**TOWN OF LANCASTER**

**CONSERVATION COMMISSION**

**Meeting Minutes**

**April 12th, 2022**

Members Present: Chair Tom Christopher, Vice-Chair Tom Seidenberg, Greg Jackson, Donald Chaisson.

Bruce McGregor checked in after the roll was called.

Not present: James Lavallee

Also Present: Jasmin Farinacci (Town Planner)

List of documents presented:

* **Brett Joyce – 2455 Main Street - Request for Certificate of Compliance**
* **Phillip Rimbach - 860 Lunenburg Road – Request for Determination of Applicability**
* **New England Power Company – Brockelman Road and Lunenburg Road – Notice of Intent**
* **(Cont. Public Hearing from 3/22/22) - Fort Devens. Update - Mike Penney; Geo-insight**
* **(Cont. Public Hearing) - Scott Morrison - 580 Fort Pond Road; Ecotec.**
* **(Cont. Public Hearing from 3/22/22) - Michael & Elaine Jewett - 748 Old Union Tpke. (Assessor’s Map 88, Lot 6) - McCarty Engineering**
* **(Cont. Public Hearing from 3/22/22) - Laurie Kincaid, 206 Fire Rd. #3. (Assessors Map 10, Lot 7-B-7.A). McCarty Engineering - requested continuance to 4-26-22**
* **(Cont. Public Hearing from 2/28/22) - Brenda Baer – 303.5 Deershorn Road - requested continuance to 4-26-22**

**Mr. Christopher called the meeting to order at 7:00PM**

**2455 Main Street - Request for Certificate of Compliance**

*Present: Brett Joyce (applicant)*

1. Mr. Joyce was having feedback issues with his microphone.
2. Mr. Christopher recommended the commission move along and come back to Mr. Joyce.
3. Mr. Joyce said he was able to connect his audio. He said the septic system was installed in 1999. He said some documents were registered at the registry of deeds, but he forgot to register the certificate of compliance. He said the property was sold in February of 2022. At the time of the closing, the attorney realized the certificate had never been recorded at the registry of deeds. He said he wants to close everything out and get a certificate of compliance.
4. Mr. Seidenberg made a motion to issue a certificate of compliance and it was seconded by Mr. Chaisson.
5. Mr. Jackson asked if anyone had verified that the work was done correctly.
6. Mr. Christopher said he had not been out to the property, but Mr. Joyce was approved by the board of health and passed the title 5, which indicates the work was completed. He said normally he would inspect the site prior to the issuance of a certificate of compliance but there are time constraints.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, Bruce McGregor recused (was not present for the beginning of the discussion), Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

**860 Lunenburg Road – Request for Determination of Applicability**

*Present: Phillip Rimbach (representing applicant)*

1. Mr. Christopher said the public hearing notices have not been drafted for this project or for Brockelman Road and Lunenburg Road yet and he recommended that the commission move on to the next hearing.
2. Ms. Farinacci said that both hearing notices were drafted and should posted in the news paper for April 1st.
3. Mr. Christopher said that he saw the hearings posted in the newspaper, but he did not have any copies sent to him.
4. Ms. Farinacci shared her screen with the public hearing notice for 860 Lunenberg Rd.
5. Mr. Christopher read the notice aloud.
6. Mr. Rimbach said he is looking to replace a deck.
7. Ms. Farinacci shared the notice of intent and site plan with the commission.
8. Mr. Rimbach said they are proposing an 8x16’ deck. The deck with 115 feet of spectacle brook. He said they would demo the deck, dispose of the pieces, then screwing in new footings which would remove the need for excavation in the site.
9. Mr. Jackson said the deck looks like multiple dimensions, so he asked for clarification. He also said the drawing does not show the limit of work. He wanted to make sure there is no additional tree clearing. Discussion ensued.
10. Mr. Chaisson asked for some clarification on details of the proposed deck, discussion ensued.
11. Mr. Chaisson made a motion to issue a negative determination of applicability with the condition not to cause any alterations to any bordering vegetative wetlands or buffers. The Motion was seconded by Mr. McGregor.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

