

**TOWN OF LANCASTER
CONSERVATION COMMISSION**

September 26th, 2023



AGENDA

7:00 PM Open Meeting

Roll Call

Jim Lavallee

Bruce McGregor

Dennis Hubbard

Shawn Windsor

Tom Seidenberg

Charlotte Steeves

1 Continued Public Hearing- Notice of Intent: Fort Devins Box Culvert Replacement & Repair

Ms. Steeves informed the Commission that the applicant had requested to continue until October 10th.

Member Lavallee made a motion to Continue until October 10th; Member Windsor seconded. The Chair asked for any discussion. Hearing none he called for a Roll Call Vote:

Bruce McGregor - Yes

Jim Lavallee -Yes

Shawn Windsor -Yes

Dennis Hubbard -Yes

Tom Seidenberg -Yes

Vote: (5-0) to continue Fort Devins until the 10th of October

2. Discussion

1. Vernal Pool Certification- 10 Fire Rd 54

The Commission was asked to grant permission to the abutter to certify the Vernal Pool. This Vernal Pool had been documented but the certification was not completed. Member Lavallee stated the pool was on two properties, thus allowing either party to submit the application. Mr. Bowman, an abutter, voiced concerns about why the commission did not certify the pool. A discussion ensued concerning whether the commission could still certify this vernal pool. Member Lavallee made a motion to endorse the vernal pool certification and permission for Mr. Gardner and Mr. Bowman to speak to Mr. Butler and release that information. Member Hubbard seconded the motion. The Chair asked for any further discussion. Hearing none the Chair called for a Roll Call Vote:

Bruce McGregor - Aye
Jim Lavallee - Aye
Shawn Windsor -Aye
Dennis Hubbard- Aye
Tom Seidenberg - Aye

Vote:(5-0 Permission Granted)

2. Violation on 397 Center Bridge Road

There was a significant violation at 397 Center Bridge Rd. Ms. Steeves had not heard back from them since the sight visit. The Chair said that the non-response was not acceptable. The Chair asked the commission for their input.

Member Lavallee said that he remembers them being responsive at the beginning. He felt they should try to contact them again.

The Chair said to draft a letter stating the time limits. A discussion ensued concerning the way to go about getting the violators to respond. Member Hubbard made a motion that Ms. Steeves would draft a letter stating the escalating next steps that would occur along with a notice of intent. Member Lavallee seconded the motion. The Chair asked for any discussion; hearing none the Chair called for Roll Call Vote:

Bruce McGregor-Yes
Jim Lavallee-Yes
Shawn Windsor-Yes
Dennis Hubbard-Yes
Tom Seidenberg-Yes
Vote: (5-0)

3. Hazardous Tree Removal- 10 Fire Rd 53

The Chair asked if there was anyone on Zoom to speak on the tree removal. Bill Putnam, 10 Fire Rd 53, stated that there was a large maple tree that was within 25 feet of the vernal pool. The Chair asked Ms. Steeves what the process was. Ms. Steeves was not certain. The Chair asked Mr. Christopher if he knew. Mr. Christopher stated that it was generally verbal approval after form was filled out and then a site walk would take place. Member McGregor discussed the effectiveness of the pictures. A general discussion took place on whether an RDA was required. The general consensus was that an RDA should be required if the tree did not qualify for an emergency. The Chair requested a motion. Member Lavallee made a motion that an RDA was required. The Chair seconded the motion. The Chair asked for any more discussion. There was a discussion around the RDA process. The Chair asked for any more discussion. Hearing none the Chair took a roll call vote:

Vote:

Bruce McGregor - Yes
Jim Lavallee - Yes
Shawn Windsor-No
Dennis Hubbard-Yes
Tom Seidenberg-Yes

Vote (4-1) to require an RDA. Charlotte and Tom were going to visit the site for emergency purposes.

Other Business

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

The Chair asked if there was anyone present on Zoom for the applicant. Nathan Mahon from Bohler Engineering, Art Allen from Echo Technology and Sandra Depeche from the applicant if needed. The plans were loaded onto the screen for all to look at.

