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-Vacancy-



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Town of Lunenburg Conservation Commission

October 16th, 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 – Mary lets the audience know that we have made changes to Zoom processes to help ensure “Zoom Bombing” does not occur again.

Minutes of previous meetings – 9/18/24

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

To approve the minutes of 9/18/24.

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

Continuation Requests:

-- 22 Fairview Road – Request to continue to November 6th, 2024, under notice of project change.

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 Notice of Intent by D & A Lunenburg, LLC for construction of a stormwater management system within the 50- and 100-foot buffer zone, but outside of the 30-foot buffer zone of a Bordering Vegetated Wetland located at Electric Avenue and Pierce Avenue (Assessor's Map 113, Parcel 18, Lot 2). – The applicant is not present and did not notify Sophia of a change of plans.

Motion: Mike L., **Second:** Chris S.

To continue to November 6th.

Roll Call Vote: Mike-aye, Chris-aye, Jeff-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 a Notice of Intent by Christopher Coffin for removal of a deteriorating pressure-treated railroad tie wall with replacement by continuing an existing Graves Recon wall in its place on the shore of Lake Shirley located at 701 Reservoir Road, (OpenGov.com Record ID# **NOI-24-2**).* - Christopher Coffin is present. Sophie shares her screen showing the site plan. Christopher states that the new section of recon wall is intended to ensure erosion does not continue and endanger the existing trees on the property. The height of the wall will be 18 inches to meet the height of the loam. Mike states that he and Jenny visited the site and the project seems straightforward and that it will preserve existing vegetation. Jenny asks the applicant to confirm that changes requested by the DEP (to state that there will be an impact on the bank) have been made and he affirms that the filing is now correct. Mary informs the applicant that the Commission will not be able to issue a decision on the project since we do not have a DEP number associated with it. Sophie requests the applicant provide dimensions for the crushed stone surrounding the blocks will be. Christopher confirms that he will add the 6” crushed stone dimension to the plan.

Motion: Chris S., Second: Jenny P.

To continue to November 6th.

Roll Call Vote: Chris-aye, Jeff-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 for a Notice of Intent by Daniel Hernandez, represented by Dillis and Roy Civil Design Group, for the proposal of a garage addition, removal of vegetation and structural renovations to an existing single-family dwelling. The proposed work is within the 100ft buffer zone of bordering vegetated wetland and 200ft riparian zone of an intermittent stream at **48 Island Road (DEP# 208-1331) (OpenGov.com Record ID# NOI-24-1)**. (Continued from October 2nd to October 16th). -*

Greg Roy (of Dillis and Roy) is present to represent the applicant. Greg states that some changes have been made to the plan since the last meeting. Current proposed changes: Removing deteriorated bump outs on the back wall of the dwelling and replacing them with a new bump out, removing a shed off the back wall, building an addition to the dwelling over part of the existing driveway, adding a new entryway, removing two trees with one-to-one mitigation planting, and constructing a retaining wall between the Western property line and the dwelling to relax the current steep gradient to increase longevity of the building's foundation. All proposed changes occur within the 100' buffer zone of a bordering vegetated wetland and many occur throughout the 100' inner riparian zone and some within the 50' & 30' buffer zones. Riverfront disturbance has been quantified to be below the 5000ft² limit permitted for this parcel. Mary requests clarification for the reason for requesting removal of the Northmost tree and Greg informs her that the tree is close to and threatens the house. Mary disagrees with this assessment based on what she saw on the site walk. She votes that the Northmost tree be left alone as it is within the inner riparian zone and is outside the established limit of work. Greg also notes that the tree is very close to the septic system. Some discussion is had about regulations regarding whether septic systems are already accounted for in riverfront disturbance and what the tree's location in relation to the septic system may mean for its integrity in the future. These seem to be gray areas. Mike adds that the tree is a lovely sugar maple, and the property owners could tap it in the winter. He advocates for keeping the tree in place. Sophie agrees with Mike's comment and confirms with Greg that the tree would not be removed mechanically, and the root ball would be left intact to prevent damage to the system, but he reiterates that it is up to the Commission's discretion.

Motion: Mike L., Second: Jenny P.

To approve the proposed changes with the exception that the tree outside the limit of work will not be removed.

