

TOWN OF LUNENBURG

Lunenburg Conservation Commission

Jennifer Pewtherer *Chair*
Richard Bursch *Vice Chair*
Michael Larouche *Clerk*
Mary Wilson *Member*
Teddy Doucette *Member*
Andrea Burnap *Member*
Vacant *Member*



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Lunenburg, MA 01462

Herlin Jamie – Conservation Agent
Michael Gale – Admin Assistant

MINUTES

Wednesday, March 4 – 7:00 PM | Zoom (Remote)

CALL TO ORDER

1. CALL TO ORDER

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

Call to Order at 7:03pm by J. Pewtherer

2. APPOINTMENTS: None

3. ANNOUNCEMENTS

a. Public Comment. None

b. Minutes of Previous Meetings:

Feb 18

Motion:	M. Wilson, to approve the minutes of the February 18 meeting.			
Second	T. Doucette			
Vote:	T. Doucette – AYE	R. Bursch – AYE	M. Larouche - AYE	A. Burnap – AYE
	M. Wilson – AYE	J. Pewtherer - AYE		

4. NEW PUBLIC HEARINGS

All hearings are pursuant to MGL Ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws:

a. **860 New West Townsend Road:** NOI-26-1 <Video link>

Notice of Intent by Daniel & Rachel Brackett for a common driveway to provide access to four residential lots.

Greg Roy (Dillis & Roy) represented the applicant and provided a general overview of the project. Due to the amount of snow, site walks were not completed. DEP's comments were received today, but no responses have been generated yet. G. Roy explained that this is a complex project. Four lots each with a five-unit townhouse for a total of 20 residential housing units with access by a common driveway. Three additional Planning Board approvals are required. G. Roy identified the wetland areas on the map. There is a lot of work in the 100-foot zone but nothing in the 50 or 30-foot zones. A Stormwater Management report has been provided. The Planning board is working on a peer review.

J. Pewtherer could not find the DEP comments in OpenGov so G. Roy reviewed the comments he received via email:

- The lot was previously cleared under a forest cutting plan which is not intended for development usage, and the trees should be allowed to regrow.
- The clearing was marked as long-term forest management.
- The property should be modeled as “good condition” woods.
- Adequate free treatment is required for infiltrating BMPPS to achieve the listed credit percentage.

- Requested test pits in storm water management areas.

M. Wilson asked when the property was taken out of the forestry program. G. Roy will communicate with the applicant. T. Doucette wondered if the infiltration basins already existed. G. Roy explained they would be constructed as part of the project. R. Bursch noted the property is in the Squinesess ACEC and wondered if it would change the plans. G. Roy indicated it would not. H. Jaime noted there was no data sheet in the NOI and wanted to know the method of delineation. G. Roy indicated he would provide the data sheet.

Motion:	T. Doucette, to continue to the April 1st meeting for the following reasons: • Allow enough snow to melt for a complete site walk. • Allow enough time for initial round of peer review comments.			
Second	M. Wilson			
Vote:	T. Doucette – AYE	R. Bursch – AYE	M. Larouche - AYE	A. Burnap – AYE
	M. Wilson – AYE	J. Pewtherer - AYE		

b. 1010 Flat Hill Road: [RDA-26-1](#) <Video link>

A Request for Determination of Applicability by Patrick Byrne for the replacement of an existing deck and stairs.

David Pictor represented the applicant. H. Jaime was on site and met D. Pictor. The existing deck is about 45 feet from the brook. D. Pictor believes it needs to be replaced for safety reasons. It is the only means of egress from the back of the house. Footprint will remain the same except for the stairs, which will be moved 4 feet further away from the conservation area. No heavy machinery or excavation. Minimal concrete. Materials will be stored in the driveway and brought in as needed. The work will be performed by DeckIt.

H. Jaime was on site Feb 26, but the snow amount precluded seeing erosion potential or drainage patterns. Recommended a negative determination with conditions:

- Stockpile materials on the driveway
- Document the size of the concrete base for the bottom of the stairs. (4ft 3in wide, 4 in deep, 6 to 8-inch length)
- Erosion controls. (Staked waddles at the 30-foot boundary or the limit of work)

R. Bursch noted a stump in the photo and wondered if any trees would be removed. D. Pictor said no, but that one bush may be impacted.

Motion:	M. Larouche, for a negative determination with the following conditions: • Stockpile materials on the driveway. • Concrete base to be no larger than 4.25 ft x 8 in by 4 in deep. • Staked waddles at the limit of work or 30-foot zone, whichever is closer to the house.			
Second	T. Doucette			
Vote:	T. Doucette – AYE	R. Bursch – AYE	M. Larouche - AYE	A. Burnap – AYE
	M. Wilson – AYE	J. Pewtherer - AYE		

c. 475 Leominster- Shirley Road: [RDA-26-2](#) <Video link>

A Request for Determination of Applicability by Lunenburg Solar 1, LLC c/o New Leaf Energy for the installation of a Battery Energy Storage System.

