

Town of Lunenburg Conservation Commission

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May 1, 2024, 7:00PM, ZOOM REMOTE Minutes

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

Call to Order at 7pm by Mary W.

Announcements and Public Comment-none

Minutes of previous meetings – 4/17/24

Motion: Chris S., **Second:** Jeff V.

To approve the minutes for 4/17/24.

Roll Call Vote- Chris-aye, Mike-aye, Jeff-aye, Jenny-aye, and Mary-aye.

Requests for Continuance- 390 Howard St., 171 Arbor St. and 141 Hemlock Dr.

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 to 5/1)- none present.

Motion: Rich B., **Second:** Mike L.

To continue 390 Howard Street to 5/15/24.

Roll Call Vote- Jenny-aye, Rich B-aye, Jeff-aye, Mike-aye, Chris-aye, and Mary-aye.

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 Steven Powell for the construction of a single family and associated site work at 171 Arbor Street. (Continued to 5/15)–Request to continue to 5/15.

Motion: Rich B., **Second:** Mike L.

To continue 171 Arbor Street to 5/15/24.

Roll Call Vote- Jeff-aye, Mike-aye, Jenny-aye, Chris-aye, Rich-aye, and Mary-aye.

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Request for Determination of Applicability by Jan Willem for laying of a naturalized stone steps and crushed stone path within the Buffer zone of a wetland at 141 Hemlock Drive -request to continue to 5/15.-

Motion: Chris S., **Second:** Jenny P.

To continue 141 Hemlock Dr. to 5/15/24.

Roll Call Vote- Jeff-aye, Mike-aye, Jenny-aye, Chris-aye, Rich-aye, and Mary-aye.

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 of Applicability for the proposal of

*adding sand to the beach area and to replenish stones along the shore on Hickory Hills Lake at **19 Island Road*** – Doug Watters (80 Horizon Island Road)- confirmed that it is for Hickory Hills Lake-not Lake Shirley. He said he is representing Mike C. (Land & Resource Director) and screen-shared a diagram showing the area they want to add 25-30 cu yds of sand to the existing beach. The beach area is 120' x80' and they have a lake management plan on file with the Commission for erosion control. There are existing stones and there has been frequent erosion due to the frequent rains. They want to add 1'-2" of sand to the beach area and will keep 10' from the high water mark. Doug noted that Lakeview comes in every year to rake the beach. Mary and Jenny walked the site and asked if vegetation will be covered. Doug replied they will leave the crabgrass in the unused area. Sophie did a site walk, took pictures, and had no concerns. Doug noted no trees will be removed. *Rich B. recused himself from the discussion.*

Motion: Chris S., Second: Jenny P.

To approve the RDA with a finding of negative determination.

Roll Call Vote- Chris-aye, Mike-aye, Jeff-aye, Jenny-aye, Mary-aye, and Bob-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 a Request for Determination of Applicability by Dave Katralis for the removal of dead trees and addition of an open deck within the Buffer Zone of a wetland at **189 Hemlock Drive**. (Continued from 4/3- 5/1)* Dave noted that he had a tree guy (Elite Tree) look at the trees and he said they all should come down because they are either dead or dying and posing a hazard to people and the house. He discussed a mitigation plan for replanting trees and shrubs with Lakeview Landscaping. Sophie screen-shared the letter from Elite Tree and the diagram for replanting. It was noted that they cannot get as many trees replanted as required due to the old and new stumps present. New trees would need to be planted a distance from any stump. Replacement shrubs would be blueberry, mountain laurel and winterberry. They will take down 16 in the 30' and 10 in the 50' zones. *Rich B. recused himself from the discussion.* Sophie hesitated on some of the removals but would go with the professional and recommended a Positive Determination. Mary suggested going through the NOI process. Dave noted that Lakeview and Elite Tree agreed on the removal and replanting plan, noting they could plant a couple trees outside of the 30'. Mark Bursch (Lakeview) stated he walked the property, noting a couple trees struck by lightning and that all trees encroach on the house. Mary said she did a site walk with Mike and Jenny, noting there are a lot of crowded trees, with health issues. Sophie screen-shared photos of beaver damage and crowded trees. Cory Katralis noted they had roof damage from the trees. Bob questioned the Positive Determination, which would require a new application and Sophie recommended a Negative Determination, with additional plantings. The Commission discussed the number and variety of replacement trees and not wanting to crowd the trees. Dave said he is open to planting smaller flowering trees. He noted all the stumps will stay and he will look at fitting them near the road. Bob stated that it did not make sense to follow their usual tree replacement due to the crowding.

