

Town of Lunenburg Conservation Commission

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November 15, 2023, 7:00PM, ZOOM REMOTE Minutes

Roll Call: BP, RT, JV, ML, CS and MW

Absent: RB

Call to Order at 7pm

Announcements - none

Public Comment- Nick Eaton (441 Townsend Harbor Rd) – stated that at the last meeting, he requested to pave his existing driveway. Rich and Bob recommended it be under a Field Change, so he emailed a statement on 11/6 of what he wanted to do including pictures. He understands they are short staffed, but believes he was left off the agenda by mistake. He is scheduled to have his driveway paved 11/16. Mary replied that the interim staff were not able to get to his email and she just received an email today that Nick had provided all documentation required. She added that Brianna recommended that a silt fence and straw wattles be placed as erosion barriers. The Commission discussed Nick's request and Rich T. asked for clarification of area to be paved in relation to old driveway. Nick confirmed the driveway will not be as close to the resource area as the previous one.

Motion: Bob P., Second: Chris S.

To approve Nick's Field Change at 441 Townsend Harbor Road, with straw wattles as recommended by our administrator.

Roll Call Vote was unanimous to approve.

Ken Patton stated he wanted to comment on the 255 Sunny Hill Rd project and Mary replied he can make a comment following the hearing for that property.

Appointments: Marisa Browning-Kamins -NRWA Riverbank Restoration Grant opportunity- described the riparian restoration grant for native tree plantings along waterways with sparsely vegetated or unvegetated riparian buffer, along with some manual invasives removal. As long as the site is within 200' of a waterway, they would be interested in hearing the Commission's ideas. In the spring, they could do one or both restoration activities. The Grant covers supplies and labor. Mary noted there are large areas of Japanese Knotweed and Bittersweet at Table Rock Conservation Area. She screen-shared a map of the area and noted there are National Honor Society students that will be doing some manual eradication along Mulpus Brook in December. Then in the Spring, she said it would be good if they could do more removal. Chris also suggested areas at the Lane property near the bridge. Mary asked Marisa what the next steps would be. Marisa replied she should email the proposal to her and they would meet during the winter to see if it would be a good option. They would then add them to a list to address in early April. Marisa added they welcome volunteers to also help. Mary noted last April they had a group of volunteers remove invasives and she will follow up with Marisa.

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 Stefan McSweeney for the construction of a

single family home and associated site work at 255 Sunny Hill Road. (DEP 208-XXXX)- Justin LeClair, Ed McSweeney, and Brian Marchetti of McCarty Engineering. Justin screen-shared the site plan for the proposed project at Lot 5 of the ANR just approved by the Planning Board. He pointed out the proposed house and driveway to Leominster Rd., indicating the delineated edge of wetlands, the 30' no-touch, 50' no-structure and 100' buffer zone, as well as the pea stone diaphragm and rain garden. It is a limited project under 10.5 33E for a construction of a driveway from a public way to an upland area. They are requesting a waiver for work within the 30' buffer for a section of the driveway, rain garden and work in the 100' riparian. Justin said they do not have a number from Mass DEP but did get comments pertaining to the Stormwater Handbook and the proposed rain garden bmp. He noted Graves Engineering (3rd party review) found the project to be in compliance with the Stormwater Handbook. The proposed house will be connected to Town Water and Sewer in the driveway. Mary asked if there will be compensation for the work in the 30' no-touch zone and Justin replied the Rain Garden would be planted with native species, but they are open to conversation if the Commission wanted more. Mary asked to clarify if they are not altering the wetland, are they clearing within the 30' no-touch. Justin pointed out the wetland limit and said they will be outside of the actual BBW. They are not filling any wetlands but will be just impacting the 30' no-touch buffer. Mary asked if they will be taking trees down within the 30' or 50' areas and Justin replied yes. He indicated where the erosion control silt fence will be and said clearing will be kept tight to the limit of the grading until they get to the Leominster Rd. access. Mary asked how many trees would be cleared in that area and Justin said he did not have a number but the forester would mark the trees. Mary noted they are asking for a waiver for the 30' no-touch line without allowing the Commission to understand the impact so they can argue for compensation. Rich T. said he would like to see the trees marked on the map and have a projection on how many will come down. He asked if the grades would be changed for the driveway and Justin said it was planned to maintain the current natural drainage path. Bob noted the aerial view shows a manmade swale behind the existing neighboring property, which appears to drain to the subject lot. Justin indicated the contours on the site plan that allow water to drain to the pea stone diaphragm and would not cause a dam situation. He said the swale may have been done a long time ago, but it has grown in with natural vegetation and they are not altering it. Bob said they will need to continue the hearing because they do not have a DEP number yet and they will need to return with a survey locating all the trees to be cut that are greater than 4" or 6" diameter, breast height. They will also need to indicate how they will compensate for all the trees removed in the 30' no-disturb zone, per the regulations. Justin asked if the Commission wanted to do a site walk before the next meeting and Mary said she would. Mike L. asked to see a larger version of the rain garden planting list and Justin went over the list, stating the selection is coordinated with their landscape architect. Bob asked if they have staked the house location, 30' no-touch, limit of work and driveway. Justin replied not yet but they will make sure it is staked prior to the site walk. Bob noted the aerial photo indicated the abutter's driveway run-off apron and planted shrubs may be overlapping onto this lot. Justin replied there is some clearing but the abutter's driveway had no edge of pavement off the lot, per the surveyor. Justin confirmed the ANR was signed by the Planning Board and Bob asked if Conservation was their last stop for the process. Justin noted the Planning Board's Stormwater regulations require them to permit the 3 lots on Sunny Hill with this lot. The Sunny Hill lots are not in the buffer zones but they need to have a final design from Conservation before they go back to the Planning Board for final approval. Justin will send the Commission the link for the drawings. Jeff V. asked about the setback for the house and Justin noted the house is 1' over the setback. Mary asked for the proposed subdivision drawing and Justin shared it.