**Brockelman Road and Lunenburg Road – Notice of Intent**

*Present: Jen Bonta, TRC (representing New England Power Company)*

1. Mr. Christopher read the public hearing notice for the commission.
2. Ms. Bonta said they are proposing to drill exploratory borings to help with the design of the project. 3 of the soil borings would occur within the buffer zone, 2 of the borings are within riverfront areas and the 25-foot no-build zone. She said there are no permanent impacts as a result of the work. The borings will be done with a drill 35 feet into the ground and they will also take soil samples. She showed a map of the proposed area where the borings will occur and explained in detail where the borings will occur. She said best management practices will be enacted to minimize any impacts from the work. This includes construction mats, restoration of disturbed areas with native wetland seed, and erosion control measures. She said they are looking for permit authorization from the commission to conduct the borings.
3. Mr. Jackson asked for clarification on the type of drill to be used. Discussion ensued.
4. Mr. McGregor made the motion to close the hearing and it was seconded by Mr. Seidenberg.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

1. Mr. Seidenberg made the motion to issue an order of conditions for the project and it was seconded by Mr. Chaisson.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

**(Cont. Public Hearing from 3/22/22) - Fort Devens**

*Present: Mike Penney; Geo-insight (representing Fort Devens)*

1. Mr. Christopher said the Mr. Penney has put together some additional drawings and a narrative explaining what the fort is proposing.
2. The representatives gave an overview of the current mitigation plan. They are propping an area of wetland restoration with a 3:1 ratio of wetland creation to impacted areas which amount to >21000 square feet. There are 2.6 acres of enhancement to the 100-foot buffer areas. They added two areas that are designated as turtle nesting habitat. There will be a wildlife passage culvert and a secondary culvert. They shared an overview of the proposed facility with the wetland areas outlined. Discussion ensued.
3. Mr. Christopher said that these plans are a substantial improvement from what was submitted in the past. He said that the commission is able to visit the site now, but he is more interested in doing a site visit after the work is completed.
4. Mr. Chaisson made the motion to close the hearing and it was seconded by Mr. Seidenberg. There was no further discussion.

**Roll Call Vote to close the hearing: Thomas Seidenberg yes, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

1. Mr. McGregor made the motion to issue an order of condition to Fort Devens and seconded by Mr. Seidenberg.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson abstained, Thomas Christopher yes. The motion was passed.**

**(Cont. Public Hearing) - 580 Fort Pond Road**

1. Mr. Christopher said that this hearing was already continued to April 26th, 2022, and this would not require a roll vote. He said the field work to investigate vernal pools should be completed by that date.

**(Cont. Public Hearing from 3/22/22)- 748 Old Union Tpke**

1. Mr. Christopher said that this hearing was continued to April 26th, 2022.
2. Mr. Seidenberg made the motion to continue the hearing AND SECONDED by Mr. Chaisson.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

**(Cont. Public Hearing from 3/22/22) 206 Fire Rd. #3**

1. Mr. Christopher said that this hearing was continued to April 26th, 2022.
2. Mr. Seidenberg made the motion to continue the hearing AND SECONDED by Mr. Chaisson.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

**(Cont. Public Hearing from 2/28/22)- 303.5 Deershorn Road**

1. Mr. Christopher said that this hearing was continued to April 26th, 2022.
2. Mr. Seidenberg made the motion to continue the hearing, it was seconded by Mr. McGregor.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