Motion: Bob P., Second: Chris S.

To approve with a negative determination with the replacement plan as presented.

Roll Call Vote- Chris-aye, Mike-no, Jeff-aye, Jenny-aye, Bob-aye., and Mary-aye.

*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 to 5/1)-John Plifka (McCarty Engineering) stated they are requesting a 3rd party review for the wetland delineation. They received a proposal from Goddard Engineering which included a lot of added scope such as riverfront boundary, wetland impact and replication review. The quote was \$8,500 and they are not willing to agree to that scope. Bob reported that he sent quote requests to 3 wetland scientists. One*

was too busy and the other 2 provided a full quote list but broke out pricing for just wetland delineation- \$2,500 from Goddard Engineering and \$1,500 from LEC Environmental. John stated those would be acceptable. Mary said she was concerned about the riverfront delineation since she noted current flowing near the parcel. The Commission discussed the scope and agreed with just having the wetland delineation reviewed.

Motion: Chris S., Second: Rich B.

To move forward with LEC Environmental for Wetland Delineation only.

Roll Call Vote-Jeff-aye, Mike-aye, Chris-aye, Rich-aye, Bob-aye, and Mary-aye. (Jenny unable to vote)

Mary asked John to have the applicant send a check for \$1,500 to the office and Sophie will hold it until the work is done. John asked to continue the hearing to the next meeting.

Motion: Rich B., Second: Jeff V.

To continue 255 Sunny Hill Road to 5/15/24.

Roll Call Vote- Bob-aye, Rich-aye, Chris-aye, Mike-aye, Jeff-aye, and Mary-aye. (Jenny unable to vote)

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing for a Request for an Amendment to the Order of Conditions DEP#208-1310 by Matt Mitrano for new site improvements of a staircase, reconstructed porch with expanded footprint, reconstructed concrete walkway & masonry walkway within the buffer zone of a wetland on Lake Shirley at 386 Sunset Lane- (Continued from 4/3 to 5/1) Ryan Proctor (Dillis & Roy) – representing the owner Matt Mitrano, screen-shared the revised site plan, noting the spiral staircase has been shifted to the side, the existing concrete pad under the deck to be replaced with pervious pavers, and a reduced footprint for the existing walkway replaced with pervious pavers. Ryan noted he submitted information on the Techno block pavers

Motion: Rich B., Second: Jeff V.

To approve with a standard Order of Conditions with a plan as presented and recently amended.

Roll Call Vote- Bob-aye, Rich-aye, Chris-aye, Jenny-aye, Mike-aye, Jeff-aye and Mary-aye.

Administrative Determinations:

Certificates of Compliance:

---701r Reservoir Rd. – Sophie reported that she would recommend to approve. The wall is done and will be landscaped. There are no erosion issues.

Motion: Chris S., Second: Jeff V.

To issue a Certificate of Compliance for 701r Reservoir Rd.

Roll Call Vote- Bob-aye, Rich-aye, Chris-aye, Jenny-aye, Mike-aye, Jeff-aye, and Mary-aye.

---33 Johnson St. – Sophie recommended to approve. The house and garage are built to plan.

Motion: Chris S., Second: Mike L.

To issue a Certificate of Compliance for 33 Johnson St.

Roll Call Vote- Bob-aye, Rich-aye, Chris-aye, Jenny-aye, Mike-aye, Jeff-aye, and Mary-aye.

---255 Prospect St. – Sophie stated that everything was done to plan and there were some bare spots but it looked seeded. She would suggest approval unless the Commission wanted to see vegetation. The bare spot appears to have soil that is nutrient lacking with mulch mixed in. The area is closer to the water than the road and there is no evidence of erosion. There is an impervious barrier between the water and the bare spot. Matt Grable (homeowner) stated that he plans on adding more soil to that area and possibly use sod. Sophie screen-shared pictures of the area. Rich suggested holding off until the area is vegetated. The Commission discussed and told Matt to call the office for another site visit.

---**81 Maple Parkway** – Sophie stated they have corrected the erosion barrier with a double lining of silt fencing. Vegetation is established and she recommends to approve.

Motion: Bob P., Second: Chris S.

To approve the Certificate of Compliance for 81 Maple Parkway.

Roll Call Vote: Jeff-aye, Mike-aye, Jenny-aye, Chris-aye, Rich-aye, Bob-aye, and Mary-aye.

---**97 Cross St. (DEP #208-1195)**- Sophie stated she would not approve because they have not done any other work. Some of the straw wattles need to be replaced because they are very old. This needs to be closed and reopened as a NOI.

