

**TOWN OF LANCASTER  
CONSERVATION COMMISSION  
AGENDA  
NOTICE OF REMOTE MEETING via ZOOM  
March 26<sup>h</sup>, 2024 @ 7:00 PM**

**Administrative**

**1. Roll Call**

Denise Hubbard - Member  
Bruce McGregor- Member  
James Lavallee-Member  
Tom Siedenburger-Chair  
Brian Keating-Director of Community Development & Planning

**7:00 PM Public Hearings**

**1. Continued Notice of Intent – McGovern Blvd. Ext. Request for further continuance to April 23<sup>rd</sup>, 2024.**

Applicant had requested to Continue until April 23<sup>rd</sup>. Member McGregor so moved to Continue the Notice of Intent for McGovern Blvd until April 23<sup>rd</sup>. Member Hubbard seconded the motion. The Chair asked for any further discussion. Hearing none the Chair took a **Roll Call Vote**:

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburger-Aye

**Vote (4-0) to Continue the hearing for McGovern Blvd until April 23<sup>rd</sup>.**

**2. Continued Notice of Intent – 0 Heritage Lane, Construction of a driveway crossing and single-family home.**

The applicant had requested that this Notice of Intent be moved to later in the meeting. Member Lavallee moved to continue the Notice of Intent for McGovern Blvd until later in the meeting. Member McGregor seconded. The Chair asked for any further discussion. Hearing none the Chair took a **Roll Call Vote**:

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburger-Aye

**Vote (4-0) to Move the Notice of Intent 0 Heritage Lane until further in the meeting.**

### **3. Continued Notice of Intent – 10 Fire Rd. 54**

The applicant had requested that this Notice of Intent be Continued until April 9<sup>th</sup>. Member Lavallee moved to Continue this until April 9<sup>th</sup>. Member McGregor seconded. The Chair asked for any further discussion. Hearing none the Chair took a **Roll Call Vote**:

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburg-Aye

**Vote (4-0) to Move the Notice of Intent for 10 Fire Rd 54 until April 9<sup>th</sup>.**

### **4. Continued Notice of Intent - 310 Fort Pond Rd.**

Dave Crossman, B & C Associates, representing the applicant. They finally received their DEP file number. DEP wanted to discuss a vegetative buffer between the beach and the structure. Mr. Crossman wanted the Commissioners to give their opinion on this. Member Lavallee asked for photos so he could remind everyone what it looked like. With respect to the Certificate of Compliance they would have to do a Site Visit. Kelly Arvidson talked about the “as-builts” and finding the documentation for them. The Chair asked the commissioners what their thoughts were on this since it was over 20 years ago. They discussed what would need to be done and it ended up that an engineer would have to put his stamp on the plans saying there was no deviation from the plan that was approved by the Commission. The Chair also said they would schedule a site visit to close out the COC’s. Clayton A stated that this was an oversight by the Town of Lancaster. The Chair said the paperwork was not filed with the Town.

The Chair checked with the commissioners to see if they had any more comments. Mr. Crossman requested a Continuance until April 9<sup>th</sup>, 2024. Member Hubbard made the motion to continue until April 9<sup>th</sup>. Member Hubbard seconded the motion. The Chair asked for any further discussion. Hearing none the Chair took a **Roll Call Vote**:

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburg-Aye

**Vote (4-0) to Continue the Notice of Intent for 310 Fort Pond Road until April 9<sup>th</sup>.**

### **5. Continued Notice of Intent – 320 Bolton Rd.**

The applicant had requested that this Notice of Intent be Continued until April 9<sup>th</sup>. Member Lavallee moved to Continue this until April 9<sup>th</sup>. Member McGregor seconded. The Chair asked for any further discussion. Hearing none the Chair took a **Roll Call Vote**:

