

Attending: RB, JR, TD, CL, KJ, BP, TB, MM

Town of Lunenburg Conservation Commission

Richard Bursch, Chair (RB)
Jack Rabbitt, (JR)
Bob Pease (BP)
Tom Bertram (TB)
Carl Luck (CL)
Todd Dwyer (TD)
Kenneth Jones (KJ)



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

Matthew S. Marro, (MM)
Conservation Administrator

Wednesday, August 17, 2016 7:00 PM regular meeting
Billotta Meeting Room, Second Floor Town Hall
17 Main Street
Lunenburg, MA 01462
MINUTES

Call to Order Announcements Public Comment-

TB reminded the commission about walks in the woods and new location. TB to send MM the document in word to be amended and posted on the website.

CL spoke about how long the previous meeting was and considered having an official third meeting of the month and set a time limit for regular meetings.

JR had a complaint of trees being removed on Peninsular Drive. He recommended that we amend our policies for holding a contractor responsible. MM noted that CL asked to be placed for the 7th.

Appointments/Hearings –commences at 7 PM called to order by RB

1. 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 determination of applicability by Jeff Bingham(JB) for work at 150 Peninsula Drive will be held. Work entails repairs of existing structures, grading and landscaping in the rear yard within the 100 foot buffer zone. 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 mmarro@lunenburgonline. The public is invited to attend. (As advertised in the Lunenburg Ledger July 22, 2016)

Note: Documents presented were various photos and a hand sketch of the land under consideration.

JB represented himself. JB noted problems with runoff due to slope. Having a hard time keeping vegetation in place to stabilize area. He outlined the area in relation to the documents submitted and Photos. TB inquired as to the height of the wall. JB responded 3 ft. TD noted on the site walk there was evidence of erosion channels through the bark mulch that appeared obvious and feels the proposal is beneficial. BP agreed with TD noted that there was not much for protective cover and that the vegetation there was at it's the end of its life cycle. JR noted that the wall will help mitigate the steep slope. JR inquired if vegetation was to be removed. JB said no that he was adding low bush blueberry. JB welcomed any ideas from the commission. MM noted that vegetative barriers can go a long way. CL from a procedural consistency was concerned and felt that the wall may not be necessary as the slope was gradual. He noted that the commission had said no to other proposals within the 30 foot no touch zone. TD stated that the change in elevation was 3- 4 feet and was substantial and feels the wall is beneficial to slow the flow down. TD did note that he agreed this could be setting a precedent. KJ asked JB if he could bring the wall to the 30 foot no touch zone. JB noted it would make it a taller wall that would be more intensive work. RB inquired if there was construction on the lake edge? J

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stated only placing rocks back that fell and only planned on planting. RB inquired as to the disposition of the stair area? JB said no plans to change the stairs. RB requested that the wall at the bottom of the stairs be shored up with Rock? CL stated he did not understand why the wall couldn't be moved back he did not think it needed to be higher. TD noted he did not think the proposed wall would level the yard but it would reduce the slope. JR noted that he feels he likes the idea as it would help to create a perc area. He also feels that creating a vegetative backup would help. CL stated he feels the same goal could be achieved by other methods TB feels that a small 2 to 3 foot wall to slow water down would achieve the goal and help protect the wetland and stated you could grant a waiver if it enhances protection. RB pulled a picture from the file that showed the proposal that showed a landscaped slope rather than a wall. This was part of the proposal that could be planted and look more natural. RB indicated that this would be preferential. KJ indicated he feels the proposal will look good and be beneficial. He inquired as to the fire pit indicated on the application but not on the plans. RB clarified to ensure patio was pre-existing. RB inquired as to time line. JB indicated this fall. RB requested erosion protection at the water's edge and at the landscaped slope. RB recommended wattles staked with silt fencing. TB requested a revised plan showing the erosion protection and detail on the landscaped slope and eliminate the word level from the plan. TB indicated with moving forward but not signing off. KJ also indicated that the fire pit should be on the plan. TD indicated he would be in favor of voting with the condition that the update plan should be presented complete with date and north arrow. KJ suggested to add the fire pit. CL wanted to clarify what would be done along the shore. TD indicated that it was mentioned that they would replace by hand the stones that fall out and some plantings along the edge. RB the rocks on the edge must be in character as to what is there. TD noted it was a 2 to 3 foot drop from the edge to high water. TB clarified with JB there would be no tree cutting. MM clarified if a waiver was granted it would be due to keeping in spirit with the by-law. Paula Bertram (PB) indicated she was in favor however requested clarification as to what the rock/planted landscape area would look like. RB pulled the picture from the file. Motion for a negative 3 determination with the granted waiver by TB with erosion control at the water and then halfway between the water and wall with plan updates previously discussed. JR amended the motion to allow a step and a swale at both levels. TB noted there is also rain gardens at the base of the gutters and there is a 2 to 1 slope for the landscaped areas. KJ seconded and the commission approved unanimously.

