

Town of Lunenburg Conservation Commission

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Matthew S. Marro,
Conservation Administrator

MINUTES

January 20, 2021

7:00 PM

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

The Town of Lunenburg, in response to the COVID-19 (Corona Virus) is currently following the guidance from the Lunenburg Board of Health, Massachusetts Department of Public Health and the CDC regarding the virus and steps communities can take to prevent the spread and all town facilities are currently closed to the public. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, all public meetings are being conducted remotely. This meeting will be broadcast live through local access cable, on Facebook Live on the Public Access Facebook page (<https://www.facebook.com/Lunenburg-Public-Access-Cable-157427270975305/>) and will be able to be found on the Lunenburg Access YouTube channel within 24 hours after the meeting.

To Participate Remotely on Zoom members of the public may use cell phones, tablets or computers with audio and video capabilities. The Zoom Meeting ID is

Topic: Conservation Commission

Time: Jan 20, 2021 07:00 PM Eastern Time (US and Canada)

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No participant ID is needed, just press # when asked. All participants who are not members of the commission or staff will be muted by the chair. Computer and app users may use the “raise hand” feature to 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 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.

Please be aware that if you are using video, other people will be able to see you and that anything that is broadcast will be recorded.

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 Called to order at 7 PM By BP All members in attendance except KJ who was present from 7 PM to 8 PM and had to excuse himself from the remainder of the meeting.

Announcements

Public Comment *Comments are to be limited to 3 minutes and on a subject matter under the direct jurisdiction of the commission. Comments about current agenda items are to be made during the comment period of the specific agenda item*

Minutes of previous meetings – December 2, 2020, December 16, 2020, January 13, 2020 The January 13 and December 2 and 16 meeting minutes were approved by a motion of KJ and a second by CC with a unanimous roll call vote to approve the motion.

Appointments/Hearings—commences at 7 PM

Appointment:

PUBLIC FORUM / HEARING

The Conservation Commission will hold a previously continued public forum/hearing for considerations of revisions to commission land use policy for land under the care and control of the Lunenburg Conservation Commission. The supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline.com. In addition, a copy of the draft changes will be posted on the Conservation Commission website.

The hearing was unanimously continued until February 17, 2020 on a motion by KJ seconded by JR.

CONTINUED PUBLIC HEARINGS

The Conservation Commission will hold a public hearing on a Notice of Intent by Jeff Stone for work at Lot 1 50 Page Street for the Construction of a single family home . The supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline.com

Greg Roy from Dillis and Roy presented on behalf of the applicant. He outlined the changes to the plans based on prior commission input. JR had inquired about the debris and the foot bridge found on site and requested that the debris be removed. There was

some questions if the material was even on the subject property. After consideration a motion was made by JR to issue an Order of Conditions with the added condition that the debris if shown to be on the property shall be removed. CL seconded and the commission voted unanimously to approve the motion by roll call vote.

The Conservation Commission will hold a public hearing on a Notice of Intent by Jeff Stone for work at Lot 2 50 Page Street for the Construction of a single family home . The supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline.com

Greg Roy from Dillis and Roy represented the applicant. Mr. Roy reviewed the changes on the submitted updated plan per the commission's previous input. RB moved to issue an Order of Conditions based on the submitted plans. CI seconded and the commission approved the motion by unanimous roll call vote.

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 Jeff LaPierre for work at 1672 Mass Ave. will be held. Work proposed is rebuild of an existing shed, grading of existing lawn, repair of a retaining wall, removal of a tree and the repaving of a driveway with gravel.

Mr Lapierre reviewed the plans with the commission and the result of the previous site inspection. The Commission reviewed areas where he could move his shed. After reviewing locations, he moved his shed closer to the house with no size increase. The trees in the front he would leave in place. JR noted silt running off of the property into the adjacent wetland and requested that the driveway reconstruction be extended to an area adjacent to the driveway and the swamp, with gravel and allowed to be stabilized. RB suggested a berm be added along the edge of the property to prevent run off from the driveway into the wetland. BP commented that the silt was dissolved in the runoff water, that the water was being filtered through leaves, and the proposed berm would create ponding on the driveway and lawn., A Motion to approve an order of conditions with the modification to the driveway by the creation of a berm along the edge of the property and relocation of the shed be approved by JR. CL seconded and the commission voted unanimously to approve the motion by roll call vote.

