

TOWN OF LANCASTER
CONSERVATION COMMISSION
Lancaster Community Center
September 13, 2016

Present: Nathan Stevens, Vice-Chair; Tom Christopher, Peter Farmer, Ruth Anderson and Bonnie-Mae Smith

Absent: Ken Rapoza, Chair and Jim Lavallee

Also Present: David Koonce, Conservation Agent

There being a quorum present, Vice-Chair Nathan Stevens called the meeting to order at 7:00 PM.

Public Hearing, Request for Determination of Applicability, Maribeth Pochini and Michael Cichy, 2029 Lunenburg Road

Present: Mr. Michael Cichy and Maribeth Pochini, owner

At 7:01 PM Vice-Chair Nathan Stevens 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 Maribeth Pochini and Michael Cichy for proposed work within the 100-foot Buffer Zone to Fort Pond at 2029 Lunenburg Road, further identified as Assessor's Map 4, Lots 39 and 40. The project entails clean-up of wood debris, primarily trees felled by previous storm events creating a safety hazard to swimmers and boaters. Work will be done by hand with the aid of a small tractor where necessary to tow logs out of the work area, possibly over water as well using a raft; along with restoration of existing walking paths to provide shoreline access for purposes of clean-up and periodic maintenance.

Mr. Michael Cichy stated that he was before the Commission at the last meeting to discuss the work that he would like to do at his property on Fort Pond. Mr. Cichy stated that he owns two lots on the lake and will be selling lot 2 and living on the other. Mr. Cichy stated that the property has been vacant for several years prior to him purchasing it 5 years ago. Mr. Cichy stated that the property is in need of some maintenance and he would like to clean up the trees that have fallen in the water, remove beaver damaged trees, and fix the beach erosion.

Mr. David Koonce stated that he had plans showing the trees and their location on the property that Mr. Cichy would like to remove.

Mr. Cichy stated that the work will cover tree to be removed on both his lot, Lot 1 and Lot 2, which he is looking to sell. The new owners of Lot 2 will file with the Commission for the work to be done in regards to the beach access.

Mr. Koonce stated that he met with Mr. Cichy on site to go over the proposed work and review the proposed trees that would be cut down. Mr. Koonce stated that he has no issue with allowing Mr. Cichy to use a small tractor to get the logs out of the water.

Mr. Cichy stated that a crane will most likely be needed to remove the large pine that is located over by the old pump house.

Mr. Cichy stated that he will use a biodegradable chain saw mix when working on the property and if the Commission requests will use a trap in the water to catch any saw dust. Mr. Cichy stated that he does not want to do any harm to the lake.

Mr. Thomas Christopher stated that he was not in favor of the project, stating that there are a large number of trees Mr. Cichy is proposing to remove and feels that not all the trees need to be removed. Mr. Christopher went on to state that beach erosion is a natural occurrence that is pushed along by power boats.

Mr. Christopher stated that the trees that are in the water should be removed and the trees that are badly damaged by beavers should be as well and no more.

Mr. Cichy stated that all the trees that are proposed to be removed are either dead or severely damaged by beavers. Mr. Cichy stated that he would like to keep the lot as wooded as possible and invited Mr. Christopher on to the property to look at the proposed trees.

Mr. Christopher stated that with the number of trees proposed and the other proposed items he feels that a full Notice of Intent should be filed.

At 7:18 PM Mr. Thomas Christopher made a motion to close the public hearing for 2029 Lunenburg Road. Mr. Peter Farmer seconded. No discussion. VOTE: 5-0-0.

At 7:19 PM Mr. Thomas Christopher made a motion to issue a Positive Determination of Applicability for 2029 Lunenburg Road. Mr. Peter Farmer seconded. No discussion. VOTE: 5-0-0.

Public Hearing – Abbreviated Notice of Resource Area Delineation, P.J. Keating

Present: Kendra Nawrocki, P.J. Keating and Steve Mullaney, Mullaney Engineering

At 7:20 PM Vice-Chair Nathan Stevens read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering an Abbreviated Notice of Resource Area Delineation filed by property owner P.J. Keating Company for review and confirmation of wetland boundaries at Lunenburg Road.

