

Town of Lunenburg Conservation Commission

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Conservation Administration
Vacancy
Conservation Assistant

March 6, 2024, 7:00PM, ZOOM REMOTE Minutes

6:30- 7pm – SharePoint training workshop for Commissioners by Casey Chisholm (Suzor I.T.)

Call to Order at 7pm

Roll Call: Bob P., Rich B., Mike L., Chris S., Mary W., and Sophie Dorow (Administrator)

Absent: Jenny P. and Jeff V.

Announcements/Public Comment- none

Minutes of previous meetings –

Motion: Bob P., Second: Chris S.

To approve the minutes for 9/20/23.

Roll Call Vote was unanimous to approve.

Motion: Bob P., Second: Mike L.

To approve the minutes for 2/21/24.

Roll Call Vote was unanimous to approve.

Appointments/Hearings- Sophie reported that she had requests for continuance for 171 Arbor St. and 255 Sunnyhill Rd.

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 Stefan McSweeney for the construction of a single family home and associated site work at 255 Sunny Hill Road. (DEP 208-1320). (Continued from 2/21/24 to 3/20/24) – No one in attendance and requested to continue to 3/20/24.

Motion: Chris S., Second: Mike L.

To continue the hearing to 3/20/24.

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) (Continued from 2/7/24 to 3/6/24). Applicant requested continuance to 4/17/24.

Motion: Chris S., Second: Rich B.

To continue the hearing to 4/17/24.

Roll Call Vote was unanimous to approve.

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 Adam Lavine and Nathaniel Stewart for the replacement of existing fence at 7 Park Street Terrace. Adam noted that they recently purchased the property and are asking to replace the old wooden fence with a new vinyl fence. He added that the fence ends at the lake. Sophie and Bob screen-shared pictures and a drawing with the fence line

highlighted. Sophie noted she has not done a site walk yet. Adam stated that no trees will be removed and he believes the work will be done by hand. Rich B. asked for a condition that if equipment is used, they will need erosion control.

Motion: Bob P., Second: Chris S.

To approve as presented, with the condition that if equipment is being used to remove the fence, that erosion control be installed between the end of the fence and the wetland.

Discussion: Mary asked to add an amendment that if they use equipment, they will notify the administrator. Rich B. stated that they need to change it to a negative determination – not an approval. Motion was restated:

Motion: Bob P., Second: Mike L.

To move for a negative determination, with the condition that if they decide to use heavy equipment, they will notify the office and there be erosion protection placed between the end of the fence and the wetland.

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 MaryLyn Yonika for removal of trees at 34 Hemlock Terrace. MaryLyn stated that her insurance company told her to remove all trees within 20' of the house or her insurance would be cancelled, which they did. She has secured new coverage and would like to remove 7 trees that are overhanging and close to the house. Sophie screen-shared the application and site drawing, indicating the 7 trees for removal. MaryLyn did not know the position of the buffer zones and Sophie will do a site visit to make that determination.

Motion: Bob P., Second: Chris S.

To continue hearing to 3/20/24.

Roll Call Vote was unanimous to approve.

MaryLyn asked how soon she could remove trees after she receives approval. The Commission discussed and agreed with 10 days after they sign the documents.

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 Andrew Storm for installation of a freestanding dock at 735 Flat Hill Road. Andrew Storm gave a presentation with pictures, showing his proposal to install a freestanding aluminum and stainless steel dock 4' x 30'. The surface will be "FlowThru" panels which allow sunlight and water to flow through. The dock will be assembled on site, with no excavation or tree removal and will be removed in the fall before draw-down. Andrew confirmed that this will be the 2nd dock on the property and will be used to moor a pontoon boat. The Commission briefly discussed whether 2 docks are allowed.

Motion: Bob P., Second: Mike L.

For a negative determination, to allow it to proceed.

Roll Call Vote: Chris S.-aye, Mike L.-aye, Rich B.-no, Bob P.-aye and Mary W.-aye.

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) (Continued from February 21st to March 6th). Matt Marro and Kevin O'Brien present. Matt reported that Mr. Allen (EcoTec) is standing by his quote for 3rd party review and Mr. O'Brien has agreed to pay. Sophie read correspondence to and from Mr. Allen regarding the flagging. Matt confirmed the flagging has been refreshed and restaked by Mr. Rheault. He noted that the next steps would be for Sophie to get an escrow account set up with the town and he will give her the check. Bob questioned if the flagging from 2008 had been surveyed located. Matt said if Mr. Allen comes back with extra charges, Mr. O'Brien is willing to pay. Mary stated that a vote was not needed to proceed.

NEW BUSINESS: Topics unknown 48 hours in advance of meeting – Mary noted the following topics for discussion:

1. The Commission discussed options for shorter meetings, such as holding administrative only meetings, holding workshops on the 5th Wednesday of some months, and tabling no-critical items if it is getting late.
2. Mary suggested listing all required tasks on the Order of Conditions document, which would be passed to any new owners. Rich suggested adding a page with the details on the design, so it is filed at the Registry of Deeds.
3. The Commission discussed the vacancy for the Conservation Assistant and will ask the Select Board to increase the hours from 10 to 19 hours/week. Rich suggested using the excess payroll from the period without staff to pay for a temp to help Sophie catch up paperwork.

