

Town of Lunenburg Conservation Commission

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Matthew S. Marro,
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MINUTES

Feb 3, 2021
7:00 PM

In accordance with the requirements of the Open Meeting Law, please be advised that this meeting is being recorded and available for viewing over the Lunenburg Public Access You Tube 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 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

Town of Lunenburg is inviting you to a scheduled Zoom meeting.

Topic: Conservation Commission

Time: Feb 3, 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.

AGENDA

Call to Order Announcements

The meeting was called to Order at 7 Pm by BP
All members in attendance except JV

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*

JR brought to the attention of the membership technical definition of trees and would like to have it placed on the agenda.

BP announced the draft website and trial maps were completed and is hopeful to have it published.

Minutes of previous meetings – December 2, 2020, December 16, 2020, January 13, 2020, January 20, 2021

JR moved to approve the Dec 2 minutes KJ seconded. KJ moved to approve the Dec 16 minutes JR seconded, Jan 13 motion to approve by KJ seconded by CL and the commission voted unanimously to approve all minutes by unanimous roll call vote.

Appointments/Hearings—commences at 7 PM

Appointment:

1.0 Eagle Scout proposal for Proctor Park

Eagle Scout Bryan Weidman a life scout proposed a project at proctor park. It would consist of a new kiosk sign with a space for a trail map with the use of an engraved boulder at the entrance. BP reviewed the kiosk design with Mr. Weidman.

Mr Weidman noted he is securing his own funding. KJ stated he felt it was a great proposal and thought it would be a great addition to draw people in. JR also indicated agreement with KJ. JR asked if the area had parking to accommodate. He noted based on a question from JR that there was 3 parking areas available. Greg Roy noted that Dillis and Roy would participate with funding. ML noted that he was once a life scout and encouraged Mr. Wiedman to

complete this project. He suggested adding a hiking insignia to the signage. BP mentioned that he also has a trails grant that is going to pay for colored trail marker and a sign that can go on the kiosk for this project. KJ moved to approve the project. CL seconded and the commission approved the motion by roll call vote.

2.0 Central Mass Goat Rental:

Central Mass Goat Rental. Tammy and Seth Hebert was present for the meeting. They asked permission to continue using Conservation Land for the Goat Hikes noting they had sought permission from the office. MM noted that he was not aware that fees were being charged and permission would be needed to correct that deficiency. Seth also noted that they were fully insured. JR asked about the content of the hike. Seth Hebert described the covid safe event and that the tour starts off on their property. He noted that the people friendly goats walk freely with the crowd and they walk the conservation land in a loop and described the direction. He noted that they narrate the history of the land. JR asked if they run into anyone with dogs. Mr Hebert noted that yes they have and there has been no issues as the Goats are very docile and they have never had a problem. KJ noted that he thought it was a good use of the property and could not see any negative impacts. He noted that we have invasive plants on conservation land and inquired if they can work out a deal with using a couple of goats with invasive vegetation management. Mr Hebert noted that they only prohibit Mountain Laurel. KJ noted that there were areas with Bittersweet. CI noted that the regulations require notification to the police department and that liability certificates be sent into the office. Mr. Hebert noted that he had no issue with it. RB noted that we should make sure it is allowable under passive recreation. He suggested MM could contact DCR and ensure it is a valid passive recreational activity. A motion to approve pending the submission of liability certificates, permission from the police department and verification from DCR . CL noted that we should include in the motion to waive the 21 day requirement. The motion was made by CL and that the notification take place within the next week. The motion was seconded by JR and was passed by a roll call vote unanimously. BP did note that the regulations on Conservation Land Use may be changing soon.

CONTINUED PUBLIC HEARINGS

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

KJ noted that he submitted a Mullins form and it was in the file. MM verified such. Greg Roy recalled the site visit subsequent the previous meeting. He summarized the changes and concerns. There was a concern over the removal to remove 6 large trees within the outer 50 feet of the buffer zone. The proposal was reduced by three trees with three trees to be limbed. He also outlined the proposed formalization of the walkway. He reviewed the updated plan with the commission. He noted the treads would be pressure treated lumber with stones in between. He also noted that he added an elevated deck to the plan and offered to file a separate determination request if the commission did not want to approve. He noted it was an elevated deck that would wrap around and is over an exiting patio. Jr expressed appreciation for the changes made to the plan, he had no issues with the deck and was satisfied with the walkway. CL noted that the discussions were productive and thought the walkway fit nicely and would address any future erosion protection issues and had no issues with the deck as it was over exiting patio area. RB asked if the deck was allowable to zoning. Mr. Roy indicated there was an error on the property line and it. Rb also asked about the chapter 91 waterways application. MM also noted that there was an exemption in 2016 and it was changed in 2017. There is no longer an exemption. CI noted that he had also checked into it and there was a simplified process. CL motioned to approve the

application as presented. KJ 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 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

Fire Road 12 Continued to the February 15, 2021 meeting at 7 PM by a motion of JR and a second by CC with a unanimous roll call vote to approve the motion.