Mr. Koonce stated that the wetlands are being flagged on the property as requested by the Commission to see what part of the property falls under the Wetlands Protection Act and the Lancaster Wetlands Bylaw. Mr. Koonce stated that due to the size of the wetland area he suggests that the Commission hire a third party consultant to review the wetland line as allowed by the Bylaw.

Mr. Steve Mullaney stated that there are approximately 350 wetlands flags on the property between Lancaster, Lunenburg and Leominster.

Mr. Christopher asked if the area is located within the flood plain.

Mr. Mullaney stated that a ANRAD was filed for the property before back in 2004 and the plan is similar and is in the same flood plain which is a graphical flood plain.

Mr. Christopher asked what the source of the flood plain was.

Mr. Mullaney stated that there is no stream on the map.

Mr. Koonce stated that he has three proposals for a peer review and would like to get the Commission to vote on which they would like to use. Mr. Koonce stated that the three proposals are from, LEC, Goddard and Marro Environmental Consulting.

Mr. Stevens asked Mr. Mullaney who flagged the wetlands.

Mr. Mullaney informed him the Mr. Chuck Carron flagged the wetlands.

Mr. Peter Farmer asked who flagged the wetlands in 2004 for the last RNRAD.

Mr. Mullaney informed him that the RNRAD was done by David E. Ross Associates.

Mr. Stevens asked if the monitoring wells were noted on the plans.

Mr. Mullaney stated that the monitoring wells are part of the earth products removal permit that is issued by the Board of Selectman so they are not included on the delineation plan.

Mr. Christopher asked how the wetlands were identified for the delineation.

Mr. Mullaney stated that Mr. Carron used both soils and plants to flag the wetlands.

At 7:33 PM Mr. Peter Farmer made a motion to continue the public hearing for P.J. Keating to the next meeting on September 27th. Ms. Bonnie-Mae Smith seconded. No discussion. VOTE: 5-0-0.

At 7:34 PM Mr. Thomas Christopher made a motion to accept LEC Environmental proposal for peer review of the wetland delineation. Mr. Peter Farmer seconded. No discussion. VOTE: 5-0-0.

Public Hearing – Notice of Intent, Town of Lancaster, 695 Main Street Thayer Memorial Park

Present: David LaPointe, Beals and Thomas, Inc.

At 7:35 PM Vice-Chair Nathan Stevens read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a Notice of Intent filed by Ryan McNutt on behalf of property owner Town of Lancaster for proposed work within 200-foot Riverfront Area and 100-foot Buffer Zone to Bordering Vegetated Wetlands and Bank at 695 Main Street, further identified as Assessor's Map 34, Lot 91. The project entails development of a recreational campus for use by the residents of Lancaster and will include a playground, ballfields, basketball and tennis courts, amphitheater, parking, and associated improvements.

Mr. David LaPointe stated that the proposed project is for improvements to the existing Thayer Memorial Park which consists of 22 acres. Mr. LaPointe stated that currently the park has a baseball field, softball field, tennis courts, basketball court, walking trails and a dirt bike track. Mr. LaPointe stated that for the past two years the town has been working on a proposal to improve the park with new baseballs fields, dog park, softball fields, tennis courts, BMX track, amphitheater, basketball court, playground and splash pad. There will also be improved parking and walking trails. The work on the

property has been kept as much out of the buffer as possible. Mr. LaPointe stated that there is a Stormwater Management system located in the north and wetlands in the south parts of the property with a culvert in the middle of the property. Mr. LaPointe stated that a delineation done on the property in 2011 was used for the project.

Mr. Stevens asked why the delineation was not updated for this filing.

Mr. LaPointe stated that the delineation that was completed falls under the Permit Extension Act and therefore is still valid.

Mr. Koonce stated that the Haley and Ward, Inc. conducted a review of the project for the town. Mr. Koonce stated that he did not have a chance to give Haley and Ward Mr. LaPointe's response letter before the meeting tonight.

There was some discussion regarding the culvert on the property that connects the Stormwater and wetlands.

Mr. LaPointe stated that there is no plan in the current proposal to do any work with the culvert on the property.

Mr. Koonce asked if project fell into the Riverfront redevelopment and if so if the amount of work in the Riverfront was under the 10% threshold.