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburg-Aye

**Vote (4-0) to Continue the Notice of Intent for 320 Bolton Road until April 9<sup>th</sup>.**

**6. Request for Determination of Applicability – 280 Bolton Rd.**

The Chair read the Notice into the record. The Chair informed the Board and the Public that Member Lavallee and Member McGregor were abutters, who had filed conflict of interest disclosures with the Select Board. The Select Board had approved their ability to participate in this hearing. Craig Silvio, Contractor, representing the applicant, came before the Commission. The Homeowner was looking to build a three-season porch supported by techno-posts which does not disturb the ground. Member McGregor and Member Lavallee asked basic questions but they had no further questions. The Chair did not feel this project wanted a notice of Intent, but a Negative RDA. The Chair asked for any other comments. Hearing none the Chair asked for a motion of Negative Determination. Member Lavallee moved that they issue a Negative Determination of Applicability. Member Hubbard Seconded this motion. The Chair asked for any further discussion. Hearing none the Chair took a **Roll Call Vote**:

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburg-Aye

**Vote (4-0) to Issue a Negative Determination of Applicability.**

**7. Continued Notice of Intent – 0 Heritage Lane, Construction of a driveway crossing and single-family home.**

**Matt Marro**, share his plans online. Mr. Marro discussed the fact that the commission wanted to have an engineering company to review the hydrology of the site pre and post development. Mr. Keating said he would put the proposals out now that he had the scope of the work. The Chair asked the commissioners if they had any further comments on this plan. The commissioners thanked Mr. Marro for his work and said they had no further questions except they would like the peer review. The Chair asked for any further questions or comments from the public. Seeing none the Chair asked for a motion to continue until April 9<sup>th</sup>. Member McGregor made a motion to Continue the Notice of Intent Hearing until April 9<sup>th</sup>. Member Lavallee seconded the motion. The Chair asked for any further discussion. Hearing none the Chair took a **Roll Call Vote**:

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburg-Aye

**Vote (4-0) to Continue the Notice of Intent for 0 Heritage Lane until April 9<sup>th</sup>.**

**Discussion**

**1. Order of Conditions – 35 Holiday Ln.**

The Chair had written up the Order of Conditions for 35 Holiday Lane and had sent them out to the Commission. He asked the Commissioners for their feedback so the Order could be Ratified and signed. Member Lavallee commented that the Conditions looked great. The Chair asked for a motion to Ratify

the Order of Conditions. Member Hubbard made a motion to Ratify the Order of Conditions for 35 Holiday Lane. Member Lavallee seconded the motion. The Chair asked for further discussion. Hearing none the Chair took a Roll Call Vote:

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburger-Aye

**Vote (4-0) to Approve the Ratification the Order of Conditions for 35 Holiday Lane**

The Chair asked Mr. Keating to have this Order printed and placed in the bin for signatures.

**2. Proposed Hawthorne Lane open space land transfer**

The Chair recused himself as an abutter and transferred the Chair to Member Lavallee. Member Lavallee expressed concern that the Commission wanted it in writing from the Town Council that the counsel would not be responsible for the maintenance of the Stormwater systems at Hawthorne Lane. Mr. Keating was getting the necessary documents so that the board could vote on this by April 9<sup>th</sup>.

**3. Request to Extend the Order of Conditions South Meadow Pond OOC**

The Chair recognized a DCR representative, Joy Trayan Litech. Ms. Litech is an aquatic biologist with the Department of Conservation and Recreation and the Division of Water Supply Protection at Wachusett Reservoir. She told the commission that due to some internal issues they were asking for a continuance. The Chair asked if there were any questions from the commission. Member McGregor asked what the process was to remove the evasive plants. Ms. Litech stated that Hydrilla was the primary plant and it had to be treated with herbicides. There was conversation between Ms. Litech and the Commission concerning the filing of the order. Dennis Hubbard made a motion to Continue the Hearing for the Extension of South Meadow Pond Road. Member Lavallee seconded this motion. Any further discussion. **Roll Call Vote:**

