

Town of Lunenburg Conservation Commission

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January 22, 2025, 7:00PM, HYBRID IN-PERSON/REMOTE Minutes

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

Call to Order at 7:14pm by Chair, Mary W.

Announcements/Public Comment/Minutes – none

APPOINTMENTS

Anna Wilkins (North County Land Trust-Director of Conservation and Climate)– Anna announced they will be holding a Landowner Workshop on April 2nd at the Bull Run. They are targeting landowners with 20+ acres or those with significant interest in conserving property in Lunenburg, Lancaster, Ayer and Shirley. She will work with Open Space Committee to compile a list of landowners and urged each community to contribute \$250 to help defray costs.

1168 Mass. Ave. Violation – Brian Marchetti (McCarty Engineering) noted the Powell's purchased this property in 2020. It may have been hayed for decades. They had walked the property with Matt Marro and they believed they had established they had the right to clear vegetation and trees. The old farmhouse was demolished in 2020. In 2022, they had plans and approvals for a new house and septic. Nadia (former Conservation Admin.) did a site visit and noted that no work was done in the buffer zone. The applicant believed Nadia confirmed there was a drainage farm ditch - not a perennial stream. (Nadia's notes are not available.) Since 2022, Jeff Powell has been haying the property, assuming it was a drainage ditch. Mary noted on Nearmap it appears there were changes to the area noted as DEP Wetlands. Sophia did a site walk, noting that a stream crosses under the driveway and there is a newly repaired culvert. Mary screen-shared the property on Mass Mapper which indicates wetlands and a flood plain, adding that Nadia's notes state there was riverfront area as well. Brian replied that the streams on GIS are all downstream of the property and the stream was dry in the summertime when he walked it with Matt and Nadia. Chris S wondered where notes are that Nadia may have about the area in question being a ditch vs a stream. Marchetti states that he believes Nadia stated that it was a ditch because it's an agricultural area. Mary shows that there is a hydrologic connection, so it appears to meet the definition of a stream. Richard B asks who owned the property in 2020 and Jeff Powell indicates that he did. Richard notes that the perennial stream was delineated as wetland in their submission and agricultural work is allowed in the buffer zone but not the wetland without a filing. Brian will look at a farm plan for conservation that they can submit. Rich suggested reaching out to USDA office for soil conservation. Mary suggested submitting an RDA or NOI to formally commission the work and to do a wetlands delineation. Brian suggested a Farmland plan with the USDA as they are more familiar with the agricultural exemptions. Mary proposed a continuance to Feb 5 which will allow the applicant to reach out to those resources and to come back with a possible plan.

Motion: Chris S., Second: Jenny P.

To continue 1168 Mass. Ave. to 2/5/25.

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

NEW 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 Ryan Vickers for removal and replacement of a collapsed drainage pipe through the side yard of a single-family residential property within the 100-and 50-foot buffer zone of Hickory Hills Lake located at **32 Hemlock Drive**, (OpenGov.com Record ID# NOI-24-8) (DEP # 208-1337) - Greg Roy (Dillis & Roy) screen-shared the site plan, pointing out an old clay pipe that runs along the side of the property. The pipe was designed to bring water from the road into Hickory Hills Lake behind the house but the pipe is either crushed or filled in. Water has nowhere to go now and floods in front of the house, as well as inside the house. He is proposing grading to pitch the water away from the house and replacing the drain line in the same location. The applicant contacted the DPW about replacing the drain but was told it was not in their Capital Plan. Greg noted they will use an erosion control barrier, work only in pre-disturbed area and not remove any trees. The DEP had one comment about a point source discharge but they are not proposing a new one. They will also add rip-rap at the outlet. Mary and Jenny did a site visit and suggested adding a larger rip-rap area further from the shoreline. Greg will come back with dimensions as requested.*

Motion: Chris S., Second: Rich B.

To continue 32 Hemlock Drive to 2/5/25.

Roll Call Vote: Jenny-aye, Rich-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 a Notice of Intent by Sally Tonole Luck and Richard Tonole represented by Matthew Marro for the replacement of one retaining wall, replacement of a section of walkway pavers, and removal of three trees with replacement vegetation on the shore of Lake Shirley located at **352 Sunset Lane**, (OpenGov.com Record ID # NOI-24-11). (Jeff V. recused himself as a direct abutter) – Matt Marro screen-shared the site plan which proposed replacing a rotting, collapsing timber retaining wall along the water with a fieldstone wall by Brett Ramsden. The new wall will be the same height and location. Matt pointed out the buffer zones and that the lot is in the 100 year flood plain. They will also replace walkway pavers that are collapsing and are proposing to remove 3 trees, which will be replaced with 6 native shrubs. Matt added that they do not have a DEP number yet. Mary and Jenny did a site visit, noting that 2 trees had damage but the 3rd looked ok. Matt screen-shared photos of the collapsed area and said the applicant wants to start work as soon as approved. Rich asked about erosion control and Matt replied Mr. Ramsden has an erosion curtain which will be in place prior to work beginning. The wall will take 2-3 weeks to complete. The Commission discussed the 3 trees being proposed for removal, suggesting to remove the 2 damaged trees and prune the 43” maple. Matt requested a continuance to 2/5 and Chris asked to update the plan regarding the tree removal and pruning. Jeff Viviano (338 Sunset Lane) stated he would give permission for his wall to be feathered into the Tonole wall.*

Motion: Mike L., Second: Rich B.

