

## **Conservation Commission June 9, 2020, Meeting Minutes**

Members Present: Chair Tom Christopher, Bonnie Smith, Thomas Seidenberg, Don Chaisson, and James Lavallee

Members Absent: Shawn Corbett

Also Present: David Koonce, Conservation Agent

### **List of Documents:**

- Conservation Commission Agenda for June 9, 2020
- Notice of Intent-Town of Lancaster Intersection of Min St/Lunenburg Road (Rte70/Rte117)
- Notice of Intent- Notice of Intent (cont'd from 05.26.20); Dominic Arsenaault; 35 Holiday Lane
- Notice of Intent (cont'd from 02.25.20); Crescent Builders, Inc.; Sterling Road (Map 41, Lot 34.B)

There being a quorum present, Tom Christopher called the meeting to order at 7:01 PM.

### **Open Meeting**

#### **Public Hearing – Notice of Intent; Paul Leone; 285 White Pond Road**

*Steven Marsden/Marsden Engineering, Inc., representing Applicant*

Chair Christopher read the public hearing notice into record thereby convening the public hearing. David Koonce, Conservation Agent explained the legal publication was not posted in a timely manner so this will have to be continued. **Bonnie Smith made a motion to continue the public hearing until June 23, 2020, and Tom Seidenberg seconded the motion. No discussion. All in favor all yes.**

#### **Public Hearing – Request for Determination of Applicability; Karen Cavaoli; 117 Fire Road 11**

*Karen Cavaoli/Applicant and Property Owner*

Chair Christopher read the public hearing notice into record thereby convening the public hearing. The project consists of removing two trees whose root systems are destroying the cement foundation of a shed located on the property which is within the 100-foot buffer zone. Karen Cavaoli said the tree's roots are causing damage and they want to cut the two trees down. David Koonce said the main concern is to make sure the trees are not dropped in the water. He said a negative determination with that condition is fine.

**Tom Seidenberg made a motion to close the hearing and Bonnie Smith seconded. All in favor all yes.**

**James Lavallee made a motion for a negative determination with the condition no trees being dropped in the water. Bonnie Smith seconded the motion. No discussion. All in favor all yes.**

#### **Public Hearing – Notice of Intent; Town of Lancaster; Intersection of Main Street/Lunenburg Road (Route 70/Route 117)**

*Peter Ellison/TEC, Inc., and Laurie Aho representing Applicant*

Chair Christopher read the public hearing notice into the record thereby convening the public hearing.

Mr. Peter Ellison talked about a transportation improvement project on Main Street. The main purpose of the project is to provide safety improvements. He went over the details of the project which included roadway widening, traffic signal installation, new sidewalks, new shared use path, new drainage infrastructure, and full depth pavement reconstruction. He said they are proposing to replace an existing culvert which is twenty inches in diameter with a 24-inch pipe and construct a new head wall outside of the wetlands. He recommended long term maintenance and erosion issues.

Peter James, abutter expressed his concerns with the stream. He said for the last six years his basement has flooded due to this stream.

Chair Christopher said it sounds to me the plan as presented is far from complete. He noted a great deal of discomfort with water going onto neighbors' property. He understands that there is not enough money in the project to run it down to the Nashua River. He said the plans need to address the issues such as flooding on neighbors' property and type of culvert.

Tom Seidenberg said he is concerned with the increase flow downstream. The calculations show the stream bed can support the flow.

**Bonnie Smith made a motion to continue the public hearing until July 14, 2020, and James Lavallee seconded the motion. No discussion. All in favor all yes.**

**Public Hearing – Notice of Intent (cont'd from 05.26.20); Dominic Arsenault; 35 Holiday Lane**  
*David Sadowski/D.J. & Associates, representing Applicant*

The proposed work within the 100-foot Buffer Zone to White Pond at 285 White Pond Road, further identified as Assessor's Map 8, Lot 11. The project entails: Installation of a new leach field for a septic system serving an existing two-bedroom dwelling in order to meet the requirements of Title 5.

Chair Christopher said this was continued to determine flood plain elevation.

