



**TOWN OF LANCASTER
CONSERVATION COMMISSION**

Meeting Minutes

April 25th, 2023

Members Present: Chair Tom Christopher, Vice-Chair Tom Seidenberg, Bruce McGregor, Jim Lavallee, and Dennis Hubbard.

Also Present: Charlotte Steeves (Conservation Agent)

List of agenda items presented:

1. Notice of Intent- 171 Fort Pond Inn Road- Reynolds
2. Retroactive Notice of Intent – 35 Holiday Lane- Arsenault
3. Notice of Intent- 267 Brockelman Road- ZPB 2020-16, LLC.
4. Request for Certificate of Compliance- 584 Sterling Road- Gill
5. Cease and Desist- 397 Center Bridge Rd
6. Meeting Minutes 3-23-23
7. Meeting Minutes 3-28-23

Chairman Tom Christopher called the meeting to order at 7:00 PM.

Dennis Hubbard was recently appointed to the Lancaster Conservation Commission, and this was his first meeting as a voting member.

Public Hearing- Notice of Intent- 171 Fort Pond Inn Road- Reynolds

Present: Sean Reynolds (applicant and owner)

1. Mr. Christopher read the hearing notice. He noted that he helped Mr. Reynolds fill out the tree removal report and that he was there on a site visit with Ms. Steeves to inspect the trees on site. He said he is not a direct abutter, but he does live in the same neighborhood as Mr. Reynolds.
2. Mr. Reynolds said there is a runoff issue on Fort Pond Inn Road. He said this area of the property receives runoff and they would like to avoid any disasters from trees falling and causing damage to property. He said the roadway is not public access.
3. Ms. Steeves said she visited the site last week and it is clear that there are trees that are a hazard. She said the runoff is causing issues with the soil. She said there could be replanting in the area with species that could tolerate a more wet soil type due to the continuous runoff.
4. Mr. McGregor said it is important to make sure tree removal procedures are safe. He asked what type of vegetation could be used as replantings to mitigate the runoff issue.
5. Mr. Christopher said the runoff cannot be mitigated. He said the property is suffering from consequences that Mr. Reynolds has little control over. He said the area is periodically inundated and within the 25-to-50-foot buffer zone. He mentioned winterberry as a plant that would likely do well in that soil. He said the ash trees and red maples are infected and it is obvious from the photographs of the property. He said there is an opportunity for replanting.
6. Mr. Lavallee said he would like to see a planting list. He also asked how long the trees have been infected.

7. Mr. Reynolds said it is an ongoing issue. He said a large chunk of an ash tree fell down recently and embedded itself into the ground. He said it is not just a seasonal issue, it is ongoing, and only getting worse. He also said a number of trees have been uprooted in adjacent properties and he worries this may also be an issue on his property. This would likely shut down the roadway and block culverts, resulting in a much larger problem.
8. Mr. Lavallee asked if there is any other mitigation that could take place.
9. Mr. Christopher said no, this is an ongoing problem.
10. Mr. Seidenberg asked if this would be a clearcut.
11. Mr. Christopher said there are no trees in that area that are worth saving and the infected trees are significant. He said the nectria canker could spread to other trees nearby. He said it is important that the area be replanted with vegetation that can tolerate that wet condition from the runoff.
12. Mr. Hubbard asked if the areal lift would be running from the road or if room needs to be cleared.
13. Mr. Reynolds said everything would be done from the roadway and he would prefer no equipment to enter his property. This would not be needed. He intends to leave the stumps in place.
14. Mr. McGregor made the motion to close the hearing. It was seconded by Mr. Hubbard.

Roll Call Vote: Thomas Seidenberg yes, Jim Lavallee yes, Bruce McGregor yes, Dennis Hubbard yes, Tom Christopher yes. The motion was passed.

15. Mr. Christopher suggested that a standard order of conditions be granted to Mr. Reynolds with proper erosion controls installed before trees are removed and that he submit a list of plant material to be replanted prior to the work being done.
16. The motion was made by Mr. Seidenberg and seconded by Mr. Lavallee.

Roll Call Vote: Thomas Seidenberg yes, Jim Lavallee yes, Bruce McGregor yes, Dennis Hubbard yes, Tom Christopher yes. The motion was passed.

