

TOWN OF LANCASTER
CONSERVATION COMMISSION
February 13th, 2024 @ 7:00 PM

Administrative

1. Attendance Roll Call

James Lavallee

Bruce McGregor

Dennis Hubbard

Thomas Seidenberg

Shawn Winsor (absent)

Brian Keating

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

Matt Marro, representative of 0 Heritage Lane. Mr. Marro had one question for the commission concerning the third-party review, before he asked for the continuance. The Chair asked for the commissioner's opinions. Member McGregor voiced his opinion. He felt peer review was important. Vice-Chair Lavallee also felt that a peer review is important. The Chair agreed that a peer review was important. Member Hubbard felt a peer review was important but felt they may want to reconsider after the engineering report was finished.

The Chair requested a motion the continue until February 27th. Vice Chair Lavallee asked to Continue until the 27th of February. Member Hubbard seconded this motion. The Chair asked for any further discussion. Hearing none he took a **Roll Call Vote**:

James Lavallee - Aye

Bruce McGregor - Aye

Dennis Hubbard - Aye

Thomas Seidenberg – Aye

Notice of Intent for 0 Heritage Lane continued until the 27th of February.

2. Continued Notice of Intent – Fire Road 7, Culvert replacement.

Larry Greene, representing Fire Road 7. Mr. Greene talked about the gravel he was using in this replacement which was the outstanding question from the commission. The Chair asked the Commission if they had any questions. Hearing none he asked the Commission for a motion to close the Hearing and Issue the Order of Conditions. Member McGregor made a motion to close the hearing and Member Hubbard seconded the motion. The Chair asked for any further discussion. Hearing none he took a **Roll Call Vote**:

James Lavallee - Aye

Bruce McGregor - Aye

Dennis Hubbard - Aye

Thomas Seidenberg – Aye

The Chair then asked for a motion to issue the Order of Conditions. Vice Chair Lavallee motioned to issue the standard Order of Conditions. Member Hubbard seconded. The Chair then asked for any further discussion. Hearing none he took a **Roll Call Vote**.

James Lavallee - Aye

Bruce McGregor- Aye

Dennis Hubbard- Aye

Thomas Seidenberg- Aye

3. Continued Notice of Intent – 35 Holiday Lane, New garage and 2 additions to single-family home.

Jonathan Collette, Haley Ward, representing the owners of 35 Holiday Lane. The Chair had been expecting a letter from Town Council but had not yet received any communication. The Chair asked Mr. Collette to share the DEP comments on the previous work that had taken place. Mr. Collette introduced MaryAnn DiPinto; Ms. DiPinto went into much detail about the history of the project. The Chair stated that he was still waiting for Town Council to provide guidance over the discrepancy. Ms. DiPinto stated her understanding of what had occurred and said she would wait to see what Town Council had to say. The Chair asked for any questions or comments from Commissioners. Member McGregor felt we should wait for Town Council and take the DEP comments into consideration. Member Lavallee agreed with Bruce about the DEP comments. He also wanted to wait for Town Council's opinion. Dominic Arsenal, owner, expressed his opinion.

The Chair asked the Members of the Commission for any other comments. Member Lavallee had questions for Mr. Collette. Member Hubbard also had a similar question. The Chair stated

the DEP was looking for similar findings. Member Hubbard had more questions for Mr. Collette. Mr. Collette asked for a continuance until the 27th of February. Member McGregor made a motion to Continue until February 27th. Member Hubbard seconded the motion. The Chair asked for any further discussion. Hearing none he took a **Roll Call Vote**:

James Lavalley - Aye

Bruce McGregor - Aye

Dennis Hubbard - Aye

Thomas Seidenberg – Aye

4. Continued Notice of Intent – Ligget Road, Box culvert repair, stream regrading, vegetation removal, and placement of rip rap upstream and downstream.

Zygmunt Osiecki, Environment Chief Fort Devins, stated that there would not be any disturbance to the wetlands. He showed the plan online. The Chair asked the commissioners if they had any comments.

Shawn Winsor joined the meeting at 7:47

Kyle Crafts, Natural Resources at Fort Devens, joined the meeting. He shared his screen. This plan had been submitted back in August. The only thing that had changed was the new reference to the beaver damn. The beaver damn was now not to be disturbed.

The Chair asked if the Commission was comfortable with the changes. Member McGregor said he was comfortable. Vice Chair Lavalley agreed with Member McGregor. He also thought they should take a moment to talk about Special Conditions. The Chair said that they would include the lack of disturbance to the beaver damn in the Special Conditions. The Chair asked for any further comments from the commission or from the public. Hearing none he asked for a motion to close the hearing and a motion to issue the order. Member Winsor made a motion to close the hearing. Vice Chair Lavalley seconded. The Chair asked for further discussion. Hearing none he took a **Roll Call Vote**:

James Lavalley - Aye

Bruce McGregor - Aye

Dennis Hubbard – Abstain

Shawn Winsor - Aye

Thomas Seidenberg – Aye

The Chair asked for a motion to issue an Order of Conditions with a Special Condition protecting the Beaver Damn. Member Winsor made that motion. Vice Chair Lavalley seconded.

