

TOWN OF LANCASTER
CONSERVATION COMMISSION
Lancaster Community Center
April 12, 2016

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

Absent: Ken Rapoza, Chair

Also Present: David Koonce, Conservation Agent

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

Public Hearing – Request for Determination of Applicability, Pan Am Railways, Railroad line right-of-way

Present: There was on one present at the time of hearing

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 property owner Pan Am Railways, Inc. to confirm the boundaries of wetland resource areas adjacent to the railroad right-of-way preliminary to the application of herbicides for purposes of annual vegetation management.

Mr. David Koonce stated that there would be no one coming from the Railroad to the meeting but stated that the Request only covers the no spray area. Mr. Koonce stated that the Commission went out on site two years ago to walk the no spray areas. Mr. Koonce also stated that the Commission went to look at the site last year for the 5 year permit.

Mr. Koonce stated that he received a chemical list from Pan Am as requested.

At 7:04 PM Mr. Thomas Christopher made a motion to close the public hearing for Pan Am Railways. Mr. Jim Lavallee seconded. No discussion. Vote: 5-0-0.

At 7:05 PM Mr. Thomas Christopher made a motion to grant a positive Determination for Pan Am Railways. Mr. Peter Farmer seconded. No discussion. VOTE: 5-0-0.

Public Hearing – Request for Determination of Applicability, Michael Gill, Lot #3 Sterling Road

Present: Michael Gill

At 7:05 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 Michael Gill for proposed work within the 200-foot Riverfront Area to an Intermittent Stream at Lot 3 Sterling Road, further identified as a portion of Assessor's Map 41, Lot 34. The project entails construction of a new single-family house and associated driveway access, installation of utilities, and grading/landscaping.

Mr. Koonce gave a brief background on the application, stating that originally the house was within the 200 foot river front. Mr. Koonce and Mr. Thomas Christopher both went out on a site inspection and it was discovered that there is a stream near the property and soil samples showed hydraulic soils enlarging the wetland on the property.

Mr. Koonce suggested that due to the enlarged wetlands that the project has a positive Determination so a Notice of Intent is filed for the project.

Mr. Christopher stated that there was wetland plants also found on the property similar to a wet meadow and also suggested that a Notice of Intent be filed for the work on the property.

Mr. Michael Gill stated that there is a berm on the property that must have been placed there by an old farmer that has allowed the wetlands to develop.

Mr. Christopher stated that a Notice of Intent needs to be filed regardless of the berm.

At 7:15 PM Mr. Peter Farmer made a motion to close the public hearing for Lot 3 Sterling Road. Mr. Thomas Christopher seconded. No discussion. VOTE: 5-0-0.

At 7:15 PM Mr. Peter Farmer made a motion to issue a positive Determination for Lot 3 Sterling Road. Mr. Jim Lavallee seconded. No discussion. VOTE: 5-0-0.

Public Hearing – Notice of Intent, Bolivar Vivanco & Jennifer Caulfield, 39 Ponakin Road

Present: Steve Sears, David E. Ross Associates and Jennifer Caulfield, owner

At 7:16 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 owners Bolivar Vivanco and Jennifer Caulfield for proposed work proposed work in the 100-foot Buffer Zone to Bordering Vegetated Wetlands at 39 Ponakin Road, further identified as Assessor's Map 25, Lot 19. The project entails repair/upgrade to meet Title 5 requirements for a failed sewage disposal system serving an existing single-family house. The work includes installation of a 2,500-gallon septic tank, 1500-gallon pump chamber, fifteen feet of 2-inch diameter force main, and construction of a new leach area.

Mr. Steve Sears stated that there is an existing 7 bedroom multifamily house with a failed septic system on the property. The plan is to upgrade the system and all work will be done on an existing lawn with no removal of any vegetation and all work is outside the 100 foot River front.

Mr. Peter Farmer asked if any material would need to be brought in for fill.

Mr. Sears stated that sand will need to be brought in since this will be a mounded system.

Mr. Koonce asked if the Board of Health approved the plans.

Mr. Sears stated that they Board has not issued the septic permit at this time but Bill Brookings, the Health Agent, has reviewed the plans and has no comments.

At 7:29 PM Mr. Thomas Christopher made a motion to close the public hearing for 39 Ponakin Road. Mr. Peter Farmer seconded. No discussion. VOTE: 5-0-0.

At 7:29 PM Mr. Peter Farmer made a motion to issue an Order of Conditions for 39 Ponakin Road with standard conditions pending Board of Health approval. Mr. Jim Lavalley seconded. No discussion. VOTE: 5-0-0.

Public Hearing (cont'd) – Notice of Intent, I.C. Federal Credit Union, 30 Perry Road

Mr. David Koonce stated that he spoke to the engineer for the project and he has asked for a continuance to the next meeting on April 26th. Mr. Koonce stated that the engineer has been in contact with the Knights of Kaleva and they have come to an agreement to allow for the installation of the new tight tank on the property.

Items for Approval and/or Signature

Order of Conditions 193-0527 (Spectrum Builders; 637 – 851 Sterling Road)

The Commission reviewed and signed the Order of Conditions for 637-851 Sterling Road, DEP file number 193-0527.

New Business

Discussion, Earth Product Removal Committee

Mr. Peter Farmer gave the Commission an update on the Earth Product Removal Committees discussions with the renewal of P.J. Keating's permit.

Discussion, Shirley Water District Environmental Notification Form (ENF)

Mr. Koonce stated that there is a meeting in Shirley on April 20th to discuss the Environmental Notification report regarding the proposed new well in the Town of Shirley. Mr. Koonce also stated that he would like to send comments ahead of the meeting on the report to MEPA. Mr. Koonce stated that he has concerns with the report and the condition of Bow Brook.

Mr. Christopher stated that he had read the ENF report and had some concerns with the draw, and stated that he will give Mr. Koonce his comments to submit to MEPA.

Mr. Koonce stated that he would like a vote from the Commission to allow him to send comments to MEPA on their behalf.

At 8:01 PM Mr. Peter Farmer made a motion to allow Mr. Koonce to draft a letter in response to the ENF report to MEPA regarding the new proposed well in the Town Shirley. Ms. Ruth Anderson seconded. No discussion. VOTE: 5-0-0.

Discussion, Town Meeting Warrant Articles

Present: Tim Castner, Town Forest Committee

Mr. Koonce stated that the Commission will have three warrant articles for town meeting on May 2nd.

The first article is for the transfer of 3 accessor's parcels from the Board of Selectman to the Town Forest Committee ownership.

Mr. Tim Castner stated that with the addition of land the Town Forest Committee is hoping to create more trails and create a memorial trail and have a bench for former Selectman Eugene Christoph.

Mr. Castner went on to state that the Forest Committee will have other parcels that they will bring forth to fall town meeting.

Mr. Koonce stated that the second article is for parcel 13.4.

The last article is for a transfer of funds from an old account to the Commissions account to help pay for additional title searches.

At 8:30 PM Vice-Chair Nathan Stevens made a motion to close the public meeting of the Lancaster Conservation Commission and enter into Executive Session for the purpose of discussing strategy with respect to litigation, and not return to public meeting. Mr. Peter Farmer seconded.

Roll Call Vote: Mr. Peter Farmer, Aye; Mr. Jim Lavalley, Aye; Ms. Ruth Anderson, Aye; Mr. Thomas Christopher, Aye; and Vice-Chair Mr. Nathan Stevens, Aye.

Adjourn

There being no further business to discuss, the public meeting adjourned at 8:30 PM.

Respectfully submitted,

Heather Hampson
Office Manager