

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

NOTICE OF MEETING

Wednesday, October 5, 2016 7:00 PM regular meeting
 Ritter Memorial Building, 960 Massachusetts Avenue
 Lunenburg, MA 01462

AGENDA

Call to Order Richard Bursch, Todd Dwyer, Carl Luck, Jack Rabbitt, Kenneth Jones, Bob Pease came to the meeting at 7:25 PM.

Announcements: KJ noted that there will be a tree planted at the Hollis Property this weekend. RB noted that the Commission was able to obtain four cash match grants for forest stewardship plans. It was noted that a scope of service was going to be drafted.

Public Comment: JR Can Hickory Hills residents that are commission members participate in Hickory Hills upcoming Notice of Intent? The answer was yes there as an exemption granted to them by the Board of Selectmen.

Appointments/Hearings –commences at 7 PM

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 for a determination of applicability by Edmond McSweeney for work at 88 West Townsend Road will be held. Work entails Construction of a single family home 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 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting is scheduled in the Ritter Memorial Building 960 Mass Ave Street on September 21, 2016. The public is invited to attend.(as published in the Lunenburg Ledger 9/16/16

Documents used by the Conservation Commission for Consideration: A request for a Determination and a plan entitled :"
Subsurface Disposal System" Plan by Trowbridge Engineering Dated September 8, 2016.

Ed McSweeney representing himself. The encroachment in the buffer zone was outlined by the applicant. It consisted of grading to accommodate a small amount of grading into buffer zone total of 1200 square feet. Commission noted that they had walked the land back in the winter on a prior action. MM noted his report and CL read into record. The erosion protection was reviewed on the plan. TD moved for negative determination. CI seconded and the commission approved by a unanimous vote.

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 for a determination of applicability by Craig Strohecker for work at 21 May Street will be held. Work entails installation of a 1500 gallon septic tank and a 100o gallon pump- chamber 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 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting is scheduled in the Ritter Memorial Land Use Building at 7:00 PM The public is invited to attend.(as advertised in the Lunenburg Ledger 9/23/16)

Documents used by the Conservation Commission for Consideration: A Request for a Determination and a plan entitled : " Sewage Disposal System" Plan by Ducharme and Dillis Engineering Dated August 31, 2016

Dan Proctor represented the applicant and explained the project to the commission and those areas that are jurisdictional. He explained that some of the work in the buffer zone that had occurred was to facilitate inspection by the Board of Health. MM noted the Board of health approved this past Monday night. MM noted wattles in place. KJ moved for a negative determination. CI seconded and the Commission voted 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 request for a determination of applicability Unutil Gas Engineering has designed a new, not to exceed 160 foot long 1-1/4" HDPE commercial service for Unutil's new building to be located at 357 Electric Ave in Lunenburg. This new service will be fed by a new, not to exceed 2,700 foot long 4 inch HDPE main extension from 194 Electric Ave to the new building site at 357 Electric Ave, tying into the existing 2 inch HDPE in front of 194 Electric Ave. The new 4 inch HDPE main extension is required to serve this new customer and identified future potential load of 3,345 SCFH. All construction or installation will take place within the Town of Lunenburg's designated road right of way. This project is intended to start on September 26, 2016 and it is expected to take 15-20 business days to complete. Application and supporting documents are available for review at the Conservation Commission office by calling 978-582-4146 ext 431 by appointment. Emailing a PDF is also an option on request by emailing lcc@lunenburgonline, the meeting is scheduled in the Ritter Memorial Building 960 Mass Ave Street on September 21, 2016. The public is invited to attend. (as advertised in the Lunenburg Ledger 9/23/16)

NOTE : Chairman Bursch recused himself declaring he is an abutter and left the room. Todd Dwyer Vice Chair presided.

Documents used by the Conservation Commission for Consideration: A request for a Determination and a Modified Ortho Phot provided by Unutil Dated September , 2016

Jamie Rheault explained the project and noted there was an exemption in the state act but not the local by law. Work is within the roadway. IT was noted that this is a separate project from the previous Unutil facility on Electric Ave previously approved. CL moved for a negative determination. KJ seconded and the commission voted unanimously.

Appointment: 140 Leominster Shirley Road- potential Notice of Intent (Former Gitto Global property)

Materials presented to the Conservation Commission were expired plans from the Conservation Commission files on the property from Former Orders of Condition.

James Rheault represented the applicant. Roger Deslile for the current property owner was present. He noted the prior conservation commission history of the file. He explained the expansion plans for the future and the goal was to secure a building permit by December 31, 2016. It was noted that half of the proposed building is within a disturbed area (pavement). The Commission noted the prior filing history of the property in relation to the wetlands and Pioneer Brook. RB inquired if there was an as-built and when the last time work was done on site. There is an as built and the last time work was done on site was for the enclosed storage tanks in 2012. It was noted that the building commissioner would render an opinion on the existing planning board approval and that would be submitted to the Planning Board for review. It was recommended moving forward to obtain guidance with DEP. A potential conference call with DEP was discussed. Item to be placed on the next agenda for a continued discussion and the owner will submit a pdf and an as-built and a list of chemicals stored for MM to review.

