

Town of Lunenburg Conservation Commission

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



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

Matthew S. Marro,
Conservation Administrator

MINUTES

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

Call to Order : In attendance: Richard Bursch, Chair, Todd Dwyer Vice Chair, Ken Jones, Bob Pease, Carl Luck, Jack Rabbitt, Matt Marro, Conservation Administrator.

Announcements

Public Comment:

Walter Parquet and Tom Bertram (not the commissioner) was present. He outlined a copy of an email he sent to the commission about the boat launch ramp. It was noted that due to the drought and the amount of sand has increased. They wished to have a piece of equipment to reach in a pull the sand back out. RB noted that if a permanent boat launch was to be built a notice of intent would be needed or for maintenance of an existing beach. It was noted that the new lake management plan notice of intent is going to be filed within a month and this will be included in the document for the future. TD would like an erosion curtain placed in the area. MM suggested a friendly enforcement order to require the work as the boats are creating a hazardous condition due to the drought- the beach area needs to be cleaned. MM to be notified (added to the EO). BP moved to issue the enforcement order with a turbidity screen in the water until such time as the turbidity threat is eliminated. JR seconded and the commission voted unanimously.

Appointments/Hearings –commenced at 7 PM Chairman Bursch presiding

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 Brian and Kim Chen for work at 5 Winter Hill Road will be held. Work entails the installation of an in-ground Swimming Pool 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 Ritter Land Use Building, 960 Mass Ave on September 7, 2016. The public is invited to attend. (as advertised in the Lunenburg Ledger on August 19, 2016)

Documents presented were the request for a determination from and a modified engineering plan entitled "Subsurface Sewage Disposal Plan Lot 2 Goodrich Woods" Modified by the applicant August 2016.

Ed Snyder representing the applicant. Chairman Bursch recused. Proposal is a 19x 37 foot pool. Wetlands noted as 80 feet and topographically above. Filtration is self-contained and access or the construction from the other side of the property. The Commission had no concerns and noted it was well marked out. BP moved for a negative 3 determination KJ seconded and the motion was approved unanimously.

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 Daniel Gardner for work at 101 Pleasant St. will be held. Work entails the construction of a temporary logging road, wetland restoration, and the installation of a culvert on a perennial stream. The plan will include

quantification of site restoration. 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 Ritter Land Use Building, 960 Mass Ave on September 7, 2016. The public is invited to attend. (as advertised in the Sentinel and enterprise August 30, 2016)

Documents presented were the Notice of Intent and plan entitled "forest cutting access improvement sketch" Plan 9865 as a 50 scale, by Whitman and Bingham Associates dated July 26, 2016.

Jamie Rheault representing Daniel Gardner he reviewed the history of the lot and the restoration plan. Changes the commission requested were made. Power of attorney form turned in. The piping was reviewed. The restoration sketches were reviewed along with notes on the plans.

The Commission reviewed the time line and the restoration phasing. Time lines for completion of work were requested in writing. Regarding a bond, JaR noted a cost of about 10,000 dollars for restoration based on Whitman and Bingham engineer's estimate. DPW will review and comment on the estimate for the bond with an itemized report. It was asked if there will be a path left at the entrance. The applicant's answer was no. Cart path is to go only where the easement is.

Greg Bittner 129 Pleasant noted on figure 2 he was concerned about the grade being raised and if a culvert was going to be installed. Some of the activity is on 127 Pleasant Street. Applicant will get an acknowledgement from the owner of 127 Pleasant. The plans show topo as is current and they have no issue with placing a culvert and will revise the plans to show a culvert/swale and check dam.

Celeste Stober 275 Pleasant. Who is doing work? Answer was Mr. Gardner (note : "answer" from this point forward) is from applicant's representative)

Ryan Stober will monetary fine be paid before work? RB responded that the commission cannot require it and has to be addressed as a separate issue. Mr. Stober also asked: Has there been previous logging on this parcel? Answer: It was started and was stopped due to wetland violations.

Andrea Laford 253 Pleasant. Is planned cutting clear cut or selective? RB noted the plan was an 80% cut.

