

Town of Lunenburg Conservation Commission

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July 17, 2024, 7:00PM, ZOOM REMOTE

Minutes

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

Call to Order at 7pm by Mary W.

Announcements – Mary noted that she resigned as chair but is hosting the meeting. She reported that Bob Pease resigned from the Commission and it is a sad day. She thanked Bob for his hard work, dedication, and she appreciated his support. Bob will be missed.

Public Comment- Rich said that Bob was a ball of energy and a great asset to the town. He hopes that Bob will follow up with his trail work projects. He will be missed.

Minutes of previous meetings – 6/21/23 and 8/2/23

Motion: Mike L., Second: Jenny P

To approve the minutes of 6/21/23.

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

Motion: Rich B., Second: Jenny P

To approve the minutes of 8/2/23.

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

APPOINTMENTS

Conservation Commission Reorganization - The Commission discussed and Jenny volunteered to be Clerk or **Vice-Chair**. Mary agreed to run the meetings for the time being. *(Chris joined the meeting.)*

Motion: Rich B., Second: Mike L.

To elect Jenny as Vice-Chair.

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

Clerk – Rich nominated Mike L. as Clerk.

Motion: Rich B., Second: Chris S.

To elect Mike L. as Clerk.

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

Chair-- will be tabled for now. Mary will host meeting for time being.

New Hearings – 899 Flat Hill Rd and 1147 Mass Ave – were not heard as they have not met the advertising time-frame standards.

Requests for Continuance:

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 Timothy Gendron for the proposal of construction of a 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 (Map99, Parcel 12). DEP #208-1329 (Continued from July 10th to August 7th).

Motion: Jenny P., Second: Rich B.

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

Roll Call Vote- Mike-aye, Jeff-aye, Rich-aye, Jenny-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 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 (Map99, Parcel 12). DEP #208-1327 (Continued from July 10th to August 7th).

Motion: Rich B., Second: Chris S.

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

Roll Call Vote- Mike-aye, Jeff-aye, Rich-aye, Jenny-aye, Chris-aye, and Mary-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 behalf of Trustees of: Village at Flat Hills, Request for Determination of Applicability for the project proposal for Parcel number 84-001, detention pond maintenance for the area of 0 Courtland Circle (Continued from June 5th to July 17th). Wayne Gariepy (32 Courtland Circle & Trustee @ The Village) reported that the town hired an engineer to complete a study which was held up by not being able to survey the pond. Brian Marchetti (McCarty Engineering) added that the survey was delayed because the basin was too full but they have the measurements now. It was built in the early 2000's and has accumulated some sediment in the last 15+ years. The goal is to perform grubbing out maintenance to restore the volume as originally designed. The basin is in the buffer zone, no wetlands will be crossed and they are just asking for permission to clean it out. Brian noted that he just received a drawing and they have an O&M plan from the original approval, which he will supply to the office. Sophie screen-shared the plan and an aerial photo. Wayne added that the sludge will be removed from the site by the Contractor.

Motion: Rich B., Second: Jenny P.

To continue Parcel # 84-001 to 8/7/24 and provide the O&M plan, a letter updated that the sludge will be removed off-site, no wetlands crossed and the updated plan proposal with limit of work.

Roll Call Vote- Mike-aye, Jeff-aye, Rich-aye, Jenny-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 for Timothy K. Gendron the Revocable Trust, the project proposal is for construction of a residence duplex, associated driveway and drainage features. The location is within the edges of Bordering Vegetated Wetland and buffer of intermittent stream at Lot 2 Cross Road DEP #208-1326 (Continued from June 5th). No one was present, so continued to 8/7/24.

Motion: Chris S., Second: Jenny P.

To continue Lot 2 Cross Road to 8/7/24.

Roll Call Vote- Mike-aye, Jeff-aye, Rich-aye, Jenny-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 behalf of FWP Realty Partners on behalf of Kevin Hill Landings Development, LLC for a Notice of Intent for a residential subdivision within the 100 ft. wetland buffer zone with paved driveways and a bio-retention basin for the area of 791 Mass Ave. DEP # 208-1328 Continued from June 5th. Jonathan Collette (Haley & Ward)- screen-shared the site plan for the old Stone Farm store site with 3 lots with 2-family houses with driveways off Mass Ave. Each will have a

bio-retention basin for Stormwater. Sophie stated she did a site walk with Matt Marro and verified the location of all flags. Jonathan noted they received a DEP number with no comments. The plan indicates the silt fencing and straw wattles for erosion protection. Sophie noted that she could not find the stakes for the buffer zones but the site has very dense vegetation.

Motion: Rich B., Second: Jeff V.

To approve the NOI as submitted with a Standard Order of Conditions for 791 Mass Ave.