Motion: Rich B., Second: Jeff V.

To approve the Certificate of Compliance for 97 Cross St.

Roll Call Vote: Bob-aye, Rich-aye, Chris-aye, Jenny-aye, Mike-aye, Jeff-aye, and Mary-aye.

Notice of Project Change: 441 Townsend Harbor Rd. – Nick Eaton (homeowner) stated that he was planning on taking 6 or 7 trees down and replanting 2 new maples. However, he has decided to not remove any trees now. He ground the stumps that were on the property when he bought it and that area is now grass. Near the shed he will plant a maple tree and 5 blueberry bushes.

Motion: Chris S., Second: Rich B.

To approve the change as proposed.

Roll Call Vote: Mike-aye, Jeff-aye, Mike-aye, Jenny-aye, Chris-aye, Rich-aye, Bob-aye, and Mary-aye.

Rich told Nick he can substitute spice bushes or other colorful blueberry varieties.

ENFORCEMENT: Discussion on Fines process – Bob reported that the Town Attorney said they can write out the tickets and either hand deliver or mail them.

Violations (Enforcement Actions and Hearings)

---**141 Hemlock** – Sophie noted to be continued.

---**10 Mass Ave**- Sophie reported she has had no response and there has been no submission to the Commission yet. Mary noted they will discuss at the next meeting.

---**205 Sunset (Beers lot)**- Sophie backtracked through the files and communicated with the applicant. They said they submitted an NOI and the Commission approved the Order of Conditions but the OOC has not been done yet. Sophie found a “Negative Determination contingent on not having any permanent structures built”, ie stairs to the lake. Mike noted Dillis & Roy presented a site plan last fall and Chris screen-shared it. Mary stated they had a RDA for the project but it went out of scope. When the Commission discussed the non-compliance issues with them, they submitted an NOI last fall, that the Commission decided on. Jeff noted a neighbor at 205 Sunset (Walton) built a larger deck over the water. They were supposed to reduce the deck during draw-down by 3/15 but it still has not been touched. Mary added that the applicant sent rebuttals to her and the Select Board regarding the Commission’s decision. Bob stated that since it was not done by 3/15, they should issue a notice of non-compliance.

Motion: Bob P., Second: Mike L.

To issue a notice of non-compliance for 205 Sunset – Walton.

Discussion: Sophie noted that she could not find the Order of Conditions and they said they never received it. Bob replied that it could have been a staff issue and they should not issue the notice of non-compliance. They will research and address at the next meeting.

---**1168 Mass Ave Rear** – no update

---**40 Fire Road 12** – Sophie reported that the owners would not attend. The issue is that they paved without permission on town property near Stub Cove on Lake Shirley, near the 30’ buffer. Bob said they also have been dumping and possibly filling within the 30’ of the resource area. They need to find the Order of Conditions and issue an Order of non-compliance, which may end up in litigation. Mary stated

they had filed an NOI to remove the pavement and the OOC was issued. Rich added that if they did not specify a date, they have 3 years for the NOI.

---205 Sunset Lane-update – Sophie noted the OOC was not entered in the DEP data portal. Jeff stated that they originally approved it under an RDA and filed for a NOI. Mary noted they approved the NOI but constrained them to the square footage in the NOI, required seeding in November and that they pull the dock out of the resource area before 4/1.

---Fire Road 12 update- Bob read an 3/7 email to Heather and Mary stating that Scott Benjamin & Thomas Wolfe filed an NOI on 6/8/21 to remove pavement in the buffer zone - DEP # 208-1233. The OOC was issued 7/26/21 and they have plans from Dillis & Roy but no evidence that the OOC was filed with the Registry of Deeds. The OOC would expire July 2024, unless extended due to Covid tolling. The Commission discussed doing more research prior to taking action and will send the applicants a reminder letter from the Town Attorney. Rich noted the NOI was filed in response to a violation and if not taken care of when the OOC expires, fines will accrue. Mary said they are still storing boats, wood, and trash in the area, along with dumping grass cuttings into the resource area.

---950 Chase Road- Bob reported that the Fire Chief was not interested in burning the shed. Jeff will use his drone to take pictures of the area.

---607 Reservoir Rd – Ashley Brawn asked the Commission about the enforcement steps process. Bob replied that the Administrator will send an enforcement letter to have them apply to install their dock. They will need to file an RDA for a removeable dock or a NOI if not removeable. If the owner does not do it, they can issue fines. The public hearing is also advertised in the paper. Ashley asked if they can apply for an RDA or NOI if the dock is in the water and Bob replied that is up to the Commission. Ashley stated that they cannot install their own dock because of where the neighbor's dock is located. She also informed Sophie that the neighbor installed 2 fences within the 30' no-touch zone.