2. 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 determination of applicability by Robert Proctor for work at 83 West Street will be held. Work entails the placement of a sewer service within the 100 foot buffer zone of a wetland resource area. 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 is scheduled in the Billota Meeting room ,second floor in Town Hall, 17 Main Street at 7:00 PM August 17, 2016. The public is invited to attend. (As advertised in the Lunenburg Ledger on August 5, 2016)

Note: Documents presented was a sketch by Bob Proctor Dated July 2016 of the sewer service.

MM explained the retroactive filing. TD Moved to continue until 9/7/16 as the applicant was not present. CL seconded and the commission voted unanimously.

3. 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 determination of applicability by Arthur Ducharme for work at 44 Brookview Terrace will be held. Work entails replacement of septic system, the removal of a shed and some tree removal within the 100 foot buffer zone of a wetland resource area. 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 is scheduled in the Billota Meeting room ,second floor in Town Hall, 17 Main Street at 7:00 PM August 17, 2016. The public is invited to attend. (As advertised in the Lunenburg Ledger on August 5, 2016)

Note: Documents presented was a plan entitled " Subsurface Sewage Disposal Design System Site Plan", signed and stamped by Jonathan Markey dated July 5, 2016 as a 20 scale plan.

Jonathan Markey (JM) appeared to represent the applicant. He outlined the title V issues with the existing system and the need for the proposed system. JM noted that the system could not be located out of the buffer zone due to substandard fill. TB examined to ensure there was no work in the 50 foot zone. BP noted that he and TD visited the site and they saw no issue. RB examined the grades going to the water to examine for erosion potential. RB tank and line to be replaced? JM noted it would be replaced but in front of the house. RB asked about time frame. JM noted the

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fall.. RB read MM's report into the file. TB moved for a negative 3 determination. KJ seconded and the Commission voted unanimously to approve the motion.

4. 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 determination of applicability by Reservoir Road LLC for work at 667 and 675 Reservoir Road will be held. Work entails razing an existing structure, grading and some tree removal within the 100 foot buffer zone of a wetland resource area. 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 is scheduled in the Billota Meeting room ,second floor in Town Hall, 17 Main Street at 7:00 PM August 17, 2016. The public is invited to attend (As advertised in the Lunenburg Ledger on August 5, 2016)

Note: Document presented was a plan entitled " Sketch Plan of Land " Stamped by William D. Hannigan with a date of August 1, 2016 with a 40 scale and plan number C-12-24

MM noted a clear violation and recommended a 600 dollar fine and a negative determination as remainder of work was minimal and there would be a coming notice of Intent for new construction. CL and TB feels the need to update the plan to have the work more detailed and do it under the NOI and does not feel strongly about the fine. CL felt there was too much work on the plan to allow for a ruling under a request for determination. CL moved to approve the fine JR seconded. All were in favor of the motion except TD and TB who were opposed imposing the fine. RB inquired as to the amount of work that needs to be done. MM noted there was conflicting stories between what was represented on a site inspection and what was being outlined at the meeting. RB inquired to MM what would be done out of the buffer zone. MM outlined. MM and engineer to speak on the plan. Applicant consented to a continuance. TB moved to continue to the next regular meeting. JR seconded and the commission unanimously approved.

