

Town of Lunenburg Conservation Commission

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Matthew S. Marro,
Conservation Administrator

MINUTES

December 18, 2019

Bilotta meeting room, 17 Main Street 2nd Floor
7:00 PM

In accordance with the requirements of the Open Meetings Law, please be advised that this meeting is being Audio/video 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.

Call to Order at 7 PM by Chairman Dwyer. All in attendance except JV. RB is participating remotely and therefore all votes are taken by Roll call.

Announcements -JR had submitted a Mullins form as a result of missing the previous meeting.

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

Appointments/Hearings –commences at 7 PM

Pursuant to MGL ch 131, s 40, and Lunenburg Wetland Bylaw section 335, John and Joanne Tanner have filed a Notice of Intent for a replacement septic system in the 100 foot buffer zone at 69 Kilburn Street. Application and supporting documents are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting will take place at The Bilotta meeting room 17 Main Street 2nd Floor Lunenburg at 7 PM on December 18, 2019. The public is invited to attend.

Dan Proctor appeared before the commission and narrated the project. RB asked about the grading and seeding. TD asked if the area was lawn currently. Mr. Proctor noted from the plan, the trees that would have to come down. He also noted the reason why the septic system had to be located where it is proposed. RB recommended demarcation of the 30 foot no touch zone. BP noted he felt it wasn't necessary as there were trees between the work and the wetland. TD asked about the vegetation in the 30 foot no touch area and it was noted by the applicant to be wooded, and agreed to put posts with markers placed at the limits of the 30 foot zone. A motion to approve and Order of conditions made for 4 by 4 wooden posts to every 30 feet at the edge of development by BP with a second by JR and a unanimous roll call vote to approve the motion.

CONTINUED FROM PREVIOUS MEETING Pursuant to MGL ch 131, s 40, and Lunenburg Wetland Bylaw section 335, the Conservation Commission will be holding a hearing on a request for a Determination by Peg Gorman of 66 Horizon Island Road for the replacement of a collapsed retaining wall. The meeting will take place at The Bilotta meeting room 17 Main Street 2nd Floor Lunenburg at 7 PM on December 18, 2019. The public is invited to attend.

Brett Ramsden reviewed the plan and the changes to it that the commission recommended. He reviewed the cross sectional detail specification. He noted the wall will be in the same location. The commission expressed satisfaction with the detail provided. It was noted based on a question by TD that the wall was going to remain 3 feet in height. A motion for a negative determination was made by KJ and seconded by CL with a unanimous roll call vote to approve **(JR Recused himself from the matter)**.

CONTINUED FROM PREVIOUS MEETING: Pursuant to MGL ch 131, s 40, and Lunenburg Wetland Bylaw section 335, Steven Powell of 155 Reservoir Road Realty Trust has filed a Notice of Intent for the Construction of a common driveway crossing for 2 single family lots at 41&47 Reservoir Road. Shirley Road. Application and supporting documents are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting will take place at The Bilotta meeting room 17 Main Street 2nd Floor Lunenburg at 7 PM on December 18, 2019. The public is invited to attend.

Brian Marchetti reviewed the updated information on the culvert and the culvert foundation for the crossing. He noted the size of the crossing and how it meets standards. He also noted that it would place the footing outside of the bank by a minimum of one foot. There will be a coir log between the excavation area and the limit of bank to both demarcate and provide erosion protection.

Mr Marchetti outlined the construction technique for the crossing and culvert foundation. KJ clarified there was a 2 inch water service line on the plan for the utility work. JR reviewed the pavement crowning and storm water mitigation. The applicant agreed to add rip rap to both sides of the driveway at the crossing location. TD reviewed the dewatering protocol with the applicant. Mr Marchetti recommended for this site a sump at the upland side as it has well draining soils. RB suggested that the motion emphasize condition 40 on the local boiler plate. A motion was made adding condition 40 applicable to the dewatering for the crossing and rip rap added to the driveway wherever a slope reached 6 percent made by CI and a second by KJ with a unanimous roll call vote to approve the motion.

CONTINUED FROM PREVIOUS MEETING: Pursuant to MGL ch 131, s 40, and Lunenburg Wetland Bylaw section 335, Myles Jenkin has filed a Notice of Intent for the repairing of 3 retaining walls and replacement of steps at 72 Hemlock Drive. Application and supporting documents are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting will take place at The Bilotta meeting room 17 Main Street 2nd Floor Lunenburg at 7 PM on December 18, 2019. The public is invited to attend.