Public Comment: Ken Paton, 290 Leominster Rd noted he has lived next to this lot for 40 years and it is a very wet area. He pointed out there is water flowing out of the ground year round between his property and the proposed location of the driveway. Ken asked to be present at the site walk to point out the wet area and will email photos to the Commission. He noted the swale was put in 2022 and is a few

hundred feet long. There are underground pipes with water bubbling out into the swale behind the property owned by The Bridge. It picks up all the water coming down the hill in back- possibly from Sunny Hill Rd. Ken noted when Bill Drumm had an engineer out, they flagged an area of the field on the west side of the proposed house as wetlands, so the lot seems to be possibly surrounded by wetlands. He never thought the property would be built on. He noted the drain off his driveway may encroach onto that property but he does not have any shrubs there –it is just brush. Ken added there are a lot trees on the site. He also has a catch basin which picks up water coming down the hill, in addition to a 6” drain and 4” foundation drain that dumps onto this lot. Bob P. asked about the proposed drywell south of the house and Justin replied it is for mitigation of the impervious roof top, per the Stormwater regs. Prior to construction, they will verify the depth of the groundwater and adjust the drywell as needed. Bob noted the GIS map show the contours of the swale would direct water from the hillside onto the house site.

Mike and Debbie Chapdelaine, 208 Leominster Rd. –live directly across from the Catacoonamug Brook and agreed with Mr. Paton that it is wet there. It is a valley coming from West St. handling all the water from Sunny Hill Rd. It all ends up in the Catacoonamug which runs from the old Paton Farm on Mass Ave to the Nashua River. Mike added it is wet 12 months of the year. Debbie asked if the hearing is for a waiver of the 30’ no-touch, why bother having them. She assumed they will need to fill in the wetlands and Mary replied they are not but are significantly encroaching in the 30’ no-touch zone. Bob P. noted there are provisions that you can cross wetlands or encroach in order to get to the upland lands, to allow use of usable land. Jeff V. asked why they are subdividing a lot that seems to be unbuildable.

Ray Lajoy, 245 Leominster Road -agreed with others about how wet that area is and the town/engineers are not looking beyond the regulations to see how it is impacting those living there. He noted peepers, frogs and other wildlife will be displaced. He is across the street on an incline and now has standing water because there is no place for it to go. Other neighbors are also complaining about water. He is concerned that these projects are changing the small town appeal and it is madness.

Dave Rogers, 82 Highland St- said he has lived here 50 years and saw the subject property. In his opinion, it is not buildable and should not even be considered.

Christina Senecal – on behalf of her mom at 255 Leominster Road- stated her mother’s property is across from the wetlands. She is concerned about impact to the wetlands and how much damage will occur to other people’s property from runoff at this project.

Motion: Bob P., Second: Mike L.

To continue the hearing to 12/6/23.