Raymond Adams 39 Pleasant St. noted that the intermittent brook in back of his house flows to the gas pipeline and will it be disturbed? Answer was no change in flow.

Greg Bittner asked if forest cutting plan was endorsed by Commission? RB was that commission normally comments and in this case it resulted in the work being stopped.

Commission noted for the next meeting, it is looking for the written time line for the work and the bond estimate with the requested DPW review along with a culvert added to the drawing at the 101 Pleasant St entrance ,a written acknowledgment from the owner of 127 Pleasant Street and the final revised plans stamped.

TD moved to continue to 9/21/16 JR seconded and the commission voted to approve the motion unanimously.

The applicant noted for the commission that there will be bids coming in for the restoration of 225 Pleasant Street and the work should commence before winter.

Continued Public hearing from 8/17/16: 83 West Street for the installation of a sewer line in the buffer zone.

Bob Proctor came to the meeting representing the owner. He oriented the commission to the site and what the work was (sewer service in paved areas)

PB moved to issue a negative determination. TD seconded and the Commission voted unanimously. KJ asked if the owners could be notified about ensuring the seeding is done as the owners did a separate project of replanting the front lawn. The Commission unanimously approved the motion.

Continued Public hearing from 8/17/16: 667 and 675 Reservoir Road for grading and site preparation in the buffer zone.

Bill Hannigan represented the owner. He oriented the commission as to the work proposed under the request for a determination. This work is in preparation for a Notice of Intent. He did note that the trees could be cleared up to the 50 foot no

structure zone. The purpose of the RDA was for the demolishing of the house, lowering of the grade and clearing of some trees outside the 50 foot no touch zone unless they are on a steep part of a slope. The 102 elevation was marked off on the plan as an approximate limit of grading. The maximum limit of work would be the proposed erosion protection. It was noted at this point that would bring work within the 50 foot no structure zone and close to the 30 foot no touch zone. RB wanted a narrative that if the Notice of intent is never filed, that the area would be vegetatively stabilized. It was asked if the entire erosion control line can be moved to the 50 foot limit. The applicant said yes and agreed to move to the 50 ft line minimum keeping the same contour. The previous approval on lot 2 (order of conditions) will be issued at the next meeting as a duplicate. Concern was expressed that there is too much work for a Determination of Applicability and the applicant should be given a positive determination. It was also expressed that the determination approach is reasonable. It was noted the test holes are exempt. Mr Hannigan noted the structure (current single family home) is out of the buffer zone and is not subject to jurisdiction.

It was noted that the 102 Contour on the south side is greater than 50 feet and the move should not present a problem moving the hay bales there. M. Hannigan offered to add a note that if a Notice of Intent is not filed within 6 months of the work then the site will be restored. It was noted that the Easter brook is part of the system and the inner riparian zone should be noted on the plan as a limit of disturbance. KJ moved to issue a negative determination with the added notes. BP seconded and the commission voted unanimously.

Appointment :Status update Lake Shirley Improvement Corp. (this is a pre-set appointment)

Les Smith summarized the overall strategy of the weed treatment and algae treatment. He also summarized the progress made during the season. RB noted that some of the measurements are actually at the bottom of the lake and those areas should be clearly identified on the future reports. Future of the program will add points and will look at inflow and it's water quality. Clarification between the Patry readings and what was on the chart was requested. It was noted there were others sampling and they will get reports to MM. Solitude is working on the added points. The LSIC will provide information and reports prior to drawdown

Current Business

1. Signatures on documents to be issued.

2. Certificates of Compliance

- **Tanner Cole 1134 Northfield Road**
MM noted that the project has been completed with the perpetual condition from the Order noted on the Certificate of Compliance. A commissioner noted that he had passed the project recently and it appeared to be well done.
- **Mike Nault 56 Brookview – Withdrawn** as MM noted there was no recorded Order and will is going to speak to the owner prior to bringing it back in front of the Commission.

