

**TOWN OF LANCASTER  
CONSERVATION COMMISSION  
Meeting Minutes  
July 26th, 2022**

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

Donald Chaisson joined after the roll was called

Also Present: Jasmin Farinacci (Town Planner)

List of documents presented:

- **4 Heritage Lane – Burke – Request for Determination of Applicability**
- **28 Russell Lane – Hourihan - Request for Determination of Applicability**
- **100 Duval Road – Orchard Hills Athletic Club - Request for Determination of Applicability**
- **230 Fort Pond Road – Notice of Intent**
- **35 Fire Road Seven – Benoit – Notice of Intent**
- **Request for Certificate of Compliance – Bolton Road – Atherton Bridge Development Co. – 193-69 & Co. – 193-70**

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

**4 Heritage Lane – Burke – Request for Determination of Applicability**

*Present: Christine and Paul Burke (applicants)*

1. Mr. Christopher read the public hearing notice aloud for the commission.
2. Ms. Burke said the original plan was to remove all the woodchips but, in the meantime, they would be removing a lot of the growth that has occurred in the area by removing the decomposing woodchips.
3. Mr. Burke said the pile is around 6 inches deep. He asked if it would be better to remove the pile since the chips are decomposing rather than digging back in to disturb the area.
4. Mr. Christopher asked for clarification on the size of the area that was covered by the woodchips.
5. Ms. Burke said the pile extends from the 15 mark on the map and the whole area is clearly marked.
6. Mr. Christopher guessed it is an area of around 4,000 square feet. Discussion ensued.
7. Mr. Jackson asked for clarification on the condition of the area before the chips were dumped.
8. Ms. Burke said the area was all weeds. Discussion ensued.
9. Mr. Christopher said he would like a motion to allow the Burkes to proceed with removing the piles. He said there will be a site inspection after the piles are removed. The commission will issue a removal of the enforcement order once the job is done correctly, and the site is inspected.
10. Mr. Lavallee made the motion to allow the removal of the piles and for the commission to inspect the site and this was seconded by Mr. Jackson.

11. Mr. Lavallee asked if the commission would allow the use of a Toro Dingo to help with the pile removal.
12. Mr. Christopher asked Mr. Lavallee if he would like to amend the motion to allow for the use of the Toro Dingo.
13. Mr. Jackson said that box D was not checked on the original request for determination of applicability and that this would be subject to the Lancaster wetlands bylaw. He wanted to make sure all the correct boxes were checked. He asked if they should make a motion for a positive finding for the RDA and then explain what the conditions are.
14. Mr. Christopher asked if Mr. McGregor would like to amend the motion.
15. Mr. Seidenberg said that the commission should not vote for a positive determination as this would require the applicants to file a notice of intent. He said he believes that the commission was going to issue a negative determination with conditions.
16. Mr. Christopher said that there was a motion on the floor by Mr. McGregor and seconded by Mr. Jackson which has been discussed. He called a roll vote.
17. Mr. Seidenberg clarified that this is a motion to issue a negative determination of applicability.

**Roll Vote: Mr. Seidenberg yes, Mr. Chaisson yes, Mr. Lavallee yes, Mr. Jackson yes, Mr. McGregor yes, Mr. Christopher yes.**

#### **28 Russell Lane – Hourihan - Request for Determination of Applicability**

*Present: Melissa Hourihan (applicant and owner)*

1. Mr. Christopher read the public hearing notice aloud for the commission.
2. Ms. Hourihan said they want to put up a 16'x32' above ground pool behind the house. A site plan was shared with the commission.
3. Mr. Christopher said this was 175-foot setback from the river. He asked for clarification on the vegetation in the proposed area of the pool. Discussion ensued.
4. Mr. Seidenberg said with respect to the bylaw, the project may be exempt. He said the project is exempt because the area was a lawn before the town bylaw was enacted. Discussion ensued.
5. Ms. Moore (direct abutter) asked where the pool will be drained. She said she was concerned about flooding.
6. Ms. Hourihan said typically the pool stays filled throughout the winter so they will not be draining it.
7. Mr. McGregor asked for clarification on tree removal.
8. Ms. Hourihan said there will be no tree removal.
9. Mr. Chaisson asked if the lawn area was going to be regraded prior to the pool insulation.
10. Mr. Hourihan said the ground is relatively level so there will be no regrading.
11. Mr. Lavallee made the motion to issue a negative determination of applicability and it was seconded by Mr. Seidenberg. There was no further discussion.