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 Steve Powell for the construction of a single family home and associated site work at 171 Arbor Street. (DEP 208-1308) – Brian Marchetti (McCarty Engineering), on behalf of PSG Realty, screen-shared the site plan and stated this is a 21.3 acre undeveloped parcel in the Residence A zoning. The parcel had earth removal activity 30 years ago, long before the applicant bought it in 2016. They had the wetlands flagged in 2017 and reflagged in 2023. The project is a 4 lot subdivision and Brian pointed out the wetlands border and the buffer zones. There is a priority habitat line bisecting the property, with just over 2 acres in that habitat. Also 2 house lots will impact the buffer zones. Lot 2 has a portion of the house, dry well and rain garden between the 50’ and 100’ buffer zone. It has some miscellaneous grading inside the 50’. Lot 3 shows the house and stormwater infrastructure outside of the 100’ buffer zone. There will be some grading between the 50’ and 30’. Stormwater will be collected by catch basins and discharged to the infiltration basin, which will become and remain town property for maintenance. Nothing will take place within the 30’ zone. They are providing everything to meet and exceed the DEP and Lunenburg standards for Stormwater control. Brian noted they are before the Commission for just Lots 2 & 3. All lots have the pea stone diaphragm along the

driveways to filter stormwater to the rain gardens. Due to being within priority habitat, they were required to file with the National Heritage Endangered Species Program and to hire a state approved environmental scientist to do a habitat assessment on the property which was just submitted for review by National Heritage. The property was confirmed as habitat for the Blanding's turtle, with the prime habitat located north of the development in the wetlands area. Brian pointed out a sandy area (less than an acre) within the habitat which is considered a prime nesting area for the turtles. In order for the turtles to access it, they would have to fall down a 20' slope to lay eggs. The recommendation is to reestablish a sandy area closer to the wetlands by excavating a quarter acre flat landing pad. Mass DEP reviewed it, provided a DEP number, and had no comments. Brian stated they are continuing with the Planning Board. Graves Engineering did a 3rd party review for the Planning Board and agreed the Stormwater design was compliant with state and town regulations. There were no comments in regard to wetlands—only regarding subdivision design. Mary stated she had done a site walk with Chris and said they did not see any flags. She asked to do a site walk with their environmental scientist and Brian agreed. Mary asked if they are taking down trees in the 30' or 50' zones and Brian replied yes in the 50', but Mary stated she did not see any on the plan. Brian pointed out the tree line and noted they will be removing trees in the 30' to 50' area in the northern portion of the lot and the applicant will be removing gravel in that area, which was included in the NHESP submittal. Chris asked if there will be any town water or sewer and Brian replied it will be private wells and septic's. The town will only provide electricity. Mary stated she is not in favor of removing trees all along the 30' to 50' area in order to protect the habitat and resource area. Brian said the activities proposed follow along with what is stated in the by-laws. She agreed but said tree removal would be to protect house structure or for access to a house structure. Bob noted he has a different point of view on the tree removal and asked why they are continuing the hearing. Mary replied she would like to do a site walk to verify the delineations.

Public Comments: John Raudonat, 155 Arbor St. – stated he is the abutter on the lower left corner of the site plan. He indicated his water well is in the upper right corner of his property which is within a 100' of a proposed septic system and a board of health issue. He was concerned with the disturbance to the water table by the removal of all the trees and change to drainage. Also he was concerned about the encroachment of Lot 2 into the 100' buffer zone. Brian confirmed the lots would be clear cut to remove the soil. John noted there are dozens of large 18" diameter trees that cover Lots 1 and 2. He asked if they noted the number of trees to be removed and Brian replied it was not required because they are not removing any in the 30' zone. John stated there has been a lot of deer activity behind his house and questioned the disturbance to wildlife. He said he has a view of tall pine trees and did not understand why they would clear cut them, just to get the sand. John spoke to the owner and Brian about leaving a reasonable buffer of trees that would not impact the building. He hoped the Commission would support that idea. Brian noted the septic system on the plan is not the final design. After the lots are approved, the septic will be moved to 100' feet away from John's well. They will also make adjustments to the buffers along John's property lines.

Mike and Debbie Chapdelaine, 208 Leominster Rd- Debbie commented that this is another project in which the developer is finding creative ways of getting lots in. They may be going by the regs but they are not looking at the impacts to the abutters and the town as a whole.

Motion: Bob P., Second: Rich T.

To continue the hearing to 12/6/23.

Roll Call Vote was unanimous to approve.

Minutes of previous meetings – June 7, 2023

Motion: Bob P., Second: Chris S.

To approve the minutes of June 7, 2023.

Roll Call Vote was unanimous to approve.