Mr. LaPointe stated that there is less the 2% of disturbance in the Riverfront and about 10% in the wetlands buffer. Mr. LaPointe stated that they did their best to keep as much of the work out of the Commissions jurisdiction as possible.

Mr. Koonce asked if there was a Stormwater Operations and Maintenance plan for the property.

Mr. LaPointe stated that there is an Operations and Maintenance plan that includes sweeping of the parking areas and cleaning of the basins. Mr. LaPointe also stated that there will be on going SWPP reports during construction.

Mr. Koonce asked if the parking areas would be plowed in the winter and if so if there is an area for snow storage.

Mr. LaPointe stated that the Winterfest is held at the park every year and snow plowing of the area may be needed for that.

Mr. Koonce stated that there is no area set on the plan for snow storage and must be outside the buffer.

Mr. LaPointe stated that all parking areas are outside the buffer zones.

Mr. Koonce suggested that the hearing be continued to allow for Haley and Ward, Inc. time to review Mr. LaPointe's response letter to their initial review.

At 8:06 PM Mr. Peter Farmer made a motion to continue the public hearing for 695 Main Street, Thayer Memorial Park to the next Commission meeting on September 27th. Ms. Bonnie-Mae Smith seconded. No discussion. VOTE: 5-0-0.

Continued Public Hearing – Amended Order of Conditions DEP file number 193-0504, North Lancaster LLC

Present: Bill Hannigan, Hannigan Engineering, Representing North Lancaster, LLC and Christopher McClure, McClure Engineering

Mr. Bill Hannigan stated that at the last meeting an Amended Order of Conditions was requested for three new wells on the property, Mr. Hannigan stated that Mr. Koonce has gone out the property to view the proposed location of the new wells. Mr. Hannigan stated that he has updated the plans to address the concerns that were brought up on site, including labeling the buffer zones and show the area of disturbance with in the Riverfront. Mr. Hannigan stated project is a limited work project within the Riverfront area. The work within the Riverfront area includes tree clearing, installation of a gravel access road and testing of the three proposed wells.

Mr. Koonce asked what the original Order of Conditions was for.

Mr. Hannigan stated that the original Order of Conditions was for the development of a gas station and an onsite well.

Mr. Christopher asked what the volume total will be for all four wells.

Mr. Hannigan stated that they are looking at 17,000 gallons a day.

Mr. Christopher asked if well one requires any treatment.

Mr. Hannigan stated that there were higher concentration of Iron, Manganese, and Arsenic so treatment will be needed for the wells.

Mr. Christopher asked if Fish and Wildlife commented on the well permits for and draw down to McGovern Brook.

Mr. Christopher McClure stated that the proposed new wells are bedrock wells and will not affect nearby stream levels but will be tested and withdraw limits have not been determined for the wells at this time.

Mr. Stevens asked when work is scheduled to start for the new wells.

Mr. Hannigan stated that they have filed the permits with DEP and are awaiting a testing date.

At 8:27 PM Mr. Thomas Christopher made a motion close the public hearing for the Amended Order of Conditions for DEP file number 193-0504. Mr. Peter Farmer seconded. No discussion. VOTE: 5-0-0.

At 8:28 PM Mr. Thomas Christopher made a motion to approve the proposed Amended Order of Conditions for DEP file number 193-0504. Ms. Bonnie-Mae Smith seconded. No discussion. VOTE: 5-0-0.

Old Business

Status update, Eagle Ridge footbridge

Mr. Koonce stated that Chair Rapoza has gone out to the site but was unable to come to the meeting tonight to update the Commission on the project.

Ms. Ruth Anderson stated that she was out on site with Chair Rapoza and stated that he will be

New Business

113 Fire Road 11, John Johansson

Present: Mr. John Johansson

Mr. Koonce stated that Mr. Johansson lives over on Spec Pond and needs to repair a retaining wall on the property due to the footings that are starting to fail. Mr. Koonce stated that he did go out on site and looked at the retaining wall and stated that he felt the work could be done with a Request for Determination filing as work would be done by hand.

Mr. Johansson stated that he has hired a contractor to do the work and would like to start while the water level is down.

Mr. Christopher stated that since the work is being done on the water's edge he feels a full Notice of Intent should be filed.

Mr. Koonce stated that he will help Mr. Johansson with the application for the Notice of Intent.

