

TOWN OF LANCASTER
CONSERVATION COMMISSION
Prescott Building, Nashaway Meeting Room
June 11, 2019

Members Present: Nate Stevens, Chair; Tom Christopher, Vice-Chair; Don Chaisson; Shawn Corbett; Thomas Seidenberg; James Lavallee; Bonnie Smith

Members Absent:

Also Present: David Koonce, Conservation Agent

List of Documents:

- Conservation Commission Agenda for June 11, 2019
- VCA Animal Hospitals Notice of Intent: Plans; Haley and Ward peer review letter
- Meeting Minutes of April 9, 2019; April 23, 2019

There being a quorum present, Nate Stevens called the meeting to order at 7:03 PM.

Public Hearing – Notice of Intent (cont'd from 05.28.19); VCA Animal Hospitals, Inc.; 456 High Street Extension

Present: Arthur Allen, EcoTec, Inc., representing Applicant

Carl Hultgren, Quinn Engineering, Inc., representing Applicant

Conservation Agent David Koonce reported that Hayley & Ward has completed their peer review of compliance with the Stormwater Standards; no significant changes to the project's design are recommended. It is recommended that the 25-foot no-disturb setback from wetlands be staked off between Wetland Flags S-7 to S-10, and A-1 to A-5, prior to the start of any site work. Agent Koonce recommended the hearing be closed and an Order of Conditions approving the project be issued, with a Condition included for the staking of the 25-foot no-disturb setback as recommended by Hayley and Ward.

At 7:08 PM James Lavallee made a motion to close the hearing. Tom Christopher seconded the motion. No discussion. VOTE: 7-0-0.

At 7:09 PM James Lavallee made a motion to issue an Order of Conditions approving the project, with a Condition included for the staking of the 25-foot no-disturb setback. Tom Christopher seconded the motion. No discussion. VOTE: 7-0-0.

New Business

Fort Pond Water Level Control

Clayton Arvidson of 310 Fort Pond Road was present to express his concern that an additional board or boards have apparently recently been placed in the Fort Pond Dam spillway, increasing the Pond's water level to where it is flooding his property, in particular damaging his house foundation. He requested that the Conservation Commission require the water level be lowered in order to protect his property.

Tom Christopher said the water level in Fort Pond typically fluctuates around fifteen (15) inches annually with nothing done to the dam.

Agent Koonce said the owner of the dam has the responsibility to maintain the spillway boards in their "historical" configuration; they cannot be removed and/or inserted without formal approval from the Conservation Commission through the filing of a Notice of Intent and issuance of an Order of Conditions. He said the owner is legally liable for unauthorized modifications to the dam that alter the Pond's water level, even if the boards are inserted/removed by others without the owner's permission; in such cases the owner can be cited for violating the Massachusetts Wetlands Protection Act and/or the Lancaster Wetlands Protection Bylaw . Mr. Koonce added that although the current flooding problem on Mr. Arvidson's property has been exacerbated by the large amount of rainfall since last fall, the Notice of Intent process must nevertheless be followed unless the situation is a genuine emergency, i.e. there is an imminent threat to human health, safety, or property.

The Commission discussed the matter and how best to proceed.

At 8:01 Don Chaisson made a motion to direct the Conservation Agent to write a letter to the owner of Fort Pond Dam informing him that any manipulation of the water level in Fort Pond by inserting and/or removing boards from the Dam requires the filing of a Notice of Intent with the Conservation Commission. Jim Lavallee seconded the motion. No discussion. VOTE: 7-0-0.

Items for Approval and/or Signature

Meeting Minutes of April 9, 2019 and April 23, 2019

At 8:08 PM James Lavallee made a motion to approve the minutes of April 9, 2019. Tom Seidenberg seconded the motion. No discussion. VOTE: 7-0-0.

At 8:10 PM James Lavallee made a motion to approve the minutes of April 23, 2019. Tom Christopher seconded the motion. No discussion. VOTE: 7-0-0.

Adjourn

At 8:12 PM Tom Christopher made a motion to adjourn the meeting. Shawn Corbett seconded the motion. No discussion. VOTE: 7-0-0. The meeting was adjourned at 8:13 PM.

Respectfully submitted,
David Koonce
Conservation Agent