5. Jill Travaglia Request for a Determination for work at 171 Lancaster Ave will be held. Work entails stone pillar and gate relocation within the 100 foot buffer zone of a wetland resource area. 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 is scheduled in the Billota Meeting room ,second floor in Town Hall, 17 Main Street at 7:00 PM August 17, 2016. The public is invited to attend (As advertised in the Lunenburg Ledger on August 5, 2016)

Kaarin Jeanson (K Jea) represented the applicant. He outlined the project scope which was the relocation of the two stone pillars to allow for a better sight distance for vehicles. It was noted that work on the stream culvert was not on the form for presentation of consideration. RB inquired the status of the permission of the placement of the pillars? MM noted the Board of Selectmen are waiting for the commission to issue a determination. KJ inquired as to the materials. RB noted that there was a conversation with the owner indicating the materials would be the same. RB also outlined a perennial stream nearby. RB noted the drain/culvert was plugged. MM noted that the cleaning or culvert replacement is possible with a separate Notice of Intent. TD noted that there is a relocation within the 50 foot. CL inquired if it would be in the 30 foot no touch. RB and MM noted it would still be within the 30 foot regardless. Carolyn Palo of 42 meadow land is it a heated driveway? K-Jea noted no. Carolyn Palo also expressed was a concern about the gate would be can they still park in winter.

Ann Shattuck 149 Lancaster directly abuts the property and is concerned about : drainage routed to her property creating a wetland making walking the area possible. Feels her access would be cut off. TB wondered if discussing issues outside of wetlands is the right time to do but how would moving the pillars effect the easement noted by Mrs Shattuck. RB recommended the commission give the Board of Selectmen a letter of clarification as to the commission's ruling not being construed as a recommendation of project approval to the Board. TD indicated he would not be in favor of relocation only rebuilding in existing location to the same dimensions. CL indicated he echoed TD's position. RP clarified the ownership of the lots and how it related to the abutting lot (149 Lancaster Ave.) RB stated that he spoke to the owner who indicated that he would use the same materials. MM explained the boundary issues are not within commission jurisdiction. MM feels the move is like for like and that the commission issued a negative determination and send a letter to the Board of Selectmen outlining issues the commission has no authority on such as boundary. JR can't do anything due to lack of ownership. CL inquired why we

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cant have it moved out of the 50 foot. It was noted due to the size of the wetland it would require the pillars to be moved over 300 yards. Brad Coons 48 Meadow Lane requested careful attention what happens on the property affects properties in all directions. Ann Shattuck asked what about the culvert that was created??RB noted that was not on the application. TB negative determination assuming the same size and area as pre-existing and that it needs to obtain approval from the Board of Selectmen as they are the landowner .KJ second.TD that he feels he would like to see a net benefit. BP amended to include a waiver for the no touch zone.CL wants to make clear to the Board of Selectmen that we are speaking of environmental impacts only. RB include a cover letter to the Board of Selectmen the meaning of the commission ruling. JR feels there is no benefit gained from this proposal. TD pillars may have extensive foundations underground, CL add to letter to simply replace where they stand. The motion passed with RB, KJ, BP and TB in favor -TD, JR and CL opposed. Motion carried. cl moved to poll sense of commission of replacing pillars where they stand JR second. Members voted unanimously.

Note: Document presented was an unsigned plan by Alan Maki entitled "New Gate Location" dated January 25, 2016 with a scale of ½ inch = 10 feet.

6. *Status update Lake Shirley Improvement Corp. (this is a pre-set appointment) RB noted that post treatment algae shows that the treatment worked but it didn't affect turbidity. CL noted the middle and south are getting worse since the treatment. CL feels what we can learn that just using secci is not a good measure and we need to have algae counts before treating with copper.TD noted there is no appreciable difference*

Continuing Business

1. Enforcement

- **101 Pleasant Street Continuation continued to 9.7.16 note Jamie Rheault initials are JaR**
- **190 Electric Avenue, Continuation.** MM noted that the power of attorney form has been sent to JaR Continued to 9.7.16- Paula Bertram (PB) noted Adam has drawn scope of work...prefer contractor to do the work and asked of the towns deadline can be extended.....BP moved to grant extension KJ seconded ...CL heard town generating an RFP and still not present....PB. explained there is discussion attempting to work the task out with JR and was waiting to clarify and vacations have affected the deadline. CL what about a plan and the RFP? RB noted staff was on vacation. PB noted JaR is preparing the plan .TD how are you going to issue the RFP ? PB read an outline of tasks. On 9/7 he comes back with a plan for the town deadline for documents until the 21st TB noted that the extension for 190 was only until tonight and we should extend 101 Pleasant,190 Electric Ave and 225 Pleasant until 9/21 and he moved for such. KJ seconded and the commission voted unanimously to approve.
- **189 Howard Street** , MM explained the current circumstance and site walk with the commission. He is going to file a report outlining the events of a meeting with the Chief of Police and the issues between disputing parties and there will be another meeting tomorrow at 3PM. JR asked if they still are on schedule. MM noted it may have to be amended. TB asked MM to place the dates of the continuation on the agenda and clarified the continuation date was to 9/21/16 as a deadline. MM offered to make a parenthetical reference to the continuance date.
- **460 Lancaster Ave, Continuation** – MM is working with Mr. Mosso on the Notice of Intent and plans to ensure clarity.
- **183 Peninsular Drive, Continuation** – area cleaned as was ordered issue resolved (MM) noted his original order of conditions still need to be filed with registry and is working on that issue with the landowner. TB reviewed concerns with the commission about how we enforce recordings. MM outlined current procedure and noted that failure to record can cause revocation.
- **CL Ruth Street- 7** TD Noted there has not been much progress and felt there was not a clear enough document sent out or a time line. MM noted that the determination made the expectations clear. TD noted his last inspections noted no progress. MM to follow up with the land owner.
- **338 Sunset** – *no longer a violation TD noted wall is there – quick one page letter.*