To continue 352 Sunset Lane to 2/5/25.

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

*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 Melissa Cannavino for the renovation of a patio, stairs, and walkway within the 50-foot buffer zone of Hickory Hills Lake located at **67 Island Road**, (OpenGov.com Record ID# RDA-24-9). Melissa Cannavino screen-shared a photo of an old greenhouse that had imploded and a drawing of the patio, stairs and a walkway. She noted they have made repairs to some things that were crumbling. Mary asked to have the dimensions to the waterline noted and Melissa replied she estimated the new wall to be 28’-30’ from the water level. Mary asked Sophia to go onsite to measure to verify the wall is in the 30’ buffer and to add that*

measurement to the site plan. Mary inquired about the canter-levered deck extending out further than the original greenhouse. Melissa replied that there was a walkway there since the 70's but it was overgrown with vegetation. Mary pointed out that they do not allow walls to be constructed within the 30' buffer and do not allow expansion of the footprint of structures, such as a deck. Rich asked to see more evidence of the pre-existing walkway and Melissa will look for pictures. She noted that the only new structure was the wall to make it safe. Mary requested confirmation on the distance from the high water mark to the existing wall, update the drawing with the stairs and continue the hearing to 2/5/25.

Motion: Mike L., Second: Jenny P.

To continue 67 Island Road to 2/5/25.

Roll Call Vote: Chris-aye, Mike-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 a Notice of Intent by Gregory Roy for restoration of previously disturbed areas within the 100- and 50-foot buffer zones of a bordering vegetated wetland located at 828 Lancaster Avenue, (OpenGov.com Record ID # NOI -24-12) (DEP #208-1338). Greg Roy (Dillis & Roy), representing Wachusett Investments as applicant, stated they are renovating the old farmhouse, demolished the old barn and put in a foundation for a garage. The work is outside of the buffer zones and grading was done towards the property line, with the fill moved off the property. Erosion control barrier had been added around the property and into the abutter's property. Greg added that the NOI was filed to receive an Order of Conditions to restore the area that was filled. The grading has been done without any work in the 30' zone, but also without any permits. They received a DEP number and Sophia read the comments as follows: They need to get permission from the abutter prior to starting restoration and submit proof to the Commission. Also there should be 75% survival rate for the restorative seeding. Greg pointed out that if the Commission issues an OOC for the driveway and adjacent parcel, it will effectively resolve the fill issue. Mary added that there was a lot of trash in the fill and Greg agreed it needed to be cleaned up. **Patricia Whitney (137 Goodrich St.)** stated that Steve Parker (former owner of 828 Lancaster Ave.) had clear cut almost to her pond and terraced the land into 2 levels.*

Motion: Mike L., Second: Jenny P.

To approve the NOI for 828 Lancaster Ave. with special condition that 75% or more of the restoration is established before they approve and the previous fill is replaced with clean fill.

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

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 Stephen Violette of Sunshine Nominee Trust for construction of a gravel driveway for accessing a future residential build site and agricultural land within the 100 and 50-foot buffer zones of a bordering vegetated wetland located at 157 Goodrich Street, (DEP # 208-1335, OpenGov.com Record ID # NOI-24-7). Greg Roy (Dillis & Roy) stated that Mr. Violette purchased 3.5 acres of land from 828 Lancaster Ave. Greg screen-shared the site plan and noted the proposed gravel driveway off Goodrich St., to provide access to the agricultural land further in. He added there is a buildable lot also but Mr. Violette has no immediate plans for a house. At the last meeting, the Commission had concerns about the proposed grading and the proximity to the 30' no-disturb zone. Greg spoke to both property owners about doing a land swap to get the driveway further from the 30' buffer but did not have any definitive answers. There will be no tree clearing or work in the 30' buffer. Mary inquired about the elevated area further in with more potential for run-off. Greg noted that it is 40' in and near the 30' but there is no room to do a swale. Rich asked if the driveway is laid out to comply with driveway regulations and Greg replied yes. Abutter Patricia Whitney asked how the runoff would impact her Certified Wildlife Pond, which is fed by 3 springs. Greg answered the runoff would filter through the wetland which is heavily vegetated. In regard to mitigation of stormwater, this is well

below the threshold. Jeff inquired if the applicant was interested in paving the driveway and Greg replied he would need to check but knew the applicant did not want the significant cost of paving. Mrs. Whitney asked about the markings and stakes near her property and Greg replied he could go over that with her.

Motion: Chris S., Second: Jeff V.

To approve the plan for 157 Goodrich Street as proposed.

