

Town of Lunenburg Conservation Commission

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Jennifer Pewtherer, Vice Chair
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Conservation Administration
Vacancy
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September 4, 2024, 7:00PM, ZOOM REMOTE

Minutes

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

Call to Order at 7pm by Mary W.

Announcements & Public Comment- none

Minutes of previous meetings –8/21/24

Motion: Rich B., **Second:** Chris S.

To approve the minutes of 8/21/24.

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

APPOINTMENTS/HEARINGS

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 Justin Repucci for the proposal of a driveway replacement with grading along with a sewer connection to town sewer line which is located within the buffer zone of bordering vegetated wetlands and intermittent stream at 1147 Mass Ave. (Continued from August 21st to September 4th)

Bob Proctor (99 Pleasant St, representative to Justin) states that he provided the requested revised plan for the proposal with measurements. Sophie screen-shared the plan and confirmed that the measurements were accurate to her walk. Mary states that her request from the last meeting to add dimensions to the plan was fulfilled.

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

To approve with negative determination.

Roll Call Vote: Mike-aye, Chris-aye, Jeff-aye, Rich-aye, Jenny-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 September 4th)

Chuck Karen has been working with Kevin (not present). He reports that he is reflagging the area to mark any wetland expansion that occurred due to construction activity and the decommissioning of a chicken farm. He is working through a list of previously identified spots. Thick vegetation has slowed progress, but he anticipates completion before the Commission meeting on October 2nd.

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

To continue 390 Howard St. to 10/2/2024.

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

Administrative Determinations:

--**160 Sunset Lane** – Request for tree removal. Sophie screen-shared the diagram which outlined the deck structure by Lake Shirley and six trees proposed for removal, three of which were very close to the deck structure and three were a bit further away and likely would not damage structures. She screen-shared photos of the trees in question. One of the trees, on the left of the deck structure, is dead, and the trunk's angle would cause it to fall either in the water or on the stairs of the deck. Sophie believes that the three leftmost trees (further from the deck) should remain to maintain resource areas and wetland buffer. Sophie suggests removing the three trees closest to the deck but leaving a snag to prevent further erosion of the area. The applicant indicated a desire to plant wild blueberry bushes to build a root system to hold the soil in place, but Sophie says the area is very shaded out, so it would be difficult for young vegetation to thrive. Rich states that the area should be revegetated immediately to prevent further erosion. He suggests extensive planting to ensure some plants take root. Proposal: The three trees closest to the dock would be allowed to be removed with the root ball staying intact and replacement three-to-one with whips. The three trees furthest away from the dock would not be allowed to be removed. A landscape designer should be brought in to plan the revegetation of the site or a pallet of native plants should be planted to ensure maximum rooting and naturalization.

Applicants should offer a more detailed planting plan for erosion management during the September 18th meeting before the proposal can be voted on.

Motion: Rich B., Second: Mike L.

To continue to September 18th

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

-- **24 BrookView Terrace** – Request to remove a cluster of three very large dead pine trees. The trees are 10-12 feet from a house/cabin and pose a risk of falling on the dwelling. The trees are outside of the 30-foot buffer zone of the resource area but within the 50-foot buffer zone. Sophie recommends the trees be removed.

Motion: Jeff V., Second: Chris S.

To approve removal of the three dead pine trees.

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

Certificates of Compliance:

-- **39 Main Street** – Sophie states all vegetation was stabilized, no erosion was occurring, and she has no concerns. She would approve this CoC

Motion: Jeff V., Second: Chris S.

To approve Certificate of Compliance.

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

-- **17 Watt Street Lot 6** – Sophie states that the area has been stabilized entirely and the retention basin has the appropriate species growing in and around it. She would approve this CoC.

Motion: Rich B., Second: Mike L.

To approve Certificate of Compliance.

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

-- **441 Townsend Harbor Road** – Sophie states that the septic replacement and related work area was fully established with full grass. She would approve this CoC.

Motion: Mike L., Second: Chris S.

To approve Certificate of Compliance.

