

TOWN OF LUNENBURG

Lunenburg Conservation Commission

Mary Wilson *Chair*
Jenifer Pewtherer *Vice Chair*
Richard Bursch *Clerk*
Jeffrey Viviano *Member*
Chris St Germain *Member*
Peter Stella *Member*
Mike Larouche *Member*



Tel: (978) 582-4146
960 Massachusetts Ave
Lunenburg, MA 01462

Sophia Dorow – Interim Consv. Admin
Logan O’Connell – Temp Admin Asst.

MINUTES

Wednesday, 2025-04-16 – 7:00 P.M. | Zoom (Remote)

1. **CALL TO ORDER (6:30 P.M.)**

Roll Call: R. Bursch, M. Larouche, J. Pewtherer, C St Germain, J. Viviano, M. Wilson.

P. Stella joined late.

Call to Order at 6:30 pm by M. Wilson

2. **EXECUTIVE SESSION**

- a. Motion to Enter into Executive Session and to re-enter into Open Session pursuant to MGL c. 30 § 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the Town, and the Chair of the Conservation Commission so declares.

Executive sessions are not documented.

3. **ANNOUNCEMENTS**

- a. Public Comment.: None
b. Minutes of Previous Meetings: None

4. **NEW PUBLIC HEARINGS**

- a. 73 Round Rd – RDA-25-3
REQUEST FOR DETERMINATION OF APPLICABILITY by Marc Sprague for the installation of a new drinking water well within the limits of the 100 ft buffer zone of a wetland resource area on Lake Shirley

Matt Marrow represented the applicant. No photos were uploaded. Noted that the Board of Health has already approved the project. From the well to the high-water mark is 51 feet.

Motion:	R. Bursch, to approve a finding of a negative determination		
Second:	M. Larouche		
Vote:	J. Pewtherer – AYE	R. Bursch – AYE	J. Viviano - AYE
	M. Larouche – AYE	C. St Germain – AYE	M. Wilson - AYE

b. 52 Birch Island Way – NOI-25-9

NOTICE OF INTENT by Daniel Proctor for the Replacement of an existing failed septic system within the 100 ft, 50 ft & 30 ft buffer zones of a wetland resource area on Hickory Hills Lake

Chris McKenzie from Dillis & Roy represented the applicant. Proposing a geomat system. Most of the work is within the 30-foot zone. The agent noted that some trees will have to come down and cannot be replaced because the root systems would infiltrate the septic system. Neighbors have been notified.

Motion:	J. Pewtherer, to approve with standard order of conditions		
Second:	J. Viviano		
Vote:	R. Bursch – AYE	J. Viviano – AYE	J. Viviano - AYE
	M. Larouche – AYE	C. St Germain – AYE	M. Wilson - AYE

c. 31 Round Rd – NOI-25-8

NOTICE OF INTENT by Shawn Farrow for the construction of two landscape replacement walls, placement of two removable docks & replenishment of beach sand within the 100 ft, 50 ft & 30 ft buffer zone of a wetland resource area on Lake Shirley.

Matt Marrow represented the applicant. No trees are proposed to be removed. No flood plain filling is proposed. Part of the request is to remove grass that has established itself on the sand beach and to replace some sand. Request also includes an ‘after the fact’ wood dock. A 15-foot section of retaining wall needs repair and would have a defined erosion blanket. DEP had no comments. Since the removable docks are not actually taken out in winter, this suggests the work that is within the wetlands. They plan to complete the project during the draw down. Requested details regarding the type of wall to be built. Requested confirmation that the outer edge of the block will not extend beyond the current excursion. There was general agreement that removing the grass to recover the sand beach was acceptable.

Motion:	M. Larouche, to continue to May 7 with more detail on material used to build the wall, confirm that the rock wall face is no closer to the water line than the existing wall, and confirm the work be completed during a draw down.			
Second:	J. Viviano			
Vote:	R. Bursch – AYE	J. Viviano – AYE	M. Larouche - AYE	J. Pewtherer – AYE
	C. St Germain – AYE	P. Stella – AYE	M. Wilson - AYE	

d. 4 Cove Rd – NOI-25-7

NOTICE OF INTENT by Bryan & Katie Fox for the construction of an addition to a single-family home (including a new 1st floor bedroom, drive-under garage, & removal of an existing garage) within the 100 ft buffer zone of a wetland resource area.

