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Town of Lunenburg Conservation Commission

September 18th, 2024, 7:00PM, ZOOM REMOTE
Minutes

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

Call to Order at 7pm by Mary W.

Announcements & Public Comment- Chris Reilly is the new Planning Director for the Town of Lunenburg and will be supporting all the land use boards.

Minutes of previous meetings – 9/4/24

Motion: Mike L., Second: Jenny P.

To approve the minutes of 9/4/24.

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

APPOINTMENTS/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 Richard Parsons for the removal of unhealthy trees on Hickory Hills Lake at 70 Horizon Island Rd. (OpenGov.com Record ID# RDA-24-3) - Sophie screen-shared the site plan. Richard states that the three trees proposed for removal are dead and pose a danger to the house and neighboring houses. Mary, Jenny, and Mike had the opportunity to view the property, and all agreed that the trees do look dead, and Sophie's observations concur. She recommends all three trees be cut with stumps left in place to maintain soil structure. The trees stand 58-60 feet from the bank, meaning they would not require three-to-one replacement, if anything was replanted it would need to be a very shade-tolerant species. Jenny and Mike agree with these assessments.

Motion: Mike L., Second: Jenny P.

To approve the removal of the three dead trees.

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

****Mary reiterates the 'ground rules' of these commission meetings. Comments must be limited to the jurisdictional areas of the Conservation Commission: State Wetlands Protection Law and local Municipal Bylaws and wetland protection regulation.****

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 Robin Jacobs for the relocation of previously approved arborvitae bushes and the replacement of a preexisting vinyl fence located on Hickory Hills Lake at 372 Townsend Harbor Rd. (OpenGov.com Record ID# RDA-24-5) - Sophie screen-shared the as-built site plan with notes on proposed changes. Robin, the applicant, explains that the 10 existing arborvitae previously planted to control rainwater runoff from the abutter's property need to be moved as they were planted according to an incorrect assessment of property boundaries. The proposed plan places four of the bushes along the 41-foot section of the property line illustrated in the plan, the other six bushes along the 55-foot section. The applicant

also wants to replace an existing split rail fence (currently just posts, not a full fence) along the property line meeting with the existing stone wall in the water on the 55-foot side with a vinyl fence. Mary's main concern is the placement of the fence within the 30-foot no-touch zone for the availability of passage for wildlife. Arborvitaes will be replanted on Robin's side of the fence along with a berm to stop runoff. Pauline, the abutter for this property, states that they will not allow removal of the four arborvitaes from their side of the property line. The Commission requests that the applicant brings an updated site plan to the October 2nd meeting that: meets building regulations for fencing per building inspector letterhead, contains accurate illustration of the 30-foot no-touch zone and 30-foot line from the high-water mark (top of the stone retaining wall), indicates fencing choice between split-rail and/or vegetation, and a planting schedule for vegetation if applicable.

Motion: Chris S., Second: Jeff V.

To continue 372 Townsend Harbor Rd to October 2nd.

Roll Call Vote: Mike-aye, Jeff-aye, Chris-aye, Jenny-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 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 September 18th)

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No representatives present.

Motion: Mike L., Second: Chris S.

To continue 171 Arbor Street to a future date to be arranged with the applicant by Sophie.

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

Administrative Determinations:

--**160 Sunset Lane** – Request for tree removal. Trees 3 and 4, marked on the screen-shared diagram, are requested for removal due to their proximity to the deck structure, but the applicant is okay with leaving trees 1 and 2 intact. Matt provided a more in-depth description of his plan to revegetate the eroded area. Chris Reilly suggested the applicant consider planting Beach Plum in the sandy/silty soil. Tree removal will be completed before winter 2024 and planting will take place in spring 2025 to balance cost.

Motion: Jenny P., Second: Jeff V.

To approve the applicant's updated plan.

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

-- **36 Peninsula Drive** – Request for removal of three large White Pine trees which are close to the applicant's and neighbor's houses. The trees are very large, mature, and healthy and stand 20-25 feet from the Hickory Hills Lake resource area. Sophie states that these trees should fall under an RDA, not an Administrative Determination (meaning that the Commission would need to formally determine if the removal of the living trees would adversely affect the resource area). The applicant is encouraged to include all information surrounding replication efforts in their RDA.

Certificates of Compliance:

-- **318 Page Street** – Sophie states that the culvert work was completed in a satisfactory manner and the vegetation was stabilized. The applicant is aware that they should remove the plastic silt fence from the woods near the site, then Sophie would approve this CoC.

