

TOWN OF LUNENBURG

Lunenburg Conservation Commission

Jennifer Pewtherer	Chair
Richard Bursch	Vice Chair
Michael Larouche	Clerk
Mary Wilson	Member
Chris St Germain	Member
Teddy Doucette	Member
Andrea Burnap	Member



Tel: (978) 582-4146
960 Massachusetts Ave
Lunenburg, MA 01462

Herlin Jamie – Interim Consv. Admin
Michael Gale – Admin Assistant

MINUTES

Wednesday, October 1 – 7:00 PM | Zoom (Remote)

1. CALL TO ORDER

Roll Call: M. Larouche, M. Wilson, R. Bursch, A. Burnap, T. Doucette, J. Pewtherer.

Absent: C. St. Germain

Call to Order at 7:04pm by J. Pewtherer

2. APPOINTMENTS: None

3. ANNOUNCEMENTS

- a. Public Comment. None
- b. Pollinator Habitat check in

Latest rain barrel collapsed in last storm. May need to put metal cages around the tanks. Plants are still being watered by volunteers. The habitat is winding down for winter.

- c. Minutes Approval: None

4. NEW PUBLIC HEARINGS

- a. 100 Howard St- RDA-25-12 [Video link](#)

A Request for Determination of Applicability for the reclassification of Mulpus Brook as an intermittent stream.

Mary Ann DiPinto (Three Oaks Environmental) represented the applicant. The applicant attended as well. M. DiPinto shared photographs and noted that what is being considered is a tributary to Mulpus Brook, not what is documented in the paperwork. Stream stats in OpenGov are for 'a portion of Mulpus Brook.' J. Pewtherer noted her maps show it as Mulpus Brook. M. Wilson noted that Mass Mapper shows it as Mulpus Brook up to the pond at 390 Howard.

J. Pewtherer ready the DEP comments relating to drought declarations, including this location. DEP requested the application be withdrawn.

Tanner Cole (856 Mass Ave) stated he owned the property since 2017 and that the stream dries out every summer. R. Bursch wondered if a peer review was appropriate.

M. DiPinto suggested they can take the 4th picture in May and then refile. T. Cole decided to **withdraw the application** based on this information.

5. CONTINUED PUBLIC HEARINGS

- a. 1083 Northfield Rd – NOI-25-10 (Cont. From 09-03) [Video link](#)

A public hearing on a NOTICE OF INTENT by TANNER COLE for construction of a common driveway to service four (4) single-family dwellings to be served by private wells and on-site sewage disposal systems, involving the crossing of a bordering vegetated wetland in two locations, with all proposed dwellings and private driveways outside the 100 ft buffer zone.

Greg Roy (Dillis & Roy) represented the applicant. Revised plans were presented two weeks ago. Ecotech agreed with all changes except three: show third culvert, two years of monitoring, NOI to be updated to reflect updated impact. All of these have been done. Peer reviewer stated all comments have been addressed.

M. Wilson since we have replication areas on the plan we need two-year monitoring. J. Pewtherer found earlier notes indicating a 1.6-1 replication is needed.

Motion:	M. Wilson, to approve with the following conditions: 1. 1.6-1 replication 2. 2 years of monitoring			
Second	M. Larouche			
Vote:	M. Larouche – AYE	M. Wilson – AYE	R. Bursch - AYE	J. Pewtherer – AYE

Note: A. Burnap and T. Doucette were not eligible to vote on the motion.

b. 763 Northfield Rd- NOI-25-19 [Video link](#)

A public hearing on a Notice of Intent by the Town of Lunenburg-DPW for the replacement of the deteriorated culvert at the Northfield Road crossing over Mulpus Brook in order to mitigate further deterioration, prevent potential flooding caused by the existing undersized culvert, and meet the Massachusetts River and Stream Crossing Standards to the maximum extent practicable. The proposed culvert replacement is a 38-foot, 4-foot diameter precast reinforced concrete piped culvert with precast headwalls at both pipe ends. The proposed culvert will match the existing culvert's alignment.

Applicant requested to continue to the next meeting.

Motion:	M. Wilson, to continue to October 15 at the applicant's request.			
Second	R. Bursch			
Vote:	M. Larouche – AYE	M. Wilson – AYE	R. Bursch - AYE	A. Burnap – AYE
	T. Doucette – AYE	J. Pewtherer – AYE		

6. **ADMINISTRATIVE DETERMINATIONS**

39 Island Rd- CAD-25-14 [Video link](#)

Request to remove one dead tree in front yard.

The applicant did not attend. Notes from H. Jamie were reviewed. M. Wilson noted that a photo showing the tree is 65 feet from the wetland.

Motion:	M. Wilson, to approve with restrictions noted by administrator: 1. All work be conducted from the upland yard side 2. No equipment or debris allowed within 50 feet of wetlands 3. Stump may remain in place if ground chips are removed from site 4. Any additional work or change in plans needs further review			
Second	M. Larouche			
Vote:	M. Larouche – AYE	M. Wilson – AYE	R. Bursch - AYE	A. Burnap – AYE
	T. Doucette – AYE	J. Pewtherer – AYE		

19 Cliffview Tr- CAD-25-15 [Video link](#)

Request to remove trees that are close to and over the house as well as damaging retaining wall and interfering with retaining wall and entry step repair. Stumps to be left behind.

The applicant did not attend. Notes from H. Jamie were reviewed.

