

Town of Lunenburg Conservation Commission

Bob Pease, Chair
Mary Wilson Vice Chair
Richard Tremblay, Clerk
Richard Bursch,
Catie Childs
Michael Larouche



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Anna Petrie
Conservation Administrator

Jeffrey Viviano
Sam Welch, Associate Member

January 4, 2023
7:00 PM
Minutes
ZOOM REMOTE

Roll Call: BP, RB, JV, CC, ML, MW, RT

Absent:

Call to Order at 7pm

Announcements:

Public Comment: John Fortune of Hickory Hills Landowners Inc. States his presence in regards to the previous concerns of the well use controlled by LWD. BP recuses himself from this discussion and MW is to act as Chair. JF stated he was out at the location to take water samples as well as take pictures. JF continued to share updated photos of the site to the commission. Photos consisted of hose placement, haybale placement, and possible erosion.

Mark Bursch, Chairman of the Board of Water Commissioners, is present to represent LWD in regards to this matter. MB states that previously the superintendent of LWD and the Conservation Administrator at the time would meet and discuss the pumping of the well without having to file. MB also states that this pumping has been continuous throughout the year with the approval from the Conservation Admin, and also have tested the Lake water and well water. MB exclaims that this proposal of pumping does not allow their engineer firm to file anything with the Commission along with being a costly task. MB asks to continue past practices with the engineers, LWD superintendent, and Conservation Admin without having to file.

RB asks to confirm that the LWD does not have accurate tests of the well water versus the Lake.

MB confirms, only accuracy is manganese and iron. MB also stated that the levels of these substances tested to be higher in the Lake itself compared to the well water.

RB asks if these tests results can be presented?

MB confirms that the results can be provided to the Conservation Admin and asks welcomes JF to include his test findings.

RB asks if the commission or admin have yet to receive any form of proposals for the well pumping activity?

MB says there has never been any form of proposals submitted in the past and has usually always been in contact with the Conservation Admin and follow through with the recommendations made. MB continues

to state that this arrangement was made in order to save funds for the community.

RB and MB continue to discuss the capacity of the well pumping throughout the years.

RB addresses MW in regards to seeing no problem with fund submittals for an RDA. RB also states that the term and duration of this project warrants a review by the commission.

Paula Bertram presented a comment that due to the duration of the upcoming project with Tighe & Bond, the recommendation of a filing is appropriate and LWD should be required just as any other public entity would.

MB asks the commission, if an RDA submittal is required, to waive the abutter's notification due to the number of abutters and the expense.

RT asks if the positioning of the haybales from the picture presentation was intentional? RT also asks if the water discharge can be redirected?

MB replies that haybales should've been connected, though seem to be moved. MB also answers the second question with that there is a possibility of working through it alongside the Conservation Admin.

JF states that the haybales should be removed and have the hose redirected to prevent any type of erosion. JF also suggests to have a better settle basin for the water.

RB suggests a straw poll for an RDA submittal for the pumping of the well.

MW asks for a straw poll in favor of an RDA submittal.

RB, JV, CC, ML, RT, MW expressed favor of an RDA submittal.

BP returns from his recusal.

Minutes of previous meetings – December 7, 2022 RB/RT M/S to approve minutes. Roll Call vote, unanimous to approve.

December 21, 2022 ML/MW M/S to approve minutes. Roll Call vote, unanimous to approve.

Appointments/Hearings –

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 Nancy Malady for the replacement of one lakefront retaining wall and two non-lakefront retaining walls, the removal of an existing deck, and a 386 square foot addition to a single-family residential structure at 406 Sunset Lane (DEP #208-1284).

BP states that this submittal has yet to have an issued DEP # as well as DEP comments. BP makes a standard statement that applicants forward a cancelled check to the DEP to expedite the issuance of a DEP with comments.

Homeowners are present as well as Greg Roy of Dillis & Roy to represent them. GR states that the property owners are planning on this lot to be their permanent residence. GR explains the layout of the house and that the homeowners intend on expanding the living space of the existing home, though using the existing deck as the footprint for the addition. The overall footprint will stay the same. The other proposed plans are to replace the existing rail tie retaining walls with natural stone walls. Erosion control description on plans is to show phases of work; Phase I (house) Phase II (retaining walls). GR points out the number of trees that are going to be removed that are in close proximity to the deck/proposed addition.

JV asked if the Title 5 was passed once sold and the number of bedrooms in the home.

GR states that it did pass Title 5 and is just one bedroom.

JV asks if the construction of the wall will be done house-side or lake-side?

GR states that they can get this answer from Brett Ramsden, who will be installing the wall.

JV suggests replanting the trees, as well as expresses his agreement upon the addition as well as replacing the retaining walls.

BP informs the commission that he had received a chat comment from Brett Ramsden at the time and confirms that the replacement of the wall will be done land-side.

RB wants confirmation if there is to be a proposed basement level for the addition.

GR says that the homeowners would like to have a basement level.

GR describes the layout of the deck and porch, and which portions will be removed and kept.

RB asked if any dry wells are proposed.

GR states that there is an opportunity for that.

RB proposes submitting replanting plan as well as construction schedule.

MW asks specifically how many trees to be removed.

GR states 6 trees.

JV asks if this is going to be a complete tear down?

GR states that the existing structure will stay, though some foundation work might be done.

BP restates the suggested changes to be done for next continued hearing being: plan showing that the wall will be natural stone rather than block, proposal of dry wells, replanting plan and number of trees taken down, and construction schedule.

