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Richard Bursch
Jeffrey Viviano
Michael Larouche
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**Town of Lunenburg
Conservation Commission
December 4th, 2024, 7:00PM, ZOOM REMOTE
Minutes**

CALL TO ORDER

Roll Call: J. Pewtherer, R. Bursch, C. St Germain, M. Larouche, M. Wilson. and S. Dorow (Admin)
Call to Order at 7pm by M. Wilson

ANNOUNCEMENTS & PUBLIC COMMENT

Motion: J. Pewtherer, approve 2024-10-02 minutes.
Second: M. Larouche.
Vote: M. Larouche – AYE, C. St Germain – AYE, R. Bursch – ABSTAIN,
J. Pewtherer – AYE, M. Wilson – AYE

Motion: J. Pewtherer, approve 2025-10-16 minutes.
Second: M. Larouche.
Vote: C. St Germain – AYE, M. Larouche – AYE, R. Bursch – ABSTAIN,
J. Pewtherer – AYE, M. Wilson – AYE

APPOINTMENTS/HEARINGS

Michael-Ray Jeffreys (7PM)- Discussing options for future mgmt. of Hollis Rd property.

Per M. Wilson – Mr. Jeffreys had unexpected delay, will be able to join meeting later.

M. Jeffreys joined at 7:57 P.M. Hollis Rd property has existing “license agreement” with “custodian” that lives there. He discussed this agreement with Town Counsel & concluded it’s functionally a *lease* / the Commission is acting as a “landlord”. Concerned about meeting State Sanitary code (a landlord’s obligations to their tenants) under current agreement. Current compensation rate (i.e. rent from custodian to the Commission) is \$850/mo. Monies can be used for any purpose Conservation deems appropriate.

M. Jeffreys recommended the Commission:

- Establish a facility stabilization / property maintenance fund within its revolving account.
- Conduct a 10-year capital assessment (i.e. lifespan of boilers, service panels, building envelope, etc), estimate annual maintenance costs including overhead.

- Create a revised lease agreement based around the following information:
 1. A market analysis of the property's worth, & the rate the Commission wants to offer it at (i.e. 80% of market, 60%, etc.)
 2. A detailed list of maintenance expectations (i.e. specifics & labor-hours)
 3. A prevailing wage assessment of that list (to calculate how much is "deducted" from rent)
 4. A system for documenting completed work (e.g. scheduled inspections by Commission)
- Contract with a handyman service to maintain Sanitary Code standards (e.g. fix kitchen, plumbing, other triggers for alternative housing responsibility).

M. Jeffreys will bring a lease model at a future meeting, suggested requesting permission to coordinate a site inspection pursuant to the market analysis / capital needs assessment. Noted Commission's legal obligation for monthly pest control at the property.

Motion: **R. Bursch**, to appoint **M. Jeffreys** to assist with this project and coordinate with Town Counsel.

Second: **J. Pewtherer**

Vote: **C. St Germain – AYE,** **M. Larouche – AYE,** **R. Bursche – AYE,**

J. Pewtherer – AYE, **M. Wilson – AYE**

950 Mass Ave Encroachment Discussion (7:15 PM)

Property owners not available when agenda item reached. (Per **S. Dorow** they were informed of appointment by "snail mail" just before Thanksgiving). **M. Wilson** would revisit item later in meeting if they eventually joined (never did).

586 Reservoir Rd – Request for Determination of Applicability, OpenGov ID RDA-24-7.

M. Wilson read the public hearing notice. Proposed project is construction of a detached garage within southeasterly corner of the lot. Limit of work may encroach upon 100' buffer zone of a bordering vegetated wetland and resource area.

Limhuot Tiv (GPR, Inc.) presented on behalf of applicant Sean Keenan. Site has existing single-family dwelling. Applicant proposing new 26'x36' garage / storage building at corner lot. Staging, storage, work, & finished building will be outside 100' buffer zone. One (1) tree near the building (outside of 100' buffer zone) will be removed.