Brett Ramsden was present and presented the commission with the revised plan by Ducharme and Dillis. He outlined the revisions and the specification of the construction and construction technique. He also provided a printed construction sequence. KJ feels the plan shows everything requested. RB noted a meeting with grandfathering and that town counsel stated that the wetland protection act or bylaw do not have grandfathering provisions. He noted that the outer remnant that is a foundation and attempting to re-establish the wall would be now filling the lake and flood plain. TD stated that the wall in his opinion is still largely intact and above the water and should be allowed to be reconstructed. RB felt that the wall was not above the high water mark and therefore was now a part of the lake. Mr Ramsden showed pictures to the commission contending that the area in debate was above the high water mark. BP felt that he would defer to TD's experience in this matter as a retaining wall. JR noted that he feels the remnants of the wall still establish the property line and disagreed it would not be off the property. CL noted that he visited the site twice and felt it was a pure judgment call and feels it would be hard pressed to call it a wall and that in grandfathering, the structure should have to be there and the structure as it is now is simply not there anymore. KJ felt it would be appropriate to allow the wall. CC noted she would defer to TD's expertise. RB noted that the engineers plan drawing shows the remnants of the old wall is below the water line and feels that it is working within the flood plain. MM noted that the plan does show the work is proposed within the marked flood plain and was concerned about flood plain filling. TD feels strongly that the entire foundation is intact. RB wanted to ensure that we have a point of reference to ensure it is not a substantial change or enlargement. CL noted that it is hard to establish exactly where the foundation is. TD noted that you could see the foundation exactly on site. CL felt that there is no clear documentation of where the foundation is. TD noted that the old foundation is noted on the plan. CL feels that intention is that the structure still needs to be in place. TD noted that we had other cases where there

were railroad ties that we used as an old historic line to reestablish the wall. BP feels everyone's position is clear and the commission was repeating itself and should move on to a vote. There was no public comment. A motion was made for approving an order of conditions with the conditions that the face of the wall was staked and approved by the administrator and the sequence of work be added to the order. The vote was RB ,no, CL ,no. TD ,yes, CC ,yes, KJ ,yes, JR abstain, BP yes. The motion was approved as a roll call vote totaling 4 yes to 2 no's with one abstention due to recusal.

CONTINUED FROM PREVIOUS MEETING: Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a request for a determination by Micke Dutton for the trimming and some removal of Brush at 54 Pine Acres Dr. Application and supporting documents are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting will take place at The Bilotta meeting room 17 Main Street 2nd Floor Lunenburg at 7 PM on December 18, 2019. The public is invited to attend.

BP noted that he recalled MM had indicated to the commission the applicant was elderly and could not make the meetings at night due to driving limitations . BP did reach out to the applicant and will be doing a site inspection Sunday afternoon and the brush is along the causeway and will take pictures and invite the commission to attend. KJ moved to continue to the billotta room on Jan 15, 2020 at 7 PM with a second by CL and a unanimous roll call vote to approve the motion.

CONTINUED FROM PREVIOUS MEETING: Pursuant to MGL ch 131, s 40 and Section 239 of Lunenburg General By-law (Wetland Bylaw) DPW has filed a Notice of Intent for the replacement of Culverts at Sunset Lane and Northfield Road. Application and supporting documents are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting will take place at The Bilotta meeting room 17 Main Street 2nd Floor Lunenburg at 7 PM on December 18, 2019. The public is invited to attend.

CC moved to continue to the billotta room on Jan 15, 2020 at 7 PM with a second by CC and a unanimous roll call vote to approve the motion.

CONTINUED FROM PREVIOUS MEETING Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a Notice of Intent by Nanci Bell for the replacement of an existing retaining wall at 51 Fire Road 19. Application and supporting documents are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting will take place at The Bilotta meeting room 17 Main Street 2nd Floor Lunenburg at 7 PM on December 18, 2019. The public is invited to attend.

KJ moved to continue to the billotta room on Jan 15, 2020 at 7 PM with a second by CL and a unanimous roll call vote to approve the motion.

ENFORCEMENT

Violations (Enforcement Actions and Administrative Hearings).