Brandon Smith (New Leaf Energy) represented the applicant. Installation will be on the roof of a large warehouse. An associated equipment pad will be in the parking lot in the back connected via an underground electrical trench. None of the work is in the 100-foot buffer zone. Utility poles are required to connect the project to the distribution grid which will partially encroach the 100-foot zone.

H. Jaime was on site and felt the application was a bit misleading, implying the entire proposal was in the buffer zone when it is only one utility pole and about 4-6 feet of trenching. She recommended a negative determination with erosion control conditions but noted that Unitil is particularly good in this regard. If any other areas are disturbed, they would need to notify the Commission. R. Bursch wanted confirmation that they were going overhead across the street and received that confirmation. He also wanted to know if the underground trench from pole one to pole two would be hand dug or machine dug. B. Smith stated that it could be a combination due to the overhead wire.

Motion:	M. Larouche, for a negative determination with the following conditions:			
	Erosion controls to be placed where the work is being performed.			
Second	M. Wilson			
Vote:	T. Doucette – AYE	R. Bursch – AYE	M. Larouche - AYE	A. Burnap – AYE
	M. Wilson – AYE	J. Pewtherer - AYE		

5. CONTINUED PUBLIC HEARINGS

a. ~~30 Summer St:~~ NOI-25-22 (Continued from 02/18/26)

~~Notice of Intent by SafStor Real Estate Co., LLC for a project that involves floodplain fill and associated compensatory floodplain compensation. Requested continuance to 03/18~~

[Approved at the February 18 meeting.]

b. **763 Northfield Rd:** NOI-25-19 (Continued from 02/18/26)

Notice of Intent by the Town of Lunenburg-DPW for the replacement of the deteriorated culvert at the Northfield Road crossing over Mulpus Brook

[Approved a continuance to March 18 at the February 18 meeting.]

c. **27 Fire Road 15A:** NOI-25-25 (Continued from 02/18/26) [<Video link>](#)

Notice of Intent by Steve Bean for a project that involves the demolition of an existing cottage and construction of a replacement house and deck on the property.

Greg Roy (Dillis & Roy) represented the applicant and a new plan. Although adjusted, the total footprint is the same, and the entire building is further from the lake. J. Pewtherer asked if the existing concrete pad would remain. G. Roy confirmed it would stay in place. T. Doucette also asked if the blueberry bushes were also taken out of the plan. G. Roy confirmed it was. R. Bursch wanted confirmation that there is no new construction in the 50-foot zone. G. Roy confirmed. R. Burch then asked how much grading would take place. G. Roy explained they will add a retaining wall a couple of feet into the 50-foot zone. M. Wilson asked where material would be stockpiled. G. Roy agreed there was little room and indicated it would be trucked on site.

Motion:	M. Wilson, to approve with the following conditions:			
	Stockpiles to be trucked off and not located within the buffer zone. Updated plan removing retaining wall from the 50-foot zone be reviewed by the Conservation Agent prior to starting work			
Second	M. Larouche			
Vote:	T. Doucette – AYE	R. Bursch – AYE	M. Larouche - AYE	A. Burnap – AYE
	M. Wilson – AYE	J. Pewtherer - AYE		

6. ADMINISTRATIVE DETERMINATIONS

a. **Amended Order of Conditions:**

i. 50 Pine Grove Rd: CAOC-26-1 [<Video link>](#)

Greg Roy (Dillis & Roy) represented the applicant. Five trees as noted on the plan are dead or dying, and R. Proctor wants to remove them. The applicant also wants to formalize the walkway down to the water using natural stone. R. Bursch wondered if any trees were taken out and if a replacement plan was created. G. Roy confirmed that no trees were removed. A detailed discussion about the trees followed, including reference to a previous application.

H. Jaime mentioned that DEP had provided feedback. J. Pewtherer read the letter into the record, which listed the limits of a change request versus a new filing. The Order of Conditions was issued to the previous owner when lake access was not a consideration. The new owner is requesting a change to include the proposed lake access modifications. R. Bursch suggested that this new work should be a new RDA filing. G. Roy mentioned that it gets confusing with two orders active on the same property. R. Bursch stated he feels the changes are more than minimal. All the work is in the 30-foot no touch zone; abutters have not been notified. H. Jaime suggested that the process could still be handled under a change request but still require notification and new fees.

Applicant withdraws without prejudice and will re-file

b. **Extension Request Permits:** None

c. **Certificates of Compliance:** None

d. **Notice of Project Change:**

i. 215 Sunset Ave- [CMOD-26-1](#) [<Video link>](#)

Greg Roy (Dillis & Roy) represented the applicant. The power company wants to install a utility pole that was not included in the previously approved plan. The power line will be underground in an area already planned on being disturbed.

