

# Town of Lunenburg Conservation Commission

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Conservation Administrator

## MINUTES

January 13, 2021  
7:00 PM

In accordance with the requirements of the Open Meeting Law, please be advised that this meeting is being recorded and will be broadcast over the Lunenburg Public Access channel at a later date.

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### **Topic: Conservation Commission**

**Time: Jan 13, 2021 07:00 PM Eastern Time (US and Canada)**

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request to speak. To access the raise hand feature, open the participant list by clicking on participants. To raise your hand, click on the button at the bottom of the participant list. The chair will call on you and unmute you. Telephone audio users may dial star (\*) 9 to request to speak after joining the meeting. Members of the public must give their name and address before they begin speaking. Please direct all comments to the chair.

If you have trouble accessing zoom or have general questions you can send an email to [lcc@lunenburgonline.com](mailto:lcc@lunenburgonline.com) during the meeting. Emails containing questions or comments that are to be read aloud at the meeting must be signed with full name, address and phone number.

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The agenda lists all the topics which may be discussed at the meeting and are those reasonably anticipated by the Chair. Votes may be taken as a result of these discussions. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by Open Meeting Law. Each vote taken in this meeting will be conducted by roll call vote.

Call to Order 7 PM The meeting was called to order with BP presiding.

ALL MEMBERS ASSOCIATES AND STAFF WERE IN ATTENDANCE.

1. Discussion about the process and procedures for revising Conservation Commission land use rules.
2. Vote on scheduling an advertised public hearing for January 20th on draft land use rules (draft to be posted on the LCC website).
3. Workshop to develop draft land use rules to be considered after the January 20th public hearing.

BP noted that he wanted to use the draft and the draft with comments from the town attorney. He also indicated that he would use straw polls. He would add another version with tracked changes from tonight that will be posted for the public.

JR noted that RB has put in a document that was not added to CL's document. CL noted the document he has submitted with the same one as Town Counsel only with his comment inserted in. Bp initiated the review with the first version posted with tracked changes and reviewed the document with the commission. JR reviewed the definition of lands under the control of the conservation commission. RB stated that he added it as a preamble for the purpose of defining the legal authority of the conservation commission based on state law. BP added the definition of outdoor recreation from RB's version and inserted it in the commissions review document. The commission reviewed the categories of activities considered of passive recreation. After adding the language a straw poll of the commission indicated that using RB's definition as listed in his version would be preferred adding it into the tracked changes document. CL noted that the definition didn't address issues concerning approval process, liability insurance among them. He noted that we should ensure that the suggestions from town counsel should be in the document. JR indicated a preference to inset RB's definition in section one as well, however, it should include the list of activities remain in the document. ML noted concern that the commission should ensure that the fonts and structure should be improved. CL stated that RB's document was a good document for stating what can and cannot be done on the property, however the current tracked document has procedures more clearly spelled out and should be left in the document. RB noted the way he attempted to write it was to have a template in place to list permitted uses

from there it adds details of what cant be done on the property as well and it was intended as a start of a template that would have detail added to it.

BP suggested that If RB's template was going to be used, the commission should review it and have it posted and have the public comment on any changes made. A Straw poll of the commission indicated a preference to use RB's document and add details in to it. The commission reviewed the conditions that lands under control of the commission would be considered lands covered by Article 97 of the state constitution.

BP reviewed GEO caching and the commission decided to add it into section 1.2 to clearly identify it as an allowed activity. CI asked if dog walking should also be mentioned as there were sections of the regulation that controls for dog walking are mentioned. RB reviewed the hours of operation. Twenty four hour access was discussed. BP noted that there are exiting uses after sunset that likely should not be restricted. KJ agreed. JV noted that section 1.1 could be inserted to clarify 24 hour usage. BP also inserted town counsel suggested language. RB suggested that Geo caching could be added in 2.2. After examining section 2.2 , geo caching and letter boxing would be inserted in section 2.2.

The use of the property on an overnight basis was considered. The commission preferred the approvals for overnight use be granted by the commission and discussed using an office application that would be filed by the commission. The Commission agreed to add into section 2.5 that any organized activity must appear before the commission. CL addressed the section outlining liability certification. JV and RB noted that section 2.1.3 becomes 2.1.1 and the original 2.1.1 will be removed.

2.3 concerning snowmobiles, the state permitting requirements for snowmobiles will be reviewed.  
2.4 was skipped for this meeting.

2.5 Fundraising activities existing on the conservation properties were reviewed and the routine items reviewed (example sufficient parking) in granting the request. KJ noted the Goat walks that charge a fee on our land. CL noted that the language includes commercial permitting. CL asked if an applicant for a commercial event go to the Board of the Selectmen for approval. KJ noted that the land being under the care custody and control of the commission doesn't need to go to the Selectmen. RB noted there were items that the Selectmen may need to issue other local approvals for activities and suggested that an applicant should come to the commission first and then to the Selectmen. BP noted in section 1.6 that applicants are required to comply with all other state and federal regulations.

CI asked about liability protection. BP stated that he would pass it by Town Counsel. KJ asked if a group of friends that are not a formal organized group, do we require liability? CI noted in the legal opinion that it was commission discretion for the amounts of liability and the commission can set a sum of zero. KJ agreed that it should be at the commission discretion.

