

TOWN OF LANCASTER
CONSERVATION COMMISSION

Meeting Minutes

January 10th, 2023

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

Also Present: Charlotte Steeves (Conservation Agent)

List of agenda items presented:

- Notice of Intent- 132 Fort Pond Inn Rd (YMCA Camp Lowe)
- Amended Notice of Intent-0 Shirley Rd (Barkley Enterprises)
- Meeting Minutes (09-27-22, 11-22-22, 12-13-22)

Not Present: Mr. Greg Jackson

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

Notice of Intent- 132 Fort Pond Inn Rd (YMCA Camp Lowe)- YMCA Central Massachusetts

Present: Glenn Juchno (applicant and owner); Jonathan Collette, Healy Ward, representing applicants

1. Mr. Christopher recused himself from the public hearing and discussion as a resident of Fort Pond.
2. Mr. McGregor asked if this would allow for a quorum.
3. Mr. Christopher said that Mr. Seidenberg did some research regarding quorums. There was an opinion written by Kate Connelly of the MACC stating that 3 voting members would be a quorum with a 5-member commission with 2 vacant seats. A quorum of 5 would be 3.
4. Vice Chair Seidenberg said that as long as there is a quorum at the meeting, they can act on the agenda items. He read the public hearing notice aloud.
5. Mr. Juchno gave an overview of the proposed project. He said there was failure of the retaining wall on the property from storm damage and that there are major runoff issues. He said there are several locations in the wall causing buckling and undermining issues. This is resulting in runoff entering Fort Pond. He said that they have hired Lakeview to design a new retaining wall. He said that the wall is beyond repair and that it is best to rebuild to fix the issues. He said that he would like the work to be completed prior to the summer camp opening in mid-June of 2023.
6. Ms. Steeves shared site photos from a site visit conducted on January 10th, 2023. The photos showed area of the wall that were damaged.
7. Mr. Juchno explained the site photos showing areas of major failure in the retaining wall including gravel spill-out, buckling, and undermining.
8. Ms. Steeves said that it is clear that the wall needs to be replaced. She said the path of the runoff from the wall was clear and that it is a good investment to fix the wall. She asked if the commissioners needed more detail on any site grading that would occur during the construction. She shared the site plans.

9. Mr. Collette said the proposed wall will be in the same location as the existing wall, other than a small section in the Northern part of the wall which will be pushed back 8 feet from the water. He said the wall height will stay the same at 3 feet. The grade change will be minor. The wall is moved back 8 feet so they will have to remove a stump. There will be a pushback of the tree line since it is currently growing over the wall.
10. Mr. Juchno said there was a question earlier regarding replacement of beach material which has been washed into the lake.
11. Mr. Collette said he assumed the sand will be replaced.
12. Mr. Seidenberg asked if this was noted in the plan and Mr. Collette said no, it is not noted. Mr. Seidenberg asked if this can be noted in the plan. He said he did not realize that part of the wall would be moved back either. He said this area would have to be filled in with new sand.
13. Mr. Collette said they can add these notations to the plan.
14. Mr. Lavallee asked if there was a straw wattle already in the site.
15. Mr. Juchno said this was actually just an orange fence in place to keep children away from the wall.
16. Mr. Lavallee asked for clarification on wall construction.
17. Mr. Collette said the wall is 3 feet high and they are proposing magnum stone blocks which are 24-inches high. There will be a compact trench about a foot deep in the ground. He said the contractor plans to remove the existing wall in sections and construct the trench and the new wall in sections.
18. Mr. Lavallee asked how the drainage works.
19. Mr. Collette said there is gravel in the blocks which allows for water to drain out, and the drain on the bottom would be on the sand.
20. Mr. Lavallee asked about the spacing between the drains and Mr. Collette said he was not sure.
21. Mr. McGregor said he is happy to see the project moving forward. He asked how old the wall is that is being replaced and Mr. Juchno said he is not sure, but at least 15 years old.
22. Mr. McGregor asked if there is anything above the wall that needs to be stabilized.
23. Mr. Collette said that he thinks it is the nature of the small block walls to break down over time. He said there is a swale on the plan that will be cleaned and maintained. He said this will reduce some of the water runoff making its way to the wall.
24. Mr. McGregor inquired about the use of machines during construction.
25. Mr. Collette said this is up to Lakeview.
26. Mr. McGregor asked if the drains are going into the pond and if this is how the current wall is set up.
27. Mr. Juchno said there are no drains currently. He said when it rains, there are 2 areas which create erosion and cause issues for the wall. He said the new drains will eliminate the runoff issues.
28. Mr. Seidenberg asked about the drains. He said it is clear there are several places of erosion, and it is clear the water is going under the wall. He said having closer-spaced drainages will reduce the opportunity for erosion during large flows and that he would like to see the distances between drains on the plans. He said anything larger than 15 feet would be too far.
29. Mr. Lavallee said he would like to see how much flow the drains would allow through. He asked if the wall would have more longevity.