**Roll Vote: Mr. Seidenberg yes, Mr. Chaisson yes, Mr. Lavallee yes, Mr. Jackson yes, Mr. McGregor yes, Mr. Christopher yes.**

#### **100 Duval Road – Orchard Hills Athletic Club - Request for Determination of Applicability**

*Present: Greg Roy, Dillis and Roy LLC. (Representing applicant)*

1. Mr. Christopher said the applicants are neighbors the U-Haul project. He read the notice of public hearing aloud for the commission.
2. Mr. Roy said a letter was drafted on May 28<sup>th</sup>, 2022, relative to the siltation in the swale area. This issue was picked up during the site inspections from the U-Haul project. He said Orchard Hills called them to schedule a site visit on June 3<sup>rd</sup> (2022). He said Orchard Hills moved on this

project as soon as they could. The wetlands were delineated on the plan. He said the storm drain area is very old and the pipe was installed midway up the slope, so the runoff coming out of the pipe is causing erosion issues in the bank. He said this is very evident. His solution is to eliminate the stormwater from running on unconsolidated slopes and reduce the velocity of the water before it discharges into the wetland. There is a drop structure in the storm drain. He shared his screen with the commission showing the site plan. He said there is an existing catch basin which discharges into the existing pipe right in the middle of the slope. He is proposing to put a new manhole at the top of the slope and reduce the energy of the stormwater flowing through the pipe before it flows out into the wetland. They will be proposing erosion control (straw bales) along the edge of the wetland area. He also said they are proposing a semi-permanent straw matting that will last for two growing seasons while the root systems are restored in the area.

3. Mr. Christopher said the manhole is going to be picking up salt and sand from plowing. He asked if the manhole will be a deep sump to allow for maintenance and removal of built-up materials over time.
4. Mr. Roy said this was not included in the original plan, but they can certainly look into it. Discussion ensued.
5. Mr. Seidenberg asked if there was a stormwater management plan to which Mr. Roy said no, there is not. Discussion ensued.
6. Mr. Seidenberg said that he believes the project is within jurisdiction and would require a notice of intent to be filed. Discussion ensued.
7. Mr. Jackson said that the plan to restoration depends on fixing the sedimentation coming in from both sides. He said that he would like to see a catch basin and water quality treatment. He asked how far the work area extends down the bank.
8. Mr. Roy said that the slope would be seeded before they put the straw matting down with the intent to establish a root mass on the slope. He said he could add on the projected limit of work. Discussion ensued.
9. Mr. Jackson said that there is a lot of debris in the slope including trash. He asked if the applicant plans to do a general cleanup of the area.
10. Mr. Roy said no, but if the commission wants to add this as a condition, they can look into it. Discussion ensued. He said he understands if the commission needs to issue an order of conditions, but they would appreciate to work within the bounds of an RDA.
11. Mr. Chaisson said he could accept a proposal that would bring improvement to the area in a timely manner. He said if it is possible within the regulations, have the engineer update the plans and issue a staunch order of conditions for a negative determination of applicability to start work as soon as possible. Discussion ensued.
12. Mr. Lavallee said that perhaps Mr. Roy could ask for a continuance and draft a plan before the next meeting (in two weeks) and that the commission could issue a negative determination.
13. Mr. Christopher agreed. He said that he does not want to undo any of the good work from the neighboring project due to paperwork delays on this project. He suggested that Mr. Roy ask for a continuance and come back with a new plan before the next meeting.
14. Mr. Roy agreed. He said the commission should have at least a week to review the site plan revisions.
15. Mr. Seidenberg said he is uncomfortable proceeding with just an RDA. He said he is not interested in agreeing to any plan that does not include the water quality treatment. Discussion ensued.
16. Mr. Christopher said he originally thought a notice of intent was appropriate.
17. Mr. Seidenberg made the motion to issue a positive determination of applicability. This was

seconded by Mr. Lavallee. There was no further discussion. He asked if there was anyone from the audience who would like to comment on the project. He called a roll vote.

**Roll Vote: Mr. Seidenberg yes, Mr. Chaisson yes, Mr. Lavallee yes, Mr. Jackson yes, Mr. McGregor yes, Mr. Christopher yes.**

### **230 Fort Pond Road – Notice of Intent- Shelton**

*Present: Jack Maloney (representing applicant)*

1. Mr. Christopher read the public hearing notice aloud for the commission.
2. Mr. Maloney shared his screen showing site plans to replace the septic system on the property of the applicant. He said the septic system will be removed and replaced in the same area. He gave an overview of the septic system and proposed plan.
3. Mr. Chairman said that he was concerned the project is within the 25 foot no build zone. He said he is also aware of the restrictions on the areas this system can be built due to board of health requirements.
4. Mr. Maloney said the only thing within the 25 foot no build zone is a poly barrier, and all the other work is outside of the no disturb zone. He said most of the system is between the 25- and 50-foot zones. He said anywhere else on site would be within 100 feet of her existing well so they are limited in where they can build the new system. Discussion ensued.
5. Mr. Chaisson asked for the necessity of the poly barrier. Discussion ensued.
6. Mr. Maloney said the poly barrier will be below grade at 4 feet deep and the top will be loamed and seeded.
7. Mr. Seidenberg asked if there is a replanting plan in the buffer zone.
8. Mr. Maloney showed an area on an areal map. He said that some vegetation may be salvageable and replanted once the work is completed.
9. Mr. Jackson asked about the condition of the existing well. Discussion ensued.
10. Mr. Chaisson agreed that it seems there is no other place to install the new septic system due to the proximity of the existing well. Discussion ensued.
11. Mr. Maloney asked the commission to continue the hearing to August 9<sup>th</sup>.
12. Mr. Seidenberg made the motion to continue the hearing to August 9<sup>th</sup>. The motion was seconded by Mr. McGregor. There was no further discussion and Mr. Christopher called a roll vote.

