

Town of Lunenburg Conservation Commission

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July 10, 2024, 7:00PM, ZOOM REMOTE

Minutes

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

Absent: Rich B.

Call to Order at 7pm by Bob P. as acting chair.

Announcements- Bob stated that they will do a reorganization at the next meeting. Also no continued hearings can be opened since the agenda was not posted on the town calendar or town hall board. All continued hearings will be rescheduled to 7/17.

Public Comment- Bob thanked Mary for being the Chair this past year and added that she did a fabulous job during a difficult year.

Minutes of previous meetings – 5/15/24 and 6/5/24

Motion: Mary W., Second: Jeff V.

To approve the 5/15/24 minutes.

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

Motion: Mary W., Second: Jenny P.

To approve the 6/5/24 minutes.

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

APPOINTMENTS

--Lake Shirley Aquatic Management-Pre-Treatment Survey Report and Treatment Plan – Dominic Meringolo (SOLitude) reported that the biologists did a survey on 6/24/24 of all 66 data points. They recommended treatment of 58.7 acres of the lake. Dominic screen-shared the survey report, which noted Fanwort was the most dominant species present at 56% of the points, with Leafy Pondweed being the second most dominate species. He shared a map of the lake indicating the plants present and the treatment areas. Treatment will be done on 7/17 with Diquat, flumi and copper. *(Mike L. and Chris S. joined the meeting.)* Mary asked how long it takes for the chemicals to dissipate and Dominic replied Diquat and flumi dissipate in 48 hours. Copper is gone in 24 hours. The lake will be closed the day of treatment, with no drinking of water for 3 days or use for irrigation for 5 days.

Motion: Jeff V., Second: Mary W.

To approve the treatment plan for Lake Shirley.

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

Joanna Bilotta noted that the DPW Director will be working on the bridge on Flat Hill Rd and asked if they can do the draw down on 10/1 instead of 10/15. Bob replied that they would need to research if it would need to come before the Commission in regard to the Order of Conditions.

--Hickory Hills-SOLitude Lake Management -Report and Treatment Plan – Dominic Meringolo (SOLitude) stated that in 2020, the whole lake was treated to knock back the Fanwort. Divers have continued to do hand-pulling and they are treating targeted areas. Dominic screen-shared a map noting the

9 areas to be treated on 7/17, for a total of 16 acres. Bob added that it is impressive that divers do a survey of the bottom of the lake also.

Motion: Mary W., Second: Jeff V.

To approve the treatment plan for Hickory Hills.

Roll Call Vote: Mary-aye, Jenny-aye, Jeff -aye, Mike L., Chris S., and Bob-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 Notice of Intent for Timothy Gendron for the proposal of construction of a new single family home and associated amenities within 100-foot wetland buffer zone and within the 50 foot no build zone at **60 Cross Road Lot 12A (Map 99, Parcel 12). DEP #208-1329.***

Chris Anderson (Hannigan Engineering) screen-shared the site plan, noting that 60 Cross Road is one contiguous lot but will be separated through an ANR process by the Planning Board, dependent on a favorable Conservation Commission decision. He stated that the woodlands and bordering vegetative wetlands drain to a culvert which goes under Cross Road. They will be using municipal water and sewer. This project is part of a 5 unit development which will require stormwater management. They will provide mitigation of directing run-off from the roof to a drywell at the left of the new house, in order to capture smaller storm events. The structure and driveway will be outside of the 50' buffer but they will be clearing within the 30' to 50' zone. They will use wattles and silt fencing along the perimeter of construction for erosion protection. When finished, it will be loamed and seeded. The DEP issued a file #208-1329 and had the following comments:

1. 5 unit subdivision- provide stormwater checklist, operation maintenance plan and other calculations.
2. Drywell does not function as an infiltration feature but the structure is outside of the 50' buffer.
3. A small portion of drywell stone is in the 50' buffer.

Mary said the DEP asked about test pits but she did not see them on the site walk. Chris A. replied that they usually do these prior to installing the structure but can do it sooner if the Commission desires. Bob noted that the Planning Board reviews the Stormwater plan and Chris A. noted that the proposed project falls under just state regulations. When the last lot is developed, it would be subject to Stormwater regulations. Chris A. shared a floodplain map and noted that documentation shows the property is not in the BLSF. Mary stated that when she did the site walk, she saw the wetlands delineation but the 30', 50' and 100' buffers were not staked nor the structure locations. She asked if he has a plan showing how the structures will fit into the wetlands and Chris A. replied he does not have an ANR plan yet. Bob stated that Chris needs to dig test pits, stake the buffer zones, and structures and consent to a continuance. Chris A. replied that he will do a rough subdivision plan and let Sophia know when the pits and staking is done.