Roll Call Vote- Mike-aye, Jeff-aye, Rich-aye, Jenny-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 for a Request for Determination for P.J. Keating Company, the project proposal is for replacement and maintenance work connected to the existing pump house. The location is within 100 feet of bordering vegetated wetland and Priority Habitat # 1738 related to 495 Leominster-Shirley Road. (Continued from June 5th).– Greg Roy (Dillis & Roy) screen-shared the site plan filed with the RDA and noted they were hired to do the delineation. They filed a letter with NHESP, which replied that the building is exempt from MESA but the well head was not. Greg said that they filed a project review checklist with NHESP and it is pending. He asked if the Commission could go forward with the negative determination on the RDA since the building was exempt. Mary replied that the office needed a copy of the letter from NHESP. Ken Dow (Environmental Compliance Manager for PJ Keating) noted that the letter was sent to A. Aubrey on 6/25/24 in error. Mary stated that DEP and the head of NHESP asked that the Commission not close out requests that are pending their decisions so they can add their conditions to the Commission's. She asked Greg to update the drawing to show where materials will be staged.

Motion: Rich B., Second: Jeff V.

To continue 495 Leominster-Shirley Road to 8/7/24.

Roll Call Vote- Mike-aye, Jeff-aye, Rich-aye, Jenny-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 an Abbreviated Notice of Resource Area Delineation by Kevin O'Brien at 390 Howard Street (DEP # 208-1304) (Continued from June 5th) – Sophie noted that there was a visit on 7/9 with Chuck Caron but she could not attend. She thought Matt Marro would be attending tonight and will reach out to him.

Motion: Rich B., Second: Jenny P.

To continue 390 Howard Street to 8/7/24.

Roll Call Vote- Mike-aye, Jeff-aye, Rich-aye, Jenny-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 Stefan McSweeney for the construction of a single family home and associated site work at 255 Sunny Hill Road (DEP #208-1320). (Continued from June 5th). Brian Marchetti (McCarty Engineering) and Mary Ann DiPinto (3 Oaks Environmental). Brian screen-shared the site plan and noted they did some design modifications, met with the abutter and met with Bob Pease in March to review the wetland lines. In April, the Commission requested a 3rd party review which was done by Goddard Engineering in June. Brian said he recently met with Sophie and Goddard's wetland scientist. The surveyor made modifications to 4 or 5 flags this morning. They all agree now on the wetland delineation and the site plan was updated. The proposed house is still outside of the 50' buffer. Brian pointed out the new flag locations and noted that the stormwater runoff from abutters is making the wetland vegetation creep up the hill to where the off-site drainage trench is dumping water. They will be doing 1,700 sq ft of wetland fill for the driveway, which is 300 sq ft more than first calculated. Mary Ann DiPinto noted that the soils are all upland soil and any wetland plants on the neighbor's property is due to the amount of water coming into the property. She added that this design

will take the water through the driveway and direct it to the wetlands. Brian stated that they are working with Mr. Paton to route water through the PVC drain to discharge into the wetlands. Sophie said the delineation makes sense but was concerned about how all the water will affect the wetlands. Brian and Mary Ann replied that it is the same water that has always flowed there. Brian also noted the 3,584 sq ft area for replication planting, to offset the wetland fill.

Ken Paton (290 Leominster Road) – pointed out that the drawing shows the 6” drain in the wrong location and Brian will make that change. The Commission asked to have the location of the drain verified and updated on the plan.

Motion: Rich B., Second: Jeff V.

To approve the NOI with the special condition that the 6” drain pipe location is updated on the drawing and submitted to the administrator prior to the drain pipe being installed.

Discussion: Jeff asked who was responsible for maintaining the drain and Brian replied that a maintenance easement agreement would be on the deed.

Roll Call Vote- Mike-aye, Jeff-aye, Rich-aye, Chris-aye, and Mary-aye. (Jenny could not vote)

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 and associated site work at 171 Arbor Street (DEP # 208-1308). (Continued from June 5th.) Brian Marchetti (McCarty Engineering) stated that they have been working with the attorneys and the abutter to purchase 11’ of frontage to work out a common driveway. They will be going before the ZBA to allow the abutter to grant the land before they can finalize the plan and asked to continue to 8/21/24. Brian will come back with the revised NOI plan that will be significantly less of an impact, due to the process with NHESP and removing a significant portion of the property from development due to the presence of the Blanding’s Turtle. There will be work in the buffer zone for only 1 house.

Motion: Rich B., Second: Mike L.

To continue to 8/21/24.

Roll Call Vote- Chris-aye, Rich-aye, Jeff-aye, Mike-aye, and Mary-aye. (Jenny could not vote)

Administrative Determinations:

--**67 Peninsula Drive** – Sophie stated the proposal is to remove 4 Hemlock trees that are diseased and a half dead white pine. They will replace with arborvitaes and Sophie approves.