David Sadowski agreed and said the existing house is not in the flood plain. He said they proved to the Department of Environmental Protection (DEP) that the proposed addition would not be within the 100-foot flood plain. DEP gave us a satisfactory response to that issue. David Koonce said they have not issued a file number. He said she did express satisfaction at the information that was provided about the flood plain.

**Thomas Seidenberg made a motion to close the public hearing and Bonnie Smith seconded. No discussion. All in favor all yes.**

**Bonnie Smith made a motion to issue an order of conditions and Thomas Seidenberg seconded. All in favor all yes.**

**Public Hearing – Notice of Intent (cont'd from 02.25.20); Crescent Builders, Inc.; Sterling Road (Map 41, Lot 34.B)**

*Mark Arnold/Goddard Consulting, LLC, representing Applicant*

Chair Christopher said the applicant has asked for a continuance until June 23, 2020. The Commission members discussed as to whether to grant a continuance or not.

**Thomas Seidenberg made a motion to continue the public hearing until June 23, 2020, with the condition they must attend the next meeting or be at risk they may be denied a further continuance. James Lavallee seconded the motion. No discussion. All in favor all yes.**

### **New Business**

#### **Discussion**

- **Joseph McLaughlin: resurfacing of driveway at 36 Shirley Road**-Mr. Joseph McLaughlin said his driveway receives the catch from Shirley Road. It floods his driveway. He wants to do regular maintenance to his driveway to prevent the water from pooling up. He said he would go over the same footprint. David Koonce said it is a small driveway with no garage. It is normal maintenance, and he thinks a filing is not necessary, he is exempt. The Commission members agreed.
- **Presentation – Victoria Petracca: Community Preservation Act (CPA)**-Lineer Lakin, presented a power point titled “Investing Together in the Future of Lancaster” It went into detail as to where the money comes from (a tax) and how it can be used. Victoria Petracca said this gives the town the power to do more as a community.

### **Old Business**

#### **Jim Quinty: placement of board(s) in Fort Pond Dam to raise the Pond’s water level**

David Koonce, Conservation Agent explained last fall there was concern the water level was too low. Jim Quinty was asked to take out the boards he put in. This is a follow up as to putting boards back in. There are three aspects, one is to hear from Jim Quinty as to his proposal, two is to hear from the residents to get public input and third is to understand the regulatory process that is involved. He said a formal filing with the Commission needs to be done.

Jim Quinty said he is not here to request anything from the Commission. The level affects different residents differently. He said it does not affect him. He said he placed the boards back that were historically there. After complaints he took out the Boards and tonight, we are revisiting it.

Martha Moore said historically they have adjusted the boards. She questioned what the regulations are.

Chair Christopher said general practice is take board’s out in the fall to allow the ponds to fill with spring runoff and install boards when appropriate. David Koonce recommended the Commission ask the owner to remove the sandbags that he saw when he visited the site.

Mr. Reynolds, Fort Pond Road-concerned the culvert that runs through Fort Pond Road is not set up to manage the fluctuation of water. This is going to have financial and access issues.

Clayton Arvidson, Fort Pond Road-concerned with erosion of shoreline which should never happen.

Chair Christopher said we must work with current information. Thomas Seidenberg said we should find a professional and give name to residents to tell them what needs to be done. He said his interest is the law is followed and is grounded in science.

Chair Christopher said they will discuss with Dam Safety as a starting point since it has not been inspected in thirteen years.

**James Lavallee made a motion to remove the sandbags now and have nothing done to the dam to alter the water level without the Commissions approval. Bonnie Smith seconded the motion.** Thomas Seidenberg said he feels it will lower the pond to a level that will make some boat owners unhappy, but it impresses upon the residents of the pond that they must follow the process. James Lavallee and Bonnie Smith said they are deferring to the expertise of the Conservation Agent David Koonce. **No further discussion. All in favor all yes.**

Thomas Seidenberg said the erosion control at the Poras Subdivision has washed into the street over the spring. He asked David Koonce to do a site visit.

### **Adjourn**

**Bonnie Smith made a motion to adjourn, and Thomas Seidenberg seconded the motion. No discussion. All in favor all yes.**

The meeting was adjourned at 10:34pm.

Respectfully submitted

Debra Dennis