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

Notice of Project Change:

-- **10 Sunset Avenue** – Jenny recuses herself from the vote as it is her house. Ryan Proctor (Dillis & Roy) is representative of the applicants (Jenny Pewtherer and Jack Sheen). Project to replace two deteriorating and failing retaining walls along Lake Whalom was approved by the ConCom in December 2023 but an order of conditions has not been issued. A new order of conditions should reflect the proposed changes should they be approved. The proposal is to relocate the access stairs from the middle of the retaining wall by bringing the northern extent of the lower patio further south and expanding the patio's southern side to meet an existing concrete stairway. The landscaping area to the north of the lower patio will be expanded southward to meet the new edge of that patio.

Motion: Mike L., Second: Jeff V.

To approve of the proposed project change.

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

ENFORCEMENTS:

Violations (Enforcement Actions and Hearings):

--**390 Howard Street** – After a chain of emails with the applicant's representative regarding the need to reinstate erosion controls, Sophie revisited the site by verbal permission of the applicant to ensure the controls were established and functioning. She found three erosion controls established to the east of the parcel, but the west side of the parcel showed drastically increased erosion since the last visit, bypassing the riprap and doubling the size of the eroded ditches. An intermittent stream crosses that area, and the beginning of a wetland is starting as well. Sophie screen-shared photos of the eastern erosion controls and the severe western erosion. In places, the area was eroded 3-4 feet (chest height) below the level of the access road. The path of the erosion flows perpendicular to Howard Street and perpendicular through the intermittent stream. It appears that there were major changes to the flow of the intermittent stream. Mary and Chris discuss the property owner's plan for the site being for development and conclude that regardless of the final objective for the site, regulations deem that the owner cannot continue to allow sedimentation into the existing wetlands or to allow sedimentation to escape his property via the intermittent stream. Sophie recommends sending a certified violation notice with a deadline for the concerns to be addressed. If not addressed by the deadline, it would be reasonable to move to enforcement order. Jeff suggests escalating the matter to Massachusetts DEP and implementing a stormwater management plan in the meantime. Sophie states that an entity higher than the commission is aware of the situation, but she is unsure exactly which agencies are aware of the problem and if anyone is taking action. She knows the EPA has been involved. She will investigate escalating the issue. To start the violation clock ticking and encourage action from the applicant, it was recommended by Rich to issue a daily violation notice of \$300.00 per day until the erosion controls are put back in place.

Motion: Rich B., Second: Chris S.

To issue a violation notice of \$300.00 per day until the erosion controls are put back in place and approved by the office.

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

NEW BUSINESS:

Topics unknown 48 hours in advance of meeting:

-- Bob Pease has requested permission to use existing Maki POs for volunteer work to make repairs to the bridge at Large Town Forest on Valley Road. The bridge needs to be moved back onto its base and requires some timber repairs. Bob would chain and stake the bridge to prevent movement during future flooding conditions. Since he is not a member, Bob should notify the office or the Chair of an approximate dollar amount before the PO is used.

Motion: Rich B., Second: Jenny P.

To allow Bob Pease to access the Maki PO for Large Town Forest bridge repairs with prior authorization from Chair or office.

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

-- Bob Pease has requested that the Commission revote to authorize Mary to send a request to the planning board for the release of the 2024 GIS hours for updating trail maps. This was previously approved via vote in February/March, but the planning board did not initiate the grant.

Motion: Rich B., Second: Mike L.

To authorize Mary to resend an email to the planning board to request release of the 2024 GIS hours.

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

-- Mary requested an update from Sophie regarding the backlog of decision documentation. She states that there is still catching up to do, but her top priority has been ensuring that current projects don't fall behind. She sees 10 OOC decisions, about 5 DOA decisions, and about 5 COC decisions without documentation. Sophie proposed the hire of an assistant who would work 10 hours per week, 5 of which would be dedicated to minutes, and the remaining 5 hours would be allocated to other tasks. The hire was approved by the select board.

OLD BUSINESS:

Title Searches: no updates.

Encroachment Issues: no updates.

Grants: ConCom sponsored grant was awarded in 2023, Bob has been working with it and Sophie has been supporting him by helping generate POs to kick off consultant work.

No update on Snow Rider grant.

Hollis Road Residence Updates: Mike reported that Chris Ruth has returned from leave, but there were no updates as of 9/4/24.

Committee Reports: no updates

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Motion: Mike L., Second: Jenny P.

To adjourn at 8:27pm.

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

Respectfully submitted,

Maddison Berthet
Conservation Assistant