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburger-Aye

**Vote (4-0) to Continue the Hearing for the Extension of South Meadow Pond Road.**

**4. Request to DEP to extend Fort Devens South Post Hotel Firing Range OOC, LCC recommendation.**

Zygmunt Osiecki, Army Corps, representing the applicant. Mr. Osiecki said that DEP had requested that the 404 and 401 permits be extended. The project had not started yet and was going to be awarded this year. It would be a 2-3 year project that would have to be extended. The Chair did not have any issues with the request. He asked for the commissioner's input. Member McGregor asked what specially they were looking for. Mr. Osiecki answered that they would need another full year. The commissioners all agreed that they did not oppose the DEPs extension of the 404 permit. The Chair asked for a motion to draft a letter and then they send it to the army to send off. Member Lavallee

made a motion to draft a letter to the army giving their consent for DEP to extend their 404 permit. Member McGregor seconded the motion. The Chair asked for any further discussion. Hearing none the Chair called for a Roll Call Vote:

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburg-Aye

Vote: (4-0) to draft a letter to the army giving their consent.....

#### **5. Enforcement Order 397 Center Bridge Road**

Mr. Keating and the Chair talked about what they could do about the Enforcement Order. The Chair gave the commission a list of what they could do: one. Resend the Enforcement Order; 2. Issue Fine; 3. Have DEP take over the enforcement (Lancaster would lose control over the enforcement). 4. Initiate a Lawsuit. The Chair asked for feedback from Commissioners. The Commissioners had varied responses. They agreed to send it to DEP now. The Chair asked for a motion. Member Lavallee made a motion that the Commission turn the enforcement over to the DEP. Member Hubbard seconded the motion. The Chair asked for any further discussion. Hearing none the Chair called for a **Roll Vall Vote:**

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburg-Aye

**Vote (4-0) to Turn the Enforcement of 397 Center Bridge Road over to DEP.**

#### **6. Avoiding Open Meeting Law violations on site visits**

A discussion ensued concerning quorums on Site Visits. A way to structure it is to separate into more than one group if they end up with a quorum. Kendra Dickinson, , .

#### **7. Conservation Agent hiring update.**

Mr. Keating informed the Commission that the Candidate was offered the job. He would start as soon as he past his compliance(physical) and gave his two weeks' notice. This would put him on schedule to start April 15<sup>th</sup>.

#### **8. Open seat on the Commission**

The Chair was going to do an outreach to the community. Kendra Dickinson asked if a notice had been put on the Town's website. Ms. Dickinson was going to advocate for members who would contribute to their board.

**Minutes to Approve: 11/28/23; 12/12/23; 3/12/24.**

11/28/23 (amended) and 12/12/23 as is.

3/12/24 - Member Lavallee made a motion to approve the minutes of 3/12/24. Member McGregor ....

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburg-Aye

**Vote (4-0) to Approve the Minutes of 3/12/24.**

#### **Other Business**

Member McGregor stated on the South Side of Bolton Road they were taking down trees without approaching the Conservation Commission. Member McGregor wanted the commissions opinion. The Chair stated that he would have to look into it, but if it were farmland, it would be exempt. Member Lavallee stated that some of the area back there was actually Conservation Land. The Chair stated that this was something the Conservation Commission had to get a better handle on, what lands were actually owned by them. A discussion ensued about the maps that were used and the genesis of these trail markings.

Mr. Keating mentioned a floating dock at 310 Fort Pond Road and whether they would need an RDA under chapter 91. The Chair stated that anything under chapter 91 goes to the State. A discussion ensued regarding the intersection of the Conservation Commission with chapter 91 and the State.

Tom Christopher, 139 Harvard St., Fitchburg, Ma, gave a brief explanation of the Agricultural Setbacks and field edges.

Kendra Dickinson, asked that Mr. Christopher state his name and address for the record.

#### **Adjourn**

The Chair asked for a motion to adjourn. Member McGregor made a motion to adjourn. Member Lavallee seconded. The Chair called for a **roll call vote**:

Denise Hubbard - Aye  
Bruce McGregor-Aye  
James Lavallee-Aye  
Tom Siedenburg-Aye

**Vote (4-0) to Adjourn**

**Adjourn**

**Upcoming Conservation Commission Meeting dates**

April 9<sup>th</sup>, 2024-Remote

April 23<sup>rd</sup>, 2024-Remote

DRAFT