Motion: Jenny P., Second: Chris S.

To continue 60 Cross Road Lot 12A to 8/7/24.

Roll Call Vote: Mary-aye, Jenny-aye, Jeff -aye, Mike L., Chris S., and Bob-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 for Timothy Gendron for the proposal of construction of a new addition and driveway onto the existing single-family home within 100-foot wetland buffer zone and within the 50 foot no build zone at **60 Cross Road Lot 12B (Map 99, Parcel 12). DEP #208-1327.***

Chris Anderson (Hannigan Engineering) noted that Lot 12 will be divided into Lots 12A and 12B. This lot has an existing house and driveway and they are proposing a structure to the southern side of the existing house, with a drive under garage and an additional driveway. A 2' wide filter strip will run down the driveway to deal with driveway runoff. The addition will be built on the existing grassy area but there will be some clearing of woodland area to install the driveway. Chris A. stated that the DEP had the same comments as for Lot 12A. Mary asked for clarification on the area of clearing since it has not been

staked or flagged. She also would want to see an overview of lots in the subdivision, test pits dug and staking completed.

Motion: Mike L., Second: Mary W.

To continue 60 Cross Road Lot 12B to 8/7/24.

Roll Call Vote: Mary-aye, Jenny-aye, Jeff -aye, Mike L., Chris S., and Bob-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 David Feinberg for the replacement of an existing rolling dock at Dickenson Reservoir located at 25 Cliffview Terrace. David screen-shared a drawing for the replacement rolling dock, which is a little smaller than the old one and will be placed in the same spot. It is aluminum and does not impede on the neighbor's property. He confirmed that they will not remove any trees or make changes to the shoreline. David added that the old existing dock will be removed.

Motion: Mary W., Second: Jenny P.

To approve the RDA with negative determination and condition that the old dock is removed from the 30' buffer within 30 days.

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

(All Continued Hearings were rescheduled to 7/17/24)

Certificates of Compliance:

--813 Chase Road, Lot B – Sophia recommended approval. There were some changes but all was done according to plan.

Motion: Chris S., Second: Jeff V.

To approve the Certificate of Compliance for 813 Chase Road, Lot B.

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

Notice of Project Change:

--406 Sunset Lane (DEP# 208-1284)- Greg Roy (Dillis & Roy), representing Nancy Malady, screen-shared the site plan of the house on a peninsula on Lake Shirley. He noted that they built an addition approved by the Commission and replaced the old railroad ties with new walls. They are ready to do the plantings and would like to make modifications to the approved planting plan. Mark Bursch (Lakeview Landscaping) will be doing the planting but identified difficulties to putting 4 new trees in the current overstory. The applicant would like to replace the oak and maple with Mountain Ash and install 4 more shrubs -for a total of 12 shrubs.

Motion: Mary W., Second: Chris S.

To approve the plan as proposed for 406 Sunset Lane.

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

--37 Pearl Street (DEP #208-1315) – Greg Roy (Dillis & Roy) is representing the applicant and stated this was for reconstruction of a house and septic, which was approved by the Commission. Greg screen-shared the site plan and would like to request a change to the grading from the septic to the 30' buffer line. Instead, they would like to install a retaining wall to eliminate the break-out grading and add a stairway. The wall will be 3'-3.5' and tapered at both ends. Chris S. asked what material would be used for the wall and Greg replied he was not sure but most likely blocks.

Motion: Mary W., Second: Jeff V.

To approve as presented for 37 Pearl Street.

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

Greg asked if the Commission is now requiring staking at the 30', 50' and 100' buffers and Bob replied just on a case by case basis. Mary said she requested the staking earlier to see how they were planning on fitting in the structures on the lots.

Administrative Determinations:

--**110 Royal Fern Drive** – (*Mary took over the Chair*) – Sophia noted this was a proposal to remove a few trees. When she did the site visit, she observed a boat damaged by a tree that fell. Sophia screen-shared pictures of the trees. The applicant was concerned about them falling and doing damage to the boat and landing or falling in the water. She has no issue with removing the trees and not replacing them, since there not enough resources for new trees.

Motion: Chris S., Second: Jenny P.

To approve Sophia's recommendation for 110 Royal Fern Drive.