J. Pewtherer questioned Commission's jurisdiction on this since building is outside of the buffer zone. Per **M. Wilson** limit of work appears to be *inside* buffer zone. **R. Bursch** noted the limit of work is stated as 100.1 feet away from the wetland, opined it may be difficult for applicant to adhere to that envelope.

L. Tiv agreed plan should be modified with more appropriate limit of work. **R. Bursch** suggested extending erosion barriers to follow the northern side of the driveway / allow it to encompass any erosion from the staging and stockpile areas; would give workers a realistic limit of work. This change would be a condition of approval / not require another hearing.

Motion: **J. Pewtherer**, approve with negative determination with the condition that the erosion control follows the northern border of the driveway and said erosion control *is* the limit of work, and the applicant will update & resubmit the drawing.

Second: **M. Larouche**

Vote: C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,
J. Pewtherer – AYE, M. Wilson – AYE

400 Leominster-Shirley Rd – Amend an Order of Resource Area Delineation (ORAD)

M. Wilson read the public hearing notice. Request is to amend an Order of Resource Area Delineation by Christopher Anderson (Hannigan Engineering) to remove a portion of the Resource Area Delineation from the order due to maintenance performed on an on-site manmade detention basin.

Bill Hannigan (Hannigan Engineering) presented on behalf of applicant PJ. Keating Company. Explained previous permitting: Commission issued an ORAD for property circa 2022. That delineation’s “D-Series” wetlands were later found to be an out-of-use man-made detention pond for PJ Keating plant operations, unknown to Hannigan at the time. While pond was active PJ Keating dug trench through property to the north for better drainage control. When flow was later cut off by building development at 475 Leominster-Shirley Rd the Commission granted an RDA request for rebuilding that detention area.

R. Bursch asked B. Hannigan to clarify application intent – asking that ORAD be amended to eliminate D-Series wetlands, resolving discrepancy between that ORAD & the Commission’s previous RDA approval.

S. Dorow asked where Commission’s previous approval stated this was not a wetland. B. Hannigan cited Commission’s 2022 submission Determination of Applicability / “DOA” submission to MassDEP (eDEP Transaction ID 1791901), which had box 3 (“work is within Buffer Zone but will not alter an area subject to the Act”) checked as a negative determination.

M. Wilson examined a 2024-09-24 letter from MassDEP preventing further action while they appeal the Commission’s 2024-09-11 DOA. **B. Hannigan** noted the Commission’s *vote* to approve that was around March 2023--much earlier than the DOA document’s *issuance* in Sept 2024. The Commission decided to seek further guidance from the Massachusetts Department of Environmental Protection (MassDEP) before acting.

Motion: R. Bursch, to continue to 2024-12-18 to obtain further guidance from MassDEP.

Second: J. Pewtherer

Vote: C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,
J. Pewtherer – AYE, M. Wilson – AYE

CONTINUED PUBLIC HEARINGS

10 Lakefront Ave / 494 Electric Ave – Notice of Intent, OpenGov ID NOI-24-3 (Continued from 2024-10-06).

M. Wilson read the public hearing notice. Project is to construct a Stormwater Management System within the 50 and 100-ft buffer zone (excluding 30 ft buffer zone) of a Bordering Vegetated Wetland. Property is Assessor’s Map 113, Parcel 18, Lot 2 (adjacent to Il Forno restaurant). DEP File# 208-1332.

B. Hannigan presented for applicant D&A Lunenburg, LLC. Noted parallel applications to Planning Board (see [PBSA-24-4](#), [PBSW-24-1](#) in OpenGov). Review of Stormwater Management System pending from Graves Engineering, Inc (GEI). Project background: applicant purchased adjacent land across Pierce Ave; plans to (1) rebuild parking lot / increase space for visitors at restaurant and (2) build a retail office building with associated parking lot on the adjacent parcel (10 Lakefront Ave). B. Hannigan noted that drainage system calculations factored in availability of building lots / was designed to accommodate future applications for 3 houses & their associated driveways. Outlined pending plan revisions for DEP comments, including depicting water quality units & treatment train, including soil maps, specifying brush conditions within the analysis, including maintenance costs of the dry detention basin in project cost estimates.