PUBLIC HEARINGS AND MEETINGS

The Conservation Commission will hold a public meeting on a request for a determination by Thomas and Janet James for work at 31 South Row Road consisting of the repair of the septic system. The supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline

BP stated he had visited the site and that the proposed work was entirely under the existing driveway and he did not see any concerns. Maryann Dipinto was present to represent the applicant. She outlined the location of the system and its proximity to wetland resource area as well as the reasons for the area of placement. With no questions a motion was made to issue a standard order of conditions by JV. A second was made by CC and the commission voted unanimously to approve the motion by roll call vote.

The Conservation Commission will hold a public meeting on a request for a determination by Christopher Oldham for work at 32 Pine Grove Road consisting of tree removal. The supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline

Greg Roy represented the applicant. JR expressed concerns about some of the trees marked to be cut. JR and CI noted concerns about potential erosion issues as a result of some of the tree removal and asked about a pathway to a future proposed dock. Mr. Roy had no formal plans to do a structured pathway; CL indicated it may be prudent to do so to add to potential erosion protection of the site. The applicant agreed to continue to the next meeting to revisit the site with the commission on January 30, 2021 at 9 AM to examine those areas with them. JR motioned to continue to the February 3, 2021 meeting at 7 PM. CL seconded and the commission voted unanimously to approve the motion by roll call vote.

The Conservation Commission will hold a public meeting on a Notice of Intent by Cheryl Price for work at 33 Boutwell St. consisting of the repair of the septic system. The supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline

BP stated he had visited the site and that the proposed work was well away from the wetlands in a previously disturbed area so he did not see any concerns. Dan Proctor and Maryann Dipinto outlined the project and as to why it need to be placed where it was

proposed. RB moved to issue a standard Order of Conditions. CC seconded and the commission unanimously approved the motion with the exception of CL who abstained.

The Conservation Commission will hold a public meeting on a Request for a Determination of Applicability by Linwood Johnson c/o Bob Proctor Excavation for work at 72 Maple Parkway consisting of the repair of the septic system. The supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline

Doug Smith and Maryann Dipinto represented the applicant. BP noted his inspection of the property, the topography (flat) and the condition of the yard and the proximity to the wetland. Maraynn noted that there was a question as to the jurisdiction under the wetland protection act, however it was important to place the system at a minimum of 50 feet away from the channel. RB noted a 4 inch gutter outlined on the plan. JR moved for a negative determination and JV seconded. He requested that any motion have a condition calling for a replacement of the pipe if need while excavating for the system unless shown to be structurally sound and made that as a motion amendment. JR accepted the amendment and the motion was approved by a roll call vote of the commission

The Conservation Commission will hold a public meeting on a Notice of Intent by Jamie Paradis for work at 120 West Street consisting of the Construction of an addition to a single family home. The supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline

Chris Anderson from Hannigan Engineering represented the applicant. He outlined the project which was an addition to a single family home. The wetland was re-delineated and noted the original file history concerning the original Order and Certificate of Compliance. He noted on the site walk the commission asked about the shed location and he pointed it out on the original plans submitted. BP noted that there was a large oak cut down in the buffer zone. CI reminded the applicant and the members that the 30 foot no touch zone was extended to the 50 feet. RB asked MM if the abutters were notified. MM noted yes. MM confirmed that the 50 foot zone was permanent. BP requested that the no touch zone for 50 feet be added to the plan as part of the motion. BP asked if the engineer agreed with adding the 50 foot no disturbance line to the plan. Mr. Anderson agreed. Rb moved to approve an Order of conditions with the added condition of adding the 50 foot no disturbance zone. CI seconded and the commission approved the motion by a unanimous roll call voted.

The Conservation Commission will hold a public hearing on a Notice of Intent by Tom Wu and Scott Benjamin for work at Map 137 Parcel 12 at Fire Road 12 for the restoration of the buffer zone . The supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline

This was continued for the lack of a plan by the applicant. It was continued to the February 17th meeting at 7 PM by a motion of RB and a second by CC with a unanimous motion to approve them motion by roll call vote.

ENFORCEMENT:

Violations (Enforcement Actions and Administrative Hearings).

Leominster Road- Illegal Dumping activity- MM noted this activity that was identified at town meeting and was inspected by KJ and the fire department. He recommend that the commission do a site visit to investigate. MM noted that according to what he was told it was an old farm dump and the fire department did not find anything flammable. MM noted that he added it to the agenda as is the normal procedure and that the site investigation was the next step. BP asked that it be placed on the next site walk list for January 30, 2021. JR asked if the DPW normally removed the material. BP noted we should see what is there. MM pointed out the material was there long term and should be inspected to determine the course of action . Darryl Plante noted that he was the person that raised the issue at town meeting and spoke to the conversations he had with officials and noted it was a big dump going back 100 years. He noted the bottom of the dump is in the catacunemaug brook. The commission will be investigating

EO 90 Ruth Street – MM issued an EO to the owner reminding him the commission required him to file a request for a determination.

