



**LANCASTER CONSERVATION COMMISSION**  
**Regular Meeting Minutes**  
**of June 14, 2022**

**I. CALL TO ORDER**

Chairman Thomas Christopher called the Meeting of the Lancaster Conservation Commission to Order at 7:00 P.M. via ZOOM™, noting that the meeting was being recorded.

Join Meeting: <https://us02web.zoom.us/j/85386363695>  
Meeting ID: 853 8636 3695

*Roll call taken, Chairman Thomas Christopher, present; Vice-Chair Thomas Seidenberg, present; Donald H. Chaisson, present; James Lavalley, present; Bruce McGregor, present; Greg Jackson, present. Also present, Jasmin Farinacci, Director of Community Development & Planning.*

**II. APPEARANCES**

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

Mr. Christopher visited the site earlier today; it was his understanding that Mr. Benoit intends to request a continuation, but Ms. Farinacci has not heard from the applicant. Mr. Christopher suggests a continuance to the next meeting; there is some confusion as to whether there is, in fact, an open Public Hearing. Mr. Christopher read the Notice of Public Hearing into the record to create some clarity. *Mr. Seidenberg moved to continue the Hearing until June 28, 2022. Mr. Jackson seconded. Vote taken, Thomas Seidenberg, Aye; Donald H. Chaisson, Aye; James Lavalley, Aye; Greg Jackson, Aye; Bruce McGregor, Aye; Thomas Christopher, Aye. Vote passed. [6-0-0].*

**35 Fire Road Seven – Benoit – Request for Determination of Applicability**

Mr. Christopher read the Notice of Public Hearing into the record. *Mr. Seidenberg moved to continue the Hearing until June 28, 2022. Mr. McGregor seconded. Vote taken, Thomas Seidenberg, Aye; Donald H. Chaisson, Aye; James Lavalley, Aye; Greg Jackson, Aye; Bruce McGregor, Aye; Thomas Christopher, Aye. Vote passed. [6-0-0].*

**40 Maple Street – Villani – Request for Determination of Applicability**

Mr. Christopher read the Notice of Public Hearing into the record. Mr. Christopher visited the site the other day and met with Mr. Joseph Villani. Mr. Villani owns a business that does biomedical

research for government agencies, and to stay compliant with governmental regulations they need to upgrade their HVAC systems. A portion of the building and the placement of the HVAC systems (five units) on concrete pads would be within the 100' buffer zone. Mr. Chaisson noted that the building pre-dates local and state wetlands regulations. The Commission addressed a number of clarifying questions of Mr. Villani. Mr. Villani notes that he has removed an old incinerator that did encroach on wetlands. Mr. Jackson expressed some concern about the excavation involved. Mr. Seidenberg moved to issue a Negative Determination of Applicability with two conditions, the first being for erosion control around the excavation of the pad, and the second being that no spoil from the excavation be deposited in the buffer zone. Mr. Lavallee seconded. *Vote taken, Thomas Seidenberg, Aye; Donald H. Chaisson, Aye; James Lavallee, Aye; Greg Jackson, Aye; Bruce McGregor, Aye; Thomas Christopher, Aye. Vote passed. [6-0-0].*

### **60 Fire Road One – Leger – Request for Determination of Applicability**

Mr. Christopher read the Notice of Public Hearing into the record. Mr. Leger would like to remove four trees on his property that fall within the buffer zone. Mr. Christopher has visited the site. The trees are two silver maples and two white pines and are leaning toward Mr. Leger's home or are starting to rot/decay. Mr. McGregor asked if the applicant plans to replace the trees. Mr. Leger said he has no problem with replanting, but asked what size trees he would need to plant; the Commission assured him that the new trees could be small. Mr. Chaisson noted that new trees do not have to be replanted in an area that will be a problem in the future. Mr. Jackson confirmed that all the trees in question are in either the 25' or the 100' buffer zone. Mr. Lavallee asked how the trees would be removed; Mr. Leger explained this would be done by a tree service using a crane that would be parked in his driveway. Mr. Lavallee moved to issue a Negative Determination of Applicability with two conditions, the first being for replanting four trees, and the second being that no construction equipment/crane will enter the 100' buffer zone. Mr. McGregor seconded. *Vote taken, Thomas Seidenberg, Aye; Donald H. Chaisson, Aye; James Lavallee, Aye; Greg Jackson, Aye; Bruce McGregor, Aye; Thomas Christopher, Aye. Vote passed. [6-0-0].*