---950 Chase Road update – Amanda Boyle noted the Town's issues on her property existed prior to their purchase of the property. There had been clearing already done on Conservation land and snowmobilers had used it to access trails but they do not allow them to do so now. The vegetation is grown since they bought the property in 2018 and the shed has been there on town property since 2001. Amanda screen shared an aerial view of the property, showing clearing on the Conservation land. They are not clearing or using that land.

NEW BUSINESS:

Topics unknown 48 hours in advance of meeting- none

Beaver Deceiver at Cowdrey – Bob asked to authorize the deceiver installation by Beaver Associates for \$3,300, to keep beavers from flooding the access road. This is the first step in allowing access to the Harley Viewing area.

Motion: Rich B., Second: Chris S.

To hire Beaver Associates to do this work.

Roll Call Vote: Jeff-aye, Mike-aye, Jenny-aye, Chris-aye, Rich-aye, Bob-aye, and Mary-aye.

Bob clarified that a beaver deceiver is pipe under the water to conduct flow so the beavers do not build a dam. He added that they also need to pay them \$175 for a consultation in 2023, which was already authorized.

Bob noted that Tom Alianza and Gary Lahti have been doing work at Table Rock for connecting trails. They have been using their own funds to build little footbridges in wet areas. He asked for authorization to purchase materials so they can build something more substantial.

Motion: Chris S., Second: Jenny P.

To authorize Bob to purchase 4 x 4s, 2 x 6s and deck screws to build a bridge over the stream in the eastern edge of Table Rock.

Roll Call Vote: Jeff-aye, Mike-aye, Jenny-aye, Chris-aye, Rich-aye, Bob-aye, and Mary-aye.

Chris and Mary commented on the great new trail at Holman.

Update if any on encroachment issues at:

315 Lancaster Ave.- Bob has had no response and has asked the Town Attorney to send a pre-litigation letter.

OLD BUSINESS:

Update on Title Searches --Bob sent a letter to Heather about the 2 properties off Page Street, regarding possible detention basins by the town, but has had no response. He noted that they should check with Town Counsel about doing so on Conservation land. Also Bob stated that they initially had a purchase order for \$1,000 from the Kelley Fund. He suggested having a draft policy for using the Kelley fund and keep it for large purchases. He suggested opening a PO for title searches from the Timber Fund.

Motion: Bob P., Second: Rich B.

To shift title search expenditures to Timber Rights Fund and open a Purchase Order for \$1,000 to Mead, Costa, Talerman for Title Searches and close out purchase order to the Kelley Fund.

Roll Call Vote: Jeff-aye, Mike-aye, Jenny-aye, Chris-aye, Rich-aye, Bob-aye, and Mary-aye.

(Bob left the meeting.)

---Meetings -Mary stated that she and Bob met with Sophie and Sophie will not be able to attend meetings after 10pm. The Commission will need to decide whether they can continue a meeting past 10pm.

Open Space and Land Use: no updates

Grants and Conservation Improvement Updates – none

Committee Reports – no updates.

Hollis Road Residence Updates: Mike reported that the hot water tank installed in January has a lifetime warranty and 6 year warranty on parts, which Chris Ruth has a copy of. He noted it has been a year since the trim work was done and they have a proposal to paint the rest of the building for \$6,400, starting 5/15.

Motion: Rich B., Second: Chris S.

To repaint the remainder of the Hollis Rd. building to include priming, 2 coats and installing any shingles.

Roll Call Vote: Jeff-aye, Mike-aye, Jenny-aye, Chris-aye, Rich-aye, and Mary-aye.

Mike noted that the Facilities Department will reinstall the sign at the Pollinator Habitat in a few days. He also received a call from Linda Hilson, asking for \$80.32 to purchase dry mustard to irradiate jumping worms. Sophie said there is an Amazon Account and Mike said they usually use the Hawes Account.

Motion: Mike L., Second: Chris S.

To approve \$80 for dry mustard to irradiate jumping worms at the Pollinator Habitat.

Roll Call Vote: Jeff-aye, Mike-aye, Jenny-aye, Chris-aye, Rich-aye, and Mary-aye.

Motion: Rich B., Second: Jeff V.

To adjourn at 9:48pm.

Roll Call Vote- Jeff-aye, Mike-aye, Jenny-aye, Chris-aye, Rich-aye, and Mary-aye.

Respectfully submitted,

Jane Ranley
Minutes Clerk