1. **EO-164 Page Street – Continued actions- mm noted he did send the fine and the letter and still no appearance. CL moved to issue another 100 dollar fine JE seconded and the commission voted unanimously.**
2. **Hearing for potential noncompliance 228 West Street – Alan Specht appeared in front of the commission . He presented plans that were modified showing the lot has a 40 foot different in elevation. The commission reviewed drainage trenches that Mr Specht had added to the perimeter drain and was looking at constructing a raised bed. He showed the commission pictures of the melting and it was his contention that the water comes from different direction. MM outlined the changes in hydrology. He recommended that somehow the issues be addressed. JR noted that he felt there was a very wet fall. TD felt that the drains exacerbated the flow going into the wetland. BP feels that in order to remediate the issue the trenches should be**

removed. A motion was made for the owner to restore the perimeter drain, remove the trenches and restore all to the original condition completed by June 1, 2020 with a notification by the owner to the administrator by BP with a second by CL and a unanimous roll call vote to approve with RB abstaining.

3. EO- Emerald Place Beach- update (to be made in the spring of 2020)
4. EO- Town of Lunenburg Fire Road 12 ENF 2019 – MM noted it is still under investigation by the police.
5. Northfield Road – 139 Northfield Road-MM noted there was a violation of a land clearing. It was minor. The commission decided to schedule a site inspection on May 16 2020 for the may 20, 2020 meeting.

New Business - Update on Settler's Crossing Conservation Restriction (CR) (Attorney Bowen to represent) Rob Bowen reviewed the CR and the plan as well as the baseline documentation. MM noted he reviewed the baseline document and rendered an opinion that it is accurate and complete. There was some back and forth between Attorney Bowen and Town Counsel. It was added into the new version provided to the commission at the meeting that adds a requirement of no hunting. The document has been approved by the current owner and the mortgage company.

JR noted a restriction of motor vehicles and that there was a prior proactive of the commission to allow the use of snowmobiles within our open space and would that still be allowable. Attorney Bowen noted that the property owner does not want to allow snow mobiles. It was noted the property owner had concerns with the proximity of snow mobiles to the golf course. RB noted that this will remain private property and we should defer to the owner and was not sure it was within commission jurisdiction to regulate private property. RB expressed concerns that the policing of such should be left to the property owner. Attorney Bowen noted that as it is private property the responsibility is the property owner. MM noted the value of keeping this property in a CR is a great environmental value. Attorney Bowen was requesting a town approval on a preliminary basis in order to go the DEP. KJ moved to approve the CR as a draft and allow submission to the state a second by BP with a unanimous vote to approve.

Mckann Property- BP reviewed the forestry account which is money to make improvements. He noted that some of the money was used to fund the 21 E study on the Mckann property and requested the commission approve the reimbursement of the forestry account with the trust funds. RB noted the money in the revolving account is not an interest bearing account and does not grow. He requested the commission consider the fact that the trust funds by nature of sitting there does grow. KJ moved to approve transferring of 1735 dollars from the trust funds to the forestry account. BP seconded and the commission voted unanimously by a roll call vote

Old Business – Update on trails grant – status of contracts - BP noted that at the trails grant conference there was a trails grant to purchase a kayak dock. He researched the open space plan and noted specific requests for kayak access. He spoke to MM about the stump cove area and the parking area over at Fire Road 12. He spoke about a potential parking area on reservoir road as well. KJ feels Stump cove should be good for a Kayak launch and CL agreed it could support it.

Land acquisition proposal, Saliba , Northfield Road (# 994)- updates (If any) – BP spoke of the potential parking area.

Certificates of Compliance –

Extension Permit –Minutes of previous meetings - review of December 4, 2019 minutes BP moved to approve the minutes. CC Seconded and the commission voted unanimously.

Committee Reports – Any Updates KJ ensured that the pollinator habitat planting expense is eligible for payment from the Hollis Road Account. BP noted that his research indicated it is allowable.

Agents Report /Action Items :

- *Legal Updates and Requests / regulation review –(if any)- MM specified the new regulations upcoming from DEP regarding appeal periods and will be investigating EDEP for registering issued orders of conditions. RB noted that the town e-file system should be active for Conservation in January of 2020*
- *Open space and land and Trail use issues and strategies*
- *Hickory Hills general updates MM noted the lake had done a successful drawdown however, the huge influx or rain and melted snow would required the siphons to be opened again*

- *Hickory Hills /Lake Shirley- drawdown updates MM noted that LSIC had started drawdown however the huge influx has made the process difficult. RB requested MM document to the town that Shirley Conservation has not yet finalized the order and did not allow any modifications of the dates. He reiterated he simply wanted it documented for the file*
- *Update on hunting Signage _ MM has NO ATV signs coming from Voss*
- **Communications / public comment/ Adjourn/Meeting Schedule- Next meeting is January 15, 2019 at the Ritter Memorial Land Use Building at 960 Mass Ave at 7 PM**