## **III. OLD BUSINESS**

### **206 Fire Road Three – Kincaid – Notice of Intent**

The purpose of this agenda item is to advise the Commission of a field change. This project had been started by Whitman & Bingham but was later picked up by McCarty Associates. During this shift, some of the distances shown on drawings were not correct. Mr. Christopher has discussed this with the applicant; he stated that he does not believe that this correction will change anything, but wanted to bring it before the Commission. He recognized Lar Greene, McCarty Associates who reviewed the drawings. Mr. Jackson asked how much bigger the new dimensions are; Mr. Greene explained that it is about 336 sq. ft. more building because the garage is 12' deeper than previously shown. After discussion as to how this change should be documented, Mr. Lavallee moved that a letter will be sent to the applicant stating that the Notice of Intent and the as-built plan be filed in order to receive the Certificate of Compliance. Mr. McGregor seconded. Mr. Seidenberg would prefer an amended Order of Conditions. Mr. Lavallee withdrew his previous motion, and then moved to modify the existing Order of Conditions, therefore amending the

Notice of Intent. Mr. McGregor seconded. *Vote taken, Thomas Seidenberg, Aye; Donald H. Chaisson, Aye; James Lavalley, Aye; Greg Jackson, Abstain; Bruce McGregor, Aye; Thomas Christopher, Aye. Vote passed. [5-0-1].* Mr. Christopher asked Mr. Green to appear at the June 28 meeting to present the updated Notice of Intent.

### **580 Fort Pond Road – Rand Whitney – Notice of Intent**

On behalf of Rand Whitney were Scott Morrison (EcoTec, Inc.), Brittany Gesner (VHB), Ted Byer (applicant), and Valerie Moore (Law Firm of Nutter McClennen & Fish). Ms. Gessner presented a PowerPoint deck with an overview and notes on the June 9 site walk. (attached).

Mr. Jackson noted that there are a number of improvements, but there is still a lot of disturbance in the 100' buffer zone. One concern he has is how the area would be designated on the site plans; there should be something indicating designed use, i.e., Conservation Restriction or something similar. He would like to see planting plans for the wildlife corridor. He would be in favor of certifying the vernal pools; these are not on the applicant's property, but the northern part of the property might be influenced or incited to do so.

Mr. Seidenberg questioned the earthwork for parking and whether this would be done during construction or if this would be done at a later date. Ms. Gesner said that this has not been determined, but the intent would be to reduce disturbances, land, and money.

Mr. Chaisson asked to see the slide illustrating disturbance on the east side of the building. Ms. Gesner clarified the changes to the plans since their previous presentation. He questioned how the wildlife corridor could be permanently protected.

Mr. Christopher had questions relative to certifying vernal pools. Mr. Morrison discussed this with Mr. Christopher during the site walk but has not had a chance to follow up with the abutter. Mr. Christopher noted, in response to Mr. Chaisson's question on whether the building could be smaller, he had asked this question during the site walk, and the answer was "no."

Mr. Jackson expressed concerns about stormwater management as mentioned in last December's peer review. Mr. Christopher praised both the peer review author and the applicant for attention to detail in this area; further responses are awaited.

Mr. Christopher recognized resident Anne Ogilvie, 4 Turner Lane. She is concerned because she has a well on the aquifer shared by this project. She asked if the new plan includes any direct stormwater discharge into any wetland area. Ms. Gesner replied that under existing conditions there is some discharge into wetlands. The new development proposes that stormwater is collected in deep sump hooded catch basins. They have sumps at the bottom that will collect sediment before it enters the pipe, and then there are covers on the pipe so that anything floatable will be caught in the catch basin before it enters the pipe. From the catch basin it will be pumped to a hydrodynamic separator which allows separation of any sediment. From here, stormwater is directed to infiltration basins which filter through sand and have overflow capability. So eventually it will get to wetlands. No changes are proposed to the area next to Fort Pond Road that is currently developed. Ms. Ogilvie had additional questions about whether newly

constructed walls will prevent some erosion in the vernal pool area. Mr. Morrison said that the proposed retaining walls will somewhat protect this area; some repairs are needed, but the water getting to this area will be cleaner than it is today. Ms. Ogilvie noted that at a December 14 meeting, the assessment of the hydraulic conditions were compared to Acton. One of the Commissioners suggested closer towns such as Berlin and Townsend would be better; Ms. Ogilvie wanted to know if this was done. Mr. Morrison explained how the testing was done; Mr. Seidenberg said that he had been the Commissioner who asked this question in December, and that he was satisfied with the answers.