CONTINUED HEARING: re-opening of 101 Pleasant Street for an Order of Conditions. Daniel Gardner (Jamie Rheault, Whitman and Bingham Associates representing). The bond was reviewed by the commission. The Commission wanted some kind of insurance that the bond was going to be renewed every year. A special condition was proposed that a bond would be submitted for 20,000 dollars and that the bond renewal must be not less than 90 days prior to expiration and if that date is not met the bond will be taken by the conservation commission. Motion to approve by TD second by BP and a unanimous vote

Greg Bittner 129 Pleasant Street inquired if the bond was going to be in place prior to work and was for the agreed amount of 20,000 dollars. The Commission's response was yes.

Current Business

1. **Signatures on documents to be issued.- Previous Orders and Determinations approved at the previous meeting was signed by a majority of the Commission.**
2. **Certificates of Compliance - All certificates were signed by the Conservation Commission.**
 - 7 White Street
 - 872 Northfield Road
 - 181 Peninsula
 - 336 Arbor St
 - 538 New West Townsend Road

3.

4. **Enforcement**

- **190 Electric Avenue, Continuation. (valid until 11/21/16)**
- **225 Pleasant Street (valid 11/21/16) Bids to be submitted this week. Firm selected and the work completed by November of this year.**
- **189 Howard Street, Continuation from 9/7/16**

MM noted that he is met with the Jacobson's and reviewed the details of the work agreed. Mr. Jacobson wants to slightly modify to construct a small waterfall instead of a swale on his property leading to the abutting property. This is to allow the fence to remain flush with the ground to prevent his farm animals from going through.

- **183 Hemlock St Continuation from 9/7/16**

Dan Thomas came in to represent himself- the Notice of Intent was filed however; the plans will be ready for next week. MM to issue filing guidelines.

- **7 Ruth Street Continuation from 9/7/16 still working on legal documentation.**
- **121 Peninsula continuation from 9/7/16**
- **43 Island Road continuation from 9/7/16**

Mr. & Mrs. Michael Pirolli represented themselves. The commission reviewed the violation. The Prior Order expired and there was a wall re-built lakeside that was not approved under a prior permit. MM recommended that a new notice of Intent be filed. They will submit a copy of the as-built. Owner will provide a modified plan and photographic evidence that the wall that was worked on was the same dimensions. The owners indicated they did have pictures of the pre-existing wall that they will also submit. The owner's indicated their understanding of their responsibilities under regulations. The agreement was to file in time for the November 2, 2016 meeting.

- **701 Reservoir Road** continuation from 9/7/16 – did not appear – send letter certified to appear or be prepared to remove deck and possibly pay fines.
- **50 Mass Ave. (NEW)** The owner is going to file to return to compliance. MM gave him the materials to file an RDA. RB and CL noted the provision doubling the filing fee for after the fact should be started with this issue.
- **460 Lancaster Ave.** – still due on the 19th of October.
- **191 Ghilcrest street** – filing a notice of intent.- MM has been in contact with Christopher Environmental. IT was noted the very old Oak in the front yard was taken down.

New Business – Continued discussion of baseline study of lakes- tabled

Old Business – Items from workshop (highlights) CL put together packages from the MACC meeting and will be reviewed at the next meeting.

Approval of Minutes 9/21/16

Committee Reports –

- *Holman St property program- IT was noted by BP that the bridges were installed wide enough to allow a kabouda to cross.*
- *Storm water Committee Report*

Agents Report /Action Items :

- *Woodlands - nothing submitted yet.*
- *Status of Recording of Orders-MM reviewing files and will be also reviewing files from 2013 to issue a letter for a certificate of compliance or if applicable, an extension permit.*
- *Update on Reservoir Road restriction- MM requested permission to speak to Mr. Powell's Attorney directly to expedite the conclusion.*
- *Hearings/Meetings/Appointments scheduled for the 10/19/2016 meeting.-MM reviewed forth coming projects.*
- *Video screen in Ritter Meeting Room- MM reviewed the new screen in the Ritter meeting room and it's capabilities.*
- *Drawdown in Drought- MM narrated the results of DCR/DEP both entities made it clear that there was no regulation and that each association should be aware of the drought and the ability to refill. It was also noted that drawdown too quickly could affect downstream as water temps were higher due to drought. It was asked to have Ken Wagner evaluate the temperatures this year versus last year. After a discussion concerning a reduced depth to the draw down, Joanna Billotta noted to the commission that they are taking a cautious approach and to only go four feet (unless well complaints are called in sooner) over a longer period than has been done historically. The top gate will open on the 15th and the lower gate on the 18th.*

Communications

Meeting Schedule- Next meeting for October 19, 2016 at 7:00 PM In the Billotta Meeting Room, 17 Main street second floor,

Public Comment For Meeting Close. – It was noted LSIC will appear at the 12/7 meeting for the annual review. CL asked a procedural question concerning 338 Sunset. The question was what is the policy for removal of a violation from the agenda/tracking list? When commission started to discuss the specific violation, CL recused from the discussion of the issue (only participating in the policy question). It is going to be added to the enforcement list.

Greg Bittner of 127 Pleasant Street inquired if we could collect any fines at 101 Pleasant before the owner does any work. The Commission after discussion of the timelines of the project decided it was best to collect after the work was completed.

Mr Bittner noted the efforts of the Planning Board to provide boiler plate definitions.

Adjournment The meeting adjourned at 9:38 PM with a motion of JR and a second by KJ with a unanimous vote by the Commission.