**Old Business: Discussion on beaver damming issue near Mary Catherine Drive in Conservation land**

1. Mr. Jackson led the discussion. He gave the commission an update on the site visit. There was a site assessment in mid-March. They recommended a flow control device and a 10-inch pipe reaching 40 feet out into the pond. It also has a cage around it. This would make it difficult for the beavers to find the source of the leak.
2. Mr. Christopher shared his screen with the proposed plan from Beaver Solutions. Discussion ensued. He gave an overview of how the installation would take place according to the plan. He said the commission will need to vote to accept the proposal. He shared the invoice with the commission. He said the commission would need to vote to approve this as well. The commission will also need to approve a price increase of $200 accounting for the cost of gas for the beaver trappers.
3. Mr. Chaisson asked how the level is going to be established to make sure this is helpful to the abutters.
4. Mr. Christopher said the proposed work will measure the depth of the pond and that he suspects the water levels will decrease substantially.
5. Mr. Chaisson said he thinks a larger pipe will be necessary to brin the water level down.
6. Mr. Jackson said a 15-inch pipe would be more robust, but in the proposal, it says this is not necessary.
7. Mr. Arvidson (an abutter) recommended another company to do the work which might save the commission some money.
8. Mr. Jackson made the motion to pay the invoice to Beaver Solutions in the amount of $225 for a site assessment. Mr. Chaisson seconded the motion.

**Roll Call Vote: Thomas Seidenberg recused (as an abutter), Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

1. Mr. Jackson made the motion to approve the expenditure of $2,535 for the installation of a flexible pond leveler to be installed by Beaver Solutions. The motion was seconded by Mr. Chaisson.

**Roll Call Vote: Thomas Seidenberg recused, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

1. Mr. McGregor made the motion to employ beaver trappers for $2200 and it was seconded by Mr. Chaisson.

**Roll Call Vote: Thomas Seidenberg recused, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

1. Mr. Arvidson said there was an emergency order on the dam that has been going on for 8 months. He said someone on the conservation commission testified under oath that someone on the conservation commission asked an abutter directly to raise water on the dam.
2. Mr. Christopher said that anything concerning Fort Pond is not relevant to the discussion and that he would recuse himself. He said if Mr. Arvidson wants to discuss Fort Pond, he could add this to the agenda next week and recuse himself.
3. Mr. Arvidson said he wants an emergency order for more sandbags to protect his property. He said emergency orders do not have to be on the agenda.
4. Mr. Seidenberg said he can stop by Mr. Arvidson’s property tomorrow and this is a reasonable request.
5. Mr. Christopher said he agrees and he is happy to issue an emergency order if this is found to be necessary after the site visit.
6. Mr. Arvidson and Mr. Seidenberg discussed timing of the site visit.

**New Business: Community Preservation Act Funding (CPA)**

1. Mr. Jackson shared his screen with notes on the community preservation act and gave an overview of the act. He said once you have adopted CPA, you are eligible to participate in state funding. He said Lancaster has adopted CPA with a 1% surcharge on real estate taxes. He said the town has to develop a CPA plan and the budget will be presented to residents at the next annual town meeting. Writing the CPA plan includes developing an application form and he said there are neighboring tows which then can draw inspiration from. He said this includes the history of the budges and completed plans. They will also need to write guidelines for submission. He asked the commission to please start thinking about proposals. The fuds can be used to acquire new conservation land. He said he believes $162,000 in funds could be available for approval by the town at the next meeting.
2. Mr. Seidenberg asked if the town would be able to use the money to maintain a trail system. He said most likely the beaver dam project would not qualify for funding under CPA.
3. Mr. Jackson said trail maintenance could fall under recreation. He said some of the funds could be used for certain projects in trails, such as establishing new trails, bridges, parking lots, and trail signs, but he is not entirely sure. He said that Groton used the funds to eradicate invasive species on one of the lakes.
4. Mr. Seidenberg asked if there is a list of priority parcels.
5. Mr. Christopher gave some history on the Eagle Ridge project and some of the funding that was available for bridge and trail construction. He said the funds were deposited in the planning board account.

**Approve Minutes:**

 **July 13, 2021:**

**September 14, 2021:**

**The minutes were moved to the next meeting.**

**Adjourn**

Mr. McGregor made the motion to adjourn the meeting and it was seconded by Mr. Jackson.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, Bruce McGregor yes, Greg Jackson yes, Thomas Christopher yes. The motion was passed.**

**The meeting was adjourned at 8:56 PM**