

TOWN OF LANCASTER
CONSERVATION COMMISSION

Meeting Minutes

September 13th, 2022

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

Also Present: Jasmin Farinacci (Town Planner)

List of documents presented:

- **Conservation Commission Agenda for September 13, 2022**
- **Request for Determination of Applicability- 695 Main Street- Lancaster Committee**
- **Request for Determination of Applicability – 50 Fire Road 10- Michael Fetterman**
- **Request for Determination of Applicability -0 Lunenburg Road – Landcaster Land Trust**
- **Old Business- Lift Enforcement Order – 0 Hawthorne Lane – DEP 193-0591**
- **Old Business- Eagle Ridge Impoundment Breach**

Not Present: Mr. Greg Jackson

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

1. Mr. Christopher said that they filled a vacant seat for the 7th commission member, Erin Callanan, but she was not able to complete ethics training in time for the meeting.
- 2.

Request for Determination of Applicability – 695 Main Street – Lancaster Recreation Committee

Present: Michelle Currier, applicant

1. Mr. Christopher read the public hearing notice for the commission. He said he would step back from this hearing and assign it to Mr. Seidenberg, since his company will be performing the work.
2. Ms. Currier introduced the project to spray invasive vegetation, specifically Japanese Knotweed. She said getting rid of the invasive species will allow more room on the property. She is seeking approval from the commission to move forward.
3. Mr. Cristopher said this is the third time his company has volunteered their time and services. He estimated the timeframe to be 2 hours. The invasive species will be sprayed with glyphosate. The spraying will occur right through the resource area. Discussion ensued.
4. Mr. Chaisson asked Mr. Christopher for specific steps for this project and how the

spraying will occur. Discussion ensued.

5. Mr. Seidenberg asked if there were any questions from the commission or public to which there were none.
6. Mr. Lavallee made a motion to issue a negative determination of applicability with the condition that the spraying occur on a day where the wind is <30 miles per hour, and the motion was seconded by Mr. McGregor.
7. Mr. Lavallee made the motion to close the hearing, and this was seconded by Mr. Chaisson.

Roll Vote: Mr. Chaisson, yes, Mr. Lavallee, yes, Mr. McGregor, yes, and Mr. Seidenberg, yes.

8. Mr. Lavallee made the motion to issue a negative determination of applicability with the condition that the spraying be done on a day when the wind is less than 30 miles per hour, and it was seconded by Mr. McGregor.

Roll Vote: Mr. Chaisson, yes, Mr. Lavallee, yes, Mr. McGregor, yes, and Mr. Seidenberg, yes.

9. Mr. Christopher said they expect to begin the work the following Thursday at 10:00 AM.

Request for Determination of Applicability – 50 Fire Road 10 – Michael Fetterman

1. Mr. Christopher read the public hearing notice for the commission. He said he did not have time to do a site visit this week. He said he was impressed with the photos provided by Mr. Fetterman. He said he would agree to a negative determination of applicability and that one of the trees is completely outside of the buffer zone. Discussion ensued.
2. Mr. Lavallee asked for the site photos to be shared and Mr. Christopher shared his screen.
3. Mr. Chaisson said he would be comfortable closing the hearing since the project is documented well enough. He said the site visit is not necessary and that the commission can vote on this as is. Mr. Seidenberg agreed.
4. Mr. McGregor made the motion to close the hearing and it was seconded by Mr. Seidenberg.

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

5. Mr. Seidenberg made a motion to issue a negative determination of applicability and seconded by Mr. Chaisson.

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

Request for Determination of Applicability – 0 Lunenburg Road – Lancaster Land Trust

1. Mr. Christopher read the public hearing notice for the commission. He said he does not see anyone in the meeting to represent the land trust. He gave the commission some history on the project and how it came about. He said 1/3rd of the parking area is within the 200-riverfront zone of Spectacle Brook. Consequently, the applicants were required to file. He said it is going to be a costly project and estimated \$75,000, which may require some fundraising. He asked if the commission would need a full notice of intent or if a

request for determination of applicability would be sufficient. A discussion ensued.

2. Mr. Chaisson said that the project would be a significant improvement to public safety and provide a conservation benefit.
3. Mr. Lavallee said he would like to see a notice of intent for the project. Mr. Seidenberg agreed. Discussion ensued.
4. There were no comments from the audience and Mr. Christopher made a motion to continue the hearing to September 27th. The motion was seconded by Mr. Seidenberg.
5. Mr. Seidenberg said that there was a plan for the project submitted in July (2022). He said it shows the proposed wall and proposed culvert. However, he is unsure if this plan is the current one. Discussion ensued.

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

Lift Enforcement Order – 0 Hawthorne Lane – DEP 193-0591

1. Mr. Christopher gave a background on the project. The superseding order of conditions for this project had not been recorded at the county courthouse. The commission can make a motion to list the order of conditions on the project.
2. Mr. Lavallee made the motion to lift the enforcement order on Gary Melanson and Melanson Brothers INC and it was seconded by Mr. Chaisson.

Roll Vote: Mr. Seidenberg, RECUSED (as a direct abutter), Mr. Chaisson, yes, Mr. Lavallee, yes, Mr. McGregor, yes, and Mr. Christopher, yes.

1. Mr. McGregor made the motion to lift the enforcement order on Mr. Smith, and it was seconded by Mr. Lavallee.

Roll Vote: Mr. Seidenberg, RECUSED (as a direct abutter), Mr. Chaisson, yes, Mr. Lavallee, yes, Mr. McGregor, yes, and Mr. Christopher, yes.

Eagle Ridge Impoundment Breach

1. Mr. Christopher shared his screen and showed site photos. He said there was a good flow and approximately 6-8" of water running through the breach. He said the bottom of the stream was returning to its normal gravelly condition. Discussion ensued.
2. Mr. Chaisson asked if the abutters property was within buffer zones of this project to which Mr. Christopher clarified that yes, without a doubt they are. He said that this is a wetlands resource area.
3. Mr. Christopher said that 6 beavers were captured. He said they will return, but it may take a couple of years. Discussion ensued.
4. Mr. Lavallee asked for confirmation that the impoundment has returned to historical levels and Mr. Christopher confirmed this.
5. Mr. Christopher said that he can understand the homeowners concern in the area. He said the homeowners have been threatening to file lawsuits against the commission and the town.
6. Mr. Lavallee said they are nor responsible for beavers building on the river, rather, the commission is responsible for helping to make the situation better.
7. Mr. Christopher said they will need to at least wait until next spring (2023) to assess the scale of the damage. He said restorations take time. Discussion ensued.

8. Ms. Farinacci displayed the bill for the impoundment removal for the commission.
9. The motion to approve the amount of \$4700 to the Capital Facility Services Corporation was made by Mr. McGregor and seconded by Mr. Lavallee.

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

Mr. Lavallee made the motion to close the hearing, and this was seconded by Mr. Lavallee.

Roll Vote to close the meeting: Mr. Seidenberg, yes, Mr. Chaisson, yes, Mr. Lavallee, yes, Mr. McGregor, yes, and Mr. Christopher, yes.

The meeting was adjourned at 8:14 PM.