

TOWN OF LANCASTER
CONSERVATION COMMISSION
Lancaster Community Center
February 16, 2016

Present: Ken Rapoza, Chair; Nathan Stevens, Vice-Chair; Jim Lavallee; Tom Christopher and Peter Farmer

Absent: Ruth Anderson

Also Present: David Koonce, Conservation Agent

There being a quorum present, Chairman Rapoza called the meeting to order at 7:00 PM.

Public Hearing (cont'd) – Notice of Intent, I.C. Federal Credit Union, 30 Perry Road

Mr. David Koonce stated that he had spoken to the engineer, Tim Beauchemin, regarding the project. Mr. Beauchemin stated that the Kaleva Lodge still has not made a decision regarding access. Mr. Beauchemin has requested another continuance.

At 7:04 PM Mr. Peter Farmer made a motion to continue the hearing to the next Conservation Commission meeting on February 23rd. Mr. Jim Lavallee seconded. No discussion VOTE: 5-0-0.

Old Business

Discussion, 2078 and 2089 Main Street

Present: Richard Cunningham

Mr. Koonce stated that both parties have corrected their violations; stating that the cars and dumpsters have been moved by the deadline given in the Enforcement Order on Ms. Aberman's property at 2089 Main Street. The property located at 2078 Main Street took a little longer to fully comply with the Enforcement Order but all items have been corrected. Mr. Koonce suggested to the Commission that the Enforcement Order be lifted for the properties.

At 7:05 PM Mr. Thomas Christopher made a motion to lift the Enforcement Orders on 2078 and 2089 Main Street. Mr. Jim Lavallee seconded. No discussion. VOTE: 5-0-0.

Discussion, Update on status of Lancaster Conservation Commission vs. Joseph Spinelli

Mr. Koonce reminded the Commission that the Clerk Magistrate ruled in favor of the Commission with a reduced fine, but Mr. Spinelli has appealed the discussion. Mr. Koonce stated that he is still waiting to hear if there will be another court date.

Public Hearing – Request for Determination of Applicability, Gary Melanson, 33 Runaway Brook Road

Present: There was no one present at the time of the hearing

At 7:11 PM Chairman 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 Gary Melanson on behalf of the owner Melanson Bros. Inc. for proposed work in the 200-foot River Front Area to an Intermittent Stream at 31 an 33 Runaway Brook Road, further identified as Assessor's Map 44, Lot 31K and 31 M. The project entails construction of a new single-family house and associated driveway access, sewage disposal system, well, grading and landscaping.

Mr. Koonce stated that he has been out to the site a few times and suggested to Mr. Gary Melanson to extend the erosion controls on the site. Mr. Koonce stated that he has not been out to the property to ensure the additional erosion controls have been installed at this time. Mr. Koonce went on to state that here will be no work within the 100 foot buffer to the River Front and that there are stone walls present on the property and act as a natural barrier to the stream .

Mr. Koonce stated that he had a list of special conditions that will be included with the Determination and read them to the Commission members.

At 7:19 PM Mr. Thomas Christopher made a motion to issue a Negative Determination with standard conditions. Mr. Peter Farmer seconded. No discussion. VOTE: 5-0-0.

At 7:20 PM Mr. Thomas Christopher made a motion to close the public hearing for 33 Runaway Brook. Mr. Nathan Stevens seconded. No discussion. VOTE: 5-0-0.

Public Hearing – Notice of Intent, Mark Melican, Lot #1 Colony Lane

Present: Jack Maloney, Ducharme & Dillis and Richard Cunningham, abutter

At 7:21 PM Chairman Rapoza read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a Notice of Intent filed by Mark Melican on behalf of property owner 2176 Main Street LLC for proposed work within Boarding Vegetated Wetlands and associated 100-foot Buffer Zone at Lot #1 Colony Lane, further identified as Assessor's Map 24, Lots 5, 6A, 8, 9 and 10. The project entails the construction of a new single-family home and associated driveway access, installation of water service, grading, and landscaping.

Mr. Jack Maloney stated that the proposed lot combines several others to make on buildable lot. Mr. Maloney stated that the wetlands are located on the road side so a crossing will be part of the project which will include a wetland crossing and filling about 500 square feet of wetlands. There is a proposed 1000 square foot replication area.

Mr. Christopher asked what is located in the proposed replication area.

Mr. Maloney stated that the area is slightly wooded but has not done a detail list of the plants located in the area at this time. Mr. Maloney did state that the area is an existing wetland.

Mr. Koonce stated that he has been out to look at the property and has no issues with the Commission approving the project, but stated the will be special conditions in the Order for the site.

Mr. Richard Cunningham, an abutter to the property, stated that he had some concerns with water in the area.

Mr. Christopher asked if Mr. Maloney had done the drainage calculations for the property.

Mr. Maloney stated that he has done the calculations for the project and there is little to no difference he also stated that the soils in the area are very good, sandy soils.

Chair Rapoza stated that with the enlarging of the wetlands that should allow for more runoff to be kept inside the wetland before it would leave the site.

Mr. Nathan Stevens had a question regarding the ground water level and the level of the foundation for the proposed house.

Mr. Maloney stated that the house will have a foundation drainage system.

Mr. Koonce stated that he has not received a number from DEP for the project at this time and the abutters were notified of the wrong hearing date. The abutters received notice that the hearing will be held on February 23rd.

At 7:44 Pm Mr. Peter Farmer made a motion to continue the hearing to the next Conservation meeting on February 23rd. Mr. Jim Lavallee seconded. No discussion VOTE: 5-0-0.

General Business

The Commission reviewed the following information, Minutes from the January 26, 2016 meeting

Mr. Nathan Stevens had a minor correction to the minutes.

At 7:46 PM Mr. Nathan Stevens made a motion to accept the minutes from the January 26, 2016 as amended. Mr. Jim Lavallee seconded. No discussion. VOTE: 5-0-0.

New Business

Discussion - Conservation Agent Hours

Chair Rapoza stated that the Finance Committee is meeting to discuss next fiscal year's budget proposals and stated that the Commission has requested 4 more hours for Mr. Koonce. Chair Rapoza stated that with the increase in applications the money in the wetland fund would be enough to cover the expansion in hours.

**At 8:32 PM Chair Ken Rapoza made a motion to close the public meeting of the Lancaster Conservation Commission and enter into Executive Session for the purpose of discussing strategy with respect to litigation, and not return to public meeting. Mr. Peter Farmer seconded.
Roll Call Vote: Mr. Peter Farmer, Aye; Mr. Jim Lavallee, Aye; Mr. Thomas Christopher, Aye; Mr. Nathan Stevens, Aye and Chair Ken Rapoza, Aye.**

Adjourn

There being no further business to discuss, the public meeting adjourned at 8:32 PM.

Respectfully submitted,

Heather Hampson
Office Manager