M. Wilson asked about the impacts on brush & tree cover. Per B. Hannigan, buffer zone impacts include grading and erosion controls associated with the proposed basin. Limit of work is portion of plan shown in light green (current plan includes impacts for purpose of drainage analysis, not NOI). Offered to include overlay plan for clarity.

M. Wilson asked if cleaning trash buildup (observed in existing drainage ditch along Northwest edge of parcel during site walk) was included in this filing. Per B. Hannigan – no, but could be part of project’s Order of Conditions (OOC) if approved.

R. Bursch asked if construction of building & parking lots would be simultaneous. Per **B. Hannigan** the restaurant parking lot is applicant’s priority, but the whole site will be prepped all at once. Will clarify whether the jurisdictional basin will be constructed right away, but his experience would lead him to suggest building the basin after construction begins for the office building.

Motion: **M. Larouche, to continue to 2024-12-18 pending peer review and plan revisions for DEP.**

Second: **J. Pewtherer.**

Vote: **C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,
J. Pewtherer – AYE, M. Wilson – AYE**

390 Howard St – Abbreviated Notice of Resource Area Delineation (Continued from 2024-10-16).

Project is DEP File #208-1304. **M. Wilson** read the public hearing notice.

Applicant **Kevin O’Brien** requested continuance to next meeting (new materials from Haley Ward Inc not yet ready). **M. Wilson** observed lacking erosion controls for newly flagged wetlands at site visit. **S. Dorow** showed areas where water was bypassing erosion controls on satellite images. **C. St Germain** shared S. Dorow’s concerns, noted his overwhelm with the property / the extent of its issues.

K. O’Brien discussed the location of an old, failed silt fence with S. Dorow, M. Wilson and C. St Germain. Per S. Dorow a neon flag marks the silt fence.

Motion: **C. St Germain, to continue to 2024-12-18.**

Second: **R. Bursch**

Vote: **C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,
J. Pewtherer – AYE, M. Wilson – AYE**

12 Horizon Island Rd – Reissue Order of Conditions (OOC) for NOI. (Continued from 2022-03-02).

Project is DEP File #208-1253. **M. Wilson** read the public hearing notice.

Greg Roy (Dillis & Roy) presented for applicants John & Cathy Beale.

Background: an NOI (for construction of an addition to an existing dwelling, porch, deck extension, driveway, and addition of a retaining wall with changes spanning the 30 ft, 50 ft and 100 ft buffer zones of Hickory Hills Lake) was filed early 2022. Recording of its hearing (2022-03-02) is missing. Greg & applicants remember the hearing & its closing but can’t locate an OOC for the project.

Commission had issues with lake-shore portion of the plan at 2022-03-02 meeting, so it was removed from the project (only work on the house was performed). The building permit was signed by previous Building Dept staff / Certificate of Occupancy has been issued.

Around Oct. 2024 applicants *planned* to apply for an Amended OOC to reintroduce the lake-shore work & incorporate Commission’s 2022 feedback, but the OOC can’t be amended since nobody has the original copy. (Also poses future issue for issuing Certificate of Compliance). Workaround is treating tonight as a *continuation* of the 2022-03-02 hearing & having this OOC formally issued.

C. St Germain found the original *unsigned* OOC. Commission opted to consider original unsigned OOC as valid & consider the applicant's proposed amendment.

G. Roy outlined the proposal: an existing sandy beach area bounded by retaining walls has degraded, intends to replace retaining walls with naturalized stone rock-wall. Existing wall would be removed, replacement would be 1-2 ft back from original. Will add new line of boulders in back to prevent soil migration. Existing granite steps to be replaced in-location with more naturalized & permanent steps. Net increase in floodplain storage area.