Roll Call Vote: Mike-aye, Jeff-aye, Chris-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 September 4th to October 16th). -* Kevin O'Brien is present and states that he will be meeting with Chuck Karen and Art Allen to review Chuck's delineation. Haley wood will retrieve the flags and present them to the Commission at the next meeting. Mary asks Kevin to address previous discussion of soil erosion on the property and he states that there was no violation found at the site walk with Sophie and Chris and large rocks could be placed as sufficient erosion control. Sophie and Chris testify that they did see erosion coming from the top of the property and "snowballing" down causing sediment to enter the woods. The rocks Kevin spoke of were clarified by Chris to be placed at points to divert the water so it is not one steady flow, ensuring that the water cannot build up enough momentum to cause more damage. Jeff chimes in to ask Kevin what his plans are for the parcel. Kevin is unsure. Jeff suggests that measures such as planting and a stormwater

management plan should be considered to stop the formation of more wetlands before Kevin decides what to do with the property.

Motion: Chris S., Second: Jeff V.

To continue to November 6th before which Kevin will have implemented erosion controls on the property.

Roll Call Vote: Jenny recused, Mike-aye, Jeff-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 Request for Determination of Applicability by Robin Jacobs for the relocation of previously approved arborvitaes bushes and the replacement of a pre-existing vinyl fence located on Hickory Hills Lake at 372 Townsend Harbor Road (OpenGov.com Record ID# RDA-24-5) (Continued from September 18th to October 16th). -

Robin Jacobs is present. Sophie screen-shares the updated plan illustrating proposed placement of new arborvitaes along alternating sections of post-and-rail fencing and high vinyl fencing.

Motion: Mike L., Second: Jenny P.

To approve the proposed plan.

Roll Call Vote: Mike-aye, Jeff-aye, Chris-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 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 October 16th). -

Brian Marchetti is present to represent the applicant. He explains that the filing has been on hold because the National Heritage and Endangered Species Program (NHESP) conducted a habitat assessment of the parcel and found evidence of a Blanding's turtle habitat on the lot which necessitated a new plan to be drafted for the three single-family homes. The new plan reduced the amount of buffer zone impact from about 68,000 ft² to about 18,000 ft² and will be limited to land grading and installation of a split-rail fence. Installation of the fence is mandated by the NHESP to provide a physical barrier to disturbance of the habitat during and after construction. The installation of this fence is to be completed before April 1st. Erosion controls will consist of straw wattles and silt fences.

Motion: Jeff V., Second: Chris S.

To approve the proposed plan.

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

Administrative Determinations:

-- **33 Birch Island Way** – Request for partial tree removal and limbing within the resource area of Hickory Hills Lake. Two trees have branches hanging over a garage and porch which would be limbed, five trees along the water line would be pruned, one dead pine tree would be removed, and one tree has branches hanging over a gazebo that would be pruned. Sophie would approve of the proposed plan.

Motion: Mike L., Second: Jenny P.

To approve the proposed plan.

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

Extension Request Permits:

-- **398 Sunset Lane** – The applicant has planted the area above and beyond what the Commission required, and the plants are healthy. Gary Kroll, the applicant, requested the extension because a neighbor was using a part of the property during renovations which delayed the completion of the as built.

Motion: Chris S., Second: Mike L.

To approve the extension request.

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

Certificates of Compliance:

-- **564 Page Street** – The applicant has made improvements to the state of the vegetation on the property. Sophie is waiting on the applicant to have an environmental scientist inspect the property and provide the report. The applicant, Shane Walker, explains the measures that have been taken to revegetate the area since purchasing the property in July. Jenny and Mike state that at the site visit they were happy to see the plants doing well and Jenny suggested that the applicant install caging to protect the blueberry bushes from deer. Sophie says she hesitates to approve the COC because of the history of saplings not doing well on the property. Mary agrees and suggests that the COC not be approved until Sophie goes back in the Spring to verify the success of the plants. Greg Roy, an engineer on the project states that rather than denying the COC, the Commission should leave the OOC open, and they will send a letter to the office to initiate a continuation of the hearing in late April.

Motion: Mike L., Second: Jenny P.

To take no action until further information is received from the applicant in April.

