

Town of Lunenburg Conservation Commission

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Matthew S. Marro,
Conservation Administrator

MINUTES

February 5, 2020
960 Mass Ave
7:00 PM

In accordance with the requirements of the Open Meetings Law, please be advised that this meeting is being **Audio** 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 TD called the meeting to order at 7 PM with TD, BP, CC, KJ and JR in attendance

Announcements BP noted he was appointed to the steering committee at the Mass Trails Coalition.

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

Appointments :72 Hemlock- request for a field change (Continued) The applicant did not show and the matter was continued to the next regular meeting

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, John Kutarnia has filed a request for a determination of applicability for the replacement of Steps at 192 Townsend Harbor 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 ccc@lunenburgonline, the meeting will take place at the Ritter Memorial Land Use Building at 960 Mass Ave February 5, 2020 at 7 PM. The public is invited to attend.

Mr. Katurnia appeared at the meeting to represent himself. Mr. Katurnia explained the project and the circumstances that required him to appear before the commission. TD noted the site inspection on 2/1/2020 and expressed no concern. JR expressed concern that safety railings may be in order. Mr. Katurnia stated that railings would require him to go into the earthen section of the hickory hills dam. John Fortune of 50 Hemlock Drive and Hickory Hills Dam operator outlined the phase 1 inspection with his engineer and he also inspected the steps and the engineer recommend that the stairs be left in place. He agreed with the assessment Mr Katrunia made regarding the installation of railings. BP inquired how many docks along the dam. Mr Fortune noted it is 3 and as the houses are sold they will be removed and subsequent owners will not be able to use the current areas. They are free standing Docks. Katey Adams 39 Peninsula Drive spoke to concerns about access to the dam. She

reiterated the point Mr. Fortune had made regarding grandfathering. A motion was made for a negative determination by BP and a second by JK with a unanimous vote to approve.

CONTINUED FROM PREVIOUS MEETING: Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, Bill & June Hudson have filed a Notice of Intent for the replacement of a septic and the cutting and replanting of trees within the 100 foot buffer zone at 90 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 Ritter Memorial Land Use Building on February 5, 2020 at 7 PM. The public is invited to attend.

Bill and June Hudson were present to represent themselves. MaryAnn Di pinto was also present to represent the Hudsons. Mrs. Hudson sowed the plans and outlined the varieties. KJ explained the results of the site visit with himself, CL and Matt Marro. Mrs. Hudson explained which trees were marked that were dead and were going to be removed. She outlined the number of trees to be planted versus removed. KJ noted the site walk resulted in confirmation as to what was dead and what was viable and he also noted that in his opinion, there are way too many trees on the property, which is what is causing the other trees to die and the property was heavily populated due to lack of maintenance. He also noted that with the remaining the majority of the shading would remain. TD reviewed where new lawn versus trees would be established. Ms. DiPinto noted that the areas of re-planting were picked up by a surveyor. It was noted the garage originally on the submission was withdrawn from consideration by the applicant. John Fortune 50 Hemlock Drive spoke in favor of the project as proposed. A motion was made to approve an Order of Conditions by BP and seconded by CC with a unanimous vote to approve.

CONTINUED FROM PREVIOUS MEETING: Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, Dan & Jean Proctor have filed a Notice of Intent for the removal of earth and storm water management within the 100 foot buffer zone at 1325 Mass Ave. 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, at the Ritter Memorial Land Use Building on February 5, 2020 at 7 PM. The public is invited to attend.