**Roll Vote: Mr. Seidenberg yes, Mr. Chaisson yes, Mr. Lavallee yes, Mr. Jackson yes, Mr. McGregor yes, Mr. Christopher yes.**

### **35 Fire Road Seven – Benoit – Notice of Intent**

*Neither applicants nor representatives present*

1. The commission decided to wait for the representatives or applicants of 35 Fire Road 7 to re-join the meeting.
2. Mr. Christopher said that he would not read the public hearing notice because he read it last week.
3. Mr. Jackson made a motion to skip ahead to new business.
4. Mr. Christopher said he does not believe this needed a motion.
5. Mr. Jackson said that the Atherton Bridge Development is on the agenda for the meeting.
6. Ms. Farinacci said that she received an email from Mr. Benoit explaining that his representative intended to email a request for a continuance until the next hearing.
7. Mr. Seidenberg made a motion to continue the 35 Fire Road 7 to the August 9<sup>th</sup> meeting. The motion was seconded by Mr. Jackson. Mr. Christopher called a roll vote.

**Roll Vote: Mr. Seidenberg yes, Mr. Chaisson yes, Mr. Lavallee yes, Mr. Jackson yes, Mr. McGregor yes,**

**Mr. Christopher yes.**

**Request for Certificate of Compliance – Bolton Road – Atherton Bridge Development Co. – 193-69 & Co. – 193-70**

1. Ms. Farinacci said she found old orders of conditions from the Atherton Bridge Company from 1986. She shared the screen with the requests for orders of conditions. She said 2002, there was a signed and approved orders of conditions that was never recorded in the registry of deeds. She said this is now causing problems for the new owners of the property.
2. Mr. Christopher said he was somewhat averse to signing off on the orders of conditions without plans being presented.
3. Ms. Farinacci said she can ask if the applicants can re-submit a plan as a pdf. She currently has physical copies, but she cannot scan in digital plans of that scale.
4. Mr. Christopher said he would prefer if they delayed this hearing. Discussion ensued.
5. Mr. Christopher stepped out of the meeting for a moment and gave the chair to Mr. Seidenberg.

**Review and Approve Meeting Minutes**

1. Mr. Seidenberg said that there were some meeting minutes for approval.
2. Ms. Farinacci said there were 2 sets of minutes and one of the sets cannot be voted on (set from June 28<sup>th</sup> can be voted on). They will have to postpone those to the next meeting.
3. Mr. Seidenberg pointed out that the meetings were labeled as 2021 but they are from 2022.
4. Ms. Farinacci said that this was a scrutineer's error and that they can still be voted on.
5. Mr. Lavalley made the motion to approve meeting minutes from June 28<sup>th</sup>, 2022. This was seconded by Mr. Jackson.
6. Mr. Jackson said that he noticed some typos. Discussion ensued.

**Roll Vote: Mr. Seidenberg yes, Mr. Chaisson recused, Mr. Lavalley yes, Mr. Jackson recused, Mr. McGregor yes, Mr. Christopher yes.**

**In-Person Correspondence**

1. Ms. Farinacci said there was an i-person correspondence with Mr. David Lipka of 2221 Main Street. She said he was wondering if the commission may be interested in purchasing that parcel of land. She also said that there is no rush to decide.
2. Mr. Christopher said they would be absolutely interested in that. He said this conversation needs to involve the Lancaster Land Trust. Discussion ensued.
3. Ms. Farinacci showed a map with the parcel in discussion.
4. Mr. Seidenberg made the motion to have Ms. Farinacci set up a meeting with the commission, Ms. Hodges, and Mr. Lipka. The motion was seconded by Mr. Chaisson.

**Roll Vote: Mr. Seidenberg yes, Mr. Chaisson recused, Mr. Lavalley yes, Mr. Jackson recused, Mr. McGregor yes, Mr. Christopher yes. Some further discussion ensued involving funding for acquiring the parcel.**

**Adjournment**

1. Mr. Seidenberg made the motion to adjourn, and this was seconded by Mr. Jackson.

**Roll Vote to adjourn: Mr. Seidenberg yes, Mr. Chaisson yes, Mr. Lavallee yes, Mr. Jackson yes, Mr. McGregor yes, Mr. Christopher yes.**

**The meeting was adjourned at 9:18 PM**

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