Motion: Chris S., Second: Jenny P.

To approve the removal of the trees and replace with Arborvitae.

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

Certificates of Compliance:

--**4 Sunset Lane** – Sophie said there were revisions to the retaining wall and patio but it was less square footage of impervious surfaces. She would approve.

Motion: Rich B., Second: Jenny P.

To approve the Certificate of Compliance for 4 Sunset Lane.

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

--**245 Holman St. Lot 3** – Sophie said to approve.

Motion: Rich B., Second: Chris S.

To approve the Certificate of Compliance for 245 Holman St. Lot 3.

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

--**251 Holman St. Lot 4** – Sophie said to approve.

Motion: Jenny P., Second: Mike L.

To approve the Certificate of Compliance for 251 Holman St. Lot 4.

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

--512 Northfield Rd. – Sophie said to approve.

Motion: Rich B., Second: Chris S.

To approve the Certificate of Compliance for 512 Northfield Rd.

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

--41 Country Rd. – Sophie said to approve.

Motion: Mike L., Second: Rich B.

To approve the Certificate of Compliance for 41 Country Rd.

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

23 Cove Rd – Attorney Jack Mourad stated that this was part of 50 Sandy Cove Rd, which was split into a couple of lots. His client owns 23 Cove Rd and the OOC goes back to 1995. Rich B. noted that the last time he saw it, it had a violation which Jack said was resolved years ago. The OOC was pulled for the installation of a septic system 29 years ago and the system has passed Title 5 twice. Jack said it appears that John Esposito did not follow through on it. The house is under contract to be sold and this is holding up the sale. Jack has been in contact with Sophie but she was unable to correct the mistake. Sophie reported that she did a site visit and the septic was installed according to plan. She noted around 2020-21 there was an area of pea stone 7' from the bank of the stream, around raised beds. Robert Galloni (50 Sandy Cove Rd.) noted that they resolved an enforcement order in July 2023 regarding a greenhouse in the 100' zone, which was removed. He said Anna Petrie (former administrator) did a site visit and the issue was closed.

Motion: Rich B., Second: Mike L.

To approve the Certificate of Compliance for 23 Cove Rd.

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

ENFORCEMENTS:

Violations (Enforcement Actions and Hearings)

--10 Mass Ave- Sophie reported that the Commission had given them 30 days to file but she has not received a filing. Mary said to proceed with a violation notice. Sophie noted that the equipment was removed and they had to file before resuming work. Mary asked Sophie to check on the erosion control which was failing.

--40 Fire Road 12 – Sophie visited and one party removed the pavement. There is gravel and a large stack of wood, tools and debris there now. The boats and trailers have been removed. The OOC is due to expire in July. Mary said they need to meet the OOC and apply for a COC. Sophie will contact them.

--1168 Mass Ave Rear- no update.

--205 Sunset (Beers lot)- Sophie noted the DEP meeting 7/24 on site. Chris and Jeff will attend also.

NEW BUSINESS:

Topics unknown 48 hours in advance of meeting-

Conservation Commission Meeting Schedule was sent out by Sophie for feedback.

Beaver Deceiver at Cowdrey – no update

Chapter 61B Abatement 20 Kilburn St. -Mary noted that the Commission voted to not pursue and Bob notified the Select Board. Thomas Gibbons stated he was not aware of that. Mary replied that the parcel did not meet Open Space conditions, the parcel has received approvals for substantial improvements which would increase the price and it was not practical to complete the purchase in 120 days.

OLD BUSINESS:

Title Searches – no update.

Encroachment Issues: no updates

Open Space and Land Use: LCC Sponsored Grant for 2023 – Mary noted that the last meeting they authorized Bob to contact the Select Board to propose using ARPA funds for covering the matching funds for this grant.

LSR Sponsored Grant for 2022- Mary reported all the work has been done and they just need to do the final submittal and purchase of equipment requested.

Hollis Road Residence Updates – Mike reported that they approved \$1,000 for a new riding mower but that did not include a mower deck. He proposes an additional \$1,300 from the Hawes Fund to purchase a 42” Cub Cadet riding mower, for a total of \$2,300. Mary asked if the tenant lease would cover the mower for loss. Mike replied that they could chain the mower in the shed. The tenant has agreed to mow for 30 hours per month. Also volunteers will mow at the Pollinator Habitat. He will purchase through Facilities Department, which will be tax free.

Motion: Rich B., Second: Jenny P.

To purchase a new riding lawn mower, not to exceed \$2,300.

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

Mike also reported that all the painting has been finished.

Committee Reports – no updates.

Motion: Chris S., Second: Jenny P.

To adjourn at 9:37pm.

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

Respectfully submitted,

Jane Ranley
Minutes Clerk