

TOWN OF LANCASTER  
CONSERVATION COMMISSION  
Lancaster Community Center  
October 11, 2016

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

Absent: Chair Ken Rapoza

Also Present: David Koonce, Conservation Agent

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

**Public Hearing – Request for Determination of Applicability; Town of Lancaster, 695 Main Street**

*Present: Win Clark, Lancaster Recreation Committee, representing applicant*

**At 7:00 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 Win Clark on behalf of property owner Town of Lancaster for proposed work within a Perennial Stream and associated 100-foot Buffer Zone at 695 Main Street. The project entails withdrawal of water from the wetland resource area for purposed of creating a seasonal skating rink.**

Mr. Win Clark stated that over the past four years the Recreation Committee has set up a temporary staking rink and has used town water to fill the rink from a nearby hydrant. Mr. Clark stated that the Recreation Committee is looking to be more independent is filling the rink and not depend on the town for the use of the hydrant or hoses to fill the rink and would like to pump the water from a nearby stream to fill the rink.

Mr. Thomas Christopher stated that there are two issues with pumping water from the stream. First, it can drain water from nearby wetlands and second, there is a water withdraw bylaw in town.

Mr. Koonce stated that he checked the water withdraw bylaw and the project is exempt since it is for private use.

Mr. Nathan Stevens asked if Mr. Clark had been in contact with the State regarding the project.

Mr. Koonce stated that the area is still in a drought so the project may have to wait till next year.

Mr. Clark stated that they set the rink up sometime in mid-December pending on the weather, so maybe there will be more water by then.

Mr. Christopher stated that the pumping should be monitored and the stream water level should be check prior to pumping.

Mr. Stevens asked how long the withdrawal period will be.

Mr. Clark stated that they plan on filling the rink in one day.

Mr. Peter Farmer had a few question regarding the pump that would be used.

Mr. Clark informed him that it was be a house hold sized sump pump run off a generator

Mr. Stevens suggested that the Commission approve the project as a Negative Determination with condition.

Mr. Koonce stated that he will draft the condition that will include 48 hour notice of when the stream will be pumped and to verify that the streams water level prior to pumping.

**At 7:13 Pm Mr. Thomas Christopher made a motion to close the public hearing for 695 Main Street. Ms. Ruth Anderson seconded. No discussion. VOTE: 6-0-0.**

**At 7:14 PM Mr. Peter Farmer made a motion to issue a Negative Determination with condition for 695 Main Street. Mr. Jim Lavallee seconded. No discussion. VOTE: 6-0-0.**

**Public Hearing – Amended Notice of Intent; YMCA of Central Mass, 132 Fort Pond Inn Road**

*Present: James Tetreault, Thompson-Liston Associates, Inc., Representing Applicant*

**At 7:15 PM Vice-Chair Nathan Stevens read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a to consider the Request for Amendment to Order of Conditions 193-0502 filed by property owner YMCA of Central Massachusetts for proposed work within 100-foot Buffer Zone and Riverfront Area to Bow Brook at 132 Fort Pond Inn Road. The project entails repair/upgrade of an existing sewage disposal system, including installation of 4,000 and 8,000-gallon septic tanks, 7,000-gallon pump chamber, and soil absorption system.**

Mr. James Tetreault stated that he was before the Commission to seek an Amendment to the existing Order of Conditions for a septic system that was located 400 feet away from the existing well. The system that was designed on the approved Order of Conditions is a very expensive system. The YMCA contacted Mr. Tetreault's company to design a new system and a new well. Mr. Tetreault stated that the amended plan shows that the existing well will be abandoned and a new well will be drilled 400 feet away from the existing septic system. The new septic system will be similar as proposed with tanks and a pump chamber but will be a leaching system and not a filter system as originally proposed.

Mr. Koonce asked if the well would be located outside the buffer.

Mr. Tetreault stated that the well is located outside the buffer zone.

Mr. Christopher asked when the project should be complete by.

Mr. Tetreault stated that they received their Board of Health permit last week and have been waiting to receive the Amended Order of Conditions to start the project and hope to have it completed by next fall.