JV suggests editing in possible plans for dock removal/replacements.

Nancy Malady, homeowner, states that they will not be removing docks, though repair one of the docks.

BP proposes that this NOI be continued to the next meeting and have a straw poll for viewpoints for next meeting.

RB, JV, CC, ML, RT, MW in favor of proposed plans contingent upon receiving and considering comments from DEP.

CC/ML M/S to continue NOI for 406 Sunset Lane for January 18th meeting. Roll Call vote, unanimous to approve.

CONTINUED PUBLIC HEARINGS
No continued hearings.

NEW BUSINESS:

Topics not known 48 hours in advance of meeting

OLD BUSINESS:

Election of Officers:

BP opens election of a Chair.

RB would like to nominate BP for Chairman of the Conservation Commission.

No other nominations

RT/MW M/S to elect Bob Pease as Chairman of the Conservation Commission. Roll Call vote, unanimous to approve.

BP opens election of Vice Chair.

RB would like to nominate MW for Vice Chair of the Conservation Commission.

No other nominations.

RB/ML M/S to elect Mary Wilson as Vice Chairman of the Conservation Commission. Roll Call vote, unanimous to approve.

BP opens election of Clerk.

RB would like to nominate RT for Clerk of the Conservation Commission.

No other nominations.

RB/ML M/S to elect Richard Tremblay as Clerk of the Conservation Commission. Roll Call vote, unanimous to approve.

Update on encroachment issues at:

104 Woodland Drive :

BP explains that the new homeowners were not aware of the encroachment issue, that he inspected the area and it is now resolved.

BP states that there is a new list of encroachments and present photos of said properties and encroachments. BP asks for authorization to request the Town Attorney send letters to these property owners.

RB/ML M/S to have Town Attorney send out encroachment letters to the listed properties. Roll Call vote, unanimous to approve.

Grant Updates:

MW states that she, BP, and Greg Roy of Dillis & Roy did a site walk of the proposed areas for parking lot installations, especially for Table Rock. MW also states that these proposals need to be compliant with any accessibility regulations, moving forward.

BP brings up the proposal for the Picnic Area at Small Town Forest that was discussed at a prior meeting. BP asks if that is an abandoned idea for the time being?

MW confirms.

BP says that there is a possibility for a proposed foot bridge at Harold Harley Wildlife Viewing Platform as well as a trail. BP has asked Greg Roy to come up with this proposal. BP says that there is a possibility for a wetland crossing as well at the frontage of Northfield Road. BP says that GR will have proposal quotes by next meeting.

Budget Update

BP presented the budget report. He said there is currently \$21,061 in the Timber Rights Fund and an expected \$6,000 from the Hawes harvest and expected \$21,000 from the Rayno harvest, minus Gary Goldrups fees, will be coming in. BP said the balance on the Hollis Road revolving fund is at \$60,000.

Hollis Road Residence:

ML stated JNR Glass had finished and sealed the newly installed windows on December 29. ML continues to state how JNR generously helped the tenant configure on fixing the locks on the windows. Lastly, ML provides the date of the furnace cleaning which will be January 16.

Administrative Determination:

70 Pine Hill Road-

AP presents Administrative Determination for 70 Pine Hill Road. Property located on Lake Whalom to have 2 trees limbed which is directly impacting the home's roof whilst in repair. AP continues to ensure that homeowners do not wish to remove trees, but branches trimmed.

RB/RT M/S to approve Administrative Determination at 70 Pine Hill Road. Roll Call vote, unanimous to approve.

338 Sunset Lane-

AP presents Administrative Determination for 338 Sunset Lane. Property located on Lake Shirley to have 2 trees removed; one with a large broken branch and another that has directly fallen into the lake itself (with base still on shore)

RB asks if the broken branch is going to be removed off the live tree or if the whole live tree is going to be removed along with the other fallen tree?

AP replies that both trees will be removed.

RB asks how close the trees are to the Wetland.

AP replies that the fallen one is directly in the lake and the broken one is within 30ft.

JV comments the conditions of the trees as well as the intentions of removal.

AP shares photos of the trees and their conditions.

RB/CC M/S to approve Administrative Determination at 338 Sunset Lane. Roll Call vote, unanimous to approve with JV recused.

EO 23 Cove Road: Will be updating enforcement order

EO 336 Arbor St: Submitted forms; On for January 18 meeting

NON 205 Sunset, Beers lot: Commission requests to have timeline submittal by January 18 meeting.

Open Space and Land Use

Howard Street Driveway

BP sent letter saying that the Conservation Commission had spent \$1800 on the driveway permit/engineered plans and hope the Select Board could identify a source of funding to hire a contractor.

Timber Sales

BP and 4 loggers from King Loggers met at Northfield site. Gary Goldrup stated at this meeting that there was a \$2200 overrun of product.

BP asks AP to check to make sure checks were received. BP states there is a possible new lot for a new harvest and landing area, which is an amendment for the Forest Cutting plan.

RB/ML M/S to amend Forest Cutting Plan. Roll Call vote, unanimous to approve.

Certificates of Compliance:

Conservation land improvements

ENFORCEMENT:

Violations (Enforcement Actions and Hearings)

EO 48 Oak Ridge: Will have file submittal by January 16th

EO 54 Pine Grove: Still submitting

CC/ML M/S to adjourn meeting. Roll call vote, unanimous to adjourn.

Committee Reports – Any Update

Communications /Public comment

None.

Adjourn 8:49pm

Meeting schedule: Next meeting is January 18, 2023 at 7:00 PM by Zoom platform