

**TOWN OF LANCASTER
CONSERVATION COMMISSION
Meeting Minutes
May 10th, 2022**

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

Also Present: Jasmin Farinacci (Town Planner)

List of documents presented:

- **U-Haul - 90 Duval Road**
- **Beach Nourishment (beach template)**
- **40B - Capital Group (draft letter)**

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

U-Haul - 90 Duval Road

Present: Mike Scott, Land design Collaborative; Maryann Dipinto

1. Mr. Christopher said that there was a site visit earlier that day that he could not attend.
2. Ms. Farinacci said she attended the site with Mr. Jackson and Ms. Dipinto. She said there are good erosion control measures in place. She said there is natural grass growing in the 50-foot buffer zone. There is an area of concern between Orchard Hills athletic club where runoff is adding some siltation issues. She said the U-Haul site is pretty well stabilized. There are some small pockets of water eroding under the hay bales. The owners of the property said they would like to get the restoration plan in place before submitting a notice of intent.
3. Mr. Jackson said the site is in good shape and some of the erosion control measures are layered. He said there is some evidence of erosion on the slope. Discussion ensued.
4. Mr. Christopher said Mr. Scott does inspections in the site every time there is more than a quarter inch of rain. He said he would check in with Orchard Hills athletic club to see if they can reach an agreement with the siltation issue coming from that property. Discussion ensued.
5. Mr. Scott said he was out at the site that day. He said the stream channel has some significant deposits that may have been made worse by the work at the U-Haul site. He said they hope to have the final plans before the next meeting. Several folks from U-Haul attended the site visit.
6. Ms. Dipinto said she made a bullet list detailing areas to be planted and where some of the deeper sediment deposits can be removed without damaging the vegetation. She said they are also considering new plantings. She said the sediment deposits are minimal and native wetland vegetation are currently being seeded in naturally. Discussion ensued.
7. Mr. Scott said that he would provide a plan by the next meeting (May 24th, 2022).
8. Mr. Seidenberg made a motion to continue the hearing until May 24th. The motion was seconded by Mr. McGregor.

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

Old Business: Beach Nourishment

1. Mr. Christopher said he presented the state regulation for beach nourishment during a

previous meeting. He said there is specific language for inland waterway beach nourishment that would apply to the Lancaster ponds. He said he sent out a beach template to the commission members. He shared screen with the beach template. He said at minimum, there should be a notice of intent with a site plan showing the length and width of beach area, a slope profile, and an estimation of the volume of material being added to the beach and its source. He said it would be a good idea to consider the type of sand that is used for septic sand, as this would prevent any organic material from being introduced. He said the Fort Pond YMCA will have to do some significant beach nourishment and reinforce a retention wall. They plan on putting together a notice of intent for this project.

2. Mr. Seidenberg asked if all the beaches on the ponds in town are artificial.
3. Mr. Christopher said he does not believe any of the beaches are natural. There was no regulatory oversight on these artificial beaches. Discussion ensued.
4. Mr. Seidenberg said that he believes there is no way to tell what type of material is best for the beaches since they are artificial and 'grandfathered' in.
5. Mr. Christopher said a resident established a small beach a few years ago and the commission filed a complaint. The court was in favor of the applicant. He said that would have been handled better if the commission had some sort of regulations in place.
6. Mr. McGregor asked if there are some residents that bring in sand every year to refresh beaches that are grandfathered in.
7. Mr. Christopher said the regulations would apply to replenishing old beaches as well as establishing new ones. He said that the YMCA beach is graded every year, but they will need to add new sand.
8. Mr. Lavallee said that adding new sand should require a notice of intent as this would be a significant alteration.
9. Mr. Chaisson asked the status of the ponds.
10. Mr. Christopher said Fort and Spec ponds are kettle ponds. White pond is not, and it does not have any beaches since it is a nutrifying pond. Turner's pond is a kettle hole pond with a unique bog.
11. Mr. Chaisson asked if there are any local sources of sand that would be the same type of substrate as what is found in the ponds.
12. Mr. Christopher said most of the town is sand and gravel. The kettle hole ponds are steep with lots of organic material has built up. He said a notice of intent should be filed for any beach nourishment projects.
13. Mr. Jackson said he agrees that beach nourishment represents an alteration. He said the procedure should be to determine the granular size and determine what type of sand would be appropriate for each specific pond. He said he agrees there should be a notice of intent, but it may be helpful to also have an RDA. This would determine if a notice of intent is necessary on a case-by-case basis.
14. Mr. Christopher agreed at a minimum, applicants should submit an RDA with site plans, and a notice of intent will be filed after if necessary. He said the YMCA project will be within the 25 foot no disturb zone, and this case will serve as an example of future cases.
15. Mr. Christopher closed the discussion.