The commission discussed the maintenance of the trails with regards to downed limbs and trees. RB noted that perhaps a call to the office to document the location and methodology of the maintenance work would be appropriate. BP expressed reservations about creating additional layers to trail maintenance.

The commission agreed to keep the invasive plant list as a general reference to the state list and not specify. RB noted under enforcement the 100 dollars a day was recommended by legal and could be referenced under MGL ch 40 sec 8 C. with language concerning any additional reporting to police and fire.

The Commission on the issue of dogs, 1.8 ( added section ) would require dogs to be under direct control of the owners and that the owners must clean up after their pets. CI referenced the local animal regulation concerning public nuisances.

CI asked the commission if language concerning regulation changed similar to our wetland by law should be included in the land use regulations. RB noted the applicable section of MGL ch 40 section 8 C has a reference to the commission being able to adopt and change from time to time. MM noted that the wetlands by law only authorizes the promulgation of regulations concerning wetlands by law and this regulation would be generated from the state regulations. The Commission will propose language under section 5 to provide some

guidance.

BP wrote down suggested procedures when adopting land use rules and regulations advocating the advertising of a hearing for one public hearing televised with any proposed revisions posted on the commission website. JV asked if smoking would still be prohibited. The response was no. JV also asked about alcohol on the properties. It was determined that there were other regulations that prohibit it. KJ asked if smoking could be prohibited still. The remainder of the commission agreed it would be prudent to have it within the document. RBs proposal to allow the use of firearms on some town lands. KJ, RB, JV indicated they were in favor. CL, JR and BP indicated they were against the current proposal. CC indicated she would be amendable to allowing firearm hunting on one parcel of town land that would connect to a state parcel, that parcel of town land to be determined. CC noted that she had evaluated the issue and sees the arguments coming from both sides, she feels that using a parcel that abuts state lands would open a significant area and one parcel aside from hunting hills should be considered. RB noted that Small Town Forest is contiguous with the hunting hill conservation area and the northwest conservation area that abuts Willard brook state park. RB noted that he had a conversation with Marion Larson from DCR concerning the parcels and that she was willing to appear at a future meeting. He asked CC if she could consider those parcels. She agreed to consider it.

JR inquired which seasons would be allowed. JR also noted that he feels that perhaps it should go to the towns people to a vote. He indicated he could not support the idea of hunting on certain parcels until the details were addressed. JV noted the section of hunting regulations that prohibited discharge within 500 feet of a domicile. JR asked how the owner would know if they were within 500 feet. JV answered that hunters use GPS apps showing where a hunter is on a particular lot.

BP and RB discussed the Hunting Hill Conservation Restriction and an interpretation by Adam Costa. Town Counsel noted that he feels residents would have to go to the Selectmen for permission to discharge a firearm however they cannot say no. RB disagreed that step was necessary based on the CR with the state. RB noted that in his conversation with Ms. Larson that the town cannot prohibit any form of hunting on state lands within the town. RB quoted state statistics that within the last 30 years there was only three accidents between hunters and non hunters and that there were no fatalities.

BP asked to include a statement that Bow Hunting is allowed on all conservation lands by right according to conformance with state regulations. The commission were in agreement with that strategy.

After review of the Conservation restriction (CR), snow mobiles would be prohibited. The language of section 2.3 would be modified to account for the cite clause in the CR.

JR expressed concerns about limiting seasons and types of animals hunted and the carrying of weapons in the open. KJ stated he was not in favor of limiting and that we should simply adhere to state regulation. RB noted that unless there is a overarching reason for a particular parcel he wanted to adhere to the state guidelines and regulations. CC also agreed with RB and KJ. CL agreed with JR and JV agreed with KJ. ML asked if the game was available on all of the properties under consideration. BP noted the greatest interest was deer. RB noted in 2019 there were 71000 hunting licenses issued and that in 2019 between 10 and 15 % of those licensees caught a deer. ML asked in Legal was reviewing any decision. BP noted that yes. CI stated he felt that we should not drop the requirement to prohibit the carrying of firearms on those lands that we wont open for hunting. KJ disagreed. BP noted that the Board of Selectmen asked Town Counsel for a formal written opinion concerning the towns ability to regulate or prohibit firearms on town lands.

CI asked about further public outreach to attempt to obtain more residents involved. BP responded that once the commission is ready for hearing the commission will advertise that the proposed revised regulation is posted on the website. BP noted that various forms of media have been and will be used after the posting. CI expressed concerns that the sampling was being dismissed as a not significant. KJ disagreed noting there has been some participation and overall, it was a commission decision. RB noted that the issues have been discussed for a long period of time between the commission meetings, social media and Board of Selectmen meeting, that anyone who wished to participate has already done so.

BP will issue the vised draft discussed at the meeting this evening and will schedule a public hearing for the

second meeting in February. RB asked if the staff from Fish and Wildlife should attend the next meeting. BP indicated he was not interested at this point as minds already seem to be made up and would reconsider if the other members wanted them to. KJ noted that Marion Larson's response to MM's email provided sufficient information.

This discussion was table until the next regular meeting with the hearing published for the second February meeting for part of a larger hearing scope including participation of the public.

RB moved to adjourn, JR seconded and the commission approved the motion by unanimous roll call vote. The meeting adjourned at 9: 50 PM.

Next meeting is January 20, 2021 7PM- Zoom Platform

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