The minutes of 11/1/23 will be tabled until the 12/6 meeting.

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 DJ and Christa Palma for a replacement retaining wall at 39 Island Road. (DEP 208-1311) – Greg Roy (Dillis & Roy), representing the applicants, screen-shared the site plan. He noted the applicants began working on replacing the retaining wall in late September and were notified by Conservation office that they needed to file a Notice of Intent. They contacted Greg's office because they were unaware of that requirement. They put together and filed a Notice of Intent on 10/2, hoping to be on the 10/18 meeting. Greg said the homeowners were very responsive to the Commission's notice but were not on the agenda due to office staffing issues. Greg pointed out the existing structures and the 30', 50' and 100' buffer zones. The intent is to replace a failing existing retaining wall with a new block wall. They went out to survey the wall and even though it was removed already, there was clear evidence where the wall had existed. The new wall has been designed in the exact location of the old wall, is located outside of the 30' no-touch area and there are no trees to remove. Greg received a DEP file number, with a comment relevant to a septic system design which he believed was errant, as they are not proposing any septic changes. Mary did a site visit with DJ and noted there was a silt fence with some straw bales. She suggested adding a few more bales to prevent erosion. Rich T. asked about the original wall material and Greg replied it was wood and believes it will be removed. Greg confirmed DEP did not have any comments pertaining to the wall replacement. Jeff V. asked if there were any pictures of the wall and Chris S. screen-shared pictures of the site. Bob visited the site and has no issues with the application.

Motion: Mike L., Second: Chris S.

To approve the application along with the addition of more straw bales.

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 Timric Realty Trust for construction of a single family home and septic tank at 20 Kilburn St-Lot 1. -Greg Roy (Dillis & Roy) is representing the applicant and screen-shared a site plan. He noted the 3 lots are part of a 90 acre property owned by Timric Realty Trust. Lot 1 & 2 are on Leominster Road and lot 3 on Kilburn Street. They have been doing soil testing to determine feasibility of septic systems on the lots, due to it being outside of the Sewer Service Area and found 3 suitable areas. Greg stated they prepared a septic plan for Lot 1 and he pointed out the proposed house and driveway. There is an existing driveway as an easement to 2 properties abutting this property. A small portion of the paved driveway would fall within the 100' buffer zone and would be about 15-20' of work in that zone. He pointed out the proposed septic system and leaching field grading, which would have about 10' within the buffer zone. It is being submitted as a Request for Determination of Applicability because it did not seem to be an Order of Conditions since they are proposing very minimal work within the buffer zone. Mary asked Greg to send a plan of the overall project. Jeff V. asked if there is any other access to the rest of the property. Greg said they tested in other areas of the property but did not find suitable soils and they would have to access through wetlands. Chris S. asked what the DEP finding was and Greg noted the DEP did not issue a file number. They emailed comments that they were looking for the overall plan and for wetlands delineation forms. Greg said they had a wetlands professional delineate all the lines with flags and they just need to put the information together to submit. They will let the Commission know when it is submitted.

Public Comment- Joan & Philip Hoyt-39 Kilburn St.-live across from the proposed lot on Kilburn for 25 years and have seen a lot of water across the street at all times of the year. There are springs and culverts going under the road that empty water into this lot. Joan noted the lot has been a trash dump for years and may contain hazardous materials such as car batteries, paint cans and tires. She does not understand how the lot could support a house and septic without changing the water flow. There are a lot of wildlife present, which would be displaced. She asked the Commission to do a site visit.

John Carroll- 803 Leominster Rd – lived here for 30 years and has an easement on this property. He noted there is a significant water issue near the road and does not believe there is public water on that section of Leominster Road. Greg said if so, they would need to correct it with a well. They need to have the lots approved as an ANR from the Planning Board and get permits from Board of Health for septic. John noted the family had considered donating this land to the town in the past but it did not happen.

Motion: Chris S., Second: Mike L.

To continue the hearing to 12/6/23.