New Business –

1. **Extension Permit – 178 Peninsula Drive DEP 208-1022** MM duplicate OOC and sign the extension. Mr. Patenaude mobilizing for hay-bales PB notes erosion concerns. The Commission asked MM to have them appear for the next meeting.

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- 2. Election of Officers** JR steps down as vice chair citing his view to rotate officers as two years is enough. Personal life has changed. KJ nominated RB for Chair. BP seconded no other nominations. Unanimous vote to retain RB as Chair with RB abstaining.
CL nominated TD as vice chair KJ seconded which was approved by a unanimous vote with TD abstaining.
Clerk- MM outlined responsibilities of a clerk. KJ noted TB and CL as possibilities. TB nominated CL. KJ seconded and the commission voted unanimously with CL abstaining.

Old Business –

- 1. Regulatory Review** – BP proposed a third meeting 8/31 meeting. TB noted that he may not be able to attend but will send comments prior to meeting.
- 2. Signatures on documents to be issued.** – Lot 5 200 Reservoir Road was signed.

Approval of Minutes Meetings of 11/4 & 18, Dec 2, 2015 – May 4, 2016 and August 3, 2016

Committee Reports – Holman St property program lane property TB wants to do site work and noted reclaimed beams from the gym at the high school will be used for bridge.

Storm water – JR- looking at consultant format and looking at GIS PB noted that there was work from MRPC for GIS system relative to storm water. Hope to run by the end of September.- testing and structure GPS coordinates

Agents Report for current and upcoming items – report on lot 5 Reservoir Road -MM outlined the events of the site visit and the limits of the lot and had a written report on the cloud.

Action Items:

- **Power of Attorney Form** – completed.
- **Hamberg-Pearl Street** – completed.
- **Walks in the woods website updates** – TB to send form in word and it will be re-posted
- **Bonds** – MM provided a document that Adam Burney gave to him regarding bonding types and procedures used in Lunenburg by the planning board.
- **Kinder Morgan letter of access** – MM is gathering information that Kinder Morgan requested.
- **Algae reports**- LSIC reports were reviewed.
- **Communications** MM read letters to the commission from Christopher Environmental. and the sewer commission.
- **The commission asked MM to add** : Ruth St as action item -338 Sunset Lane narrative ,701 Reservoir. 225 pleasant any other outstanding enforcement actions.

Meeting Schedule- Next meeting for September 7, 2016 at the Ritter Land Use Building at 960 Mass Ave

Public Comment For Meeting Close. Rene Tracimis is in charge of the horse shelter run. The run starts in Shirley and goes into Lunenburg from Burrage St to Robbs hill. Permission to clear the existing pathways and permanently mark the trails (horse Height) RB recommended that we place it on the next agenda with samples of markings

Approval of Minutes

Nov. 4 JR moved to approve KJ seconded and the commission approved with the exception of BP who abstained.

Nov 18th CL – noted that changes were approved for the October minutes and were posted without changes. TB moved to approve. KJ seconded and the commission voted unanimously with the exception of BP who abstained.

Dec 2 -CI moved to approve. TD seconded and the commission unanimously approved.

May 4 CL –Mentioned that there was too much detail and we should see how we could make it lighter .kj moved to approve. JR seconded and the commission voted unanimously with the exception that BP abstained.

8/3 – To be reviewed by Commission.

Adjournment

TB moved to adjourn, BP seconded and the commission approved. The meeting adjourned at 1043