3. Enforcement

- **190 Electric Avenue, Continuation. (valid until 9/21/16)**
- **225 Pleasant Street (valid until 9/21/16)**
It was noted for the above 2 address there was a site walk with three contractors bidding on the remedial work the Dan Gardner is paying for and there should be scopes of work and prices within two weeks.
- **189 Howard Street , Continuation (valid until 9/21/16)**
MM noted that the two parties (Jacobsen and Kubetz/Burton) are working on an access agreement
- **460 Lancaster Ave (valid until 9/7/16)**
MM noted that the Notice of Intent is filed and will be on the next agenda.
- **183 Peninsular Drive (valid until 9/7/16)**
MM noted that the issues regarding the removal of fill and the recording of the order are complete.
- **7 Ruth Street (continued from 8/17/16)**
MM noted that he had sent communications and is sending another written warning looking for a response and recommended further stronger enforcement if no response is given.
- **338 Sunset Lane (Continued from 8/17/16)**

MM noted that he had new pictures of the site and is monitoring it for a future report. A request was made by to make available the documented issues that were to be addressed.

- **701 Reservoir Road (continued from 8/17/16)**

MM reported that the documentation with respect to the boat inspection plan and procedure was being reviewed by the owner's attorney .It was reported that the request to put a retention pond would be thousands of dollars and was not being pursued. The concern was expressed that any plan needed to address the need to assure verification/tracking was included.

- **183 Hemlock Drive (continued from 8/17/16)**

MM noted that the Notice of Intent is in process, he has been reviewing the application with the owners

- **63 Island Road**

JR noted about the tree that had been taken down. MM noted that he has a new procedure with Flagg Tree that he is to call prior to any cuts within town. Noted it is under investigation.

- **43 Island Road**

MM noted the EO was issued

Old Business – Items from workshop (highlights) PB asked for a discussion on the next agenda with respect to quorums.

Review of Horse Trail Map and proposed markings Burrage and Robbs Road- MM noted that he has the colored map on the cloud.

Lake Shirley Survey – They will be in on October 5, 2016.

Approval of Minutes Meetings Aug 3, Aug 17 and Aug 31, 2016 accepted as amended (note - no amendments on 8/31/16)
Motion by BP second by TD for all three dates and unanimous votes on each.

Committee Reports –

- *Holman St property program*
- *Storm water Committee Report*
- *56 Cross – MM noted that Solitude had requested permission for an extension permit for treatment of this pond. He noted the original Order has not been recorded and requested the commission sign the*

Agents Report /Action Items :

- *Access Forms for Notice of Intent, Determinations, ANRAD*
Mr Marro reviewed the new access permission form that he will be handing out with each application.
- *Review of per of attorney forms*
Mr Marro reviewed the new access permission form that he will be handing out with each application.
- *LSIC update (Administrator's review)*
MM noted his trip with Richard Patry and that he will be doing further trips and would like them to consider adding sites and requested the commission raise the issue. Concern was expressed over the location on the Agent report.
- *Kinder Morgan update*
MM noted that he has sent Kinder Morgan the information they requested and they asked for further so he is now waiting for the contractor's bids on 225 Pleasant Street.
- *Status of Recording of Orders*
MM noted that there was a list of non recorded orders up to 2006 and is working on them as time affords
- *Update on Reservoir Road restriction*
MM noted that he spoke to owner's representative and is working on finding an effective type of permanent restriction.
- *Hearings/Meetings/Appointments scheduled for the 9/21/16 meeting.*
MM reviewed applications he had received for the next meeting.
- *Baseline of lake areas.*
CI noted that he would like to see the lakes photo documented to establish a baseline. Issues regarding obtaining permission from Hickory Hill Lake as it are privately owned.it will be on the agenda for the 21st of September.

Communications

Meeting Schedule- Next meeting for September 21, 2016 at 7:00 PM In the Town Hall, Billotta Meeting Room 2nd Floor.

Public Comment For Meeting Close.

Adjournment- the meeting adjourned at 10:00 PM by a motion of BP and a second of TD and a unanimous voted to approve.

Note : All documentation cite in the minutes are on file at the Conservation Commission office