Mr. Christopher asked how the road crossing for the water main would be done.

Mr. Tetreault stated that the water main would be a 12 inch pipe sleeve that would go under the road and the road would be shut down to one lane as they work.

Mr. Koonce stated that the original Order of Conditions for the project was never issued. Mr. Koonce stated that he had informed Whitman and Bingham Associates and was told the project was on hold. Mr. Koonce went on to state that since the Order of Conditions was never issued an Amended Order will not be needed since there was never an Order of Conditions.

Mr. Koonce stated that he just learned from the Board of Health Agent that the facility draws water from the lake for the showers and toilets, and that the new system will have an increase in flow. Mr. Koonce wanted to make sure the Commission knew of this and we if there was any concern.

Mr. Koonce checked the water withdrawal bylaw with the town and this property would be exempt.

Mr. Koonce stated that he would like to see the intake listed on the plans.

Mr. Tetreault stated that he has no issue with that request.

**At 7:35 PM Mr. Peter Farmer made a motion to close the public hearing for the Amended Notice of Intent for 132 Fort Pond Inn Road. Mr. Jim Lavallee seconded. No discussion. VOTE: 6-0-0.**

**At 7:36 PM Mr. Peter Farmer made a motion to issue an Amended Order of Conditions for 132 Fort Pond Inn Road. Mr. Thomas Christopher seconded. No discussion. VOTE: 6-0-0.**

**Public Hearing – Notice of Intent; George Hill Orchards; Lots 8 & 9 George Hill Road**

*Present: Anthony Cleaves, Whitman and Bingham Associates and Don Siver, Owner*

**At 7:37 PM Vice-Chair Nathan Stevens read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a to consider a Notice of Intent filed by property owner George Hill Orchards, Inc. for proposed work within 100-foot Buffer Zone to Bordering Vegetated Wetlands at Lots 8 & 9 George Hill Road. The project entails installation of a sewer line to service new residential building lots.**

Mr. Anthony Cleaves stated that the Notice of Intent was filed for a sewer line that was installed without a filling. Mr. Cleaves stated that the construction took place with no permit from the Conservation Commission; the work was within the buffer once Mr. Koonce notified the owner of the work within the buffer Whitman and Bingham was called and filed a Notice of Intent.

Mr. Cleaves stated that Mr. Koonce allowed the work to continue on site even through there was no permit issued from the Commission. Mr. Cleaves stated that there was erosion controls in place at the time of construction. The disturbed areas have been loamed and seeded.

Mr. Stevens asked where the exiting sewer line was in the road.

Mr. Cleaves stated that the sewer line was the existing line to the west on George Hill Road. Mr. Cleaves stated that they worked with the Sewer Commission to be allowed to tie in the line that is located near the maharishi property. The project consisted of an additional man hole and crossing the road for three future house lots, all the work was outside the 25 foot buffer zone.

Mr. Stevens asked if there was an as-built done or if the sewer connection was done according to the plans.

Mr. Cleaves stated that the sewer connection was done according to the plans submitted.

Mr. Koonce stated that the individual lots will need separate Notices of Intent as this filing only covers the force main to the lots.

Mr. Cleaves stated that this filing is just to bring the sewer line to the lots and additional filings will be requested as needed for each building lot.

There was a discussion regarding lots 8 and 9 and the wetlands that are located on each lot.

Mr. Don Chaisson, 710 George Hill Road, had a question regarding the driveway that has been created on one of the lots.

Mr. Cleaves stated that a driveway had not been created but that the stone wall was removed to get equipment into the lots to install the sewer connection.

Mr. Christopher asked if the stone wall would be rebuilt.

Mr. Don Siver stated that the lot will need a location for the driveway, so they were not planning on rebuilding the wall at this time.

Mr. Cleaves wanted to thank the Commission for allowing the work on site to continue even though there was no Notice of Intent filed.

Mr. Koonce stated that the work was done every well and the erosion controls were installed so there was no need to stop construction.

Mr. Cleaves stated that the area will be loamed and seeded soon.