M. Wilson briefly discussed tree health impacts from moving wall back. Applicant intends to preserve vegetation / root health. Per **G. Roy** work will mainly be done on the land side of retaining wall, expects minimal work on lake side when removing existing wall. Will fill out WPA Form 3 for resource area metrics per **S. Dorow** request.

R. Bursch opined no work should've happened since original OOC was never recorded, recommended signing existing OOC & waiting until it's recorded before acting on amendment. Applicant noted proposed work scheduled for January to use lower water level.

Motion: **R. Bursch, to approve the existing draft Order of Conditions.**

Second: **J. Pewtherer**

Vote: **C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,
J. Pewtherer – AYE, M. Wilson – AYE**

Motion: **R. Bursch, to continue the Amendment to the 2024-12-18 meeting.**

Second: **C. St Germain**

Vote: **C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,
J. Pewtherer – AYE, M. Wilson – AYE**

CERTIFICATES OF COMPLIANCE

57 Round Rd (DEP 208-1322, 208-1279)

Per **S. Dorow** – recommend rejection. Existing driveway hasn't been removed, loamed & seeded as per approved plan. A deteriorating culvert crosses main road by the driveway. Dept. of Public Works (DPW) wants to address crumbling pavement for safety, estimated done within 1-2 weeks.

Motion: **R. Bursch, to deny Certificate of Compliance for 57 Round Rd until OOC and approved plan are finished / DPW work is done.**

Second: **C. St Germain**

Vote: **C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,
J. Pewtherer – AYE, M. Wilson – AYE**

899 Flat Hill Rd

Per **S. Dorow** – recommend approval, deck was built to plan.

Motion: **M. Larouche, to approve Certificate of Compliance for 899 Flat Hill Rd.**

Second: **R. Bursch**

Vote: **C. St Germain – AYE, J. Pewtherer – AYE, R. Bursch – AYE,
M. Larouche – AYE, M. Wilson – AYE**

197 White St

Per **S. Dorow** – plot is tied into larger subdivision but was built to plan. Recommended partial release and partial COC approval (only for this specific address).

Motion: **M. Larouche, to approve Certificate of Compliance for 197 White St specifically.**

Second: **R. Bursch**

Vote: **C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,
J. Pewtherer – AYE, M. Wilson – AYE**

1207 – 1209 Mass Ave

Per **S. Dorow** – Couple of different houses put together, condo-style. Both areas of front lawn lack established sprouted hydroseed. Part of grading spilled onto top of stone retaining wall on right side (street-view).

C. St Germain noted the site was just recently hydroseeded. **S. Dorow** confirmed a lot of hydroseed in back area *is* vegetated, but in front area is fresh & unsprouted.

Matthew Marro presented for applicant Phil Colameta. Confirmed ~25ft section of retaining wall was added to prevent grading spilling into 50 ft zone, opined it should've been submitted as a de minimis change. Front hydroseeding was delayed due to DPW water main project. Opined duplex & arborvitae were built to order, noted engineer had certification letter updated to note retaining wall discrepancy.

M. Wilson apprehensive about unsprouted hydroseed, but **C. St Germain** believes it will take.

Motion: **C. St Germain, to approve the Certificate of Compliance for 1207 – 1209 Mass Ave.**

Second: **R. Bursch**

Vote: **C. St Germain – AYE, J. Pewtherer – AYE, R. Bursch – AYE
M. Larouche – AYE, M. Wilson – AYE**

NOTICE OF PROJECT CHANGE

932 Flat Hill Rd

Bob Correa (applicant / owner of 932 Flat Hill Rd) presented. Intends to extend retaining wall 25-30 ft. & run it flat into the banking to prevent lawn degradation. Building Commissioner has already visited / inspected. Wall height to remain at existing 7 ft, plans to add a 2 ft. fence on top after.

The Commission had no issues.