PUBLIC HEARINGS AND MEETINGS

The Conservation Commission will hold a public meeting on a request for a Notice of Intent by Proctor Masonry for work at 203 Fire Road 16 for the construction of replacement retaining walls and the removal of trees affecting the current wall structure. 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, the meeting is scheduled for February 3, 2021 at 7 PM by Zoom meeting link to be issued by February 1, 2021. The public is invited to attend.

KJ moved to continue the meeting until later within the meeting. The motion was seconded by RB approved by the commission by roll call vote.

KJ moved to continue the meeting to February 17 with a second by CI and a unanimous vote to approve the motion.

The Conservation Commission will hold a public meeting on a request for a Notice of Intent by Rich Pierson for work at 75 Ruth Street for the construction of replacement 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, the meeting is scheduled for February 3, 2021 at 7 PM by Zoom meeting link to be issued by February 1, 2021. The public is invited to attend.

Jack Maloney and Richard Pearson appeared to represent the Notice of Intent application. Mr Maloney outlined the project and the proximity ton the wetland. He also outlined the operation of the septic. He noted that the project was outside of the 50 foot buffer zone. He also outlined the lot limitations in the selection of the site location of the septic system. He also outlined the three trees near the system that are proposed to be removed. JR noted that on the site visit it was apparent there were no alternatives to the site location. CI noted the only issue was for potential was for the replacement of trees. Mr. Maloney reviewed the locations for the removal of trees and the trees to be removed. BP noted that the trees were outside the 50 foot zone. MM noted that adding 2 trees were discussed in replacement. Mr Pearson noted it could be red maples and agreed to do such. He also asked about the potential for future driveway paving. BP noted that a new RDA would have to be filed. JR noted that paving over the system would need a vent. Mr Maloney noted on the plans where there was a vent planned out. JR moved to approve an Order of Conditions with the additional condition of replacing the trees removed with 2 added tree plantings 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 request for a Notice of Intent by Proctor Masonry for work at 36 Cushing Lane consisting of the construction of a driveway. 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, the meeting is scheduled for February 3, 2021 at 7 PM by Zoom meeting link to be issued by February 1, 2021. The public is invited to attend.

KJ moved to continue the meeting to February 17 with a second by RB and a unanimous vote to approve the motion.

ENFORCEMENT:

Violations (Enforcement Actions and Administrative Hearings).

Leominster Road- Illegal Dumping activity

MM asked if the commission would like to do a site walk. KJ noted that he has been there and felt a site walk would be in order. The Commission deferred until such time as there was no snow cover.

EO 90 Ruth Street The deadline for the RDA is Feb 15

EO- Town of Lunenburg Fire Road 12 ENF 2019 NOI FILED Town admin signature obtained and awaiting drawing.

NON - 9 Valley Road- Working on NOI

EO 615 Townsend Street MM asked for the EO be ratified. KJ moved to ratify the order. CC seconded and the commission voted unanimously

EO Fire Road 16

MM noted that he had sent letters to the abutting owners. CI noted that as Keating had ignored the EO we should perhaps have legal send a letter. KJ suggested going to DEP. MM noted that he would call DEP. CI moved to issue the formal enforcement letter. JR seconded and the commission approve the roll call vote unanimously.

48 Oak Ridge Road. MM will have that added to the agenda

Lake Shirley encampments- to be added to the agenda JR and MM to site walk them.

New Business –

Old Business – Land use policy (- Continued workshop on developing a draft set of regulations for hearing scheduled for February 17, 2021)

The Commission reviewed Town Counsel's tracked changes. The commission clarified the preamble to ensure all lands acquired were included. The Commission verified the process for hearings to the public for changing the regulations. The following are highlights of the discussion, the complete discussion is available by consulting the video recording available on Lunenburg Cable access you tube channel:

With respect to notifying the police the issue was raised to the commission as to the police assuming enforcement powers. RB noted that the commissions only enforcement mechanism was to take the violator to superior court. We may be able to issue fining tickets under wetlands regulations. Selectmen Marino indicated the Police may not be able to enforce the commissions regulations. Jr asked if there was mention of a bylaw that could be passed for the non-criminal disposition and ticketing by the police would have to pass as a general by law.

CL stated there is a by law review in progress and asked if we could add this to the by law review. BP noted that we could propose a warrant article for town meeting. BP suggested taking that up with Adam Costa at the next meeting session.

