

**TOWN OF LANCASTER  
CONSERVATION COMMISSION  
Meeting Minutes  
December 13th, 2022**

Members Present: Chair Tom Christopher, Vice-Chair Tom Seidenberg, James Lavallee, Bruce McGregor, Donald Chaisson.

Also Present: Charlotte Steeves (Conservation Agent)

List of documents presented:

- **Request for Certificate of Compliance, 113 Fire Road 11**
- **Continued Public Hearing, Abbreviated Notice of Resource Area Delineation, 10 Fire Road 54**
- **Continued Public Hearing- Restoration Area- 201 Hill Top Road**
- **Meeting Minutes: October 25<sup>th</sup>, 2022**
- **Meeting Minutes: October 18<sup>th</sup>, 2022**
- **Meeting Minutes: September 27th, 2022**

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

**Request for Certificate of Compliance, 113 Fire Road 11**

*Applicant not present*

1. Mr. Christopher gave a background on the project. He said they issued an order of conditions to the applicant several years ago. It was for an applicant to repair a wall over on spec pond. The applicant hired a mason who hand-drew a plan to protect the pond and make sure there was minimal impact in the wetland area during the construction of the wall. He said he conducted a site visit and took some photos. Ms. Steeves shared the site photos with the commission.
2. Ms. Steeves said that the applicants at 10 Fire Road 54 requested a continuance. She asked if the commissioners would like to vote on this first.
3. Mr. Christopher said they would wait to vote on this.
4. Mr. Christopher said the photo was taken from a dock extending into the water. He also showed two photos of the wall restoration. There was no debris in the water. He said this is a great example of the type of work the commission likes to see around the pond. The commission agreed that the work looks great.
5. Mr. McGregor. made a motion to grant a certificate of compliance to the applicant. The motion was seconded by Mr. Seidenberg.

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

**Continued Public Hearing, Abbreviated Notice of Resource Area Delineation, 10 Fire Road 54**

*Applicants not present*

1. Mr. Christopher recused himself from the discussion as a direct abutter to the project site.

2. Vice Chair Mr. Seidenberg took over the discussion and asked to when the applicants requested the continuance.
3. Ms. Steeves said the applicants requested a continuance to January 10<sup>th</sup>, 2023, because they want to make sure the most recent peer review was completed. They will also conduct another peer review in the spring.
4. Mr. Seidenberg said that we should reach back out to the consultant that conducted the peer review and make sure they send the interim report before the next meeting so that there is something for the commission to see. He said he was expecting the applicant not to come back before the spring.
5. Ms. Steeves said she would follow up with the peer review.
6. Mr. Bowen (direct abutter) said he is concerned about the continuance since the testing of the vernal pool can not be done until the spring. He said the report will be incomplete because it does not include the status of the vernal pool.
7. Mr. Seidenberg said this is true, and he has made it clear that he will not vote to approve the resource area delineation without the vernal pool assessment. He said if they want to come in and talk about the other wetlands on the property, this is valid, and the commission can have these discussions before the vernal pool is reviewed.
8. Mr. Bowen said they may not have a status until May.
9. Mr. Seidenberg said the applicants are well aware of this. He said if the applicant wants to file a notice of intent, they will simply have to accept that this is a vernal pool. He said this is not a good option for the commission or the applicant due to uncertainty of the resource area. He said if they have questions, they are certainly welcome to continue.
10. Mr. Bowen asked if the commission could give a feeling as to what they may vote concerning this project.
11. Mr. Seidenberg said no, they can not continue this discussion without the applicant being there.
12. Mr. Bowen said the applicant chose not to come.
13. Mr. Seidenberg said that he does not want the commission to engage in discussion as to what they feel about the project. He said he does not want to take this discussion any further.
14. Mr. Chaisson made a motion to grant a continuance to the applicants until January 10, 2023, and it was seconded by Mr. McGregor. There was no further discussion.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, James Lavallee yes, Bruce McGregor yes. The motion was passed.**

#### **Continued Public Hearing- Restoration Area- 201 Hill Top Road**

*Present: Mr. Crossman, B&C Associated (representing applicant); Mr. Harrington*

1. Mr. Christopher reported that he had a productive meeting with Mr. Crossman a few weeks ago addressing the questions the commission had for the project.
2. Mr. Crossman said they made some revisions to the restoration schedule. He added some language on species verification to make sure they were getting species that were approved. He asked Mr. Harrington to show the level spreader in the area with a notation that this is an approximate location. He said the pipe locations will be confirmed once they start stumping the area. He submitted himself as a reviewer for the plantings.
3. Mr. Christopher said that the plan has not yet been submitted to the commission. He said the

commission wanted to see a plan for the restoration over the proposed septic area. He said once the board of health approves the septic system, that area will have a full restoration. There will be a revised plan after the restoration has been completed.