Motion: **C St. Germain, to approve project change.**

Second: **M. Larouche**

Vote: **C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,
J. Pewtherer – AYE, M. Wilson – AYE**

ENFORCEMENTS

10 Mass Ave

1168 Mass Ave Rear

40 Fire Rd 12

950 Chase Rd

(Out of order): Per **M. Wilson** property has a barn that's fully on the Large Town Forest parcel. Current owners were not owners at the time Barn was extracted, sale included a disclosure about the encroachment issue. Issue referred for litigation, has gone to arbitration. Applicants informed Town they won't assume responsibility for problem from 3rd party. Town must decide between litigating or having owners take responsibility. Noted Select Board Chair advised that obligating Town to litigate is *their* jurisdiction.

M. Wilson sympathetic to owners but unwilling to let Town bear removal costs since encroachment issue was disclosed during sale. **C. St Germain** agreed.

R. Bursch and **M. Wilson** the encroachment issue's disclosure. Per M. Wilson the posting on Multing Listence Service included it. **R. Bursch** noted lack of proof that owners read the listing or it was sufficiently described, was uncomfortable litigating. **M. Larouche** noted fire dept. unwilling to burn this building.

The Board briefly discussed available motions.

Motion: **R. Bursch, to refer matter & decision whether to litigate to Select Board.**

Second: **C. St Germain**

Vote: **C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,**
J. Pewtherer – AYE, M. Wilson – AYE

48 Meadow Ln

67 Island Rd

(Out of order). **Melissa Canavino** (owner / applicant) presented. Is working on submitting RDA, has 2 out of 3 needed documents. Working to finalize site-map plan, to be submitted by end of week. Noted talking with Building Commissioner about permitting for deck.

NEW BUSINESS

Topics unknown 48 hours in advance of meeting:

Deferred to future meeting.

Conservation Topics of Discussion:

Deferred to future meeting.

April Earth Day Events

Deferred to future meeting.

Paint Stewardship

Deferred to future meeting.

Permit Extension Act

Deferred to future meeting.

OLD BUSINESS

ConCom Meeting calendar

Deferred to future meeting.

Update on Title Searches

Deferred to future meeting.

ENCROACHMENT ISSUES

950 Chase Rd – Shed Removal

Discussed above under “ENFORCEMENTS”.

315 Lancaster Ave

Deferred to future meeting.

OPEN SPACE AND LAND USE

Chapter 61 OpenGov Workflow

Deferred to future meeting.

Grants Update (LCC Sponsored, 2023)

Deferred to future meeting.

Grants Update (LSR Sponsored, 2022)

Deferred to future meeting.

Conservation Land Improvement

Deferred to future meeting.

HOLLIS RD RESIDENCE

(Out of order)

M. Larouche recommended approving funds for pre-winter maintenance by Cam’s Heating, would work this out with Facilities Director Chris Ruth.

Motion: **M. Wilson, to approve funds not exceeding \$400 for maintenance of Hollis Rd heating.**

Second: **C St. Germain**

Vote: **C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,**
 J. Pewtherer – AYE, M. Wilson – AYE

COMMITTEE REPORTS

Open Space Committee

Deferred to future meeting.

Stormwater Task Force

Deferred to future meeting.

COMMUNICATIONS / PUBLIC COMMENT

Per **M. Wilson** Hickory Hills Lake wants to do a Lake Report (generally 1 hour long). She proposed off-cycle meeting for only that item. Quorum necessary for certain associated votes.

Per **M. Wilson** – lead on single candidate interested in joining Commission.

ADJOURNMENT

Motion: R. Bursch, to adjourn.

Second: J. Pewtherer.

Motion: R. Bursch, to adjourn.

Second: J. Pewtherer

**Vote: C. St Germain – AYE, M. Larouche – AYE, R. Bursch – AYE,
J. Pewtherer – AYE, M. Wilson – AYE**

Meeting adjourned 10:27 pm.

Respectfully submitted,

Logan O’Connell - Admin Asst. (Temp)