

TOWN OF LANCASTER  
CONSERVATION COMMISSION  
Lancaster Town Hall Auditorium  
November 12, 2019

Members Present: Vice Chair Tom Christopher, Bonnie Mae-Smith, Shawn Corbett; Thomas Seidenberg, Don Chaisson (arrived late) and James Lavallee

Absent: Nate Stevens

Also Present: David Koonce, Conservation Agent

List of Documents:

- Conservation Commission Agenda for November 12, 2019
- Request for Determination of Applicability; Laurie Kincaid; 206 Fire Road 3
- Determination of Applicability (Town of Lancaster; Hilltop/George Hill Roads)
- 2 Emails pertaining to Fort Pond Dam water level

There being a quorum present, Vice Chair Tom Christopher called the meeting to order at 7:00 PM.

**Open Meeting**

**Public Hearing – Request for Determination of Applicability; Laurie Kincaid; 206 Fire Road 3**

*Present: Laurie B. Kincaid, Applicant and Property Owner*

Acting Chair Tom Christopher read the public hearing notice into the record thereby convening the public hearing. The proposed work is within the 100-foot buffer zone. This is to be able to remove invasive and non-indigenous vegetation to allow healthy growth of mountain laurel. Laurie Kincaid said she wants to clear the hill of invasive and non-indigenous vegetation because the mountain laurel is getting choked out. David Koonce said the slope is in the back of the house. She wants to get rid of everything except mountain laurel. He said the main concern is erosion since he is not sure mountain laurel will keep it stable. Tom Christopher said he wants to continue this and have Ms. Kincaid come back with photos and a sketch with more information of the invasive species being removed and what species she will be using to replant. Ms. Laurie Kincaid asked for a continuance. **A motion was made by Bonnie-Mae Smith to continue the public hearing until the November 26, 2019 meeting. James Lavallee seconded the motion. VOTE: 6-0-0.** Ms. Kincaid asked if this could be continued to the December meeting. **A motion was made by James Lavallee to amend the previous motion to continue the public hearing to the December 10, 2019 meeting. Bonnie-Mae Smith seconded the motion. VOTE: 6-0-0.**

**Public Hearing – Notice of Intent (cont'd from 10.22.19); Shannon Smith; 42 Schumacher Road**

*Present: Brandon Ducharme/Ducharme & Dillis Civil Design Group, representing Applicant*

David Koonce said he did a site visit and checked the wetland delineation. He said they added one flag 12A which does not impact the project at all. David Koonce recommended the hearing be closed and the Commission issue an order of conditions approving the project. **A motion was made by Bonnie-Mae Smith to close the hearing. James Lavallee seconded the motion. VOTE: 6-0-0.**

**A motion was made by Bonnie-Mae Smith to issue an order of conditions approving the project. James Lavallee seconded the motion. VOTE: 6-0-0.**

**Public Hearing – Notice of Intent (cont'd from 10.22.19); Crescent Builders, Inc.; Sterling Road (Map 41, Lot 34.B)**

David Koonce said he received a request from the applicant to continue the public hearing until the November 26, 2019 meeting. He said the applicants engineer is still reviewing the Commission's peer reviewer consultants' letter on stormwater. **A motion was made by James Lavallee to approve the request for a continuance until the November 26, 2019 meeting. Bonnie-Mae Smith seconded the motion. VOTE: 6-0-0.**

**New Business**

David Koonce said he wanted to let the Commission members know that the town has been notified on a right of first refusal for a 15-acre parcel on Deershorn Road. David Koonce said this is owned by the Kilbourn Estate. The matching offer would have to be \$525,000. He said this will be an agenda item at the November 26, 2019 meeting.

**Old Business**

Fort Pond Dam, water level; vote possible

Acting Chair Tom Christopher recused himself from the discussion but said he will moderate the discussion.

David Koonce gave background of what has happened. He said in the summer he received concerns about the water level being quite low. He went out and there was normally a board in the spillway of the dam, but it was not there now. He said either the board came out naturally or someone had taken it out. He said he contacted the dam owner and expressed concern. The owner said he would place a board in the dam. David Koonce said he did a site visit, and he did not see any board in the spillway. He said he spoke with the owner and the owner said he

would place a board. David Koonce said in there now is a 2x10 or 2x12 board. It should have been a 2x4, but he was not specific with the owner.

Multiple abutters came forward to complain about the water level. David Koonce read two emails received into the record.

Clayton Arvidson came forward and submitted a formal request to the Conservation Commission to decide under Chapter 131 section 40 on the dam.

Tom Christopher stepped back in as the moderator and said the residents have spoken. The addition of a 10 foot stop log is causing problems around the lake. There should be discussion of an emergency order of certification being issued perhaps directed at Mr. Quinty the dam owner. Tom Christopher stepped back out again and recused himself.

David Koonce said the Conservation Commission should approve lowering of the water through an emergency order of conditions. The sandbags should come out first and then the board. With the sandbags taken out the water can move through. David Koonce said he will include in the order of certification he will emphasize a notice of intent needs to be filed for repair of the dam. Tom Christopher stepped back in.

**A motion was made by James Lavallee to instruct David Koonce to issue an emergency certification and contact Mr. Quinty to remove the board in a controlled manner by removing the sandbags first so it is a slow release and then the Board. Shawn Corbett seconded the motion. VOTE: 5-0-1(Tom Christopher abstained).**

**Thomas Seidenberg commented the Commission needs to make sure to talk about this and establish a level with an order of conditions. He said this needs to be put on the calendar and the Commission needs to do due diligence.**

**Items for Approval and/or Signature**-Determination of Applicability (Town of Lancaster; Hilltop/George Hill Roads)-The Commission members signed the determination of applicability.

### **Adjourn**

**A motion was made by James Lavallee and seconded by Thomas Seidenberg to adjourn. VOTE: 6-0-0.**

The meeting was adjourned at 8:41 PM.

Respectfully submitted

Debra Dennis