Request for Certificate of Compliance, DEP file number 193-0405 Devonshire Way

Present: Brendon Ducharme, Ducharme and Dillis; Blaine Alvarez-Backus, Devonshire Estate Homeowner's Association and Mark Rajotte 88 Devonshire Way

Mr. Koonce stated that the Order of Conditions is for the subdivision road and was approved in 2006. Mr. Koonce stated that the Homeowners Association is looking to have the road accepted by the Town at the next Town meeting so they are looking to get the outstanding Order of Conditions closed for the road way. Mr. Koonce stated that the replication area needs to be certified on the property, that was not part of the original approval.

Mr. Brendon Ducharme stated the wetlands replication area was added due to the wetland crossing done on the site. The scheduled plantings have not been completed at this time because they are waiting to see what would grow in the area naturally. Mr. Ducharme stated that even with the dry conditions the replication area has been thriving. Mr. Ducharme showed the Commission some pictures of the area and stated that now that it has grown up some they will plant some red maples and other wetland plants and provide a list of what is planted to the Commission.

Mr. Christopher asked if there was any need for an extension to the Order of Conditions.

Mr. Koonce stated that there is no need for an extension as all the work is complete and the wetland replication area is fully established.

Mr. Mark Rajotte, 88 Devonshire Way, stated that he lives on a shared driveway that services two houses. Mr. Rajotte stated that there is also a drainage easement but there are some drainage issues as the driveway for the second house was not completed the same as his and has caused erosion issues. Mr. Rajotte stated that he has tried fixing the problem with plantings but the area is not graded properly.

Mr. Koonce stated that the Commission has signed off on the Certificate of Compliance for the shared driveway but had not issued it at this time. Mr. Koonce stated that it is up to the developer to fix the problem on the easement.

The Commission looked over some pictures Mr. Rajotte had of the grading issue on the easement.

Mr. Koonce stated that he will contact the developer regarding the drainage easement and will be meeting on the property to discuss. The Certificate will be held until the issue is resolved.

Violations

220 Fort Pond Road

Mr. Christopher recused himself from the discussion

Mr. Koonce stated that the owner, Mr. Pearlman, has not come in to file a Request for Determination of Applicability as he agreed to at a previous Commission meeting, for work done on along the shore line at his property. Mr. Koonce stated that he felt an Enforcement Order with a fine should be issued for the violations at 220 Fort Pond Road.

AT 9:10 PM Mr. Peter Farmer made a motion to issue an Enforcement Order for 220 Fort Pond Road to be delivered by the constable and issue a \$300 fine for the violation. Ms. Bonnie-Mae Smith seconded. No discussion. VOTE: 4-0-1, Mr. Thomas Christopher abstained.

Mr. Christopher returned to the meeting

424 Langen Road

Mr. Koonce stated that he has been trying to contact Mr. Calabrese regarding filing a Request for Determination and the reflagging of the wetlands on the property. Mr. Koonce stated that he has not heard from Mr. Calabrese and suggested to the Commission that an Enforcement Order be issued with fine for the violations at 424 Langen Road.

At 9:15PM Mr. Peter Farmer made a motion to issue an Enforcement Order for 424 Langen Road to be delivered by the constable and issue a \$300 fine for the violation. Mr. Thomas Christopher seconded. No discussion. VOTE: 5-0-0.

George Hill Road and Hilltop Road

Mr. Koonce stated that he was in the area for a different inspection and noticed a number of cleared house lots and a force sewer main being installed in the Commissions jurisdictional area. Mr. Koonce stated that he spoke to the excavators on site and informed them that they needed to file with the Conservation Commission.

Mr. Koonce stated that he did not have the excavators cease work as they did have a plan and erosion controls in place. Mr. Koonce stated that he spoke to the engineer at Whitman and Bingham and they should be submitting a Notice of Intent for the first meeting in October.

Items for Approval and/or Signature

Request for Certificate of Compliance, 204 Fire Road 3

Mr. Koonce stated that the Certificate can wait to the next meeting.

Request for Certificate of Compliance, 94 Main Street

Mr. Koonce stated that the Certificate was not ready for at this time.

Adjourn

There being no further business to discuss, the public meeting adjourned at 9:32 PM.

Respectfully submitted,

Heather Hampson
Office Manager