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

*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 to amend an Order of Resource Area Delineation (ORAD) by Christopher Anderson to remove a portion of the Resource Area Delineation from the order due to maintenance performed on a manmade detention basin located at **400 Leominster Shirley Road.** **(Continued from December 4th to January 8th.)*** Bill Hannigan (Hannigan Engineering) reported he sent an email to the DEP and copied the Commission but had no response. Sophia contacted Judy who said it was up to the Commission to proceed based off of information provided. They do not want to see an amendment to a delineation and elimination of a wetland that was present when the Commission made the original decision. Bill responded that it made sense but they had no idea this was part of a drainage system when the delineation was done and area flagged as wetland. Keating stated it was part of their drainage system. They were working on their EPA documentation and were issued an RDA to do the work in March 2023. The work was completed in March 2024 and Hannigan filed for an amendment to the ORAD, to match what the Commission did in 2023. Bill clarified that the parcel is owned by the Keating family and P.J. Keating is owned by Old Castle Products, leasing the land from the Keating family. Chris stated they are in a Catch-22 where it was incorrectly identified as wetlands and was misclassified. Bill pointed out that Form 4B has a box noting “Amended Order of Resource Area Delineation”, so there is a process. Sophia clarified that the DEP asked for paperwork which she could not find, so she did a duplicate. The DEP compared it to the ORAD and said it was not okay. Bill added that P.J. Keating used the same plan Hannigan presented for the ORAD, which has an area designated as wetland that is now being used by Keating’s operations for wash water in their plant. Rich asked why they are not now protecting it as a wetland. Bill replied the paved driveway was overgrown on the right with vegetation and invasives so it was not apparent it was part of a drainage system. He added this is part of Keating’s operational feature and not part of a wetland system. Mary noted that the Commission gave permission to do the work and it is now done. If the Commission does not approve, Sophia would need to send a letter to the applicant. Bill stated they submitted the same plan with the D series and current pictures of the area. They are asking for the D series to be removed from the ORAD that was approved. The Commission discussed whether to approve the amendment and voted.

Motion: Rich B., Second: Jenny P.

To approve the Order of Resource Area Delineation Amendment at 400 Leominster-Shirley Rd. as proposed.

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

Bill will update the original plans so they can have it for their files.

*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 December 4th to February 19th.)*** Hearing had been continued to 2/19/25.

Motion: Chris S, Second: Mike L.

To continue the hearing on 390 Howard Street to 2/19/25.

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

Administrative Determinations: 44 BrookView Terrace- Sophia reported this was a tree removal request for 4 dead diseased hemlocks caused by wooly adelgid. The arborist recommended removing the wood to prevent spread of the disease. She screen-shared the site plan noting the 4 trees.

Motion: Rich B., Second: Mike L.

To approve the administrative determination for 44 BrookView Terrace.

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

ENFORCEMENTS:

--10 Mass. Ave. -Greg Roy (Dillis & Roy) is representing the owner and submitted a timeline for action. The Commission reviewed the timeline and Greg anticipated filing the NOI at the 4/2/25 meeting.

--48 Meadow Lane- Sophia screen-shared photos received from a neighbor showing storage of items within the wetland buffer zone. Mary shared the Mass Mapper view showing wetlands in proximity to #24 and dumping was in back of #24. Sophia will contact them to do a site visit.

NEW BUSINESS:

--Grants Update (LCC sponsored, award year 2023) – Greg Roy stated he filed a site plan with the Planning Board and filed a NOI with the state for Table Rock. Also he reported that the Raino property was filed with Planning Board and they were able to keep it out of the Commission's jurisdiction.

--Farmland of Local Importance – Mary said she referred this to Agricultural Commission to discuss.

--Conservation Budget report – Mary stated she had no questions and asked Sophia to look at the fee schedule to see if they should increase fees. Mary suggested considering a consultant for the office. Sophia talked to Chris Reilly about the fee schedule and he thought it would need to go through the Select Board. Mary understood the Commission would need to have 2 publicized meetings and a vote by the Commission to change the fee schedule. Rich agreed that was the process in the regulations.

--Paint Stewardship- Chris advised not to pursue it.

Motion: Chris S., Second: Mike L.

To not pursue the Paint Stewardship program.

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

--Senior Volunteers – Sophia reported no progress yet.

--Tree Policy – Sophia generated a site visit form and asked for the Commission's input. They will vote on it at the 2/5/25 meeting.

OLD BUSINESS:

--Update on Title Searches- none

--April Earth Day Events – no update

Update if any on encroachment issues at:

--950 Chase Road- Mary reported this parcel is up for sale.

--315 Lancaster Ave.- no update

Hollis Road Residence:

--Hollis Custodian Agreement – Michael Ray will do a red line on this and Commission will discuss at the 2nd February meeting.

Motion: Chris S., Second: Jenny P.

To adjourn at 10:15pm.

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

Respectfully submitted,
Jane Ranley, Minutes Clerk