RB noted that the land use rules would have to be potentially incorporated as a town by law in

order for the police to be able to act upon it.

KJ suggested that only the administrator be notified and at the administrator's discretion the police be notified.

BP suggested to leave it as is and then he could speak to the police chief and bring it up at the hearing on the 17th where it can be revisited.

CL noted that in the current regulations bicycling is currently on established trails and is not specified in the proposed changes. CI suggested some type of list be kept at the office of the changes. BP noted that his approach was to give the public initially a tracked changed document. BP noted that the overall regulations were less than 4 pages long and felt it was not unreasonable for the public to go through both the initial and final proposed documents to compare changes. Based on input than CL KJ suggested adding a section that states dumping is prohibited on conservation land. RB suggested simply adding the word dumping in addition to littering. KJ asked the words dumping of any material be added instead of just dumping. BP suggested adding the words authorized maintenance vehicles in section 1.3. BP addressed the firearms possession issue that Town Counsel stated that it is within the purview of the commission authority to prohibit firearms possession. KJ noted that the explosives and fireworks could be eliminated as they are already illegal within the state. He also noted that this state does not allow for open carry only concealed.

CL noted that the current regulation prohibiting fire arms have already been in place for 10 years and has presented no problems and expressed concerns about changing them now. A straw poll indicated that members were in favor of leaving section 1.4 as it is written. ML noted that as we have a legal opinion then we should go with that.

The commission did add in language for the prohibition of non lethal weapons. The Commission reviewed the language changes in section 2 . MM to send update overnight camping forms.

JR expressed bow hunting be limited to those same areas as firearms hunting. A straw poll indicated KJ indicated the lane property and the Cowdrey could be eliminated in the interests of compromised. RB noted that bow hunting was not mentioned in any of the comments. CI noted that the issue was never discussed until this time. He noted that about 11 % of the existing conservation land is currently allowed to be hunted and that the commission would be added another 500 acres bringing the total to 500 acres or 25 % to the total for firearms hunting. He felt it was reasonable to open a discussion for total prohibition to hunting. The straw poll indicated that the commission was essentially tied on the issue of adding lands to be restricted. He indicated that Jeff should be present in the subsequent discussion. ML recalled about hiking the Appalachian trails. He also spoke of whether the commission wanted to allow hunters from out of town on commission properties.

RB noted in the section of organized groups of people was intended to organized sports and could require a fleshing out of the definition. MM suggested asking town counsel. BP inserted a provision that field dressing a deer must be 50 feet from a trail. RB felt it should be termed as out of sight.

CL inquired if it was true hunting was not allowed on Sunday's. It was confirmed. KJ suggested putting this information on a future publications. BP asked about including a prohibition of leaves being raked of the trails and the construction of jumps for biking. Members felt that the other language in other sections covers that.

Update on trails grant – status report, if any.
Certificates of Compliance – 63 Prospect Street

MM recommended the release. RB asked about the drainage swale. MM noted the swale was completed. KJ moved to issue the certificate. CL second and the commission approved the motion by unanimous Roll Call vote .

21 Crescent Terrace

MM noted that the old project from 1994 never commenced. He noted that the certificate can be issued for the expired order of conditions. The Commission voted to approve the release of the Order of Conditions by a motion of KJ and a second by JR and a unanimous vote of the commission to approve the motion by roll call vote.

Extension Permit – DEP 208-1104 Hickory hills Lake
MM noted that the extension permit would take effect after the COVID-19 declaration was lifted.

Upon advice of town counsel MM is asking for the approval now pending the lifting of the declaration. KJ moved to approve a one year extension. JR seconded. CI and Rb expressed concerns about the process for the approval of the changes to chemical treatment, that it was not properly reviewed. JR noted that there was an extensive abutter and public notification. RB felt it should have been an amendment. MM noted that it was approved as a filed change. The motion to approve was approved by a split roll call vote by KJ, CC, JR and BP and no by CI and RB.

Committee Reports – Any Updates
Administrator's Reports/action items:
Administrator's determination – 5 Spring Street Extension

MM noted that the trees cut under the emergency permit that one tree would be replaced and arbor vitae would be planted. CI state that a request for a determination should be filed. MM agreed that would be appropriate. The Commission asked MM to have the owners file the determination.

Open space and land and Trail use issues and strategies:

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

MM updated the commission that Gary Gouldrup has submitted the RAYNO property cutting plan to DCR to the specifications requested by the commission and is currently working on the Hollis Road plan. It should be ready for the first March meeting.

Communications / public comment/ Adjourn - **Meeting Schedule- Next meeting is February 17, 2021 at 7 PM.**
The meeting was adjourned at 10:25 PM by a motion of CC and a second by KJ with a unanimous roll call vote to approve the motion.

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