

Town of Lunenburg Conservation Commission

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Jennifer Pewtherer, Vice Chair
Michael Larouche, Clerk
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Sophia Dorow
Conservation Administration
Vacancy
Conservation Assistant

August 7, 2024, 7:00PM, ZOOM REMOTE

Minutes

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

Absent: Rich B

Call to Order at 7pm by Mary W.

Announcements & Public Comment- none

Minutes of previous meetings –7/10/24 and 7/17/24

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

To approve the minutes of 7/10/24.

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

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

To approve the minutes of 7/17/24.

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

APPOINTMENTS/HEARINGS

Update on Mass Trails Grant: Mary stated that Bob Pease could not attend but he reached out to Mass Trails administration for clarification on the contract. They will not need 3 quotes for the proposed service because that only applies to non-profits. The Commission can work through the town processes.

Motion: Mike L., **Second:** Jenny P.

To appoint Bob Pease as their representative, working with Julie and the Horizontal Engineering firm that has been designated to provide service to the town for this planning grant.

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

899 Flat Hill Rd -Field Change – Jack Maloney (Dillis & Roy) screen-shared the site plan and noted this came before the Commission last October. The applicants renovated the house, adding a 2nd floor and rebuilt the decks, with crushed stone and timber frame below. Jack shared photos of the new decks and added that they were done with helical piles – no concrete. Slats in the decking will allow water to go to the recharge area below. A small section (188 sq ft) was added in the 100' buffer zone. Jack clarified that it was his mistake that he missed showing the larger deck in October.

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

To approve the Field Change for 899 Flat Hill Rd. as presented.

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

1147 Mass Ave – was not heard due to inadequate abutter notification and legal ad placement.

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 August 7th)**. Sophia stated that she had not received an updated plan yet. Wayne Gariepy (32 Courtland Circle & Trustee) reported that Brian Marchetti (McCarty Engineering) has the plan, showing no wetlands crossed, but he is on vacation. Wayne requested a continuance to 8/21.*

Motion: Mike L., Second: Jenny P.

To continue 0 Courtland Circle to 8/21.

Roll Call Vote: Jenny-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 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 to August 7th)**. Chris Anderson (Hannigan Engineering) screen-shared the site plan and noted they addressed the DEP comments. They did the soil testing, provided soil logs, staked the building box and staked the 50' and 30' buffer zones.*

Motion: Chris S., Second: Mike L.

To approve the NOI for Lot 2 Cross Road with a Standard Order of Conditions.

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

(Jeff V. joined the 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 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)**. Chris Anderson (Hannigan Engineering) screen-shared the site plan for a new single family home. They did the soil testing to show it complies with the stormwater system set backs and off-sets. The buffer zones and building box have been staked also. The Stormwater Maintenance plans are included in the NOI package and they have provided a stormwater review. Chris A. also screen-shared the map of the overall subdivision and delineated wetlands.*

Motion: Jenny P., Second: Chris S.

To approve the NOI for Lot 12A Cross Road with a Standard Order of Conditions.

Roll Call Vote: Jenny-aye, Jeff-V., 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 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)**. Chris Anderson (Hannigan Engineering) screen-shared the site plan for an addition to an existing home, with garage under and new driveway. He noted that they have staked out the limit of work and buffer zones in the proposed disturbed area. Chris pointed out the 2' wide filter strip of crushed stone along the driveway which will help to slow down runoff from the site.*

Motion: Chris S., Second: Jeff V.

To approve the NOI for Lot 12B Cross Road with a Standard Order of Conditions.

Roll Call Vote: Jenny-aye, Jeff-V., 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 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 to August 7th.)– Ryan Proctor (Dillis & Roy) reported that they forwarded the letter from National Heritage regarding the building and exemption from MESA review to Sophie. They also submitted the MESA checklist for construction of the replacement well. The casing for the well was previously installed for the well components. The building will be more impactful. They are still in the review period for the well replacement and expect it by the end of the month.

Motion: Mike L., Second: Jenny P.

To continue 495 Leominster-Shirley Road to 8/21/24.

Roll Call Vote- Jenny-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 an Abbreviated Notice of Resource Area Delineation by Kevin O'Brien at 390 Howard Street (DEP # 208-1304) (Continued from June 5th to August 7th.)– Sophie stated that they asked for a continuance to 9/4/24.

Motion: Mike L., Second: Chris S.

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

Roll Call Vote- Jeff-aye, Mike-aye, Chris-aye, and Mary-aye. (Jenny not able to 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 to August 21st.) - requested to continue to 8/21/24.

Motion: Mike L., Second: Chris S.

To continue 171 Arbor Street to 8/7/24.

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

Administrative Determinations:

--**54 Pine Acres Rd.** – Sophie stated that they are requesting to remove 2 dead trees on the edge of Hickory Hills lake. She is in favor of removing one tree but leaving the root system intact for erosion control. She recommends leaving the second tree because it poses no risk to people or structures. Mike applauded the Administrator for saving a tree that is beneficial to the habitat. Sophie shared photos of the trees and Jeff questioned why they would not remove a dead tree. The Commission discussed and voted.

