

TOWN OF LANCASTER
CONSERVATION COMMISSION

Meeting Minutes

January 31st, 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:

- **Continued Public Hearing; Notice of Intent- 132 Fort Pond Inn Rd (YMCA Camp Lowe)**
- **Thayer Field Invasive Species Eradication and Site Plans**
- **Extension for Order of Conditions- South Meadow Pond**
- **580 Fort Pond LLC.- renewal of special permit to remove earth products**
- **Meeting Minutes (from January 10th, 2023)**

Not Present: Mr. Greg Jackson

Chairman Tom Christopher called the meeting to order at 7:01 PM.

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

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

1. Mr. Christopher recused himself from the public hearing and discussion as a resident of Fort Pond. The hearing was handed over to Vice Chairman Tom Seidenberg.
2. Amended site plans were shown on the screen.
3. Mr. Collette said there were several changes made to the original plans. The first was showing the areas where the wall is being pushed back that will be backfilled with 241 cubic feet of beach sand. They added wall drains to the wall spaced at 30 feet on center. The drains are 4 inch perforated PVC pipes. They also added a splash block to disperse water before it reaches the beach.
4. Ms. Steeves said she was happy with the new plans that were submitted.
5. Mr. Lavallee said he believes they plans satisfy all of the requirements the commission asked for during the previous meeting. Mr. Seidenberg agreed that all concerns were addressed.
6. Mr. Seidenberg opened the discussion up to the public. There were no public comments.
7. Mr. McGregor made the motion to close the hearing and it was seconded by Mr. Lavallee. Mr. Seidenberg called a roll vote to close the hearing.
8. **Roll Call Vote: Thomas Seidenberg yes, James Lavallee yes, Bruce McGregor yes. The motion was passed to close the hearing.**
9. Mr. Lavallee made the motion to issue an order of condition and it was seconded by Mr. McGregor.

10. Ms. Steeves asked if there were any special conditions to be added to the standard order of conditions.
11. Mr. Seidenberg said it would just be a standard order of conditions.
12. **Roll Call Vote: Thomas Seidenberg yes, James Lavallee yes, Bruce McGregor yes. The motion was passed to issue a standard order of conditions to the YMCA of Central Massachusetts.**
13. Mr. Christopher returned to the chair to lead the rest of the meeting.

Thayer Field Invasive Species Eradication Plan

Present: Dan Lapen

1. Mr. Christopher said that the invasive species were treated at Thayer Field last Fall, but the extent was so large that they were unable to take control of the situation.
2. Mr. Lapen said there are several target species, including Japanese knotweed. They require a second spraying which is estimated to cost 400 dollars. He said there needs to be mechanical cutting of deadwood after the spraying. He said he is proposing a mechanical cutting plan to take care of another area of large woody invasive plants around the field. Site plans were shared showing the area to be cut. The proposed cutting area is within 200 feet of a seasonal stream. He said there is a large stand of black locust and he has already spraypainted the trees that need to be cut (approximately 38 trees). Several site photos were shared showing other areas and invasive species including multiflora rose, honeysuckle, and autumn olive. He said there are 11-12 invasive species which could be remediated with mechanical cutting.
3. Mr. Christopher said they spent a few hours treating the site last fall but there is still a lot of work to be done. He estimates it will be a multi-year project that would fall under the budget of the recreation department.
4. Mr. Lapen said he would volunteer to do the mechanical cutting.
5. Mr. Lavallee asked if an herbicide would be applied to the cut stumps.
6. Mr. Lapen said it will likely take years of cutting the saplings that seed back in. He said there is no planned herbicides for the mechanical cutting areas, but it would be applied to the knotweed.
7. Mr. Lavallee asked if there are many invasives within 200 feet of the intermittent stream.
8. Mr. Lapen confirmed this, and said the invasives are also outside of that 200 foot boundary.
9. Mr. Seidenberg asked if the black locust are within jurisdictional area and if there will be anything done to restore the tree cover.
10. Mr. Lapen said he would propose to plant 2 disease-resistant American chestnuts.
11. Mr. Seidenberg said this would be about 40 trees being cut down in jurisdictional area, and he is concerned how they can replant that area. He was concerned about the debris left behind after the cuttings.
12. Mr. Lapen said some of the wood will be used as firewood and some would be left in place to be used as habitat.
13. Mr. Seidenberg asked if there are other trees there besides black locust to which Mr. Lapen confirmed yes.
14. Mr. Seidenberg said he would be fine with the plan as long as it is just being thinned out from the invasive species. He said he would like to understand what percentage of trees are going to