EO- Town of Lunenburg Fire Road 12 ENF 2019 NOI FILED Town admin signature obtained and awaiting drawing. NOI hearing put out to the January 20,2021 meeting

NON - 9 Valley Road- Working on NOI MM working with the owner.

EO – 788 Page Street – results of site walk MM noted that the site walk with the owner revealed there was no intrusion into the buffer zone, however, there was some wood chips dumped on site. He did note that the owner will be filing in the near future for the re-establishment of an access road to his exiting well.

Fire Road16- issued an EO to Keatings.

48 Oak Ridge Road- EO issued to be on the next agenda

22 Oak Ridge MM performed a measurement and the work was out of the buffer zone.

JR noted an area of small encampments that they will take MM to go and see.

New Business –

Request from Carl Luck that the Conservation Commission investigate the ownership of 26 Sunset Lane.:

CL noted that he is requesting as an abutter to the property and not as a commissioner that the commission add to the list of properties the commission is currently investigating as potential Conservation Land. He reviewed the deed history with the original transfer from Eva Carter and he opined the original one acre of land was part of the original parcel that is now a portion of the Robbs Hill Conservation Area. He noted the same deed on the Conservation land and that the parcel may have been separated into the one acre parcel when sunset lane was created. He noted a potential value to the Robbs Hill Conservation property as a potential safer parking area as the area now only offers off street parking in an area with very poor visibility. BP examined the right of way shown on the assessors map. CL noted the right of way is given to the abutting residents. BP reviewed with CL the way the abutting property owners access. JV asked CL if the existing Boat Ramp on the side of the house coincides with the right of way. CL noted that it happens to be there but the right of way stops within 75 feet of the lake. JV noted that it was historically access to the lake. CL disagreed. BP noted the right of way and boat ramp had been discussed at the Open Space Committee and members of that committee had indicated interest in researching its possible use as public access to Lake Shirley. BP noted that he felt uncomfortable with the Conservation Commission pursuing ownership of 26 Sunset Lane as CL is a member of the Commission and feels it is not appropriate at this time. JV noted again that there is a boat ramp on the property that was accessed to the lake by area residents years ago and felt it was not appropriate to pursue it at this time. RB stated that he feels the deed reflects it is conservation land. He felt that it could wait until we take care of this after we finish the other parcels. JR noted that as long as we are aware of it then we can pursue it at a later time. He noted that CL can still participate as an abutter. BP stated that he agreed with RB.

Old Business –

Update on trails grant – *status report, if any.*

Certificates of Compliance – 305 Leominster Shirley Road 208-1029 Brian Marchetti recounted the site visit with MM. MM reviewed pictures he took of the site and thought it was a great job on the Order and the cleaning of the site. He noted the engineers report and plan was on file. The certificate was granted by a motion of JV and a second by CL and a unanimous vote of the commission by roll call vote.

Extension Permit – DEP 208-1104 Hickory hills Lake _ MM noted that the commonwealth did not yet lift the automatic extension of all orders due to expire during the pandemic period and is leaving it on the agenda until such time as the state lists it to ensure that the normal timelines of required submittal for requests was left intact. MM noted that this was based on advice from Town Counsel.

Committee Reports – *Any Updates*

Administrator's Reports/action items:

Administrator's determination –

Open space and land and Trail use issues and strategies:

- *Forestry Planning /Encroachment on town open space (updates if any)*

Communications / public comment/ Adjourn –

BP reviewed questions and answers with the commission from Town Counsel. BP reviewed a parcel of land at the Cowdery first taken in 1955 however was never executed. In 1965 it was voted at town meeting to purchase but that was also never executed. BP asked the town to consider retaking the parcel.

Tammy Hebert asked the commission about the Goat walks she sponsors on the Laurel Bank Conservation area. She noted that she obtained permission from MM to do the goat hikes and wanted to know why they received a letter for formal permission. MM noted that he was not told there were fees being charged for the hikes. Charging the fees would constitute a business and permission needs to be formalized and it would be taken up at the next meeting.

Meeting Schedule- *Next meeting is February 3, 2021 at 7 PM.*

The meeting was adjourned at 10:00 PM by a motion of JV and a second by CC and a unanimous vote by the commission to approve.

All documents referred to are available for review or by emailing a pdf by contacting the Commission Office