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 Timric Realty Trust for construction of a single family home and septic tank at 20 Kilburn St-Lot 2. (DEP 208-XXXX)- Greg Roy (Dillis & Roy) noted the lot is adjacent to Lot 1 on Leominster Rd. The buildable area of the lot is segregated by a wetland and the proposed septic system would be located on the other side of the vegetated wetland. He screen-shared the site plan and noted the wetlands boundaries which have been flagged. The house, driveway and septic system will be located outside of the 50' no build boundary. However, they will need to install a sewer force main under the vegetated wetlands. Greg is suggesting a temporary disturbance to the wetland resource area to install the force main in an open trench. The septic tank and pump would be installed behind the house. The proposed disturbance in the wetlands is approximately 2,100 sq.ft. and would be re-vegetated after. The force main will be installed in a sleeve so future repairs can be done without disturbance to the wetland area. The species and size of trees in the work area have been noted on the site plan. They are positioning the location of the wetland crossing that would not require any significant tree and canopy removal. It would be understory disturbance that would be mitigated through replicated style plantings. The rest of the work would be outside of the statutory buffer zones and the septic system outside of the 100' buffer zone as required by Board of Health. Mary stated she did a site walk and noted there are a lot of trees there that are not shown. Greg replied that they were able to find an avenue through that did not result in loss of any trees. They will save the removed wetland soils and reinstall it after the force main is installed. Then will overseed with a New England wetland mix and plant with anchor wetland shrubs. Greg added they will be removing the trees upgradient of the erosion control barrier in a portion of the 50', to grade to accommodate the house. He did not locate specific trees in that area. Anything within the 30' would not be removed. Mary asked Greg to put both straw wattle and silt fence around the limit of work. Jeff V. asked how deep the pipe would be and Greg replied it would be below the frost line at 4'. In areas that are shallower than 4', such as coming out of the pump chamber and entering the D-Box, they will put insulation. Jeff asked how they will excavate a 4' hole in the wetland area. Greg replied they will have a silt fence for limit of work, track the machine in and be careful to translocate the soil, install the pipe in one shot, and replace the soil. They will restore the area to the original grade. If the ground is not stable, they can use track mats. Jeff asked what type of soils were found in the tests and Greg screen-shared the chart for the soil tests and perk tests.

Public Comment- Susan Brownell, 710 Leominster Rd- stated this is a very wet area and noted there is no town water on that section of Leominster Rd. Greg replied they would need to drill a well and be 50' from the wetlands. Jeff V. noted the water main goes to the corner of Kilburn and looks like it would service those lots. Bob P. noted he has seen work done under roads using horizontal drilling and Greg said it is possible but not economically equivalent to what they are proposing.

Motion: Chris S., Second: Jeff V.

To continue the hearing to 12/6/23.

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 Timric Realty Trust for construction of a single family home and septic tank at 20 Kilburn St-Lot 3. (DEP 208-XXXX)- Greg Roy (Dillis & Roy)

stated the lot is located on the bend of Kilburn St. and will be completely contained, without any alteration to the resource area. The wetlands have been delineated by a wetlands specialist and flags hung. Greg explained the setup of the house, driveway, and septic system which will be outside of the 100'. The grading in the back yard will go up to the 30' no-disturb zone, so they are proposing to install some boulders in those areas. Greg said he appreciated all the abutters that took the time to comment earlier and noted they do a lot of due diligence to put the plans together. They will review the reports of trash on the property and noted that activity will cease once a house is built. They understand much of the property is wet but there will still be a lot of land available for wildlife migration after the 3 houses are built. Relative to the 90 acres, they are using a very small portion for the houses. Mary asked to have silt fence added to the straw wattles on the plan. Jeff V. asked if they count stone walls as structures and Bob replied they are proposing a boulder wall to stop erosion, which would not count as a structure. Jeff pointed out there is a 4-5' grade change between the bottom of the boulders and the top. Greg replied he will review it and will come back with a comment or revision. He added they often put in boulders to make a permanent demarcation so they do not have buffer zone creep.

Public Comment – John Carroll 803 Leominster Rd- noted the 3 lots add up to 10 acres and asked Greg what happens to the other 80 acres. Greg replied at the present time it will be held by the family.

Phil Hoyt – 39 Kilburn St-noted a prior map showed the lot with $\frac{3}{4}$ of the way around it being water. On his turn, there is a catch basin which he needs to clean out or there will be a big puddle there. He asked Greg if they would take that into account. Greg replied absolutely and will have it looked at. He added they also need a driveway curb cut permit to be granted by the DPW and they would be looking at those type of issues. Phil noted the catch basin drains across the street, about 100' into the wetlands.

Motion: Jeff V., Second: Mike L.

To continue the hearing to 12/6/23.