The Chair looked for any further discussion. Hearing none he took a **Roll Call Vote:**

James Lavallee - Aye

Bruce McGregor - Aye

Dennis Hubbard – Abstain

Shawn Winsor - Aye

Thomas Seidenberg – Aye

5. Notice of Intent – McGovern Boulevard, Construction of two proposed lots, a roadway extension, an associated cul-de-sac, retaining walls, utilities, and a stormwater management area.

The Chair read the notice into the record. Nathan Mahonen, *Bohler Engineering*, represented the applicant. He informed the commission that the project was going through a peer review by *HaleyWard*. Mr. Keating raised one concern about a culvert at the beginning of the road. Mr. Mahonen said it would included in the *Operations and Maintenance Plan* for the stormwater system.

The Chair asked if there were any more questions from the Board. Vice Chair Lavallee asked a few more questions answered by Mr. Mahonen. The Chair asked if there were any more questions/comments. The Chair had a few questions. Bob Depietri, *Bowler Engineering*, made comments about the existing Order of Conditions on McGovern Blvd. The Chair asked Mr. Keating if he would follow up on Ms. Weigel's recommendation that this project be peer reviewed for ConCom independent of the Storm Water review. Mr. Keating said he would. Mr. Mahonen asked for a Continuance until March 26th. Member McGregor made a motion for the Notice of Intent to be continued until March 26th; Member Winsor seconded. The Chair asked for any further discussion. Hearing none he took a **Roll Call Vote:**

James Lavallee - Aye

Bruce McGregor - Aye

Dennis Hubbard – Aye

Shawn Winsor - Aye

Thomas Seidenberg – Aye

Discussion

1. Ratify/Sign Enforcement Order – 2038 Lunenburg Road

Attorney Campobasso represented the applicant. Atty Campobasso stated they were in the process of retaining a wetland scientist. He asked if they could extend the Order to 60 days from 30 in order to make this retention. The Board agreed. A motion was made by Member Winsor and seconded by Vice Chair Lavallee to ratify the enforcement. The Chair asked for any further discussion. Hearing none he took a **Roll Call Vote:**

James Lavallee - Aye

Bruce McGregor - Aye

Dennis Hubbard – Aye

Shawn Winsor - Aye

Thomas Seidenberg – Aye

Wesley Flis, *Haley Ward*, went through his response letter, as well as a history of the project. Atty Campobasso said the Cease and Desist Order had been ordered in September of 2021. He also gave some history. Mr. Flis finished and asked for questions or comments. The Chair asked for questions or comments from the Commissioners. Member McGregor had some comments which Attorney Campobasso answered. The Chair was concerned about the water flow into the basin. The Chair also questioned the change in forestation on the project illustrated by the pictures. Mr. Keating had some general comments.

2. NRWA Riparian Restoration Program - Jessica Veysey Powell

Jessica Veysey Powell, *NRWA Riparian Restoration Program*. Ms. Powell shared some slides with the Commission. The main goal of the restoration program was to restore the wildlife habitat in the rivers and streams throughout the watershed. Ms. Powell shared that they were doing some plantings and were looking for sites that would qualify. Member Hubbard asked Ms. Powell how residents could get in touch with her. Ms. Powell said they could either contact her directly at the National River Watershed website or email Vice Chair Lavallee to get her contact information. The Chair asked for any other comments. Member McGregor and Vice Chair Lavallee had general comments.

3. Lancaster Cub Scouts – Steve Tarver

Steve Tarver, Cub Scout Leader, wanted to tap some Maple Trees on Eagle Ridge (Sugar Bush) that were planted over twelve years ago. Steve Sacovitch, Cub Scout Leader, said eight to ten trees were ready to attempt to tap. Chuck LaMere, Cub Scout Leader, said they tap on private property around town. These are little trees so they are just doing a single tap. Member McGregor thanked the Scouts. The Chair asked for a motion to grant the scouts permission to tap the trees. Member McGregor made the motion to allow the scouts to tap the trees. Vice Chair Lavalee amended this motion to specify 10” trees. Member Hubbard seconded. The Chair asked for any further discussion. Hearing none he took a **Roll Call Vote:**

James Lavallee - Aye

Bruce McGregor - Aye

Dennis Hubbard – Aye

Shawn Winsor - Aye

Thomas Seidenberg – Aye

New Business

Three resumes had come in for the Conservation Agent. They would stop collecting resumes by the 23rd of February. Interviews upcoming.

The Chair would be polling the Commission as to whether they would be available on the 26th of February or the 4th of March.

Adjourn

The Chair requested a motion to adjourn the meeting. Member Hubbard made a motion to adjourn the meeting. Member Winsor seconded. The Chair asked for any further discussion. Hearing none he took a **Roll Call Vote**:

James Lavallee - Aye

Bruce McGregor - Aye

Dennis Hubbard – Aye

Shawn Winsor - Aye

Thomas Seidenberg – Aye

Upcoming Conservation Commission Meeting dates

February 27th, 2024

March 12th, 2024

March 26th, 2024