- be cut down. He said he would be inclined to make sure native trees seed back in instead of something invasive, but this depends on the percentage of tree cover proposed to be cut.
15. Mr. Lapen said the proposed area to be cut is less than 20% of the entire area. He said the black locust grows densely. He said the land used to be a field and a lot of native species have grown too. He suggested the commission and agent take a walk and look at the proposed area to be cut.
 16. Mr. Seidenberg said it makes sense to do a site visit.
 17. Mr. McGregor said he is concerned with taking down that many mature trees and asked if they have thought about planting more than just the 2 chestnut trees.
 18. Mr. Lapen said the 2 chestnut trees will take up a lot of the area once they mature.
 19. Mr. Christopher said black locust is a difficult invasive to get rid of and if they are eradicated, this will be an enormous benefit to the area. He said there will likely be rapid regeneration in the area once the black locust is removed, and it is likely these will be invasives that grow in first. A site map of the area was shared with the commission showing an estimate of how compact the area is.
 20. Mr. Lavalley expressed concerns about how long it will take for the chestnuts to grow, and if they should have a replanting or management plan in place during the interim to ensure invasive plants don't seed back in.
 21. Mr. Lapen said there are a number of small, short native species already growing in the area.
 22. Mr. Seidenberg asked how the trees are going to be accessed for cutting.
 23. Mr. Lapen said he may be able to get his friend to do the cutting with a chainsaw. He said there may be some trees too close to powerlines where the town might get involved, but he is not sure.
 24. Mr. Seidenberg asked if this would require an NOI or if it is just a discussion.
 25. Mr. Christopher said this is just a discussion and, in the past, applications for herbicide spraying was done with an RDA. He said this is likely a multi-year project which can be done with an RDA. If excavation is involved, this would require an NOI. He said they can start off with an RDA for the first year and Mr. Lapen can come back with a summary of the work that has been done a year from now, and the commission can reassess the necessity of an NOI filing.
 26. Mr. Lapen said he would keep track of his hours and progress.
 27. Mr. Seidenberg said he is fine with an RDA, but he does not have a clear understanding of where the trees are located relative to the jurisdictional areas. He suggested a site walk could clear this up. He said any excavation would be an alteration and would involve an NOI.
 28. Mr. Christopher said he would let Mr. Lapen set up a site walk with Ms. Steeves.
 29. Ms. Dickinson said asked if Mr. Lapen's friend who volunteered to do the cutting is licensed and insured to do the work.
 30. Mr. Lapen said he is not aware of a license for chainsaw operation. Discussion ensued.
 31. Mr. Christopher said if it were a commercial entity working on a town property, they would need insurance. He said he was not sure a volunteer group would need insurance.
 32. Ms. Dickinson said eh was concerned with volunteers getting hurt. She asked who would be liable to cover that.
 33. Mr. Lavalley asked if this item will come back to the commission as an RDA and Mr. Christopher confirmed yes.

Extension for Order of Conditions- South Meadow Pond

1. Mr. Christopher gave an overview of the contaminated landfill in Clinton on South Meadow Pond. He said they took responsibility for the pollution and hired a company to remediate the area. He said they have been working on this for three years and have done a good job at keeping the commission up to date. He said they sent in a restoration report, and he does not have an objection to their request for an extension.
2. Mr. Seidenberg made the motion to approve a one-year extension on South Meadow Pond and it was seconded by Mr. Lavallee.