Frank McParland and Daniel Proctor appeared on behalf of the applicant. Mr McPartland outlined the proposal and outlined the proposed erosion control. He noted to the commission where the loom would be screened. He noted that the overall approach with storm water is met. He reviewed the report from Graves Engineering that was provided to the planning board. He reviewed the operation and maintenance manual with the commission. Mark Rzeznickiewicz of 69 Townsend Harbor Road he expressed concerns about how the development would affect his septic system and expressed concerns about the removal of vegetation and where would the storm water wind up. Mr. McPartland explained the storm water design principle used. JR examined the slopes with Mr. McPartland who indicated a 3 to 1 slope is less likely to erode. Bonnie Rzeznickiewicz expressed concerns about aggravation of flooding. She also pointed out where she has observed a wildlife corridor that is within the area. TD noted that according to the plan, there may be a reduction of runoff to her property. Pamela Anzaldi of 70 Townsend Harbor Road, questioned the abutter notification process. TD explained the notification process. She asked if the Commission works in conjunction with the planning board. TD explained the jurisdiction and limits of commission authority. She questions the location of 20 feet being used as a setback. She urged the commission to conduct a site inspection. She expressed concerns about the length of time to the project. TD noted that there would be another site visit on Saturday February 15, 2020 as the meeting would be continued due to the lack of a DEP number. Clifford Smith of 70 Townsend Harbor Road He also examined the drainage and the erosion protection. He reviewed the water flow and noted that the driveway receives runoff from the applicants property and noted he was told he would need to resolve a trench. TD noted that the proposal would likely reduce runoff to his driveway. BP examined the contours on the local GIS and noted that the contours indicated TD was correct in his assessment. Mr. McPartland examined the plan with Mr. Smith and illustrated where the post development runoff would travel. Mr. Smith inquired about added vegetated screening and noted that nothing was there. Katey Adams of 39 Peninsula Drive felt that the cross section, if available would show a different picture. Ms. Adams noted that it is currently agricultural land for a very long period and that it was not farmed. BP noted that farmed land may have traces of herbicide and pesticide if farmed and felt that as it was pasture plan it would not have those attributes. Ms. Adams noted that the history of the horse farm may have a history of high nitrogen and phosphorus. Mr. McPartland noted the differences in rate of application of nutrients and chemical treatments on farms. He noted the storm water management would remove a great amount of nutrients. Ms Adams brought up the critical area of environmental concerns. MM noted that as there is no proposed wetland alteration proposed the ACEC standards would not be applicable to this file. KJ noted that he checked the maps and that there was significant development already in zone II. Ms. Adams felt that the plan wasn't complete enough to obtain an actual picture of the impacts. TD noted that it was a large amount of alteration. Ms. Adams outlined the aquifer protection by-law and stated the need to review it further. Ms. Adams expressed

concerns that the site may not be able to be adequately managed in the event of a large storm event and expressed concern over impacts to the wetlands and adjacent lands. TD stated that he realizes this is a large project, however he feels that the engineer did a wonderful job of planning comprehensively. Dan Proctor noted the history of how he acquired the land. He stated that being in the septic system business that he could state confidently the proposed work would have no effect. Mr Proctor also stated he would leave as many trees on the land as they could. KJ after examining the maps noted that the lot was actually in the zone III and not the zone II. Mrs. Rzeznickiewicz inquired as to who would make the final decision. The Commission and the applicant's representative reviewed the regulatory boards that would permit the activities in total. A site visit was planned for Feb. 15th and the applicant agreed with interested neighbors participating. PB made a final statement clarifying the LCC's authority regarding the NOI. Abutters re-iterated their concerns regarding the possible resulting impact to nearby wetlands.

The Commission continued the hearing to February 19, 2020 at 7 PM in Town Hall second Floor at 7 PM with a site visit on February 15, 2020 by a motion of KJ with a second by CC and a unanimous 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, at the Ritter Memorial Land Use Building on February 5, 2020 at 7 PM. The public is invited to attend.

MM noted the engineering company is adjusting the submitted plans to account for the wildlife crossing at Northfield Road. It was continued by a motion of KJ and a second by CC with a unanimous vote to approve. Continued to February 19, 2020 at 7 PM in Town Hall second Floor.

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, at the Ritter Memorial Land Use Building on February 5, 2020 at 7 PM. The public is invited to attend.

The meeting was continued to February 19, 2020, at 7 PM by a motion of KJ and a second by CC and a unanimous vote to approve.

ENFORCEMENT

Violations (Enforcement Actions and Administrative Hearings).