4. Mr. Crossman said they are proposing full restoration in the area and they have no confirmation from the board of health yet if that area is approved for a septic system.
5. Mr. Christopher asked if there were other areas of restoration that they would consider. He asked if there is an additional site they are considering for a septic.
6. Mr. Harrington said the septic system design is proposed by Dillis and Roy. He said there is no other location on that lot. He said the lot with the carriage house may have some other locations. He said there is an existing conditions plan showing the wetland area and the pipe.
7. Mr. Christopher said there might be an area north of the carriage house that could be considered for a septic.
8. Mr. Harrington said there has been soil record testing across the lots.
9. Mr. Christopher said he does not like the idea of doing a restoration and then having to dig it up again. He said the area north of the carriage house would be the most practical. He said they can proceed with the restoration in the septic area and then come back to the commission once the septic system has been approved.
10. Mr. Harrington said vegetation is being reestablished as erosion control.
11. Mr. Crossman said he hopes there is a decision from the board of health before spring. He said they won't be planting until April.
12. Mr. Chaisson asked for the status of the septic system.
13. Mr. Harrington said there are separate lots for separate systems.
14. Mr. Chaisson said there is not proposed structure on any of the lots. He said he is under the understanding that those are separate lots. He said the majority of the square footage of the lot with the proposed septic system is majority resource area.
15. Mr. Harrington said the leaching area will be in the buffer zone. He said there are conversations about moving the proposed house to an upland lot. He said there is flexibility on the property.
16. Mr. Chaisson asked if there are two proposed septic systems.
17. Mr. Harrington confirmed yes.
18. Mr. Christopher said there is enough information to issue an order of conditions. He said the applicant runs the risk of coming back to the commission for the septic plan. He said he can not predict how the commission will view the project 6 months from now.
19. Mr. Seidenberg said he agrees there is not much more progress to be made on this project and he is comfortable approving the plan with the restoration as shown or with a note saying that if there is not an NOI for the septic system, that area would have to be restored. He said he would like to grant a one-year grace period for the approval. This would prevent the applicant from having to rip up any vegetation in the proposed septic area if it is approved.
20. Mr. McGregor said he agrees there is enough to move forward. He said the applicants will need to come back to the commission anyway if there is any proposed construction in a resource area anyway.
21. Mr. Chaisson said the OOC should have language regarding future restorations on the property if the septic system is approved. He said that an equal area of habitat should be created should any disturbance occur in the proposed areas.
22. Mr. Harrington said that this is too open-ended, and he is not comfortable with it. Discussion ensued.
23. There were not further comments on the plan.
24. Mr. Seidenberg made the motion to close the hearing and it was seconded by Mr. McGregor.

**Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, James Lavallee yes, Bruce McGregor yes,**

**Thomas Christopher yes. The motion was passed.**

25. Mr. Seidenberg asked if Mr. Christopher would like to specify the special conditions for the order of conditions.
26. Mr. Christopher said that he would like verification on the size and type of trees, language dealing with stumpage and inspection, and he is not opposed to Mr. Crossman representing the Losings. He said he would like the conservation agent to be present on site for the inspection. He said commission members can be at the site visit too as a special condition.
27. Mr. Seidenberg made the motion to issue an order of conditions with special conditions as outlined by the chairman. It was seconded by Mr. Lavallee. There was no further discussion.

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

**Review and Approve Minutes:**

1. Mr. Seidenberg made a motion to approve minutes from October 25<sup>th</sup>, 2022, and it was seconded by Mr. Lavallee.

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

2. Mr. Seidenberg said that there were a few minor corrections for the minutes from October 18<sup>th</sup>, 2022.
3. Mr. Seidenberg made a motion to approve minutes from October 18<sup>th</sup>, 2022, with a note to correct an error, and it was seconded by Mr. Lavallee.

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

4. Mr. Christopher asked if the commission had a chance to review minutes from September 27<sup>th</sup>, 2022, but the commissioners said the document was missing from the meeting materials.
5. Mr. Christopher said there will be no meeting for December 27<sup>th</sup>, 2022, due to the holiday and that the next meeting will be January 10<sup>th</sup>, 2023.
6. Mr. Graz said he had a question regarding the My Box project with an order of conditions. He said the order expired in September (2022) and they are proposing to add a self-storage facility in the area. He asked if they have to re-file a notice of intent or if they need to open an amended order of conditions.
7. Mr. Christopher said they did not get a certificate of compliance and suggested they come back with an amended notice of intent with appropriate mitigation and with re-defined resource areas. He said any mitigation they proposed will have to be relevant to the newly defined resource areas.
8. Mr. Chaisson asked if the covid extension applies to the delineation and order of conditions for Mr. Graz.
9. Mr. Christopher said he will have to come in with an amended NOI because there will be a new construction.

**Adjourn**

**Roll Call Vote to adjourn: Thomas Seidenberg yes, Donald Chaisson yes, James Lavallee yes, Bruce McGregor yes, Thomas Christopher yes. The motion was passed.**

**The meeting was adjourned at 8:02 PM.**

DRAFT