

TOWN OF LANCASTER  
CONSERVATION COMMISSION  
Lancaster Community Center  
March 28, 2017

Present: Chair Ken Rapoza, Thomas Christopher, Peter Farmer, Jim Lavallee, and Bonnie-Mae Smith (arrived at 7:04 PM)

Absent: Nathan Stevens, Vice-Chair and Ruth Anderson,

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.

**Approval of Minutes February 28, 2017 meetings**

The Commission reviewed the minutes from February 14, 2017

**At 7:03 PM Mr. Jim Lavallee made a motion to approve the minutes from February 28, 2017 as written. Mr. Peter Farmer seconded. No discussion. VOTE: 4-0-0.**

**Public Hearing – Request for Determination of Applicability, Town of Lancaster DPW, 36 & 66 Shirley Road**

**At 7:06 PM Chair Ken 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 property owner Lancaster Department of Public Works for proposed work within 100-foot Buffer Zone to Bordering Vegetated Wetlands and a Perennial Stream at 36 and 66 Shirley Road, further identified as Assessor's Map 30, Lots 43 and 44 the project entails improvements to surface drainage.**

There was no one present at the time of the hearing.

Mr. David Koonce stated that he spoke DPW Director, Kevin Bartlett, regarding the proposed work. Mr. Koonce stated that the proposed work is pretty simple and will consist of some drainage work along Shirley Road in the areas of 36 and 66 Shirley Road.

Mr. Koonce stated that Mr. Bartlett informed him that he had permission from the property owners for the work along the road.

Chair Rapoza stated that before the Commission closing the hearing he would like to see the letters from the property owners giving the DPW permission to do work on their property.

**At 7:10 PM Mr. Jim Lavallee made a motion to continue the public hearing for the Request for Determination of Applicability for the Town of Lancaster Department of Public Works at 36 and 66 Shirley Road. Mr. Thomas Christopher seconded. No discussion. VOTE: 5-0-0.**

## **New Business**

### **Discussion, DPW dumping snow in the Nashua River**

Chair Rapoza stated that a resident called DEP to report that the DPW was dumping snow into the Nashua River after the last snow storm a few weeks ago. Chair Rapoza stated that a letter should be sent to Superintendent, Kevin Bartlett stating that a complaint was made about the snow and that the DPW should work with the Commission on appropriate areas to store snow.

### **Discussion, Pellicchia Canoe Launch**

Mr. Thomas Christopher stated then the Determination he had received for the work to build the Pellicchia Canoe Launch stated that all the work would be done by hand. Mr. Christopher stated that there is some dirt that needs a machinery to remove and the DPW has offered to do the work.

Mr. Koonce asked if any erosion controls would be needed on site.

Mr. Christopher stated that there is a very small amount of dirt that needs to be removed it will be done in a single day and there is no need for erosion controls.

**At 7:13 PM Mr. Peter Farmer made a motion to allow for the machinery to be used in to remove dirt from the site. Mr. Jim Lavalley seconded. No discussion. VOTE: 4-0-1, Mr. Christopher abstained.**

### **Certificate of Compliance DEP file number 193-0215, Eagle Ridge Sub-division**

Mr. Koonce stated that he has drafted the Certificate of Compliance for Eagle Ridge but has been unable to find the as built plan that shows the replication area. Mr. Koonce stated that he was supposed to go out on the site with Peter Farmer to view the replication area to ensure it was completed but the site inspection was cancelled due to snow.

Mr. Peter Farmer stated that he would be happy to meet Mr. Koonce out on the site next week to show him where the replication area is in the subdivision.

Mr. Koonce suggested to the Commission that they approve the Certificate of Compliance and sign tonight and he will hold off on issuing it until he is able to verify the replication area.

**At 7:15 PM Mr. Peter Farmer made a motion to issue a Certificate of Compliance for DEP file number 193-0215, Eagle Ridge Subdivision and not release till Mr. Koonce has been out on site to verify the replication area. Mr. Jim Lavalley seconded. No discussion. VOTE: 5-0-0.**

### **Public Hearing – Request for Determination of Applicability, Southern New England Conference of SDA, Narrows Road**

*Present: Jeff Linthwaite*

**At 7:16 PM Chair Ken 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 Jeff Linthwaite on behalf of property owner Southern New England Conference Association of SDA for proposed work in the 100-foot Buffer Zone to a Perennial Stream at Narrow Road, further identified**

**as Assessor's Map 37, Lot 86. The project entails removal of illicitly dumped junk/trash/debris and organic matter. Also, cutting and removal of invasive vegetation followed by maintenance of subject area with regular mowing.**

Mr. Jeff Linthwaite stated that the parcel of land is a vacant lot along Narrows Road that has become very overgrown and a dumping area. Mr. Linthwaite stated that he has been doing some clearing and cutting and wanted to come before the Commission for permission to continue working since he is getting close to the stream on the property.

Mr. Thomas Christopher asked what types of items have been dumped on the property.

Mr. Koonce stated that mostly lawn clippings, old planters, and dead animals. Mr. Koonce went on to state that no trees should be taken down on the property but there are a few shrubs that will need to be removed but would like to know for sure that they are invasive before they are removed.