1. **EO-164 Page Street – Continued actions- container to be removed by spring, deadline to be documented to owner**
2. **EO- Emerald Place Beach- update (to be made in the spring of 2020)**
3. **EO- Town of Lunenburg Fire Road 12 ENF 2019 Updates(If any) MM noted the town was still contemplating the approach.**
4. **179/183 Island Road – MM noted that the limits of the order regarding vegetation clearing, grading and sand within the lake bed has been exceeded and recommended that an enforcement order be ratified by the commission and issued. The order was ratified by a motion of BP and a second by JR with a unanimous vote to approve the motion.**

New Business - Site Walk for Gilcrest Street Property for trail access – MM is going to contact the owner for a site walk date.
Gray Gouldrup, bird habitat proposed draft Stewardship Plan MM is meeting with Gary and will report Back to the firm date

Approval of Funds for Tax Bill Inserts –MM reported that the purchase order was approved and is ready to go. He also noted that he spoke to the town administrator who indicated approval of the outreach effort to residents

Open Space parcels (non conservation) discussion – BP reviewed parcels of land currently not under control of the conservation commission that had the attributes the commission looks for in open space. He outlined the procedure of working with the board of selectmen. The Commission reviewed each parcel and decided to have a delegation of one or two commission members approach the board of selectmen. There was some question regarding the Fairview property that the Town purchased in 1999 for \$700. Questions also arose regarding: 225 Pleasant St, West St., 0 Shirley (stump cove on Lake Shirley) and adjacent parcels. Any transfer of parcels will require approval at Town Meeting. Town council did not see an issue for parcels with “flawed” titles. Motion to coordinate with Open Space Committee to discuss transfer of 111 Mulpus, 970 New West Townsend Rd., 104 Fairview, 408 Lancaster Ave., 671 West St., 225 Pleasant St. made by BP seconded by CC passed with a unanimous vote of the commission

Revisions of Land Use Regulations – MM noted that there was ambiguity on the regulations regarding hunting and recommended the commission convene a meeting on the March 18 meeting to start a review of the language of the regulations. BP reported that Town Council advised him that the regulations were not ambiguous and that the BOS does not have the authority to override LCC land use regulations. Commission agreed that further review and discussion of the regulations needs to happen. MM will add to agenda for future meeting.

Old Business – Update on trails grant – status of contracts and ideas for setting up oversight group was presented by BP
Land acquisition proposal, Saliba, Northfield Road (# 994)- updates (If any) Conservation Restriction- the CR language was settled between Town Counsel and Counsel Bowen and was accepted by the Commission by a motion of KJ and a second by BP.
Open meeting law resolution – MM and TD reported on the form and procedure for the remediation of The open meeting law violation including OML training and certification by all LCC members.

Certificates of Compliance Mattson 113 Young’s Road Lot 4 DEP 208-1055 (Continued) **Hickory Hills DEP 208-1128 remediation of the dam.** **NJLJ Gas Station, Electric Ave DEP 208-1156** The Commission approved the certificates of compliance by a motion of BP and a second by KJ with a unanimous vote approving the motion.
Extension Permit –Brockelman Perrins Pond and 121 Peninsula Drive – The Commission continued as they wanted to see the original order to refresh their recollection.

Minutes of previous meetings - review of January 15, 2020 minutes – review of May 29, 2019 meeting minutes – The minutes of the January 15 minutes was approved by a motion of BP and a second by CC with a unanimous vote to approve.

Committee Reports – Any Updates

Agents Report /Action Items:

- *On line permit application demonstration* – MM demonstrated the online permitting software for residents to file applications under local by law and pay fees over their computers.
- *322 flat hill road ch 61 a release request to be taken up at a future meeting.*
- *Open space and land and Trail use issues and strategies* Winter trails
- *Hickory Hills **general** updates*
- *Hickory Hills /Lake Shirley- drawdown updates*
- *Update on hunting Signage*
- **Communications / public comment/ Adjourn/Meeting Schedule- Next meeting is February 19 2020 at the Bilotta Meeting Room 2nd Floor, 17 Main Street at 7 PM**

The meeting was adjourned at 9:50 PM by a motion of BP and a second by CC and a unanimous vote of the commission