30. Mr. Collette said the new wall should last longer than the current wall. There were no comments from the public.
31. Mr. Lavallee said he would like to see an updated plan according to the comments. This was seconded by Mr. McGregor, including details about the beach sand to be replaced.
32. Mr. Collette asked for a continuance until January 24th, 2023.
33. Mr. Lavallee made the motion to continue the hearing until the 24th of January.
34. Mr. Seidenberg called a roll vote

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

Amended Notice of Intent-0 Shirley Rd (Barkley Enterprises)

Present: Trevor Fletcher, representing applicant

1. Mr. Christopher reclaimed the chair and read the public hearing notice to the commission. He gave an overview of the project. The project originally was filed under MiBox 3 years ago. They proposed a construction and storage area for storage containers. He said a good portion of the site has already been developed. The applicant did not apply for a certificate of compliance. They came before the planning board with a new project to build several storage buildings rather than one large office building. He said that 3 years has passed without the applicants applying for COC and it is necessary that the field for an amended notice of intent and re-define the wetland boundaries. He said that himself, Mr. Seidenberg, and Ms. Steeves did a site visit earlier that day.
2. Ms. Steeves shared site photos. She said the main thing she noticed at the site is that the erosion control is outdated and needs work prior to any construction.
3. Mr. Fletcher said the original project was for an office building at the rear of the property. He said the owner decided there is a larger need for a self-storage facility rather than an office space. He said there will be one unit on the west side of the property, and all other units will be laid out east to west. All of the flow on the property flows west to east and entering an existing infiltration basin. He said all the buildings would be sloped at 1%. Anything going to the wetland on the west of the property will be off the pavement, so there shouldn't be any runoff going from the pavement into the wetland. He said all the stormwater components are already installed. He said the planning board wants verification that they were installed correctly. He said they are oversized for this development. He said the only other change will be the installation of a catch basin with 44% TSS removal. He said the stormwater will be treated before entering any of the wetland areas.
4. Mr. McGregor asked how the setup looked during the site visit and if the design will work well to protect the resource areas.
5. Mr. Christopher said the deep sump catch basin is a big improvement on the site. He said there was an order of conditions with specific conditions written by former agent, David Koonst.
6. Mr. Seidenberg said his thinking has evolved since it was originally approved. He said most of this area has already been paved. He said he likely would not have approved a plan like this if it was presented today, but he said the stormwater treatment is an improvement.

7. Mr. Christopher said he would like to transpose some of the special conditions from the original OOC into a new OOC. He would like to ensure that there is a line of demarcation marking the 25-foot no-disturb zone.
8. Mr. McGregor made the motion to close the hearing and seconded by Mr. Lavallee. Mr. Christopher called a roll vote.

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

9. Mr. Seidenberg made the motion to issue an order of conditions as described by Mr. Christopher and it was seconded by Mr. Lavallee.
10. Mr. Christopher said he would work with Ms. Steeves to write the OOC and send it to all commissioners so that they can see it before it is approved. He called a roll vote.

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

11. Mr. Fletcher asked if Mr. Christopher could send a draft OOC to the planning board so that they can move forward with the project.

Review and Approve Minutes

1. Mr. Christopher asked if the commissioners were able to review the minutes from 12-13-22, they said yes.
2. Mr. Seidenberg said there was one typo that he already noted to Ms. Steeves.
3. Mr. McGregor made the motion to approve the minutes and it was seconded by Mr. Seidenberg. Mr. Christopher called a roll vote to approve 12-13-22.
4. **Roll Call Vote: Thomas Seidenberg yes, James Lavallee yes, Bruce McGregor yes, Mr. Christopher, yes. The motion was passed.**
5. The commission said they had a chance to review minutes from 11-22-22.
6. Mr. Lavallee said that he was not counted in the roll call as present for this set of minutes.
7. Mr. Seidenberg made the motion to approve the minutes with the edit and this was seconded by Mr. Lavallee. Mr. Christopher called a roll vote.
8. **Roll Call Vote: Thomas Seidenberg yes, James Lavallee yes, Bruce McGregor yes, Mr. Christopher, yes. The motion was passed.**
9. The commission all had a chance to review the minutes from 9-27-22. Mr. Lavallee made the motion to approve these minutes and it was seconded by Mr. McGregor. Mr. Christopher called a roll vote.
10. **Roll Call Vote: Thomas Seidenberg yes, James Lavallee yes, Bruce McGregor yes, Mr. Christopher, yes. The motion was passed.**

New Business

1. Mr. McGregor asked about Jones Crossing being taken off the agenda since there was no email correspondence.

2. Mr. Christopher said this hearing was moved to January 24th because it was not published in the Clinton Item. He said that he would schedule a site walk prior to the meeting. He said the project is exempt from the by-law but it would be helpful for the commissioners to conduct a site walk prior to the meeting. He said it can be counted as a meeting if there is a quorum.
3. Mr. McGregor asked if there were any new commissioners interested in joining the conservation commission since Mr. Chaisson had moved.
4. Mr. Christopher said he has asked some people around Fort Pond but there are no bids yet. He said they need new members.
5. Mr. Seidenberg made the motion to close the meeting and it was seconded by Mr. McGregor.
6. **Motion to close the hearing: Roll Call Vote: Thomas Seidenberg yes, James Lavallee yes, Bruce McGregor yes, Mr. Christopher, yes. The motion was passed.**

The meeting was adjourned at 7:45 PM