Old Business: 40B - Capital Group

1. Mr. Christopher recused himself from the meeting. He entered the zoom waiting room.
2. Mr. Seidenberg shared the draft letter that was circulated. He said the letter was composed by comments that were received. He opened the discussion to commission members to share their comments.
3. Mr. Jackson said the layout plans that were submitted with the 40B plans do not seem as impactful as some of the other projects that were proposed in the area. He said they are not seeing what is proposed on the adjacent parcels, and he is concerned that these areas may not be open space. He would like to see the impact on the adjacent parcels.
4. Mr. Seidenberg said he would add this as an important point to address.
5. Mr. Jackson said there is potential for a lot of recreational open space according to the plan. He asked if adjacent areas would be set aside for those purposes. He said it is not clear if there will be easements to protect trail access. He asked what sort of mitigations are being proposed. These details were not clear in the proposal.
6. Mr. Seidenberg said the letter is due to the town administrator on Friday. He said he will add a couple more comments according to what was discussed during the meeting. He said there will be no time for further open discussion and the commission can send private comments tomorrow before the letter is due on Friday. He said he would send the letter to Ms. Farinacci after it is drafted.
7. Mr. Lavalley made a motion to authorize Mr. Seidenberg to send the letter with additional comments concerning open space and mitigation. The motion was seconded by Mr. Jackson.

Roll Call Vote: Donald Chaisson yes, James Lavalley yes, Bruce McGregor yes, Greg Jackson yes, Thomas Seidenberg yes. The motion was passed.

New Business:

1. Mr. Christopher re-entered the meeting. He said he wanted to discuss the beaver control project at eagle ridge. He said when the water level was dropped to the level of where the system would function, there was still significant flooding on one of the properties. He said they are now tasked with installing a head wall with pipes and a cage, which is much more costly, and the commission would have to put out an RFP to get the work done. He said he will work with Ms. Farinacci to send out an RFP.
2. Mr. Seidenberg asked if the commission would have to file an NOI with themselves.
3. Mr. Christopher said he believes they could avoid it because the commission owns the property. He said if they filed an NOI, it would be a restoration.
4. Mr. Lavalley said that the commission always wants things to be part of the record, so an NOI would be appropriate.
5. Mr. Chaisson said the selected contractor would file an NOI with the commission to make it part of the record. He asked if relocation of the beavers and removal of the dam could be an option that counts as a restoration.
6. Mr. Christopher said this could be the way to go because it would reduce costs and restore the area the original level. Discussion ensued.
7. Mr. Jackson said that various people have been cleaning out the spillway numerous times over the years and the beavers have always come back to fill it back in. He said there is a way to discourage the beavers from returning. He said a culvert with a keystone fence may keep the

beavers away. He said working beyond the spillway would involve taking out trees that are 8" in diameter, which would be a substantial undertaking.

8. Mr. Christopher said that cleaning out the spillway would be a good starting point.
9. Mr. Jackson said there is about 2 feet of water on the neighbor's property, and they will need to drop the water level.
10. Mr. Christopher said the easiest way to resolve this might be to hire a contractor and for them to file a determination of applicability. He said that the area will likely restore itself very quickly once the dam is removed.
11. Mr. Chaisson asked what the effect of the beaver pond is on the fish populations and if removal of the dam mitigate habitat for the fish.
12. Mr. Christopher said the stream is very small and most likely not qualified as a cold-water stream. He said there would most likely be a warm-water fish population in the pool. Discussion ensued.
13. Ms. Farinacci shared an invoice with the commission which was for \$475. The invoice was for the initial assessment and the additional water level assessment from Beaver Solutions LLC.
14. Mr. Jackson asked if the previous invoice was paid.
15. Ms. Farinacci said she would have to check with Deb Denis to make sure that invoice was paid.
16. Mr. Christopher said he talked with Ms. Denis, and she said the checks were being mailed out yesterday (May 9th, 2022).
17. Mr. McGregor made the motion to adjourn. The motion was seconded by Mr. Lavallee.

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

The meeting was adjourned at 8:22 PM.