Motion: Rich B., Second: Chris S.

To authorize Mary and Bob to be representatives to talk to the Select Board.

Roll Call Vote was unanimous to approve.

4. The Commission discussed hiring a consulting wetland scientist for complex applications, such as subdivisions, large scale delineations, etc. There is a provision in the bylaws which would require the applicant to fund this. Mary and Rich will work on a proposal to the Commission.
5. Sophie suggested using *opengov.com* to streamline the application process and screen-shared a sample from the Town of Lexington. The Commission discussed other departments using this and the recommendation from the Building Inspector.

Town website improvements/changes- Bob noted that he will be meeting with Sophie regarding this.

OLD BUSINESS:

Update on Title Searches- Bob reported that he will be meeting with Town Counsel on 3/21 regarding the Title Searches. Also he and Chris will setup a meeting with the Town Manager.

Encroachment issue:

950 Chase Road – shed removal – no update.

315 Lancaster Ave. – Bob reported that the certified letter came back as unacceptable and he will discuss this with Town Counsel. Mary suggested working on the next batch of 6 or 8 encroachment issues and Chris offered to work with Bob on these.

Administrative Determination:

Extension Request Permits:

Notice of Project Change:

Certificates of Compliance:

176 Elmwood Rd – Sophie did a site walk and screen-shared photos, showing the culvert with water-flowing and lots of revegetation. She shared a letter regarding compliance from the engineer, David Ross.

Motion: Bob P., Second: Rich B.

To issue a Certificate of Compliance to 176 Elmwood Rd.

Roll Call Vote was unanimous to approve.

Holman St Lots 3 & 4 – Sophie reported that she had numerous concerns about stabilization, lack of vegetation, stormwater running off at a forceful rate and going under the erosion control, and silt going into the wetland. She screen-shared photos of these concerns and noted that 90% of the runoff was going through only 1 of the 2 culverts. Sophie emailed her concerns to the engineer who replied it was as it was designed and read the engineer's reply.

Motion: Bob P., Second: Chris S.

That the Conservation Commission authorize our Administrator to issue an enforcement order to the engineer.

Discussion: Mary noted that Lot A had an open Certificate of Compliance last fall but did not comply and it has not come back on the agenda yet.

Bob amended his motion to add: an enforcement order for failed silt fence and to correct the silt going into the wetland.

Roll Call Vote was unanimous to approve.

Sophie noted the rain garden is a giant pile of mulch and Bob asked to add that to the enforcement also. Sophie added that the water goes through the culvert but misses the rain garden, which is only slightly indented. Rich stated the approved plan of 8/2022 has the construction schematic for the rain garden.

Motion: Bob P., Second: Rich B.

To deny the motion for a Certificate of Compliance without prejudice.

Roll Call Vote was unanimous to approve.

ENFORCEMENT:

Violations (Enforcement Actions and Hearings)

141 Hemlock – Sophie did a site visit and noticed several trees cut without approval. The homeowner said they had permission from the neighbor to remove trees and that they called the office several times during the staff shortage. When they received no responses, they cut the trees. Sophie screen-shared photos of the property and cut trees, which appear to be in the buffer zones. They were told to do a retroactive RDA and were scheduled for the 3/20 meeting, but they stated they could not attend. The Commission discussed options for a continuance, enforcement, and fines. The Commission asked Sophie to research whether to file an RDA or amend the Order of Conditions and to contact the neighbor regarding trees removed from their property.

205 Sunset (Beers lot) – no update

10 Mass Ave- no update

1168 Mass Ave Rear- no update

Emergency Certification:

Open Space and Land Use: no updates

Hollis Road Residence:

Lease Agreements & Tenant Responsibilities

Property Maintenance – Mike L. reported that he had not heard back from Chris Ruth about a proposal for the work on the kitchen.

Committee Reports: Open Space- The Commission discussed **100 Howard St.** subdivision which will be coming out of Chapter 61. The town has 1st right of refusal, with 120 days to respond, starting 3/2.

Mulpus Brook runs through the property but it is not contiguous with other conservation land and it does not meet any of the 6 criteria for open space.

Motion: Bob P., Second: Chris S.

To advise the Select Board, Open Space Committee and Planning Board that the Conservation Commission does not recommend acquisition.

Roll Call Vote was unanimous to approve.

Public Comment: Mike noted that Arbor Day will be 4/26 and asked if there were any planned events. Mary replied no but she is working with Colleen (Parks) on a series of Earth Day events in April. Rich noted that the fee schedule for 3rd party peer reviews is in the Bylaw and on MACC.

Motion: Rich B., Second: Chris

To adjourn at 10:48pm.

Roll Call Vote was unanimous to approve.

Respectfully submitted,
Jane L. Ranley (Minutes Clerk)