Motion: Mike L., Second: Chris S.

To approve Certificate of Compliance contingent upon the removal of the silt fence.

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

-- **0 Courtland Cir.** - Will be discussed at the October 2nd meeting at 7:00pm due to the informal nature of the update.

ENFORCEMENTS:

Violations (Enforcement Actions and Hearings):

--**390 Howard Street** – Sophie refreshes the Commission on the property: erosion controls were put in place on the Eastern side of the parcel, but the Western side of the parcel did not have any erosion controls in place. The Commission voted during the September 4th meeting to issue a violation notice of \$300.00 per day until erosion controls were implemented on the Western side of the property. The applicant communicated with Sophie about proper procedure for issuing violations and the Commission should now further discuss to be on the same page with the applicant. Kevin O'Brien states that he installed the erosion controls on the property and was not informed of the insufficiencies Sophie saw at her site visit. He requests that Sophie visits the site with him to be clear where the erosion control barriers need to be placed. Matt Marro would also like to be present to see the sediment that Sophie had reported was running off the property and see what actions he and Kevin need to take to remediate the issue with affected abutters. He emphasizes that everyone involved is interested in ensuring that the erosion control is implemented properly. Within the following two Wednesdays Sophie, Kevin, and Matt will perform a site walk to clarify erosion problem areas which must be addressed and any possible sediment escaping the property. Erosion controls must be implemented two weeks after that meeting date. The applicant is expected to update the Commission at the October 2nd meeting.

****Please note that when complaints by abutters are received by the Conservation Commission, the complainant's name is expected to be kept private when addressing reported issues with property owners****

-- **40 Fire Rd 12** – There was encroachment on town property (paving and storage of personal items) within the 30-foot no-touch zone which the applicant filed an NOI to rectify. The applicant was given three years to restore the town property which has since passed (July 2024). The Commission voted to escalate the demand for corrective actions, but a deadline was omitted from the direction.

The corrective actions that must be taken are:

- a. removal of the pavement,
- b. loaming and seeding the area, and
- c. implementing a barricade (such as boulders) or signage to prevent parking in the area.

The Commission can request a written or drawn plan of corrective action.

Mike and Jenny state that early Fall is the best time of year to plant grass (as long as the soil is watered).

Mary suggests a two-week deadline for the corrective actions to be implemented.

Motion: Mike L., Second: Jenny P.

To issue an enforcement order directing the property owners to complete all above orders within two weeks or face day-to-day fines of \$300.00.

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

--**205 Sunset Lane** – Sophie is still waiting for a response from the DEP on this issue.

NEW BUSINESS:

Topics unknown 48 hours in advance of meeting:

DPW reached out to Sophie and stated that they will start drawing down Lake Shirley on October 15th.

-- **OpenGov Portal Walkthrough** – Sophie walked the Commission through using the OpenGov portal. PowerPoint notes will also be available to Commission members for future reference.

OLD BUSINESS:

Title Searches: No update.

Encroachment Issues:

-- **950 Chase Rd** - No updates.

-- **315 Lancaster Ave** - No updates.

Grants:

-- **Land Use** - Contracts have been awarded; PO's still need to be issued. Target is completion by Thursday 9/19/24.

-- **Snowrider Grant** - The Conservation Commission has received permission from the MassTrails Grant Administrator to purchase an ATV to help maintain trails on Lunenburg conservation land. Once the vehicle is purchased, Lunenburg Conservation will be reimbursed.

Hollis Road Residence Updates: Mike informs the viewers that the September issue of the Habitat Happenings newsletter has been released. It is accessible on the Lunenburg Community Pollinator Habitat Facebook page. He notes that he encouraged Bob Pease to add the newsletter to the trail kiosks to educate hikers and foster an increased interest and awareness in the local flower species. Mary suggests that a QR code for the newsletter could be placed in the kiosks for easy access.

Committee Reports:

-- **OpenSpace** - The OpenSpace Committee members asked if Sophie and Brian can implement a new requirement for NOI applicants in OpenGov to disclose whether their parcel is in a Chapter 61 abatement program. This will allow all parties to make informed decisions on the NOI.

-- **Stormwater** - No updates.

Chris lets Sophie know that he is available to accompany her on weekday site walks.

Motion: Mike L., Second: Jenny P.

To adjourn at 9:52pm.

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

Respectfully submitted,

Maddison Berthet
Conservation Assistant