Greg Roy represented the applicant. ZBA has approved the required zoning relief. Three trees will need to be removed, two because of potential incursion into the septic system and the other due to proximity to the building being removed. DEP comments were reviewed.

Motion:	C. St Germain, to approve as proposed with the standard conditions.			
Second:	J. Viviano			
Vote:	R. Bursch – AYE	J. Viviano – AYE	M. Larouche - AYE	C. St Germain – AYE
	J. Pewtherer – AYE	P. Stella – AYE	M. Wilson - AYE	

5. **CONTINUED PUBLIC HEARINGS**

a. 215 Sunset Ln – NOI-25-3 (Cont. from 04-02 to 04-16)

Notice of Intent by David and Brenda Pajari for the Construction of a driveway and single-family home within the 100ft buffer zone of lake Shirley at 215 Sunset Lane

Greg Roy represented the applicant and reviewed all the questions raised at the previous meeting; add a tracking pad for erosion control, address storm water runoff from the driveway, address storm water runoff from the roof, and to 'beef up' the construction sequence to reduce the time the slopes are exposed.

Greg also suggested that the Commission include Storm Water Prevention Plan verbiage in their standard conditions.

Motion:	J. Pewtherer, to approve			
Second:	M. Larouche			
Vote:	R. Bursch – AYE	J. Viviano – AYE	M. Larouche - AYE	J. Pewtherer – AYE
	C. St Germain – AYE	P. Stella – AYE	M. Wilson - AYE	

b. 390 Howard St – ANRAD, DEP# 208-1304. (Cont. from 12-04 to 04-16).

Abbreviated Notice of Resource Area Delineation by Kevin O'Brien at 390 Howard Street

Charles Caron represented the applicant and provided some background. The wetlands appear to have expanded dramatically over several years. He explained in detail these changes. Waiting on Haley Ward processing for the final stamp plan.

Our wetlands specialist will review the stamped plan when it comes in. It was noted that we are close to losing a quorum.

Motion:	R. Bursch, to continue to May 7.			
Second:	J. Pewtherer			
Vote:	J. Pewtherer – AYE	R. Bursch – AYE	J. Viviano - AYE	M. Larouche – AYE
	C. St Germain – AYE	P. Stella – AYE	M. Wilson - Abstain	

c. 221 Electric Ave – NOI-24-9 (Cont. from 04-02 to 04-16).

Notice of Intent by Daniel Sheehan of Haley Ward Construction for construction of a two-family dwelling and rain garden within the 100-foot buffer zone of a bordering vegetated wetland

Representative for consultant asked for a continuation

Motion:	R. Bursch, to continue to May 7.			
Second:	C. St Germain			
Vote:	R. Bursch – AYE	J. Viviano – AYE	M. Larouche - AYE	J. Pewtherer – AYE
	C. St Germain – AYE	P. Stella – AYE	M. Wilson - AYE	

- d. 201 Leominster-Shirley Rd – RDA-25-1 (Cont. to 04-16)

Applicant not available, likely confused by the executive session.

Motion:	R. Bursch, to continue to May 7.			
Second:	J. Pewtherer			
Vote:	R. Bursch – AYE	J. Viviano – AYE	M. Larouche - AYE	C. St Germain – AYE
	J. Pewtherer – AYE	P. Stella – AYE	M. Wilson - AYE	

- e. 67 Island Rd – RDA-24-9 (Cont. from March 5th, 2025 to May 7th, 2025)

6. **ADMINISTRATIVE DETERMINATIONS**

- a. 10 Sandy Cove Rd: None

- b. 7 Park St Ter:

- i. Adam Levine explained they wanted to replace an existing roll-in dock with a new one of the same size. Reviewed picture Sophia took during site visit.