Motion:	R. Bursch, to approve the proposed changes.			
Second	M. Wilson			
Vote:	R. Bursch – AYE	M. Larouche – AYE	A. Burnap - AYE	T. Doucette – AYE
	M. Wilson – AYE	J. Pewtherer - AYE		

7. **ENFORCEMENT**

a. **Violations, Enforcement Actions, and Hearings:**

i. 10 Mass Ave

ii. 1168 Mass Ave Rear: refused the certified letter, DEP will go on site. There is an active building permit.

iii. 48 Meadow Ln: in contact with the owner

iv. 1147 Mass Ave: Refused the certified letter.

v. 314 Highland St: violation letter will be sent out

vi. 715 Reservoir Rd: meeting to be scheduled

b. **Emergency Certifications:**

8. **NEW BUSINESS**

a. Updates:

i. [208-1165 260 Falulah Road](#)

Bill Hannigan represented the applicant. He reviewed the history and status of the work. FRA wants to sell the property but needs to close out the Order of Conditions. Next step is to file for a full Certificate of Compliance.

ii. [208-1252 100 Summer Street \(Tango Construction\)](#)

Bill Hannigan represented the applicant. He reviewed the history and status of the work. Tango is still working on the project.

b. Topics Unknown – 48 Hrs. Advance of Meeting

A. Burnap sent in pictures showing snowmobile traffic on the Lane property. Discussion followed about what can and should be done for what may be a one-off disturbance.

c. Right of First Refusal- [1083 Northfield Rd](#)

Discussed the property, discussed if it meets the criteria for town ownership, and an unrecorded Order of Conditions.

Motion:	M. Larouche, not to exercise our Right of First Refusal.			
Second	R. Bursch			
Vote:	R. Bursch – AYE	M. Larouche – AYE	A. Burnap - AYE	T. Doucette – AYE
	M. Wilson – AYE	J. Pewtherer - AYE		

d. By-Law Discussion

H. Jaime noted that the fee schedule sits in the Town Charter and in our Bylaws. This means we cannot update the fees without going to the Select Board and then to Town Meeting. Other towns refer fees to the Bylaws and gives the Commission the authority to make changes. Currently, we are only collecting fees for NOI applications.

e. **MACC Upcoming Convention**

A. Burnap and T. Doucette attended the latest training and shared their experience and learning.

f. **Lunenburg April Earth Days**

H. Jaime explained her idea of a small event with a few local vendors, hopefully indoors at T.C. Passios. She has learned she must first present to the Select Board for approvals prior to contacting vendors. The short timeframe may make this impossible. T. Doucette said he would like to help out and already has some items they could use from his master's program. Perhaps a small event this year that can grow. A. Burnap mentioned she suggested to the library that they show "The Extraordinary Caterpillar." The cost is about \$150.

M. Wilson referred to an idea last year about a pictograph explaining the buffer zones and when permits are needed. It could be distributed with the annual tax mailings. She recalled S. Dorow planning for a budget of \$1,200. Also considering adding a custom QR code to the printed material and to the website.

The Pollinator Habitat is targeting May for their first event.

9. **OLD BUSINESS**

a. Conservation budget: None, but would like to see budget reports come back.

b. Encroachment Issues: None

c. Hollis Rd Residence:

Received a request to use the building for the Food Pantry since it must leave T.C. Passios. Not sure how feasible this is considering the costs of repair, upkeep, and utilities. M. Wilson noted that the property is a potential source of revenue and we cannot rely on tree harvesting all the time. More detailed planning to begin at the next meeting.

i. Committee Reports – Any Update

ii. Master Plan Steering Committee: Final minutes approved, not dissolving the committee at this time.

iii. Open Space: Learned that the representative must be a sitting member of the Commission to represent the Commission. A. Burnap agreed to be the representative.

Motion:	M. Larouche, to recommend A. Burnap as the representative to Open Space.			
Second	T. Doucette			
Vote:	R. Bursch – AYE	M. Larouche – AYE	T. Doucette - AYE	M. Wilson – AYE
	J. Pewtherer – AYE			

(NOTE: A. Burnap was not included in the roll call vote as she was the subject of the vote.)

iv. Storm Water: Finished reviewing the documents for the public information meeting.

10. **COMMUNICATIONS / PUBLIC COMMENT:**

H. Jaime announced that there is an agricultural resource faire on Friday and maple syrup sugar houses will be open to the public this weekend.

11. **UPCOMING MEETING SCHEDULE:**

a. Wednesday 03/18 at 7:00PM by Zoom

12. **ADJOURN**

Motion:	M. Wilson, to adjourn at 10:35pm.			
Second	R. Bursch			
Vote:	R. Bursch – AYE	M. Larouche – AYE	A. Burnap - AYE	T. Doucette – AYE
	M. Wilson – AYE	J. Pewtherer - AYE		

Michael Gale - Admin Asst.