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 John Sheehan and Jennifer Pewtherer for a replacement wooden deck with patio at 10 Sunset Avenue. (DEP 208-XXXX)- Greg Roy (Dillis & Roy), Jennifer Pewtherer and John Sheehan- Greg screen-shared the Existing Conditions Plan for 10 Sunset Ave located on Lake Whalom. Presently, there is a retaining wall that exists along the lake with a deck and dock. Greg pointed out the other structures, as well as the house on the tiny lot and noted the 30' no-touch zone limit and 50' limit. He stated the applicants are looking to make improvements along the waterfront. The existing retaining walls are in bad shape and the applicants want to replace them with concrete block structures, along with improvements to the terraced areas. They are also working with a landscaping architect to carry out a robust landscaping and revegetation plan. The wall along the lake will be replaced and it sits above the limit for the 100' flood plain, so there are no issues with flood plain filling. They will keep the dock but the deck will be replaced by an open joint paved patio system. The location will move slightly but will be the same size. The upper wall will be replaced with a new concrete retaining wall, more or less the same place. Another small patio is proposed here of open joint flagstones, with stairway access to the lower patio. The current hedgerow of burning bush will be replaced by native planting beds and Greg has included a list of native trees, shrubs, and grasses. Greg noted they will be replacing a drain on the property which is not functioning and causing flooding. The applicants also plan some future landscaping and rain garden which will be outside of the 50' buffer zone. They have not received a DEP file number yet. Mary did a site visit with other Commissioners and agree the retaining wall needs to be replaced. She asked Greg how they would keep material from getting into the lake in the new patio area. Greg pointed out the detailed drawings for the wall construction and Jennifer noted the mitigation measures in the writeup. Greg said they will put erosion control barriers in the lake and most likely use a Turbidity Curtain. Chris screen-shared pictures of turbidity barriers. Mary suggested adding a silt fence to the wattles but withdrew the suggestion because it would not be perpendicular to the elevation changes.

Jeff V. asked if there was town sewer and water. Jennifer replied they recently bought the house and hooked up to town sewer but remain on a well. Previously, there was a septic but Dan Proctor did the crushing and filling in. Jeff also asked about a letter from their neighbor in regard to work to be done on their property and Jennifer replied they are working on that.

Motion: Chris S., Second: Jeff V.

To continue the hearing to 12/6/23.

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 a replacement septic system at 85 Chase Road. (DEP 208-XXXX)- Greg Roy (Dillis & Roy)- stated this is an existing 3 bedroom house with a system that needs to be replaced. There are wetlands to the left and back of the house. They are not proposing any work within the 50' buffer zone, except for crushing and filling the existing septic tank. Greg detailed the work for the new Presby septic system. Soil samples showed slightly higher groundwater levels, so there will be grading contours for the system. Greg believes they received Board of Health approval at their last meeting, so they are just looking for an Order of Conditions from the Commission, but do not have a DEP file number yet. Mary asked for silt fence to be added to the straw wattle erosion control. She added they did a site walk and it seems straightforward.

Motion: Chris S., Second: Mike V.

To continue the hearing to 12/6/23.

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 an Abbreviated Notice of Resource Area Delineation by Kevin O'Brien at 390 Howard Street. (DEP 208-1304)- Mary noted there was a request to continue to 12/6.

Motion: Bob P. Second: Chris S.,

To continue the hearing to 12/6/23.

Roll Call Vote was unanimous to approve.

Bob noted that in the absence of staff, he got quotes for a 3rd party review of the wetlands delineation as requested by the applicant's representative. Rich Harris, interim planner consultant, sent him 2 quotes which he forwarded to Matt today.

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)- Butch McGurn and Greg Roy (Dillis & Roy)- Greg screen-shared the site plan for the replacement of the septic system and new well. He noted the Commission asked them to clearly depict the location of Lake Shirley on the map and to add replacement trees for the trees to be removed for the new well. Both items have been noted on the revised plan. Greg stated the trees being removed are outside of the 50' buffer and the leaching area will be beyond the 100' boundary, per the Board of Health regulations. A force main will connect the leaching area to the pump chamber. There will not be any changes to the existing dwelling. Mary asked if the mound would be removed, where the well is going in and Greg replied they will be removing some material to get the well rig in. They will only take 3 trees down, as noted on the site plan, which was confirmed by Butch. Mike L. asked if the DEP had any comments and Rich T. confirmed there were none. Mary asked if the drawing was updated to include a silt fence in addition to the wattles and Greg said it just shows the wattles. Mary said they can make the addition of the silt fence an order of conditions and Greg agreed.

Motion: Jeff V., Second: Mike L.