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

-- **386 Sunset Lane** – The work was completed according to the approved plan and the grass is growing lushly. Sophie would approve this COC.

Motion: Chris S., Second: Jenny P.

To approve the COC.

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

-- **48 Pearl Street** – OOC for work on several retaining walls and plantings on the bank of a resource area. An additional retaining wall was built to address erosion issues. The applicant has been diligent with replenishing jute matting underneath mulching and they are keeping up with landscaping which Sophie thinks is sufficient. Two trees were supposed to be planted but the applicant hesitated due to heavy shade in that area. Two dogwood trees have taken root and grown instead. The additional retaining wall was not approved through the Commission and was 4 feet tall. There is some debate whether the 4' wall is allowed without a building permit and Jeff was able to find a permit for a plan with the current structure of the walls. Sophie details the planting that has been done including the location of the dogwood and many other plantings such as junipers (a trailing species). Mary wants the applicant to come back with a revised planting plan to compensate for the refusal to plant the two trees as agreed upon in the order. Suzanne DeGeorge, the homeowner, clarifies that two large holly bushes were planted along with 50 other plantings in the area. Mary is willing to accept the other plantings as sufficient but requests documentation for the changes to the plan. Suzanne asks if the Commission would be willing to vote to approve the COC on the condition that she submit a revised plan to Sophie. Mary, Chris, and Mike would prefer to see the plan before voting.

Motion: Chris S., Second: Jenny P.

To continue to November 6th.

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

Notice of Project Change:

-- **171 Arbor Street** – Already heard. No further actions.

-- **181 Reservoir Road** – Brian Marchetti is present to represent the applicant. The original NOI was filed in 2020 for installation of a garage with a gravel driveway within the outer Riparian zone. Since stormwater runs onto the property from Reservoir Road, a gravel driveway would wash out, so the

applicants request permission to use asphalt for the driveway instead. Bill Bernard issued a letter to Sophie giving his support for the change.

Motion: Chris S., Second: Jenny P.

To approve the request to change the cover material of the driveway to asphalt.

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

ENFORCEMENTS:

Violations (Enforcement Actions and Hearings):

-- **10 Mass Ave** – The property owners need to file for their changes to the land. Sophie will visit the property in the coming week. Mary states that if they do not file, the Commission will need to move to enforcement actions.

-- **40 Fire Road 12** – The homeowners were both contacted by certified mail and email. Thomas Wu received the enforcement order. Scott Benjamin has not responded to the order. Mary suggests that Sophie obtains the advice of the Town Legal Counsel to determine how to escalate the matter and pursue fines.

-- **205 Sunset Lane** – Massachusetts DEP upheld everything the Commission had instructed but issued for the State WPA formalization. The Order of Conditions was not issued by the Conservation Office in a timely manner. MassDEP noted that their ruling did not overrule local regulation or bylaw. Mary instructs that the office issues an Order of Conditions and ensures that nothing in the DEP ruling is contradicted.

Emergency Certifications:

NEW BUSINESS:

Topics unknown 48 hours in advance of meeting:

OLD BUSINESS:

Title Searches: No updates.

Encroachment Issues:

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

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

Open Space and Land Use:

-- **Grants Update (LCC Sponsored, 2023)**- No updates.

-- **Grants Update (LSR Sponsored, 2022)** - No updates.

Hollis Road Residence Updates: Mike spoke with Chris Ruth. Nick Harrison found cabinets for the kitchen on the property at Habitat for Humanity for around \$5,000 (\$12,000 value). Mike requests that the funds for the cabinets and installation labor are approved through the Hawes Fund. Mary requests that the project not exceed \$5,100.

Motion: Mike L., Second: Jenny P.

To approve the use of \$5,100 from the Hawes Fund to purchase and install cabinets at the Hollis Road Residence.

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

Mary calls attention to the roof repair project to ensure that it is taken into consideration with budget usage and requests that Mike obtain a quote for the work when Chris is available in mid-November.

Committee Reports:

- **OpenSpace** - No updates.
- **Stormwater** - No updates.

Communications/Public Comment:

Motion: Jenny P., Second: Chris S.

To adjourn at 9:48pm.

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

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Respectfully submitted,

Maddison Berthet
Conservation Assistant