Retroactive Notice of Intent – 35 Holiday Lane- Arsenault

1. Mr. Christopher read the hearing notice. He asked if Mr. Arsenault was present at the hearing.
2. Ms. Steeves said Mr. Arsenault has the public hearing notice, but she has not talked with him this week.
3. Mr. Seidenberg suggested that the commission moves the hearing to the end of the agenda to see if Mr. Arsenault shows up to the meeting.

Roll Call Vote to move the hearing to the end of the agenda: Thomas Seidenberg yes, Jim Lavallee yes, Bruce McGregor yes, Dennis Hubbard yes, Tom Christopher yes. The motion was passed.

Notice of Intent- 267 Brockelman Road- ZPB 2020-16, LLC.

Present: Tom Corbett and Andres Kendall (Representing applicant)

1. Mr. Christopher read the hearing notice.

2. Mr. Corbett shared his screen with the site plan and gave an overview of the project. He said there is an existing access road serving as a farm road and access to an adjacent solar field. He said the existing condition is pasture. There is an isolated vegetated wetland and a riverfront area within proximity to the proposed project. The proposed project includes electrical equipment, a transformer, a total of 8 containers spaced 10 feet apart, and two inverters. He said they would provide a vegetation buffer and a berm. Everything would be fenced in with a 7-foot fence. They are also providing a rain garden within the 200-foot buffer. He said the system itself is entirely outside of the 200-foot buffer.
3. Ms. Kendall detailed an overview of the existing conditions. She said there is a perennial stream that feeds into a designated cold-water fishery. There is also a Natural Heritage estimated habitat for rare species. There is already a solar array on the property. Their proposed project would have just over a half-acre footprint. She showed several site photos that were included in the NOI application. There would be no tree clearing.
4. Ms. Steeves said that during the site visit, she noted that it is evident that the area is disturbed for agricultural use. She mentioned that there is runoff coming from the agricultural area.
5. Mr. Christopher reiterated that the project is located in a highly disturbed area, and that the runoff coming from the property is not well maintained. He said this is an ongoing issue.
6. Mr. Lavallee said he noticed the units have a liquid cooling system and he asked if this presents any new hazards to the site.
7. Mr. Corbett said there is a closed loop cooling system. He said these have the ability to be flushed out safely. Secondary containment is 243% of the coolant capacity. The coolant is 60/40 ethylene glycol.
8. Mr. Christopher said the rain garden would have a substantial capacity to control runoff. He said the units are well contained.
9. Mr. Seidenberg asked for a description of the rain garden.
10. Ms. Kendall said the rain garden would act as a detention basin. She said it will be planted with a variety of plants and act as a mini vegetated wetland. It would be allowed to infiltrate and suits the needs for this type of setting. The plants would improve water quality.
11. Mr. Corbett said the area would be fenced in and animals on the property would not be allowed to enter.
12. Mr. Seidenberg said he would like to see the fence on the updated plan. He asked for a description of the well cap.
13. Mr. Corbett said this is an abandoned well which has not been used in a long time. It will be capped.
14. Mr. Seidenberg said the fire department can flood the containers in the event of a fire and he asked where the runoff would go in the event that a fire occurs.
15. Mr. Corbett said the containers have dry pipes which satisfy the requirements of the UL and NFPA and gives the ability to the fire department to have a connection outside the gate. He said it is best to let the fires burn out on their own. Propagation and fire spread is not a concern with these systems. If water is put on them, it would flow to the basin.
16. Mr. Seidenberg asked for a description of the fence.
17. Mr. Corbett said the fence would be at the base of the 104 line. They do not want animals up to the slope of the berm.

