

TOWN OF LANCASTER
CONSERVATION COMMISSION

Meeting Minutes

September 27th, 2022

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

Also Present: Jasmin Farinacci (Town Planner)

List of documents presented:

- Conservation Commission Agenda for September 27, 2022
- Request for Certificate of Compliance- 396 Hill Top Rd- Plante
- Public Hearing- Request for Determination of Applicability- 396 Hill Top Rd- Plante
- Public Hearing- Request for Determination of Applicability-160 Fire Rd 12 – Anderson
- Order of Resource Area delineation- 696 Fort Pond Rd- Mountain Laurel Realty Trust
- Old Business- Eagle Ridge Impoundment Breach

Not Present: Mr. Greg Jackson

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

Request for Certificate of Compliance- 396 Hill Top Rd- Plante

Present: Brian Milisci (Haley Ward) and Curt Plante

The site plans were shared with the commission for 396 Hill Top Rd.

- 1- Mr. Plante said that the project was started immediately once the order of conditions was issued. The retaining wall was constructed at the same time as the foundation and the site was stabilized promptly. He said there was minimal extension of the retaining wall area near the garden. They also added an additional leach pit in the front yard adjacent to the street. They took existing downspouts to collect any water runoff from the house. Additional downspouts were added near the back patio and around the entire garage and added to the subsurface seepage pit at the left side of the garage. The entire retaining wall was backfilled with at least 2 feet of stone and filter fabric. He said that the entire site is well-stabilized, and any disturbed areas have reseeded with grass. 25ft no-disturbance zones were marked off. Erosion control is still in place.
- 2- Mr. Christopher said that the erosion control needs to be taken out once the commission gives permission.
- 3- Ms. Farinacci said she has been out to visit the site and pulled up site photos to share with the commission.
- 4- Mr. Plante said he had to install a 4-foot riser over the manhole of a well on the site.

Ms. Farinacci shared site photos (rear of the site, back yard with retaining wall next to the garden, the well, downspouts off rear of the house, and silt fence in excellent condition).

- 5- Mr. Chaisson asked if the paved area stayed within the proposed square footage.
- 6- Mr. Plante said that the paved area was increased because he is planning to build a roof over the area. He said that adding the additional drainage effectively mitigated any additional runoff caused by the increased paved area.
- 7- Mr. Seidenberg said the original plans showed an addition of 340 square feet of pavement, but the new plan shows the entire area of grass being paved over. He asked how many square feet of pavement was added and Mr. Plante said that he did not have the calculation.
- 8- Mr. Milisci also said that he did not have the calculation of added square feet.
- 9- Mr. Seidenberg asked if the size of the infiltration system was increased to account for the additional pavement to which Mr. Plante affirmed that he did. He also said that a perimeter drain was added to the front and back of the garage as well as the patio area and there leaching trenches connected to the downspout drains to help with additional runoff. He said there have been zero issues with runoff. Mr. Plante said there is a 5.5ft wall with 2-3 feet of stone behind it, which runs from the surface down to the grade. He said that this wall is helping with sheet flow and that there are no issues with runoff whatsoever. He said that there was significant sheet flow and runoff directly to the wetlands prior to construction on the property and the new construction captures water on the site and recharges it into the ground.
- 10- Mr. Seidenberg estimated 1500 to 2000 square feet of additional impervious surface, and this was not disclosed on the original plan. He said that the additional pavement that was done on the property would likely have not been so easily approved by the commission.
- 11- Mr. Lavallee asked if there is a narrative that goes along with the as-built plans, why this is different from the original plan, and why the changes were justified.
- 12- Mr. Plante said that the back pavement area going from left to right is 900 square feet. He said that leaving it as gravel would lead to failure.
- 13- Mr. Lavallee suggested that Mr. Plante provide a narrative with all the changes and a justification for why they were needed (i.e., how the changes improved the site).
- 14- Mr. Christopher said it would be best for Mr. Plante to ask for a continuance which would allow Mr. Milisci time to add some volumetric and square footage calculations.
- 15- Mr. Chaisson asked for clarification on the slope and drainage of the proposed roof over the paved area.
- 16- Mr. Lavallee asked if the as-built is an improvement over the original site plans, would this be a guaranteed approval from the commission.
- 17- Mr. Chaisson said he would like documentation showing the differences between what was initially approved and the as-built and this was seconded by Mr. Lavallee.
- 18- Mr. Christopher agreed. Mr. Plante requested a continuance for October 11th.
- 19- Mr. McGregor made a motion to grant a continuance to Mr. Plante and seconded by Mr. Lavallee and there was no further discussion.
- 20- Mr. Christopher called a roll vote to issue a continuance.

Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, James Lavallee yes, Bruce McGregor yes, Erin Callanan yes. The motion was passed.

Public Hearing- Request for Determination of Applicability- 396 Hill Top Rd-Plante

Present: Curt Plante (applicant and owner)

Mr. Christopher read the public hearing notice aloud for the commission. Mr. Plante filed a request for determination of applicability to remove 3 trees from the property (2 of which fall within the 100 ft buffer zone). The trees are 2 24-inch pines and 1 18-inch pine.

- 1- Mr. Plante said he is worried about the trees falling during a storm. He said that the trees will be removed via crane. The area will be re-loamed and re-seeded, stumps will also be removed.
- 2- Mr. Seidenberg asked if the tree removal form has been filled out and Mr. Plante said he was not aware of the worksheet.
- 3- Ms. Farinacci shared photos of the 3 trees from her site visit.
- 4- Mr. Christopher noted that all 3 trees are right over the septic system and Mr. Plante said that the trees are downgradient of the leach field.
- 5- Mr. Plante said that he sprayed the area for poison ivy.
- 6- Mr. Chaisson said he would support the tree removal, but he suggested that Mr. Plant fill out the tree removal form, and this was seconded by Mr. McGregor.
- 7- Mr. Christopher said that upon receipt of the tree removal form, the commission can vote to issue a negative determination of applicability.
- 8- Mr. Chaisson made the motion to issue a negative determination of applicability to Mr. Plante contingent upon receipt of the tree removal form and this was seconded by Mr. McGregor and there was no further discussion.
- 9- Mr. Christopher called a roll vote to issue a continuance.

Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, James Lavallee yes, Bruce McGregor yes, Erin Callanan yes. The motion was passed.

Mr. Christopher said he would email the tree removal forms to Mr. Milisci.

Public Hearing- Request for Determination of Applicability-160 Fire Rd 12 – Anderson

Present: John Plifka (McCarty Engineering), representing applicant

- 1- Mr. Christopher read the public hearing notice for the commission. He said that he had a chance to conduct a site visit with Larry Greene (associated with McCarty Engineering) prior to any work on the site.
- 2- Mr. Plifka said that they are proposing to build a pervious patio at 160 Fire Rd 12 (1600 square feet and approximately 75 feet from the resource area). They are not proposing any tree removal. Currently the area is a mixture of lawn and beach area and is susceptible to erosion. They are also proposing several retaining walls to help stabilize the area and to meet grade. They are proposing to use straw wattles and silt fence during construction.
- 3- Mr. Christopher said there is an area of erosion on the property and asked for confirmation that they are planning to slightly raise the grade, which was confirmed by Mr. Plifka.
- 4- Mr. McGregor asked how wide the pervious surface was and Mr. Plifka confirmed the proposed 1600 square feet.
- 5- Mr. Lavallee asked if there will be any machinery involved.
- 6- Mr. Plifka confirmed there will be some small equipment used and some sand will be hauled out.
- 7- Mr. Seidenberg asked what will be put under the paving stones.

- 8- Mr. Plifka said some of the sand will be used as a base along with stone dust.
- 9- Mr. Lavallee asked for a timeline and Mr. Plifka said he was not entirely sure but said that he contractor (urban Roots) was ready to start work was soon as approval is granted. There were no further comments.
- 10- Mr. Seidenberg made a motion to issue a negative determination of applicability which was seconded by Mr. Chaisson.
- 11- Mr. Christopher called a roll vote.

