

In attendance: RB, JR, BK, TB, CL, TD, KJ and MM

Town of Lunenburg Conservation Commission

Richard Bursch, Chair RB
Jack Rabbitt, Vice-Chair JR
Brad Kennedy BK
Tom Bertram TB
Carl Luck CL
Todd Dwyer TD
Kenneth Jones KJ
Matt Marro, Agent MM



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

Wednesday, May 4, 2016, 7:00 PM regular meeting
Ritter Memorial Building, 960 Massachusetts Avenue
Lunenburg, MA 01462
Minutes

Call to Order Announcements Public Comment

TB updated the commission on the beaver removal from the wetlands in the Cowdery system. TB also outlined where future activities would take place. TB noted the next walks in the woods.

MM noted that the office email boxes have been expanded to 4 gigabytes from 512 mega bytes.

Approval of Minutes Meetings from 11/18 to present- no action at this time **Appointments/Hearings –commences at 7 PM Meeting called to order by Chairman Bursch**

Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public hearing for an amendment to an existing order of conditions on lot 6 butterfly lane to add the addition of an in-ground pool within the buffer zone and/or riverfront as petitioned by Paul and Jean Agnese..

Jean Agnese (JA) presented the proposal for an in ground pool to the commission she outlined it would not interfere with the mulch and planting zone. The pool would be 10 feet off the deck and meet with zoning and building codes. TB noted it was out of the 50 foot and wanted to see the dimensions drawn on the modified plan which the applicant did at the meeting. TD inquired is there was going to be a concrete patio. MM noted that the outline drawn on plan he required included the concrete pad. TB indicated he had no issues with it as long as it was out of the 50 foot no touch zone. RB reminded the commission about the grading they had required on the lot and that it appears be in line with those requirement. MM inquired as to the nature of the pool filter and recommended the cartridge filter as opposed to backwash. TD inquired as to the excess fill. JR wanted to know if it was going to be removed. JA indicated that Mr. Crowley would remove and use in another area. TB and RB examined the plan to ensure that the pool was not within the inner riparian zone. Paul Agnese (PA) showed where the limits of work are proposed and that it is not within the inner riparian zone. CL noted all we need at this point is dimensions from the house using the 5.20 15 plans. MM to scale the plan with the pool installer. TB had no issues with approving as long as MM agrees with the revised scaling. PA asked if about aluminum fencing in relation to the existing bales. RB noted to place it front. TB made it clear that no work would take place in the landscape buffer zone.

TB moved to approve the amendment with conditions that the limit of work is the landscape area and the inner riparian zone. KJ seconded and the commission unanimously approved. A site walk was scheduled for the next round of Saturday site walks at the request of CL.

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Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws there will be a public meeting by Michael Clarke (MC) for the addition of a removable dock at 174 Northfield Road and retroactive approval for the removal of trees heavily damaged by beavers.

MM reviewed the history of the site and the damaged trees. He also noted the other reason for the file was for the dock. JR examined the creation of a wlak way and wanted to ensure the 30 foot buffer zone

MM noted there was no path applied for and Hickory Hills has approved. RB inquired as to current access. Applicant Representative indicated that it was simply walking through the woods. TB inquires if the area in questions was the cove by the woodlands. MC said yes. JR mentioned about potential development- motion to recess by TB seconded by JR until MC appears.

At 8:20 PM this was reconvened and MC outlined the project as only the emergency tree removal and the dock. MC noted that he is not seeking to do a path it would be too long. JR expressed concern he would create a pathway. MC noted he has no plans for anything else at this time and would file if he did. Tb moved for a negative determination. TD seconded and the commission voted unanimously to approve.

