

TOWN OF LANCASTER
CONSERVATION COMMISSION
Lancaster Community Center
November 22, 2016

Present: Chair Ken Rapoza; Nathan Stevens, Vice-Chair; Tom Christopher, Peter Farmer, Bonnie-Mae Smith, and Jim Lavallee (arrived at 7:09 PM)

Absent: Ruth Anderson

Also Present: David Koonce, Conservation Agent

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

Public Hearing – Notice of Intent 210 Fire Road 3

Present: Mike Larry, representing owner

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 Notice of Intent filed by property owner Ladd Lavallee for proposed work within 100-foot Buffer Zone to Spectacle Pond at 210 Fire Road 3. The project entails replacement of an existing deck and concrete footings, removal of concrete slabs, pavers, curbs, and replacement of the timber supports, wood framing and decking of an existing dock.

Mr. Mike Larry stated that there is an existing house on the property that has had some recent work done to it, including roof, siding and windows. Mr. Larry stated that the existing deck on the house is unsafe. The existing footings will be replaced as well as the decking. Mr. Larry stated that they will install erosion controls on the site, and stated that all the work for the project will be done by hand due to access issues with the property.

Mr. Koonce stated that he had been out to look at the site, and stated that there will be quite a bit of digging required for the project did will be done completely by hand. Mr. Koonce asked if the curbing would be replaced as part of the plan.

Mr. Larry stated that by the edge of the patio there will be some replacement.

Chair Rapoza asked how far from the water would work be done on the property.

Mr. Larry stated that the work is twelve feet from the water's edge.

Chair Rapoza asked if there would be any dock work completed.

Mr. Larry stated that Mr. Koonce informed him the proposed work on the deck which includes replacing the decking with pressure treated wood fell under regular maintenance.

At 7:09 PM Mr. Jim Lavallee joined the meeting.

Mr. Thomas Christopher asked if the dock had a Chapter 91 permit

Mr. Koonce stated that the dock was not large enough for a Chapter 91, waterways permit.

At 7:10 PM Mr. Peter Farmer made a motion to close the public hearing for 210 Fire Road 3. Mr. Nathan Stevens seconded. No discussion. VOTE: 5-0-1, Mr. Jim Lavallee abstained.

At 7:11 PM Mr. Peter Farmer made a motion to issue an Order of Conditions with standard special conditions for 210 Fire Road 3. Ms. Bonnie Mae Smith seconded. No discussion. VOTE: 5-0-1, Mr. Jim Lavallee abstained

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

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

Mr. Steve Mullaney stated that the Commission had requested a new Resource Area Delineation be done for the property. The last Resource Area Delineation for the property was completed in 2005. Mr. Mullaney stated that the wetlands were flagged but in September and the Commission's peer review consultant had been out and walked the line and added a few flags to the delineation. Mr. Mullaney stated that he is waiting for the report back for the Commission's peer review consultant based on site visit and updated plans drafted by Mr. Mullaney.

Mr. Koonce stated that the Commissions peer review consultant did not receive the plans in order to do his report for the meeting this evening.

Mr. Peter Farmer asked if there were any changes to the wetland line from the delineation completed in 2005.

Mr. Mullaney stated that there was no significant change to the delineation.

Mr. Stevens stated that there were flags added by the Commissions consultant.

Mr. Mullaney stated that 16 flags were added in Lancaster and 7 flags were added in Lunenburg but there was a total of 300 flags in the delineation for the additions are seen as minor.

Mr. Mullaney requested a continuance to the next Conservation Commission meeting on December 13, 2016 to allow time for the Commission's consultant to draft his report.

At 8:19 PM Mr. Thomas Christopher made a motion to continue the hearing for P.J. Keating to the next Commission meeting on December 13, 2016. Mr. Peter Farmer seconded. No discussion. VOTE: 6-0-0.

New Business

Discussion – P.J. Keating compliance with Lancaster Water withdrawal Bylaw

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

Mr. Farmer stated that the Town has a Water Withdraw Bylaw that went into effect in 2010. Mr. Farmer stated that he was not sure if Keating would be exempt from this Bylaw, since it was written more with the intention of landscapers.

Mr. Mullaney stated that the Bylaw does not pertain to quarries as listed in the definitions of the Bylaw. Mr. Mullaney went through the definitions listed in the Water Withdraw Bylaw for a pond, which referenced the Lancaster Wetlands Bylaw definitions. Mr. Mullaney went to the Lancaster Wetlands Bylaw definitions which referenced the state Wetlands Protection Act for the definition of a pond. Mr. Mullaney read aloud the definition of a pond in the state Wetlands Protection Act which exempts quarries from the Act.

Mr. Farmer stated he asked the question to verify that Keating was exempt from the Bylaw.

Discussion, Keating pump monitor

Chair Rapoza stated that the pump monitor at Keating is still not working and would like to bring it to the Selectman's attention stating that without the monitor on the pump there is no clear way of knowing how much water is being pumped out of the quarry.

Mr. Christopher stated that the Earth Product Removal Permit for P.J. Keating is not up for renewal for another year but should be brought to the attention of the Selectman if not replaced before renewal of their Permit.

Mr. Farmer stated the Water Withdraw Bylaw also needs to be looked at further in order to have it over see other uses in town.

Discussion, Vote on Right of First Refusal Parcel A Runway Brook Road

Chair Rapoza asked if the land abutted any existing Conservation land.

Mr. Koonce stated that the parcel does not directly abut and Conservation land.

Mr. Stevens asked if there were any wetlands on the property.

Mr. Koonce stated that there were no wetlands in the area and that the parcel is small and will most likely be added to an abutting property to enlarge the property.

At 7:35 PM Mr. Peter Farmer made a motion to waive the Commissions right of first refusal. Mr. Jim Lavallee seconded. No discussion. VOTE: 6-0-0.

Items for Approval and/or Signature

Determination of Applicability, Thayer Memorial Field, Lancaster Recreation Committee

The Commission signed the Determination that was approved at a previous meeting.

Determination of Applicability, Eugene Christoph Memorial Wild Forest, Lancaster Forest Committee

The Commission signed the Determination that was approved at a previous meeting.

Approval of Minutes from the October 11, 2016 meeting

The Commission reviewed the minutes from October 11, 2016

Mr. Thomas Christopher and Ms. Bonnie Mae Smith had a few minor corrections to the minutes.

At 7:40 PM Mr. Nathan Stevens made a motion to approve the minutes as amended. Mr. Pete Farmer seconded. No discussion. VOTE: 6-0-0.

Old Business

Update, Violations 220 Fort Pond Road

Mr. Stevens stated he went before the court magistrate regarding the violation at 220 Fort Pond Road. Mr. Stevens stated that the court magistrate will send his decision to the Commission.

Mr. Koonce stated that once a decision is received in the office he will inform the rest of the Commission members.

Commission Reorganization

Chair Rapoza stated that his health is better and is willing to stay on as Chair if the other Commission members would like him too.

At 7: 46 PM Mr. Nathan Stevens made a motion to keep the Commission organized as is with Mr. Ken Rapoza as Chair, Mr. Nathan Stevens as Vice Chair and Mr. Thomas Christopher as Clerk. Mr. Peter Farmer seconded. No discussion. VOTE: 6-0-0.

Adjourn

There being no further business to discuss, the public meeting adjourned at 7:48 PM.

Respectfully submitted,

Heather Hampson
Office Manager