**At 7:54 PM Mr. Peter Farmer made a motion to close the public hearing for Lots 8 & 9 George Hill Road. Mr. Thomas Christopher seconded. No discussion. VOTE: 6-0-0.**

**At 7:55 PM Mr. Thomas Christopher made a motion to issue an Order of Conditions for Lots 8 & 9 George Hill Road. Mr. Peter Farmer seconded. No discussion. VOYE: 6-0-0.**

**Public Hearing – Notice of Intent; John Johansson, 113 Fire Road 11**

*Present: Ray Rotti, Representing Applicant and John Johansson, Owner*

**At 7:56 PM Vice-Chair Nathan Stevens read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a to consider a Notice of Intent filed by property owner John Johansson for proposed work within the 100-foot Buffer Zone to Spectacle Pond at 113 Fire Road 11. The project entails extension of a retaining wall footing to provide better support for the retaining wall.**

Mr. Ray Rotti stated that the existing retaining wall is starting to fail due to erosion and he would like to cap the wall and tie into the existing and stabilize it with a new wall.

Mr. Koonce stated that he went out to the site last week and reviewed the proposed construction. Mr. Koonce stated that hay bales will be placed on both sides of the wall and then they will dig footings down about eight inches deep and remove the failing retaining wall and then rebuild the wall and tie it into what is existing. Mr. Koonce stated that the work will be done by hand and will be done while the water level is low.

Mr. Christopher asked when Mr. Rotti when he was looking to start.

Mr. Rotti stated that he would like to start as soon as possible. Mr. Rotti stated to limit the impact on the lake shore he will construct the forms off site and bring to the property.

Mr. Stevens asked what the height of the wall would be.

Mr. Rotti stated that the wall will be a foot or two higher than the existing and angled to allow for an ice dam.

**At 8:02 PM Mr. Peter Farmer made a motion to close the public hearing for 113 Fire Road 11. Ms. Ruth Anderson seconded. No discussion. VOTE: 6-0-0.**

**At 8:03 PM Mr. Jim Lavalley made a motion to issue an Order of Conditions for 113 Fire Road 11. Mr. Thomas Christopher seconded. No discussion. VOTE: 6-0-0.**

**Public Hearing - Request for Determination of Applicability, Andrew Calabrese, 424 Langen Road**

*Present: Andrew Calabrese, Owner*

**At 8:05 PM Vice-Chair Nathan Stevens read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a to consider a Request for Determination of Applicability filed by property owner Andrew Calabrese for proposed work within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and 200-foot Riverfront Area at 424 Langen Road. The project entails installation of a post-and-rail fence.**

Mr. Koonce gave the Commission a brief back ground on the property. Mr. Koonce stated that he has been working with Mr. Calabrese over the last few months for the installation of a fence which required a Request for Determination and lead to an Enforcement Order which was issued after the failure to apply for a Request for Determination as requested.

Mr. Koonce stated that the Request for Determination has now been filed and there are quite of few discrepancies between the new flagging that was done and the approved plans as part of the original Order of Conditions for the house. Mr. Koonce stated that there is as much as a 60 foot discrepancy between the plans and what was flagged. Mr. Koonce some of the work that was close to the 25 foot no disturbed zone but with the fence installed it will make a good buffer to that area. Mr. Koonce stated that the limit of clearing went with the erosion control line which was more than should have been cleared.

Mr. Christopher stated that an as-built plan is needed for the property.

Mr. Koonce stated that an as-built plan is definitely needed for the Certificate of Compliance once that is requested.

Mr. Stevens asked if Mr. Calabrese installed the fence on the property and then as requested had the wetland flags rehung on the property.

Mr. Calabrese stated that he did install a fence, and as requested by the Commission he hired a wetland scientist to rehang the wetland flags on the property.

Mr. Koonce stated that the fence is incomplete and has no issues with allowing the work to continue on the fence as part of the Determination that has been filed with standard conditions.

Mr. Christopher stated that the as built plan will be needed for the Certificate of Compliance as well as showing the resource area for the filing.

Mr. Koonce suggested that the as built plan be requested instead of issuing a fine.