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

Order of Resource Area delineation- 696 Fort Pond Rd- Mountain Laurel Realty Trust

- 1- Mr. Christopher said that the original order of resource area delineation for this area was submitted in 2018 (by Mountain Laurel Realty Trust). Mr. Christopher shared a site map of the area with the commission showing Fort Pond Road, a public utility right-of-way and several wetland systems/ bogs/ intermittent streams. There is also a potential vernal pool. There are flag locations for the delineations. Mr. Christopher said the original ANRAD was reviewed by the commission in 2018 and they agreed that it was accurate (work was completed by Mullaney Engineering). He said that the flag marking on the site map are consistent with the delineation that were completed by Ecotec for a former project in the area. He said that the commission received a letter asking to reconfirm the delineations because the tolling system allows this to be revisited by October 22nd, 2022. He said that he reached out to the town council to confirm something that the commission has already confirmed. He said that there is proposed development in the area and that the existing access road may have to be shifted more towards the wetland area, but there are no plans that have been submitted yet. He said there was a rendering submitted by GFI Partners to the select board several months ago, but nothing was submitted to the commission or the planning board. Much of the area is gravel pit and had been extracted out, but this area could also be habitat for rare and endangered species. Mr. Christopher said the commission needs to vote to confirm the order of resource area delineation. He also confirmed that the commission does not have any plans but does have a copy of the rendering that was sent to the select board.
- 2- Mr. Chaisson asked for the date of when the delineation was conducted, and Mr. Christopher said September 25th, 2018. Mr. Chaisson said the area involves multiple ownership of different parcels. He asked if the elevation grades were taken off the map or if they were as-built conditions reflecting sand and gravel operations in the area.
- 3- Mr. Christopher said there has been some gravel removed after engineering plan was developed so there may be some changes in the grades. He said the changes in the grade is likely not to impact locations of the wetland flags.
- 4- Mr. Seidenberg said that it is clear in the legislation that the end date of all permits that were issued (prior to March 10th, 2020) have been extended. He said that the commission should tell the applicant that they get an extension.
- 5- Mr. Lavallee said the commission is being asked if the extension also applies to the applicant.

- 6- Mr. Chaisson said the original approval that was given is still in force for a significant amount of time (due to the extension of the deadlines). He said he does not see why any action is needed due to the extension and that the applicants would have the right to rely on the original delineations from 2018. He also said that a peer review would be a monumental task.

Mr. Christopher shared a letter from LEC Environmental Consulting requesting a permit extension and Covid-19 Tolling for 696 Fort Pond Road. The letter requests an extension on the Order of Resource Area Delineation issued on October 15th, 2019. Mr. Christopher allowed commission members to read relevant paragraphs in the letter.

- 7- Mr. Christopher said that the property owners at 696 Fort Pond Road are entitled to ask for an extension on the resource area delineation. He said that he agrees with Mr. Seidenberg that an extension should be granted.
- 8- Mr. Seidenberg said that the resource area delineation was peer reviewed and that the hearing was continued several times.
- 9- Mr. Christopher asked who was the peer reviewer and Mr. Seidenberg said that he did not have that information.
- 10- Mr. Chaisson said that the firm did conduct a site review this summer and that he thinks that the project qualifies for the extension. He is pleased that the project has been looked at recently. He said that he agrees with Mr. Seidenberg that an extension should be granted.
- 11- Mr. Christopher asked if someone from the commission would make a motion to grant an extension to the applicant.
- 12- The motion was made by Mr. Seidenberg and seconded by Mr. Chaisson and there was no further discussion.
- 13- Mr. Christopher called a roll vote.

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

Old Business- Eagle Ridge Impoundment Breach

- 1- Mr. Christopher said that there was a good rainstorm, but he did not have a chance to do a site visit. He said there was nothing under new business. He asked if there were any items for approval and there were none.

Mr. Chaisson made a motion to adjourn the meeting and the motion was seconded by Mr. Seidenberg. Christopher called a roll vote.

Roll Call Vote: Thomas Seidenberg yes, Donald Chaisson yes, James Lavallee yes, Bruce McGregor yes, Erin Callanan yes, and Tom Christopher, yes. The motion was passed.

The meeting was adjourned at 8:22 P.M.