To approve with the addition of a silt fence in addition to the standing 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 Mario Patacchiola for removal of decaying trees at 143 Island Road. - Mario Patacchiola stated they had a tree blown down during a storm and it was caught between a few other trees. They called M&M to take the tree away and were on a waiting list. When they did come, he was away and they removed a tree that they did not want removed. He noted the Hickory Hills board okayed it, pending the recommendations of the Commission. Mary stated that Leah had done a site visit and made recommendations. Mike L. asked, given the wrong tree was cut down, are they still looking at cutting the decaying trees or were they also cut down. Mario said the tree that was cut was diseased, unbeknownst to them but they had wanted to keep it for privacy. Mary said Leah had noted they had chipped up branches, leaving them in the 30' buffer zone and asked to have them removed. When Mary did her site visit they were gone and Mario confirmed they removed them. Bob read Leah's summary stating the applicant had already installed 2 birches, an oak, a peach and 3 pines and sent pictures. Leah told him the Commission would like an after-the-fact RDA and she asked Ashleigh to assist him but did not ask the homeowner to attend the meeting. On her site visit, Mary saw the plantings but they were finger saplings, only 2' tall and Jeff V. screen-shared pictures. Mario told Leah he had some saplings from his business promotional and Leah said it would be fine to use them. Mary said the regulation states in the 30' buffer, they need to replace a tree with 2 trees and they need to be older than these saplings. Leah had referenced 4 trees removed and Mario clarified it was a tree, with a few saplings that grew out at the base. Commissioners questioned if the saplings would survive the winter or if eaten by deer and suggested the replacement trees should be 2' diameter. Rich T. screen-shared a picture of the 4 tree stumps, noting 1 was diseased but the other 3 were not. Bob guessed the trees may be 40' from the water.

Motion: Jeff V., Second: Rich T.

For a negative determination.

Roll Call Vote was unanimous to approve.

NEW BUSINESS:

Topics unknown 48 hours in advance of meeting

NRWA Riverbank Restoration Grant opportunity

Staffing Update- Mary reported a new Conservation Administrator, Sophie Dorow, will be starting on 11/27. Also they will have some overlap with the interim and new administrator.

Montachusett Regional Planning Commission- Trail Vision Plans -Mary noted they are looking for representatives to help create interconnectivity between townships. Bob added they are also asking for donations of \$1K or to donate their 8 free GIS hours to the program. This was also sent to other Commissions and Mary said it would be good to participate or give a donation.

OLD BUSINESS:

Update on Timber Rights Fund- none

Update on Shawn Kelly Estate- Bob sent an email to Heather to use Shawn Kelly money to fund title searches for the 3 parcels they want to acquire through the tax title process. He asked if they need to generate a purchase order but has not heard back yet. Bob said he would like to meet with the town attorney, with Mary's permission. He wants to discuss the tenant at Hollis Road who was asked to give an accounting of in-kind hours in lieu of market value rent for 3 years. Nothing has been received at all, so they may want to raise the rent to market value. She is paying \$10,800/year for rent, which is way below market value. He also wants to ask about starting title searches, the cost estimate and if they could be done serially. The properties are the access road off Page St that goes next to Ken Chenes' old house, the right of way behind there and thirdly, the swamp land off Mass. Ave. Mary mentioned the swamp land in the middle of Cowdrey but Bob said it does not have a clear title.

Public Awareness Campaign- Mary noted at the last meeting, they discussed putting flyers in the tax bills. Bob reported he got the link for the website and was able to get the current brochure as a word document. He made a few tweaks to it and just needs to find out how to add a QR code. He hopes to have it for the next meeting and Mary said she could help him with the QR code.

MACC memberships currently on hold due to staff shortage and Ashleigh was not able to pay the bill.

MACC Handbook access currently on hold due to being unable to renew the membership. Greg Roy stated they have one in their office if they need to see one.

Application Instructions/Guidelines- on hold pending the start of the new administrator.

Staff Access to Munis Accounts: covered previously.

Update if any on encroachment issues at:

950 Chase Road – Bob reported it went to court and the judge was skeptical of the town attorney's opinion that the people moved the shed but the shed was there when they bought the property. The recommendation is to settle. The town attorney (Steve?) reached out to Heather and Bob, but realized Heather would be consumed with Town Meeting. Bob asked to have Mary copied on everything and he wanted to wait for Heather to initiate. This issue was raised after the property changed hands.

