

TOWN OF LANCASTER  
CONSERVATION COMMISSION  
Lancaster Community Center  
August 22, 2017

Members Present: Chair Ken Rapoza , Vice Chair Nate Stevens, Bonnie-Mae Smith, Tom Christopher, Pete Farmer

Members Absent: Jim Lavallee

Also Present: David Koonce, Conservation Agent

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There being a quorum present, Chair Ken Rapoza called the meeting to order at 7:04 PM.

**Public Hearing, Request for Determination of Applicability, Patricia Maguire & MaryCatherine Gauvin, 706 George Hill Road**

*Present: Peter Scott of Wood by Peter, Representing Applicant*

**At 7:05 PM Chair Ken Rapoza read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a Request for Determination of Applicability filed by property owners Patricia Maguire & MaryCatherine Gauvin for proposed work within 100-foot Buffer Zone to Bordering Vegetated Wetlands at 706 George Hill Road, further identified as Assessor’s Map 37, Lot 24I. The project entails installation of approximately 70 feet of 1¼-inch PVC pipe to connect an existing municipal sewer line to a proposed new single-family house.**

Conservation Agent David Koonce began by correcting the RDA legal notice as he verified that approximately 40 feet of PVC pipe is to be installed, not the 70 feet cited in the legal notice.

Mr. Peter Wood stated that the public sewer line was extended to the Applicants’ property at 706 George Hill Road last year, and the work under this RDA is for the installation of the connection from the extension to the new house to be constructed on the property, shown as Lot 8 on the RDA plans.

Agent Koonce reminded the Commission that the extension of the sewer line was completed last year, having been approved by Order of Conditions 193-0537, for the purpose of serving three new house lots on George Hill Road owned at that time by George Hill Orchards, shown as Lots 7, 8, and 9 on the Notice of Intent plans. He said the work under this RDA is a very minor, temporary disturbance in the 100-foot Buffer Zone and recommended a Negative Determination of Applicability with the “standard” conditions, primarily the installation of erosion controls prior to the start of digging.

**At 7:08 PM Member Pete Farmer made a motion to close the public hearing for 706 George Hill Road, Member Bonnie Mae Smith seconded. No discussion. VOTE: 5-0-0.**

**At 7:09 PM Member Bonnie Mae Smith made a motion to issue a Negative Determination of Applicability with the standard conditions, Member Pete Farmer seconded. No discussion. VOTE: 5-0-0.**

**Public Hearing (cont'd) – Notice of Intent; Robert Redmond dba Benters/FCStars; 70 McGovern Boulevard**

Agent Koonce reported that on August 16, 2017 he received an e-mail from Bill Hannigan advising that his client, Benters, LLC, would like to withdraw this Notice of Intent as it is now their intention to re-configure the project so to avoid any work in the Conservation Commission's jurisdiction, thereby eliminating the need for a filing with the Commission.

**At 7:13 PM Vice Chair Nate Stevens made a motion to close the public hearing for 70 McGovern Boulevard, Member Tom Christopher seconded. No discussion. VOTE: 5-0-0.**

**New Business**

**Proposed Amendment to Water Withdrawal Bylaw**

The Commission discussed a proposal to amend the Water Withdrawal Bylaw by adding to the Bylaw's jurisdiction ponds created by quarrying activities.

Member Pete Farmer began the discussion by reporting that in 2016 P.J. Keating Co., in the course of their mining operations, pumped approximately 30-million gallons of water in excess of precipitation from their on-site quarry pond, according to the company's own mass-balance measurements they provided to the Town.

Mr. Farmer said that the excess withdrawal is coming from groundwater, and that he is concerned the magnitude of the withdrawal may be significantly decreasing groundwater levels in the local area, potentially adversely impacting some local surface water bodies and residential water wells, particularly Turner Pond and vicinity. He said the water level in Turner Pond is inexplicably very low and has been for quite some time, remaining so even when the region in general receives above-average precipitation for extended periods. He said the low water level in the Pond has damaged shoreline breeding habitat for fish, among other impacts, and he is especially concerned by Keating's plans to mine the quarry to a depth of 300 feet below the elevation of Turner Pond, which is only 1700 feet away.

Mr. Farmer stated his opinion that the simplest, most effective way for the Commission to address potential impacts of excess water withdrawals from ponds created by hard-rock quarry operations is to make such ponds subject to the jurisdiction of the Lancaster Water Withdrawal Bylaw, rather than changing the definition of "Pond" in the Wetlands Protection Bylaw. Amending the Water Withdrawal Bylaw, he said, would give the Commission regulatory authority over quarry ponds for water withdrawals only, and no other activities, but the Commission only cares about the impacts of withdrawals. He proposed the Commission submit a Town Meeting warrant article asking voters to amend the Water Withdrawal Bylaw by adding quarry ponds to its jurisdiction.

Member Tom Christopher said that Keating is currently negotiating with the Town to provide community benefits as a condition of renewal of their EPR permit. He expressed concern these might be negatively impacted if the company felt it was being treated unfairly by an amended Water Withdrawal Bylaw.

Mr. Farmer responded that the company must abide by the terms and conditions of the EPR permit regardless of whether or not its operations are subject to the jurisdiction of the Water Withdrawal Bylaw.

Chair Ken Rapoza asked what has happened to the water pumped from the quarry.

Mr. Farmer replied that while he has no proof, he suspects much of the water withdrawn from the quarry may have been, and maybe still is, discharged into wetlands in Lunenburg near the company's site, as it appears the standing water level in that wetland has been slowly but steadily rising over the last few years, even during last year's drought.

Mr. Rapoza asked if it might be possible to restore the lost groundwater by transferring water from the Lunenburg wetland.

Vice-Chair Stevens and Mr. Christopher both expressed the opinion that Mr. Rapoza's idea was best implemented through a municipal water supply system.

Mr. Rapoza added that there would still be the problem of Keating continuing to blast deeper and deeper down into the bedrock.

Mr. Farmer said that while his primary concern is the impact of Keatings's groundwater withdrawals on surface wetland resources areas, he is also concerned that the withdrawals are the major cause of the reductions in private well yields seen in local area neighborhoods over the last few years.

Mr. Stevens pointed out that if Keating didn't pump water from the quarry pond, the quarry would flood relatively quickly. He cautioned that it would be extremely difficult to prove the company's groundwater withdrawals are responsible for Turner Pond's low water level and/or the decline in the yields of private wells.

Member Bonnie Mae Smith said she agreed with Mr. Stevens, but said she felt that given the concerns, it was important for the Commission to be able to have at least some regulatory authority over Keatings's groundwater withdrawals.

Mr. Farmer concluded the discussion by saying if no one objected, he would ask Town Counsel to advise the Commission on the process for amending the Water Withdrawal Bylaw. No objections were expressed.

### **Items for Approval and Signature**

#### **Minutes of August 8, 2017**

A quorum of members in attendance at the August 8, 2017 meeting was not present, so the vote on the minutes of that meeting was postponed to the next meeting on September 12<sup>th</sup>.

**At 8:05 PM Member Pete Farmer made a motion to adjourn the meeting, Member Bonnie Mae Smith seconded. No discussion. VOTE: 5-0-0.**

Respectfully submitted,

David Koonce  
Conservation Agent