Current Business

1. CONTINUED PUBLIC HEARING: 101 Pleasant Street notice of Intent Jamie Rheault (JaR) appeared for Daniel Gardner (DG)

JaR updated the commission that Steve Ericksen(SE) had flagged the wetland and they have been located and placed on plans and they are currently examining remedial areas. JR noted that MM's flags originally placed at the request of commission and that after such placement DG had disturbed hydric soils expanding wetlands. JR asked about mitigation and for guidance from commission. JaR noted that original edge of wetland be maintained and that the buffer and no touch zones be restored. TB stated the expanded wetland should be kept and the crossing accounted for. RB and JR noted that the application is for a temporary crossing to allow for logging and once the logging is completed the areas would be restored to original condition. TD inquired if the expanded area was created after the winter. MM noted that it was spring after MM flagged. CL clarified with MM that the area was examined in the winter? MM said yes. JR expressed concern about silt being deposited in all the waterways especially the stream. JaR proposed to go back to the original conditions and that a lot of the work can be done now and that once the logging is done the road can be restored to original conditions. RB didn't see any benefit to closing the two wetland systems back up JR stated that it was not meant to be a wetland creation plan. RB feels that the wetland should stay in that he could apply for a crossing at a later date. CL emphasizes that leaving the wetland does not preclude a crossing. RB confirmed that we cannot deny access to an upland. TB inquired what would be the better scenario. MM noted the creative wetland was actually aggravating the flooding situation to the abutting property and that the hydraulic connections will need to be refined whether it be underground or aboveground. MM noted that there is more soils work to be done to determine width of the created wetland. MM noted based on his historical knowledge of the site the original system was not connected above ground and wants to review the area with SE. MM recommended before a final decision is made explore the subsoils with SE. TB noted that he wants to see remedial proposals for the remaining area before the wetland created by 101 Pleasant is decided. JR outlined that the river area and other area would be restored to original condition. JaR noted that once you start to remove the fill the original conditions would become obvious. JR clarified that all of the filled and carved out area will be restored? JaR stated yes. JaR reviewed details of the river front crossing and how it would be set with stone to allow for less erosion. Tb expressed concern about allowing the temporary culvert. TD noted restoring the wetland should be done first and log after. RB noted that if that was done then the logging exemptions might actually create a worse scenario. MM agreed with RB because the logging already done in the area was messy to begin with. TB expressed concern that he didn't want to culvert to remain in place permanently. JR suggested a bond and a time limit. MM agreed. Abutter Greg Bittner expressed concern that the ultimate goal is for housing due to advertisements he has seen and that there was work done on someone else's property. JaR noted that there was some intrusion in the abutting driveway and that it will be remediated. Mr. Bittner feels a bond is a good idea. TB agrees with a bond due to the level of work and the levels of violations. Jar noted if a bond is posted that he would be willing to work on a project value for a bond. Tb asked if there was a specific on the forest cutting plan as to how wide is the road allowed. RB noted the gravel operation had to be graded and stabilized right away as it appears to be a safety hazard and it is within the 200 foot riparian zone. It should be stabilized JaR agreed. TB inquired as to the bonding process. RB noted we have never done a bond and JaR has agreed to help us with the process.

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The Commission noted that 190 Pleasant Street had resource areas altered by DG and that it started an issue between Army Corps and Kinder Morgan and the town RB noted that the issue will be placed on the next agenda.

2. Signatures on documents to be issued.

Documents from the previous meeting were signed off on

3. Certificate of Compliance -none

4. Enforcement – 171 Lancaster Ave MM noted that there was some work going on that he felt was corrected. The owners wish to do some relocation and will be filing an RDA.

338 Sunset Lane – MM and BK did a site inspection together and noted there was work with a full scale wall and some cutting in the no touch zone. MM is working with owner to come to a subsequent meeting to remediate.

Old Business

1. Forest Cutting Plans and updates -none

2. Regulations and By-Law – no action

3. Commission Education - no action

4. Storm Water By-Law

5. Review of Holman Street Land Management –updates from last meeting

Committee Reports – JR updated the commission on the storm water committee meetings and that the new regulations apparently have been delayed by EPA

Agents Report for current and upcoming items – MM noted to the commission the next hearing items on the upcoming agenda. He noted he would not be present due his daughter's college graduation.

Notices & Communications - none

Meeting Schedule- Next meeting for May 18, 2016 at 7:00 PM In the Ritter Memorial Administration Building.

Public Comment For Meeting Close.

Adjournment

The meeting was adjourned at 9:30 PM with a motion by TD and a second by JR