315 Lancaster Ave. – on hold pending the start of the new administrator.

Administrative Determination:

70 Horizon Island Rd – Bob stated this is Rich Parsons but he is not in attendance because he may not have been invited. He clarified it is an island with a causeway and the owner wanted to take down 2 big white pines. There was a discussion about replacement trees, but the owner was not present and they did not have a diagram with dimensions for how far the trees were from the water.

39 Valley Rd - Bob P. asked Carl Strathmeyer (39 Valley Rd), via the chair, if anyone had done a site visit at his house and Carl replied he Ashleigh told him he was on the agenda for this meeting. Bob noted Carl asked him if he had to come before the Commission in order to cut some trees down. Carl did not know how far the trees were from the wetlands but he did send a diagram showing where the trees are located. Bob checked the Assessor's map and it does not appear Carl has any trees within 100' of the brook. Carl said the northern edge of his house is about 200' from Mulpus Brook. All of the trees he is talking about are between 150' and 200' of Mulpus Brook. He has a dead tree (ash borers) that is outside of 200' and 10 other trees within the 150'-200' range. Carl talked to Mark Flagg who agreed that the 10 trees could offer some type of risk to the house. Carl asked what he needed to do to get permission to have the trees taken down, since the trees are within 200' of a perennial stream. He noted he had been in contact with Ashleigh for a month. Mary replied that Ashleigh is clerical support and only limited to 10 hours per week, so she is completely over-stretched. Carl stated he received permission from the Hickory Hills Association, which was contingent on approval from Conservation. The Commission discussed and Mary stated that since the trees are outside of their jurisdiction, they do not need to vote and Carl is okay to proceed. Carl said thank you and Mary thanked him for his patience.

Extension Request Permits:

Notice of Project Change:

Order of Conditions:

Certificates of Compliance:

386 Sunset Ln – Mary read Bryanna's notes stating the site was stabilized and recommended granting a full Certificate of Compliance. This was replacement septic field and Mary screen-shared pictures. Rich T. stated it was an open Order of Conditions that was not closed at the time.

Motion: Chris S., Second: Mike L.

To approve the Certificate of Compliance. Roll Call Vote: Jeff, Mike, Chris, and Mary – all aye.
(Rich T. recused himself and Bob left the meeting)

31 Cushing Ln – Mary read Bryanna’s notes that the site was stabilized, pictures were attached and she recommended to grant full Certificate of Compliance.

Motion: Rich T., Second: Chris S.

To approve the Certificate of Compliance.

Roll Call Vote was unanimous to approve.

176 Elmwood Rd- tabled

81 Maple Parkway- tabled

ENFORCEMENT:

Violations (Enforcement Actions and Hearings) – no updates

780 Northfield Road

390 Howard St

NON 205 Sunset (Beers lot)

143 Island Rd

10 Massachusetts Ave

39 Island Road

1168 Mass Ave Rear

1118 Mass Ave

Emergency Certification:

Open Space and Land Use:

Grants Update (LCC sponsored, award year 2023) – Mary attended the training on contracts and she is waiting for an answer from the Town Manager about who signs on behalf of the town.

Grants Update (LSR sponsored, award year 2022) – Mary reported the snow riders would be at the Lane property on 11/19 to move 12 yards of gravel down the trail to the Peter Charpentier bridge to stabilize 50’ on both sides of the bridge.

Timber Sales Conservation Land Improvements

NCLT Site Walk & CR Review – Hawes -Mike L. reported the walk will happen on the 11/20 and he will meet with Emily Merloney. He noted that Nick Pirro and his group removed all the material collected and serviced the lawn mowers for the Pollinator Habitat, as well as the Hollis Rd site. The DPW took the bags of invasive materials also. Mary noted a group of National Honor Society students will be removing bittersweet, multi-flora rose and burning bush at the Lane property the first weekend in December.

Hollis Road Residence:

Update – Tenant monthly reports

Update – Maintenance Work

Painting, Trim

Committee Reports – Any Update

Stormwater Task Force – Rich T. reported the meeting will be 11/16 at the DPW building.

Communications

Public Comment: Rich Tremblay announced this is his last meeting. They have sold their home and will be moving from Lunenburg. He said it was a privilege to be part of the board and thanked the Commissioners that helped him at the beginning. The work of protecting the wetlands is very important and this board has done a great job. He has learned a lot and he wishes the best for the board. Mary said she would miss him and wished him well. Mike L, Jeff and Chris wished Rich well also.

Motion: Chris S., Second: Rich T.

To Adjourn at 12:08am.

Roll Call Vote was unanimous to approve.

Respectively submitted,

Jane Ranley
Minutes Clerk