but it has not got up and running. If it was running, it could hold all the information for an application. He added they can look into it when a full-time administrator is hired. Bob noted most of the resident applications are handwritten or typed on a PDF, with professionals doing online applications. Rich B. noted NOI, RDA and ANRAD

applications are set up on the portal. They can also upload a hand drawn map. Mary said they can go back to this item when they are fully staffed.

Permission to shift commission file data from Google Drive to Share Point – Bob noted the Commission currently keeps all their meeting docs on a Google Drive which Bryanna did not have access to. The Town Manager stated it must be migrated to a town-controlled drive in Microsoft, such as Share Point. Bob told her there would need training, an assurance that no data would be lost and the Commission be allowed to be part of the discussion before it happens. Mary suggested a follow-up email to the Town Manager concerning this. Chris asked why Share Point was being proposed. Bob replied the Google Drive was set up by a Commissioner and not managed by IT. Rich B. said he was contacted by the Town Manager and IT about porting all the data to Share Point. He noted he created the Google Drive with Matt, who was Admin. When Matt left, it went to Adam (Land Use) and then Nadia. Currently, Rich B. has the Admin but it can be passed on. Bob suggested someone from IT could become the administrator but he would want the Commission and Chair involved. Mary said she will contact the Town Manager.

Release of 3rd Wednesday town hall meeting space – Mary stated her intent is to continue with Zoom meetings, as long as they are allowed, to encourage public involvement in the meetings. The Parks Commission needed that reservation, so she has released the meeting space. The Commissioners agreed with continuing to use Zoom and noted the meetings are all available on YouTube for the public.

OLD BUSINESS:

Update on Timber Rights Fund – no update

Update on Shawn Kelly Estate-Bob said the money was deposited but has no information on the fund.

Update on staff access to Munis Accounts- Bob reported that Karen comes in a few times a week but is working on high level items. Steve Barrett comes in as a Consultant and Bob talked to him regarding Ashleigh's inability to access the new Munis. He requested training for Ashleigh and Steve said it would be 2-3 weeks, after they close out FY23. He noted other departments are having issues with the new Munis. Bob was able to give Steve fund numbers for the Timber Rights and Hawes Fund so he can get bills paid through the Select Board warrant. Mike L. noted that the carpet invoice has still not been paid by the town.

Update on MACC memberships- Mary said Ashleigh told her the memberships have lapsed and she has not been able to get them back. Bob added that was one of the bills that was supposed to be paid. Chris said he tried to get the MACC handbook but they wanted to charge him. Mary confirmed that is because the membership has lapsed. She explained all the benefits of membership.

Update if any on encroachment issues at:

950 Chase Road – Bob signed a statement of fact on 10/30 which was filed with the court and they were served on 11/1 by a constable. The hearing will be 11/2 and the town is asking for an injunction to move the shed off of the property in the right of way. If they do not get the injunction, they will need to wait 2-3 years to get on the court's docket.

315 Lancaster Ave.- Bob said he is waiting for more staff to have a letter sent to inquire on what is happening. Previously, they had said they were going to have the land surveyed.

Extension Request Permits: 351 Mass Ave.- a 3-year extension was approved at the last meeting. Mary thanked Bob for preparing the agenda in absence of staff.

Notice of Project Change:

Certificates of Compliance: 176 Elmwood Road – needs a site visit. Charlotte asked to confirm that they need a final site inspection. Mary noted they need to compare the as-builts and the order of conditions to the actual physical condition of the site.

Emergency Certification:

Open Space and Land Use:

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

Grants Update (LSR sponsored, award year 2022) – Mary reported there are a couple of Boy Scout Troops partnering with the Lunenburg Snow Riders to do some hand clearing on the Small Town Forest Loop that LSR is doing trail improvements as part of the grant.

Timber Sales – Bob will check with the timber person and Mary asked how long the contract is good. Mary noted the area they want to do timber work abuts the area behind Hannaford Plaza. That area was heavily forested and appears to be clear cut, putting pressure on wildlife in that area.