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

580 Fort Pond LLC.- renewal of special permit to remove earth products

1. Mr. Christopher said that this project is not within the commission's jurisdiction because all of the work is being conducted outside of the resource boundaries. He said that Mr. Fletcher did a good job marking the resource areas, including vernal pools, and he is not sure why this project is in front of the commission.
2. Mr. Seidenberg said he believes some of the excavation is very close to the jurisdictional areas. He said he does not know why it is on the agenda either. He said some of the resource areas might be shared with the gravel operation.
3. Mr. Christopher said the Kraft group is trying to purchase the property. He said Mr. Fletcher does not want to sell the land until all the gravel is removed.
4. Ms. Steeves said she put it on the agenda because she wasn't sure if the continuation of gravel removal required a special permit. She shared an email from Kathi Rocco with the commission.
5. Mr. Christopher said this would be better suited for the Select Board.

Other Business

1. Mr. Christopher said he had a discussion with Mr. Seidenberg regarding setbacks and what the commission would allow in no-disturb zones. He made a set-backs table from other communities and by-laws in surrounding towns and circulated with the commission.
2. Mr. Seidenberg said a clear set of guidelines regarding setbacks should be written down for the commission and applicants. He said he did some research on the basis for what should be allowed in buffer zones. He said that other towns have enacted a middle ground for the no-disturb zone. Some towns have a larger no-disturb buffer which exceeds 25 feet. He said that the commission should review what other towns are doing and to be more consistent in how the commission regulates the buffer zone. He said the town bylaw is strong and attests to the importance of the buffer zone. The burden of proof is on the developer to prove that the proposed development will not damage the wetland. He said this may allow for the commission to judge each project on its merit and to develop a use table with certain distance from the resource areas and permitted activities/ projects within each distance.
3. Mr. Lavallee said he would like the commission to have a more objective way to look at the value of the buffer zone. He said a use table would be extremely helpful.

4. Mr. McGregor said that resource areas can look completely different from one another and will have different values. He said he would like more flexibility when it comes to making decisions on projects. He said if they were to increase the no-disturb zone for all projects, this may be limiting for certain projects and may decrease flexibility.
5. Ms. Steeves said she agrees there should be a different set of standards depending on the resource areas.
6. Mr. Lavallee asked if they would be changing the bylaw.
7. Mr. Christopher said any change in the bylaw would have to be through town meeting vote and it makes more sense to write a set of standards for the commission. He said he has concerns about pollution, runoff, and the creation of detention basins. He said these are often located right up to the 25 foot no disturb zone. In cases of extreme rain, polluted runoff does not go through the normal cleaning process, and is much closer to the resource area. He said he has a particular concern about the location of detention basins and this has been problematic in the past. He said he would like to keep this topic open and continue the discussion in a following week. He said buffer zones are presumed to be important in the wetlands protection act, and it is up to any applicant to prove that any proposed project will not infringe on the function of protected resource areas.

Meeting Minutes for Approval and Review

1. Mr. Seidenberg said the NOI for Fort Pond in line #3 there was a discussion about quorum. He asked for the minutes to be corrected to say that there is a current quorum of three with two empty seats with a 5 member commission.
2. Ms. Steeves said she would correct this.
3. Mr. McGregor and it was seconded by Mr. Seidenberg to accept the minutes with those corrections.

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

Further Discussion

1. Mr. Lavallee said that he would not be present for the next scheduled meeting (February 14th, 2023).
2. Mr. Christopher said the next meeting will have MCO Cottage Rentals on the agenda. He said Mr. Lavallee would be allowed to view that meeting on the SLCTV stream and request a Mullen Certificate to be allowed to vote on that particular issue.
3. Mr. Lavallee asked if the form can be emailed to him.
4. Ms. Steeves said she would look into sending that to Mr. Lavallee.

Mr. Lavallee made the motion to close the hearing and it was seconded by Mr. Seidenberg.

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 8:13 PM