18. Ms. Steeves said they had talked about adding mitigative vegetation along the access road and she asked for clarification on that plan.
19. Mr. Christopher said he was concerned about the impacts to Wekepeke Brook and priority habitat. However, there is an existing stone wall along the left side of the roadway which would somewhat contain runoff. He said there might be opportunities to plant vegetation along the wall. He said Mr. Corbett was going to have a conversation with the abutter to get some input for the vegetation enhancement.
20. Mr. Corbett said the lifetime of the batteries is 15-30 years. He said they expect about a 25-year timeline. The systems come pre-assembled and there is no assembly needed onsite. They will be craned on to concrete pads.
21. Mr. Seidenberg asked what happens after the lifespan runs out. He asked if this requires a decommissioning plan.
22. Mr. Christopher said the planning board would ask for a decommissioning fund.
23. Mr. Corbett said an existing concrete pad would be removed. There is a small overlap with the buffer zone.
24. Mr. Christopher said normally, the commission would like to have these types of plans peer reviewed. The planning board already has a peer review scheduled with CEI for the site. Mr. Christopher asked if the peer reviewer can also look at the environmental components of the site, including the riverfront areas and priority habitat. This could be a joint report between planning and conservation.
25. Ms. Steeves said she would schedule this, but it would also have to be approved by Ms. Hodges.
26. Mr. Corbett requested a continuance to the next meeting on May 9th, 2023.
27. Mr. McGregor made the motion to grant a continuance and it was seconded by Mr. Hubbard.

Roll Call Vote: Thomas Seidenberg yes, Jim Lavallee yes, Bruce McGregor yes, Mr. Hubbard yes, Tom Christopher yes. The motion was passed.

Request for Certificate of Compliance- 584 Sterling Road- Gill

Applicant not present

1. Mr. Christopher said this project was before the commission before any of the current members were part of the commission. He said the former agent re-delineated the wetland line at the site and the line was moved substantially. He said the Gills continued with their construction and have fulfilled the requirements of the order of conditions. He said there is also a signed and stamped as-built plan from a registered engineer firm.
2. Mr. Seidenberg asked if the driveway is on the original plans.
3. Mr. Christopher said he reviewed the plans, and the driveway was there.
4. Mr. McGregor made the motion to grant a certificate of compliance and it was seconded by Mr. Seidenberg.

Roll Call Vote: Thomas Seidenberg yes, Jim Lavallee yes, Bruce McGregor yes, Mr. Hubbard yes, Tom Christopher yes. The motion was passed.

Violation 396 Center Bridge Road

1. Ms. Steeves said she visited the site with Mr. Christopher. She said she has been in touch with Mr. Pittol's assistant who is working to hire an engineer for the retroactive NOI filing. She said the property owners were truly unaware of the bylaws and the violations that was committed. She said the site is disturbed with around 2 feet of fill and concrete pads within the 200-foot riparian zone. She does not recommend punishing the property owners, as they did not willfully violate the wetland laws.
2. Mr. Christopher said the area was filled during the winter months with aggregate. This was done so that the property owners could get to their storage containers. He said he gave the name of several engineering firms. They property owners were anxious to get things right. He said he would like the work that has been done to become part of the record. \

MEETING MINUTES

1. **Mr. Seidenberg made the motion to approve the meeting minutes from 3-23-23 and it was seconded by Mr. Lavallee.**

Roll Call Vote: Thomas Seidenberg yes, Jim Lavallee yes, Bruce McGregor yes, Mr. Hubbard abstained, Tom Christopher yes. The motion was passed.

2. **Mr. Seidenberg said he had several editorial comments for the meeting minutes from 3-28-23. He made the motion to approve the minutes with the aforementioned corrections. It was seconded by Mr. McGregor.**

Roll Call Vote: Thomas Seidenberg yes, Jim Lavallee yes, Bruce McGregor yes, Mr. Hubbard abstained, Tom Christopher yes. The motion was passed.

Revisit 35 Holiday Lane:

1. In the absence of the property owner at 35 holiday lane, Mr. Lavallee made the motion to continue the hearing to May 9th. It was seconded by Mr. Seidenberg.
2. Mr. Christopher said he believes the property owner knew better and that the commission may want to consider a fine.

Motion to grant a continuance: Thomas Seidenberg yes, Mr. Lavallee yes, Bruce McGregor yes, Mr. Hubbard yes, Mr. Christopher, yes. The motion was passed.

Motion to close the hearing: Roll Call Vote: Thomas Seidenberg yes, Mr. Lavallee yes, Bruce McGregor yes, Mr. Hubbard yes, Mr. Christopher, yes. The motion was passed.

The meeting was adjourned at 8:11 PM