Mr. Christopher asked Ms. Gesner or Mr. Morrison to explain roof runoff further; he thought that this might help answer Ms. Ogilvie's questions. Ms. Ogilvie would encourage the Commission to both certify the vernal pools and require at least annual monitoring of the stormwater plan. Finally, she asked the Commission if there was any response from Natural Heritage, in particular about the wood turtle habitat. Mr. Christopher recalls a response from Natural Heritage minimizing the likelihood that this project would impact the wood turtle habitat. He will look for more details for Ms. Ogilvie.

Mr. Morrison would like a continuance to June 28 to allow CEI to finish their findings. Mr. McGregor moved to continue the hearing to June 28, 2022. Mr. Seidenberg seconded. *Vote taken, Thomas Seidenberg, Aye; Donald H. Chaisson, Aye; James Lavalley, Aye; Greg Jackson, Aye; Bruce McGregor, Aye; Thomas Christopher, Aye. Vote passed. [6-0-0].*

#### **IV. NEW BUSINESS**

*\*\* Time is being reserved for topics that the Chair did not reasonably anticipate to be discussed.*

##### **Violation – 4 Heritage Lane – Chris Burke Tree Service**

Mr. Christopher states that the Commission has received several complaints about wood chips being dumped in the wetlands. He has sent a letter to Chris Burke Tree Service. Ms. Christine Burke attended the meeting. She stated that they had been unaware that this area was wetlands. Mr. Christopher stated that the Commission would like the wood chips removed, and that they should file for a Request for Determination of Applicability. He reminded Mr. & Mrs. Burke that they need to get down to the level of the wetlands, and that the easiest way to do this would be with an excavator. Mr. Jackson asked if there were pictures so that the Commission could see the extent of the problem. Mr. Christopher replied that no, he had not taken pictures, and that it could be cleaned up with a small excavator and a small truck.

##### **Forest Legacy Project – Lancaster Town Forest – Lancaster Land Trust**

Mr. Christopher recognized Bob Lindstrom. Mr. Lindstrom explained that there is potential for a Forest Legacy Grant that would provide significant money to town residents who would like to sell their land but are willing to sell the development rights. The Conservation Commission voted in favor of this about a year ago. The downside is that the Commission would have to hold a Conservation Restriction (CR). Mr. Lindstrom says that the State says another vote is not required, but he wants to make sure that the Commission understands that they would hold a CR. Mr. Christopher suggested that the Land Trust might be a better party to hold the restriction; that

way the Conservation Commission would not be liable for maintenance, repairs, wildlife damage, beaver control or the like. Mr. Seidenberg confirmed that we do not currently know what parcels might be included. This package would need to be submitted to the State by the end of the month. Mr. Jackson moved to support an endorsement of the Forest Legacy Program. Mr. Seidenberg seconded. *Vote taken, Thomas Seidenberg, Aye; Donald H. Chaisson, Aye; James Lavallee, Aye; Greg Jackson, Aye; Bruce McGregor, Aye; Thomas Christopher, Aye. Vote passed. [6-0-0].*

<b>V. ITEMS FOR APPROVAL AND/OR SIGNATURE - NONE</b>
--

<b>VI. REVIEW AND APPROVE MINUTES - NONE</b>
--

<b>VII. ADJOURNMENT</b>
-------------------------

*Mr. Seidenberg moved to adjourn the meeting. Mr. Jackson seconded. Vote taken. Vote taken, Thomas Seidenberg, Aye; Donald H. Chaisson, Aye; James Lavallee, Aye; Greg Jackson, Aye; Bruce McGregor, Aye; Thomas Christopher, Aye. Vote passed. [6-0-0].*

Respectfully submitted

Ellen Doiron

\_\_\_\_\_, Clerk  
Approved and accepted: