

TOWN OF LANCASTER
CONSERVATION COMMISSION

Meeting Minutes

September 12th, 2023

Members Present: Chair Tom Seidenberg, Vice-Chair Jim Lavallee, Bruce McGregor, and Dennis Hubbard.

Also Present: Charlotte Steeves (Conservation Agent)

Not present: Shawn Windsor

List of agenda items presented:

1. Continued Public Hearing- Notice of Intent- 433 Brockelman Road- Siddell/ Filipi
2. Meeting Minutes 4-25-23

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

1. Mr. Seidenberg moved on to the second item in the agenda since the applicants from 433 Brockelman Road were not yet present in the meeting.

Request for Certificate of Compliance 0 Brockelman Rd/ 0 Lunenburg Rd- New England Power Company

1. Ms. Steeves said the applicant had requested a continuance to give them more time to get a written statement from the engineer of the project to make sure all work was done according to the OOC. She also said she was planning to visit the site.
2. Mr. Seidenberg said this is not a public hearing, so they do not need to vote on a continuance. A few minutes later, Mr. Seidenberg said that there are deadlines to issue a COC, so the commission should actually vote to continue the hearing to the next meeting on September 26th, 2023.
3. Mr. Hubbard made the motion to continue the hearing and it was seconded by Mr. Lavallee.
4. **Roll Vote: Mr. McGregor yes, Mr. Hubbard yes, Mr. Lavallee yes, Mr. Seidenberg yes.**

Discussion: Vernal Pool Certification -10 Fire Rd 54

1. Ms. Steeves said this discussion will be continued to the next meeting to give the owners a chance to join the discussion.

Extension Request Order of Conditions: McGovern Boulevard- 702 LLC, Bohler

1. Ms. Steeves said there was also an extension request for this project to give the applicants a chance to gather documents related to the road construction history in the original OOC.
2. Mr. McGregor made the motion to continue the hearing to September 26th, 2023. It was seconded by Mr. Lavallee.
3. **Roll Vote: Mr. McGregor yes, Mr. Hubbard yes, Mr. Lavallee yes, Mr. Seidenberg yes.**

Review and Approve Meeting Minutes

1. Mr. McGregor made the motion to approve the meeting minutes from August 29th, 2023, and it was seconded by Mr. Lavallee.
2. **Roll Vote: Mr. McGregor yes, Mr. Hubbard abstained, Mr. Lavallee yes, Mr. Seidenberg yes.**
3. Mr. Lavallee made the motion to approve the meeting minutes (as edited) from May 9th, 2023, and it was seconded by Mr. Hubbard.
4. **Roll Vote: Mr. McGregor yes, Mr. Hubbard yes, Mr. Lavallee yes, Mr. Seidenberg yes.**

Continued Public Hearin- Notice of Intent- 433 Brockelman Rd

Present: Elias Filipi (applicant and owner)

1. Mr. Seidenberg said during the last meeting, the commission had asked the applicants to come back with a site sketch showing the comments from the site walk with the commission. A hand drawn sketch was submitted by the applicants showing these comments. There was also an email exchange asking if the sketch was sufficient. He said he would be happy to move forward with an approval.
2. Mr. McGregor said he was happy with the sketch.
3. Ms. Steeves shared the screen with the sketch of the site.
4. Mr. Filipi said there will be a bit of an opening in the straw wattles near the culverts as this is an access road for the neighbor.
5. Mr. Lavallee made the motion to close the hearing and it was seconded by Mr. Hubbard.
6. **Roll Vote: Mr. McGregor yes, Mr. Hubbard yes, Mr. Lavallee yes, Mr. Seidenberg yes.**
7. Mr. Lavallee made the motion to issue an order of conditions and it was seconded by Mr. Hubbard.
8. Ms. Steeves asked if this would be a standard order with special conditions.
9. Mr. Seidenberg said the discussion items should be special conditions.
10. Ms. Steeves said she would draft the special conditions and the commission will sign off on it. She said the applicants will have to send a copy of the OOC to the Mass DEP. She said there are instructions on the paperwork and that the applicants can then start the work.
11. Mr. Filipi asked if they will be receiving some type of number from the DEP.
12. Ms. Steeves said they should already be issued a number.
13. Mr. Seidenberg said he does not see this project on the DEP website. It was not yet issued an NOI number. He said this hearing has been open for a couple of months and he would expect DEP to have issued a file number by now.
14. Mr. Lavallee suggested the commission vote to approve the project and have the OOC issued once the commission receives the file number.
15. Mr. Seidenberg said the hearing was opened in July and it was an NOI. He said the file was only filed with the town and not with the DEP.
16. Mr. Filipi said he paid all the fees and sent a copy to the DEP.
17. Mr. Seidenberg said he is in the dark with the paperwork process and he is not sure if the applicant or the town has to send a copy to the DEP.
18. Ms. Steeves said the applicant has to send a copy to the DEP.

19. Mr. Filipi said he sent a copy to the DEP immediately after he went to the office to talk with Ms. Steeves. He said he put the copy in the mail, and this was separate from when he sent the notice to the abutters.
20. Ms. Steeves said sometimes the DEP is delayed in getting the file number back.
21. Mr. Seidenberg said in the past, the commission has issued continuance for projects until they have DEP numbers. He said the comments from the DEP is part of the record. He said he is fine with the commission voting to issue the OOC, and the clock is running for the town. The OOC will have to be issued within 21 days from a bylaw perspective.
22. Mr. Lavallee asked if the OOC can be approved without the DEP number since the commission is under a time constraint. He said applicants in the past have waited for the DEP number until the application was approved, but there were also instances where they approved the OOC and wait to issue it until the DEP number is received.
23. Mr. Lavallee amended the motion to approve the OOC pending the DEP number is received.
24. **Roll Vote: Mr. McGregor yes, Mr. Hubbard yes, Mr. Lavallee yes, Mr. Seidenberg yes.**

Adjourn

1. Mr. Lavallee asked if there was a COC issued for the Bartlet Dam removal.
2. Ms. Steeves confirmed that yes, she sent in the paperwork.
3. Mr. Lavallee made the motion to adjourn and it was seconded by Mr. Hubbard.
4. **Roll Vote: Mr. McGregor yes, Mr. Hubbard yes, Mr. Lavallee yes, Mr. Seidenberg yes.**
5. The meeting was adjourned at 7:37 PM.