Mr. Christopher asked if any machinery will be used on the property.

Mr. Linthwaite stated that he has a brush hog on the back of a small tractor that he has been using to clear the areas as there are a lot of briars on the property.

**At 7:23 PM Mr. Thomas Christopher made a motion to close the public hearing for the Request for Determination for Narrows Road. Ms. Bonnie Mae Smith seconded. No discussion. VOTE: 5-0-0.**

**At 7:24 PM Mr. Thomas Christopher made a motion to issue a Negative Determination of Applicability with standard conditions for Narrows Road. Mr. Bonnie Mae Smith seconded. No discussion. VOTE: 5-0-0.**

**The Next two hearings are for adjacent properties and per the representatives request will be held at the same time.**

**Public Hearing – Notice of Intent, McGovern Boulevard Lots, LLC McGovern Boulevard Lot 14-4H-1A**

**At 7:25 PM Chair Ken Rapoza read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a Notice of Intent Steven Boucher on behalf of property owner McGovern Boulevard Lots, LLC for proposed work within 200-foot Riverfront Area at McGovern Boulevard, further identified as Assessor's Map 14, Lot 4H-1A (proposed). The project entails development of a public water supply well.**

**Public Hearing –Notice of Intent, McGovern Boulevard Lots, LLC McGovern Boulevard Lot 14-4H-1B**

*Mr. Bill Hannigan, Hannigan Engineering*

**At 7:25 PM Chair Ken Rapoza read aloud a Notice of Public Hearing thereby convening a public hearing for the purpose of considering a Notice of Intent Steven Boucher on behalf of property owner McGovern Boulevard Lots, LLC for proposed work within 200-foot Riverfront Area at McGovern Boulevard, further identified as Assessor's Map 14, Lot 4H-1B (proposed). The project entails development of a public water supply well.**

Mr. Hannigan stated that the developments on the sites are ready to move forward after some delay regarding septic permits. Mr. Hannigan stated that now both properties need to drill wells for the proposed developments on site. Mr. Hannigan stated that the 2 wells will be located adjacent to McGovern Brook, the two lots will be created by and ANR plan after the wells are permitted by DEP.

Chair Rapoza asked if the well lines will cross McGovern Brook on the existing bridge.

Mr. Hannigan stated that it will.

Mr. Hannigan stated that the first well will service a Dunkin Donuts and the second well will service a gas station.

Mr. Koonce asked if the wells will be temporary.

Mr. Hannigan stated that the wells are temporary till a higher demand is created needing a public water supply. Mr. Hannigan stated that the wells could be in use for 5 – 10 years before a larger demand in needed.

Mr. Koonce stated that he would like to see a construction sequence on the plans for the well construction.

Mr. Hannigan went over the construction sequence for the Commission but stated that he will also draft a new plan with the sequence included.

Mr. Hannigan stated that during the 48 hour well test they would like to be able to discharge into the brook, and asked if it could be decided onsite during a site inspection to do so.

The Commission had a discussion regarding the Riverfront restoration details for the proposed wells.

Mr. Hannigan stated that utilities are exempt from the restoration requirement but was unable to locate the wording in the Riverfront Act.

Mr. Hannigan requested a continuance to both hearings in order to get requested information to the Commission.

**At 8:12 PM Mr. Peter Farmer made a motion to continue the two public hearings for McGovern Boulevard Lots 14-4H-1A (proposed) and 14-4H-1B (proposed). Mr. Jim Lavalley seconded. No discussion. VOTE: 5-0-0.**

### **New Business**

#### **Discussion, Update to the Earth Products Removal Bylaw**

Mr. Farmer stated that he wanted to give the Commission a brief update regarding the Earth Products Removal Committee in which he is the Commission's representative for. Mr. Farmer stated that the Committee is has drafted a Earth Products Removal Bylaw which will give the permitting authority to the Planning Board.

Mr. Thomas Christopher stated that the draft Bylaw has been given to the Board of Selectman for review.

Mr. Farmer stated that he wanted the Commission to see what the Committee has been up to the last few months.

Mr. Christopher stated that he gave the Committee some input in drafting the Bylaw that is based on Hubbardston Earth Product Removal Bylaw.

**Discussion, Proposed Amendment to definition of “Pond” in the Lancaster Wetlands Protection Bylaw**

Mr. Farmer stated that the Wetlands Bylaw falls under home rule and can be made to be more strict than then state regulations. Mr. Farmer stated that he is proposing that the Commission make the Water Withdraw Bylaw include all water withdrawn in quarries. Mr. Farmer stated that there are no laws to regulate the water in quarries. Mr. Farmer went on to state that there is no controls on how much water is being pumped out at Keating’s quarry since under the existing bylaws it is exempt.

The Commission had a brief discussion on the Keating quarry and the possibility of changing the Water Withdraw Bylaw.

MR. Koonce suggested that Town Council would need to review any changes to the Bylaws.

Mr. Christopher stated that the change should be made in the Water Withdraw Bylaw not the Lancaster local wetlands bylaw.

**Adjourn**

There being no further business to discuss, the public meeting adjourned at 8:56 PM.

Respectfully submitted,

Heather Hampson  
Office Manager