Roll Call Vote: Mike-aye, Jeff-aye, Jenny-aye, Chris-aye and Mary-aye. (Bob abstained)

(*Bob resumed the Chair.*)

Certificate of Compliance –

--**90 Hemlock Drive** – Sophia reported that the vegetation has been stabilized in the area and the house was renovated. The only item not carried out was installing steps on the right side, which did not have any erosion- just patches of dirt. She recommended approval of the COC.

Motion: Mary W., Second: Jenny P.

To approve the Certificate of Compliance for 90 Hemlock Drive.

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

--**160 Sunset Lane** – Sophia did the site visit and the deck with stairs appeared to be done according to plans. She recommended approval of the COC.

Motion: Mary W., Second: Chris S.

To approve the Certificate of Compliance for 160 Sunset Lane

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

ENFORCEMENT:

Violations (Enforcement Actions and Hearings)

--**205 Sunset (Beers lot)**- Bob noted that they voted on this but the OOC was never issued. The people there applied to the DEP for a superseding OOC. The Town Attorney advised to do an enforcement because the deck does not comply. Sophia said she has started the enforcement paperwork and it will be issued in a day or 2. Also, she is meeting with the DEP on 7/24 at 11 am at the property. Mary and Chris will try to attend.

--**1168 Mass Ave Rear** – no update.

--**40 Fire Road 12** – The Town Attorney sent an additional letter.

--**950 Chase Road** – no update.

--**361 Mass Ave rear** – Sophia reported that the DEP sent information about a forestry violation – they clearcut where they were not supposed to. This is not a wetlands issue.

OLD BUSINESS:

Update on Title Searches – no update.

Encroachment Issues:

--**950 Chase Road**- Shed removal – no update.

--**315 Lancaster Ave**– Sophia noted the shed was removed but she is not sure if the debris was cleared.

Open Space and Land Use:

-- **LCC Sponsored Grant for 2023** –Bob received clearance from Julie to go straight to bid but Mary said they need to jump through hoops as far as the state is concerned. Bob reported that the Select Board

will have more ARPA money available. He suggested asking for some funds to pay the matching grant portion for the planning costs rather than cutting more trees for funds.

Motion: Mary W., Second: Chris S.

To authorize Bob P. to write a letter on behalf of the Commission to request ARPA funds to pay for matching grant costs.

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

Bob stated that they were counting on \$20K-\$30K from tree harvesting at Reino. Mr. King made a high bid but since then the price of white pine has fallen quite a bit, so he is not anxious to do the harvesting.

Hollis Road Residence Updates – Mike reported they received a donated used mower but it had a frozen piston and was not usable. He spoke to Home Depot and Ginny Albertson about purchasing a new mower. He found a new John Deere S100 riding lawn mower for \$931. He added that the Pollinator Habitat mows every 1 -2 weeks and the tenant does the same, so it would be half and half usage.

Motion: Mary W., Second: Jenny P.

To approve, not to exceed \$1,000, for the replacement of the broken riding lawn mower, with the new mower as proposed by Mike L.

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

Bob stated it will be paid for out of the Hawes Fund and told Mike to work through Facilities Department.

Committee Reports:

--**Open Space-** Mary reported they are meeting tonight on the 61b abatement for 20 Kilburn St. which the town has 1st right of refusal. It is 92 acres and is adjacent to 2 parcels abutting Massapoag Pond. She said Mike Toohill would like to know if Conservation was interested and the Commission discussed the property.

Motion: Mary W., Second: Bob P.

That the Conservation Commission is not interested in procuring 20 Kilburn Street.

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

--**Stormwater Committee** –Jenny stated she did not have an update and they will be meeting next week.

NEW BUSINESS:

Topics unknown 48 hours in advance of meeting-

Beaver Deceiver at Cowdrey – Bob reported that he obtained a grant from the MSPCA for a 2nd Beaver Deceiver and needed to install a culvert there. The DPW delivered the pipes and collars. He has reached out to Brett Ramsden for help with the install.

New Purchase Orders – Commission voted on last meeting and Sophia will check on them.

Shawn Kelly Estate Bequeath- Bob noted that the money was put in with the Trust Funds, which receive interest. Mary stated that they authorized the Title Search fees to come from this fund but later discussed changing it to the Timber Rights Fund. Bob will make an inquiry on this.

Reorganization of Board – next meeting. Bob and Mary do not want to be the Chair. Mary thanked Bob for his effort and time to keep things going. She suggested that a lot of responsibilities could be split among other Commissioners and some done by staff.

Motion: Mary W., Second: Mike L.

To adjourn at 8:53pm.

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

Respectfully submitted,
Jane Ranley, Minutes Clerk