A general discussion took place on how you could file an Extension Request Order of Conditions. The Applicant tried to find a way to develop parcel of land. The Order of Conditions was no longer adequate.

A discussion took place concerning the pro's and con's of the consequence of denial. The Chair asked for discussion. Shawn Winsor thought that Mr. Mahon should have the table should have the table. Mr. Mahon took the table. Mr. Mahon discussed the work that was going to take place. Art Alan from Echo Tech Incorporated took the table next. Mr. Alan discussed the vernal pool and the conditions surrounding it. Member Lavallee had a question concerning whether there was a vernal pool or not. There was discussion around how to extend the Vote to extend the Order of Conditions. Bruce McGregor asked what next steps would be if they denied the Order of Conditions. More conversation took place surrounding the particulars of this case. Mr. Mahon voiced his concerns and happy to revisit it. The Chair asked for any further discussion. Hearing none, the Chair asked for a motion. Member McGregor motioned to Approve the Extension, Member Windsor Seconded. The Chair asked for further discussion. Member Hubbard asked for how long. Member Windsor said he would update the Motion to Approve the Extension for one year. The Chair asked for any discussion. Hearing none, the Chair took a roll call vote:

Vote:

Bruce McGregor – Aye

Dennis Hubbard – Aye

Jim Lavallee – Aye

Shawn Windsor – Aye

Tom Seidenberg – No

Vote: (4-1) Motion to Approve the Extension for One Year

2. **Request for Certificate of Compliance:** 0 Brockelman Road (Parcel 1); 0 Lunenburg Road (Parcel 2) -New England Power Company

Ms. Steeves stated that all the work had been done from the order of conditions. The Chair asked for any comments from the commission. Member Lavallee said it looked fine to him. The Chair asked for any other comments. Hearing none the Chair asked for a motion. Member Windsor made a motion, Member Hubbard seconded. The Chair called for a vote for the Motion to Approve the Request for Certificate of Compliance.

Vote:

Bruce McGregor – Aye

Dennis Hubbard – Aye

Jim Lavallee – Aye

Shawn Windsor – Aye

Tom Seidenberg – Aye

Vote: (5-0) Motion to Approve the Request for Certificate of Compliance

Approve Meeting Minutes

1. May 23rd, 2023

Member Lavallee Made a motion to approve, Member Hubbard seconded. The Chair stated that a motion had been made to approve the meeting minutes of September 23rd, 2023. The Chair asked for further discussion. Hearing none the Chair took a vote:

Bruce McGregor – Aye

Dennis Hubbard – Aye

Jim Lavallee – Aye

Shawn Windsor – Abstain

Tom Seidenberg – Aye

Vote: (4-1) Motion to Approve the minutes of May 23rd, 2023

3. September 12th, 2023

Member Lavallee Made a motion to approve, Member Hubbard seconded. The Chair stated that a motion had been made to approve the meeting minutes of September 12th, 2023. The Chair asked for further discussion. Hearing none the Chair took a vote:

Bruce McGregor – Aye

Dennis Hubbard – Aye

Jim Lavallee – Aye

Shawn Windsor – Abstain

Tom Seidenberg – Aye

Vote: (4-1) Motion to Approve the Minutes of September 12th, 2023

Miscellaneous

1. Ms. Steeves had pictures of a structure that she wanted the commission to review. There was no one living on the property but there had been some construction. Ms. Steeves said she and the Building Commissioner would look into this further.

The Chair asked if anyone else had anything to talk about. Hearing none the asked for a motion to adjourn the meeting. Member XXXX made a motion to adjourn. Member XXXX seconded. Roll call vote:

Bruce McGregor – Aye

Dennis Hubbard – Aye

Jim Lavallee – Aye

Shawn Windsor – Aye

Tom Seidenberg – Aye

Vote: (5-0) to Adjourn the Meeting

Upcoming Conservation Commission Meeting dates

October 10th, 2023

October 24th, 2023