Motion: Jeff V., Second: Chris S.

To take both trees down.

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

Certificates of Compliance:

--**38 Oak Ridge Road** – Sophie noted that the site is stabilized with a retaining wall and 2 stairways, per the as-built plan. They have corrected the erosion into the lake and she would approve it.

Motion: Chris S., Second: Jeff V.

To approve the Certificate of Compliance for 38 Oak Ridge Road.

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

ENFORCEMENTS:

Violations (Enforcement Actions and Hearings)

--**40 Fire Road 12** – Sophie reached out to tell them that they need to complete the process by adding loam, seeding, adding a boulder barricade and removing personal property in the buffer zone. The NOI expired mid-July and they have been told multiple times what they have to do. Mary stated that they will need to resubmit as a NOI to add loam and seed. Next step is to contact the Town Attorney to send a letter to confirm the old NOI expired, they need to refile and close within 30 days. Mary documented that they had put in gravel and asphalted over it.

--**390 Howard St.**- Sophie stated that she added this because there has been obvious runoff, erosion and expansion of wetlands on the property. This was all noted during her site walk with the wetlands scientist. Sophie talked via email to Matt Marro who said they will be putting up erosion control barriers in those problem areas this week. He will provide photos and a report by next week. Sophie has had no correspondence with Mr. O'Brien.

--**205 Sunset (Beers lot)**- Mike inquired about the 7/24 DEP meeting on site. Mary, Chris, Jeff, and Sophie attended and Mary noted that DEP asked questions about the footings, placement and how the dock landed on the lake floor. The DEP will have a decision by the end of August.

Emergency Certification—37 Fire Rd 19 - Sophie was contacted by someone who was concerned about some unhealthy trees leaning towards the main power lines. Unitil was not responsive in dealing with it and she found out the person who contacted her, took the trees down. She will have them file a retroactive Administrative Determination.

NEW BUSINESS:

Topics unknown 48 hours in advance of meeting-

Mary noted that Bob is still active as a lead volunteer in Stewardship. He would like to close out purchase orders by paying Maki and Beaver Management invoices. Ezequiel (Town Accountant) said that the Commission needs to vote to approve a budget, so the office can file the budget to allocate funds for the fiscal year.

--Mary noted that the 8/5/24 balance for the **Timber Rights Fund** is \$17,548.32. Bob suggested budgeting \$14K for professional services (Engineering fees) and \$3,548.32 for supplies.

Motion: Jenny P., Second: Jeff V.

To accept the Timber Rights Fund budget proposal.

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

--Mary noted that the balance for the **Hawes Fund** was \$36,484. Bob suggested budgeting \$30K for professional services and \$6,484 for supplies. They have allocated up to \$2,500 for the new tractor under supplies. Mike said the mower cost \$2,300. He also noted that there are 2 other projects at 123 Hollis Road –the kitchen upgrade and addressing any roof issues. Mary replied that those projects would come out of the professional services amount.

Motion: Mike L., Second: Jenny P.

To accept the Hawes Fund budget proposal as advocated.

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

Conservation Commission Meeting Dates—Mary and Jenny looked at Sophie's list. In January, they will meet on the 2nd and 4th Wednesday (1/8/25 and 1/22/25) to avoid holiday conflicts. Mary asked Sophie to add 7/2, 7/17, 8/6 and 8/20/25 to the schedule also.

Motion: Mike L., Second: Jeff V.

To accept the Meeting Dates schedule.

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

OLD BUSINESS:

Title Searches – no update.

Encroachment Issues: no updates

Chair- Mary stated that she was willing to be the Chair again and Mike nominated Mary as Chair.

Motion: Jenny P., Second: Jeff V.

To elect Mary W. as Chair.

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

Mary added that Bob will continue to support and coach her as Chair.

Hollis Road Residence Updates – Mike reported that Don Gagne (Asst. Facilities) purchased the new lawn mower for the Habitat and 123 Hollis Rd. The lawn has been cut and the property looks nice. He also gave a shout-out to Nick Pirro for cleaning the water out of the carburetor on the self-propelled mower, which works now. Jeff asked if they will be increasing the rent at the 123 Hollis Road house. Mary replied that Bob talked to Heather who said she was concerned that would not be consistent with the terms of the original trust. Mary will wait for until a new Town Manager comes in but will also reach out for advice from Town Counsel. She suggested charging market rate but discounting after receiving validated work logs from the tenant.

Committee Reports – no updates.

Mary acknowledged all the effort of Commissioners to attend the meetings.

Motion: Jeff V., Second: Jenny P.

To adjourn at 8:40pm.

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

Respectfully submitted,

Jane Ranley
Minutes Clerk