Motion:	M. Larouche, to approve.			
Second:	C. St Germain			
Vote:	J. Pewtherer – AYE	R. Bursch – AYE	J. Viviano - AYE	M. Larouche – AYE
	C. St Germain – AYE	P. Stella – AYE	M. Wilson - Abstain	

- c. **Extension Request Permits**: None

- d. **Certificates of Compliance**: None

- e. **Notice of Project Change**:

- i. 711 Mass Ave (DEP# 208-1249): None

7. **ENFORCEMENT**

- a. **Violations, Enforcement Actions, and Hearings**:

- i. 10 Mass Ave

- ii. 1168 Mass Ave Rear

- iii. 40 Fire Rd 12

- iv. 950 Chase Rd: On the list because vegetation had been cut down.

- v. 390 Howard St

vi. 48 Meadow Ln

vii. 199 Mass Ave: Mike and Mark Chapdelaine explained this is an on-going project regarding for-sale property since 2023. The area became overgrown, and they decided to clean up. Sophia noticed them cutting trees and asked them to stop. The applicants would still like to complete cleaning up the old junkyard debris to make it easier to sell. M. Wilson explained the filing process for an RDA.

viii. 1147 Mass Ave

b. Emergency Certifications:

8. NEW BUSINESS

- a. Topics Unknown – 48 Hrs. Advance of Meeting
- b. Peer Review Process: need to determine how many hours are reasonable.
- c. Default Continuation Practice: Town Council has indicated our standard practice of automatically continuing if an applicant does not show up is not best practice as the WPA does not allow us to continue without the applicant's written or verbal request. This could result in losing an appeal. Discussion concluded we have 21 days to open a hearing and 21 days to deliberate after closing a hearing but no defined timeline for the open hearing. M. Wilson and R. Bursch will follow up with Adam.
- d. Reconstituting a Commission: discussed as part of the Default Continuation Practice
- e. Training Updates – Big 5: M. Wilson encouraged everyone to share what they have learned during training.
- f. Officer Elections: M. Wilson is resigning and asked for nominations. J. Pewtherer agreed to run for Chair. Nobody volunteered to be Vice-Chair. J. Viviano indicated he would not be returning. M. Larouche indicated he could not be Vice-Chair. C. St Germain needed time to consider. R. Bursch agreed to run for Vice-Chair.

Motion:	M. Wilson, to make J. Pewtherer the new Chair of the commission.			
Second:	J. Viviano			
Vote:	R. Bursch – AYE	J. Viviano – AYE	M. Larouche - AYE	C. St Germain – AYE
	P. Stella – AYE	M. Wilson – AYE	J. Pewtherer - AYE	

Motion:	R. Bursch, to make R. Bursch the new Vice-Chair of the commission.			
Second:	J. Pewtherer			
Vote:	M. Larouche – AYE	C. St Germain – AYE	P. Stella - AYE	J. Pewtherer – AYE
	J. Viviano – AYE	M. Wilson – AYE	R. Bursch - Abstain	

9. OLD BUSINESS

- a. Update on Title Searches
- b. April Earth Day Events
 - i. Pollinator habitat garden cleanout and open house on April 26 10:00-12:00.
 - ii. The National Honor Society will have multiple volunteers doing several small jobs.
- c. Conservation Budget Report: No update

- d. **Encroachment Issues:**
 - i. 315 Lancaster Ave: No update
- e. **Open Space & Land Use:** No updates
 - i. Chapter 61 OpenGov Workflow
 - ii. Grants Update (LCC sponsored, award year 2023)
 - iii. Conservation Land Improvement
- f. **Hollis Rd Residence:**
 - i. Lease Agreements & Tenant Responsibilities: No update
- g. **Committee Reports – Any Update:** No updates
 - i. Open Space
 - ii. Storm Water
- 10. **COMMUNICATIONS / PUBLIC COMMENT:** No update
- 11. **UPCOMING MEETING SCHEDULE:**
 - a. May 7th, 2025 by Zoom

12. **ADJOURN**

Motion:	M. Larouche, to adjourn at 10:00PM			
Second:	J. Viviano			
Vote:	R. Bursch – AYE	J. Viviano – AYE	M. Larouche - AYE	C. Larouche – AYE
	J. Pewtherer – AYE	P. Stella – AYE	M. Wilson - AYE	

Respectfully submitted,
Michael Gale - Admin Asst.