Conservation Land Improvements: Service project requests- Mary said they got a request from the High School National Honor Society for projects. She sent them a list and has heard back that they want to do invasive plant removal at the Lane Property. They hope to have 20-35 kids to work on removing invasive plants. Mary added there is a lot of oriental bittersweet, burning bush and multi-floral rose to remove. In answer to some complaints, Chris suggested letting the public know that the Commission is doing a lot of these projects. Bob added all work on Conservation land is done by volunteers and there are no grants for invasive plant removal. There are no paid workers and anyone who is so inclined should work on invasive species. He noted Mary had organized a group to do invasive removal earlier in the year. Mary stated she would like to find some grant support to remove the pervasive Japanese Knotweed at Table Rock. She said there is a volunteer who is trying to tackle the problem but noted if you try to dig it up, it forces the rhizomes to spread. The most effective way -endorsed by the state- is to wait until it has bloomed, dropping seeds, and cut it back to 3 or 4 branches, then inject with herbicide, but you need an herbicide certification to do so on public land. It is also all along Howard Street and there is a lot of poison ivy on the Lane Property and the trail to Gilchrist. Chris asked how they organize groups to do clean-up and Mary said she shows them how to identify the invasives. Mike L. mentioned a website (ANAC?) where you can enter data on invasives and removal.

Hollis Road Residence:

Update – Maintenance Work – Mike L. said there are bags of invasives and debris the DPW would remove if they are able. If not done, the volunteer that services the riding lawn mower may be willing to remove them.

Painting, Trim – has been completed, but Chris (Facilities) did not know if the flashing component had been completed. Mike said the work on the windows and trim look fabulous. Chris is in the process of trying to secure some good used cabinets and Mike will follow up.

Committee Reports – Any Update

Open Space meeting – Mary reported they met last week and talked about parcels on Lake Shirley. The Committee voted to recommend to the Select Board to convey those parcels to the care and control of the Parks Commission.

Stormwater Task force – Rich T. reported it will be started up again and he met with the DPW director to put an agenda together. They also discussed the Howard St project (O'Brien property).

Communications

Notice of Utility Work on Sunset Lane – Mary stated National Grid notified them of maintenance work on the distribution line and read the list of work planned. Rich T. reported they were doing work this week, with some tree trimming and removal. They told him new telephone poles will be going in and they will raise the height of the existing wires.

Notice of hearings on timber harvesting violations at Mass. Ave and Maple Parkway -Bob said the office got copies of the letters that were sent to the people who did the harvesting on the parcel owned by Steve Powell. He noted the target of the letters were the ones doing the harvesting and they are being

called to a hearing, which already took place. The letter states they are in danger of losing their license because of what happened there.

Public Comment: Nick Eaton, 441 Townsend Harbor Rd., stated he had been trying to contact the office for a couple of weeks, but didn't know they were short staffed. He said his dogs paws are getting cut up from the crushed rock put down with the new septic system. He is trying to have it paved over the tanks. He is within the 100' and knows he has to file an amendment to his Order of Conditions, but he would like to do it before winter. Charlotte asked if he had filed an amended order and Nick replied he was waiting for a response. Charlotte told him to fill out the paperwork for the amended order and write a letter on what will be changed, how much will be paved and the Commission will vote on the amended order. Rich B. asked if he is paving part of the area designated as his driveway that is crushed stone now. Nick replied he would like to pave the driveway but for now, just that area so he can walk his dogs. Rich B. suggested Nick file this as a Field Change as long as the area is already designated as driveway and they have a picture showing it paved before. He added that Nick can send an email requesting a Field Change to his current Order of Conditions, spelling out the areas to pave and include a copy of his plan with area outlined or a picture. The Commission should be able to act on it at the next meeting.

Motion: Mike L., Second: Chris S.
To Adjourn at 9:42pm

Roll Call Vote was unanimous to approve.

Respectfully submitted,

Jane L. Ranley
Minutes Clerk