**At 8:20 PM Mr. Thomas Christopher made a motion to close the public hearing for 424 Langen Road. Ms. Bonnie Mae Smith seconded. No discussion. VOTE: 6-0-0.**

**At 8:21 PM Mr. Thomas Christopher made a motion to issue a Negative Determination of Applicability for 424 Langen Road. Ms. Bonnie Mae Smith seconded. No discussion. VOTE: 6-0-0.**

**At 8:23 PM Mr. Thomas Christopher made a motion to request that an as-built plan be submitted to the Commission as part of a Request for Certificate of Compliance within the next six months. Ms. Bonnie Mae Smith seconded. No discussion. VOTE: 6-0-0.**

**At 8:24 PM Mr. Thomas Christopher made a motion to suspend for six month the \$300 fine that was issued for the violation until the as-built plan has been submitted. Ms. Bonnie Mae Smith seconded. No discussion. VOTE: 6-0-0.**

**Public Hearing – Request for Determination of Applicability Tim Driscoll, Cedar Grove Contracting, 59 Neck Road**

*Present: Tim Driscoll, Cedar Grove Contracting*

**At 8:30 PM Vice-Chair Nathan Stevens read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a to consider a Request for Determination of Applicability filed by property owner Lee Pothier for proposed work within the 100-foot Buffer Zone to an Intermittent Stream at 59 Neck Road, further identified as Assessor's Map 34, Lot 43.A. The project entails removal of an existing 12' x 30' deck followed by construction of a new 14' x 30' single-room addition within the same footprint.**

Mr. Koonce stated that the Commission discussed this site at their last meeting. Mr. Koonce also stated that he has been out to view the site.

Mr. Tim Driscoll stated that the plans for the property are to remove the existing deck and replace it with a sunroom that will be 2 feet larger but will not be any closer to the wetlands.

Mr. Koonce stated that he has requested that erosion controls but installed on the property.

Mr. Koonce asked Mr. Driscoll if anything would be done for the roof runoff.

Mr. Driscoll stated that gutters can be added to the sunroom as well as the grading on the property pitches away from the wetland.

Mr. Stevens asked if there will be any stairs built for the addition.

Mr. Driscoll stated that there will be no stairs built as part of this project.

**At 8:33 PM Mr. Thomas Christopher made a motion to close the public hearing for 59 Neck Road. Mr. Jim Lavalley seconded. No discussion. VOTE: 6-0-0.**

**At 8:34 PM Mr. Jim Lavalley made a motion to issue a Negative Determination of Applicability for 59 Neck Road with standard conditions. Mr. Peter Farmer seconded. No discussion. VOTE: 6-0-0.**

**Continued Public Hearing – Abbreviated Notice of Resource Area Delineation, P.J. Keating CO., Located off Lunenburg Road**

Mr. Koonce stated that the check from Keating for the peer review had been received by the office so he signed the contract for the peer review. Mr. Koonce suggested to the Commission that a continuance be given for the hearing.

**At 8:35 PM Mr. Jim Lavalley made a motion to continue the hearing for P.J. Keating to the next Commission meeting on October 25, 2016. Mr. Peter Farmer seconded. No discussion. VOTE: 6-0-0.**

**Items for Approval and/or Signature**

**Order of Conditions DEP file number 193-0536, Town of Lancaster, 695 Main Street, Thayer Memorial Park.**

Mr. Koonce informed the Commission that the Order of Conditions was approved at the last meeting on September 27, 2016.

The Commission signed the Order of Conditions for DEP file number 193-0536, 695 Main Street.

**Old Business**

**Update, Violations 220 Fort Pond Road**

Mr. Koonce stated that a Court hearing date has been set for November 7<sup>th</sup>, and he needs to know if any of the Commission members would be able to attend the hearing.

Mr. Stevens stated that if Chair Rapoza is unable to attend he can attend on behalf of the Commission.

**Adjourn**

There being no further business to discuss, the public meeting adjourned at 8:50 PM.

Respectfully submitted,

Heather Hampson  
Office Manager