Motion:	M. Wilson, to approve with restrictions noted by administrator:			
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	1. All stumps to remain in place 2. No stump grinding or excavation is permitted 3. Equipment shall remain on upland disturbed areas to avoid additional impact with buffer zone 4. All debris to be properly removed and not deposited in any wetland or buffer zone 5. Additional work must be submitted separately for review			
Second	M. Larouche			
Vote:	M. Larouche – AYE	M. Wilson – AYE	R. Bursch - AYE	A. Burnap – AYE
	T. Doucette – AYE	J. Pewtherer – AYE		

135 Flynn Rd- CAD-25-16 [Video link](#)

Request to replace deteriorating deck using same footprint.

Louise Tata (135 Flynn Road) attended. Notes from H. Jamie were reviewed. M. Wilson wanted to confirm the applicant understood what ‘resource area’ meant. The applicant stated she understood. R. Bursch wanted to know if existing footings would be reused or if new footings were being installed. The applicant indicated footing that could be reused would be and those that could not be replaced, which would require an RDA. The applicant stated she would have to contractor investigate this. If an RDA is required, the Commissioners would investigate applying this fee towards the RDA fee.

Motion:	M. Wilson, to continue to October 15 with the expectation: 1. If it is determined that footings need to be replace, withdraw this application, and file an RDA 2. If continuing, add erosion controls to the diagram			
Second	M. Larouche			
Vote:	M. Larouche – AYE	M. Wilson – AYE	R. Bursch - AYE	A. Burnap – AYE
	T. Doucette – AYE	J. Pewtherer – AYE		

77 Peninsula Dr- CAD-25-17 [Video link](#)

Request for removable dock on Hickory Hills Lake with not permanent footings.

Bob Novelli (77 Peninsula Drive) attended. J. Pewtherer shared a photo to indicate where the dock would be installed. R. Bursch noted that this should have been an RDA. Application will be withdrawn and resubmitted as an RDA.

- a. **Extension Request Permits:** None
- b. **Certificates of Compliance:**
 - i. 40 Fire Rd 12
 - ii. 155 Reservoir Rd- [COC-25-4](#)
- c. **Notice of Project Change:** None
- d. **Non-agenda items:**

Dustin Powell was on the call for 41 and 47 Reservoir Road, which did not make the agenda. H. Jamie notes were reviewed. 41 Reservoir is for a COC. R. Bursch noted that there was no grass in the rear or right side, and it was not stabilized. D. Powell noted loam has not been spread and that pavers would be installed. M. Wilson found notes from H. Jamie stating the replication area appears stable and vegetated. M. Wilson wanted to ensure the applicant understood they have an obligation to ensure no sedimentation escapes to the wetlands.

Motion:	M. Wilson, approve the COC for 41 Reservoir Road			
Second	M. Larouche			

Vote:	M. Larouche – AYE	M. Wilson – AYE	R. Bursch - AYE	A. Burnap – AYE
	T. Doucette – AYE	J. Pewtherer – AYE		

47 Reservoir Road was then discussed. The notes from H. Jamie were reviewed.

Motion:	M. Wilson, approve the COC for 47 Reservoir Road			
Second	M. Larouche			
Vote:	M. Larouche – AYE	M. Wilson – AYE	R. Bursch - AYE	A. Burnap – AYE
	T. Doucette – AYE	J. Pewtherer – AYE		

32 Pine Grove was not present, but the Administrator had submitted it to the Chair. It is also a COC. Notes from H. Jamie were reviewed.

Motion:	M. Wilson, approve the COC for 32 Pine Grove			
Second	M. Larouche			
Vote:	M. Wilson– AYE	M. Larouche– AYE	R. Bursch - AYE	A. Burnap – AYE
	T. Doucette – AYE	J. Pewtherer – AYE		

155 Reservoir Road was not present, but the Administrator had submitted it to the Chair. It is also a COC. Notes from H. Jamie were reviewed. M. Wilson noted that a signed and stamped ‘as built’ plan is required for approval, and there is none.

Motion:	M. Wilson, to deny for the following reason:			
	1. Administrator to request the required signed and stamped ‘As-Built” plan			
Second	M. Larouche			
Vote:	M. Wilson– AYE	M. Larouche– AYE	R. Bursch - AYE	A. Burnap – AYE
	T. Doucette – AYE	J. Pewtherer – AYE		

7. **ENFORCEMENT**

- a. **Violations, Enforcement Actions, and Hearings:** None
- b. **Emergency Certifications:** None

8. **NEW BUSINESS**

- a. Conservation Updates: None

9. **OLD BUSINESS**

- a. Conservation Budget;
- b. **Encroachment Issues:** None
- c. **Open Space & Land Use:**
 - i. Grants Update

Need to apply for an extension as significant work on the access road is required. Extensions are hard to obtain but the grant administrator thought we had a chance.
 - ii. Conservation Land Improvement

The Eagle Scout doing the work has indicated it is complete.
- d. **Hollis Rd Residence:**
 - i. Lease Agreements & Tenant Responsibilities: None
- e. **Committee Reports – Any Update:**
 - i. Master Plan Steering Committee: Our spreadsheet was submitted.
 - ii. Open Space
 - iii. Storm Water: still working with outside consultant for implementation roadmap

10. **COMMUNICATIONS / PUBLIC COMMENT**

M. Wilson wondered if the Town has Certificates of Appreciation we can send to volunteers.

11. **UPCOMING MEETING SCHEDULE:**

a. October 15 by Zoom

12. **ADJOURN**

Motion:	M. Wilson, adjourn at 8:56PM			
Second	M. Larouche			
Vote:	M. Larouche – AYE	M. Wilson – AYE	R. Bursch - AYE	A. Burnap – AYE
	T. Doucette – AYE	J. Pewtherer – AYE		

Respectfully submitted,
Michael Gale - Admin Asst.