

**LUDLOW CONSERVATION COMMISSION
MINUTES OF THE MEETING OF
March 6, 2024**

CONSERVATION MEMBERS

Angela Tierney – Chair (Present)
Penny Lebel – Vice Chair (Present)
Cameron Covill (Present)
Helder Cerqueira (Present)
Jason Martowski, Associate Member (Absent)

The meeting began at 6:30 p.m. in the Selectmen's Conference Room.

**Public Hearing – Notice of Intent (207-0659) Judy Breault, Town of Ludlow Pond Management Committee - Alden Pond (Assessors' Map 40)
(ecological restoration limited project & treatment of pond with herbicides & algacides)**

In attendance: Steve Riberdy – Goddard Consulting, Judy Breault, Elaine Hodgman

The public hearing opened at 6:30 p.m.

Mr. Riberdy explained that the project involves the ecological restoration of Alden Pond as a result of a study that was done that found lots of variable invasive milfoil in the pond. He noted that the spread of milfoil is something that DCR actively tries to manage and explained the process in how the pond will be treated in targeting the milfoil at a low dose and not really affecting other native things that are out there and will restore the pond community to a more natural level of plans. Mr. Riberdy reviewed the DEP comments and responses.

Ms. Lebel: I make a **MOTION** we approve the Notice of Intent 207-0659 for the Ludlow Pond Management Committee.

SECOND Mr. Covill.

4-0 in Favor.

Ms. Lebel: I make a **MOTION** we issue an Order of Conditions, standard Order of Conditions for 207-0659.

Ms. Tierney commented that she'd like to add one condition to it, that sometime before the treatment starts the Pond Committee creates a flyer explaining what's going to happen on the pond, including the effect of fertilizers and water run-off, with a copy sent to the abutting residents and the Conservation Commission.

Ms. Lebel: I amend that to my **MOTION** for order of conditions, your request.

SECOND Mr. Cerqueira.

4-0 in Favor.

Ms. Lebel: **MOTION** to close the public meeting for Notice of Intent 207-0659.

SECOND Mr. Covill.

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4-0 in Favor.

The public hearing closed at 6:42 p.m.

Documents included: Notice of Intent for Alden Pond Ludlow, MA (December 28, 2023); Notification of Wetlands Protection Act File Number/DEP Comments; Response to DEP Comments from Steven Riberdy (February 2, 2024)

Brian McLaughlin – Request for Extension of Orders of Conditions – 245 Moore Street (Assessors' Map 32, Parcel 19 & 20) (DEP #207-0638)

Brian McLaughlin was present for the appointment.

Mr. McLaughlin explained that the property originally went under contract but that the buyer was unable to perform, along with the difficulty of scheduling of subcontractors, which tied him up for quite some time. He said that the Order of Conditions will expire at the end of April and that he's hoping to finish the project by the end of this summer.

Ms. Lebel **MOVED** to extend the Order of Conditions for Notice of Intent 207-0638 for another three years, 4/28/2027.

SECOND Mr. Cerqueira.

4-0 in Favor.

Documents included: Request for extension of Order of Conditions; Notice of Intent/Order of Conditions (207-0638); Notice of Intent Plan & Details - Brian McLaughlin Proposed Driveway Crossing 245 Moore Street Ludlow, MA (11/6/20)

Jeff LeBeau / Conrad Duquette – Request for Certificate of Compliance / wetland violations (207-0640) Lot 2 West Street (Assessors' Map 8, Parcel 1C)

Jeff LeBeau – Sherman & Frydryk, Derek – Hampden Homes were present for the appointment.

Mr. LeBeau reviewed the plan for the Notice of Intent and mentioned that there was some encroachment that went into the 25-foot no disturb buffer. Ms. Tierney explained that nothing can be in the 25-foot no-disturb zone according to the town bylaw and that any work done in that area is in violation of the town bylaw. Derek from Hampden Homes commented that he took over the project after it was already built and put in the driveway and placed rocks next to it to prevent washout. He presented the Commission with photos of the property and said that he has since installed silt fence. Mr. LeBeau mentioned that some shrubs and possibly small trees were also cleared from the area. Ms. Tierney advised Derek that the riprap needs to come out and be replanted with some sort of vegetation that will hold the hillside. Mr. LeBeau will come back to meet with the Commission with a mitigation plan. Since the original Order of Conditions was issued on May 11, 2021, Ms. Tierney explained that the applicant will need to extend the Order of Conditions for the Notice of Intent and come back with an amendment to show how the violations will be fixed.

Documents included: Request for Certificate of Compliance from Donald J. Frydryk; photos of Lot 2 West Street Site As-Built Plan Permanent Marker Plan – Hampden Homebuyers Lot 2, West Street Ludlow, MA (01/11/24)

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**Dan Nitzsche / Alex Binczyk – Building permit for Lot 15 Sunset Ridge
(Assessors' Map 26, Parcel 37K) (subdivision Notice of Intent 207-0589)**

Dan Nitzsche was present for the appointment.

Mr. Nitzsche remarked that the owner of Lot 15 Sunset Ridge recently applied for a building permit for a single-family home in the subdivision that was approved in 2014. He said that the original plan shows a buffer zone on Lot 15. Mr. Nitzsche presented the Commission with his Wetland Assessment and Findings Report in which no wetlands were found on the property due to the lack of wetland vegetation and hydric soil upon his investigation.

Documents included: Wetland Assessment and Findings Report Lot 15 Sunset Ridge Ludlow, MA (March 5, 2024)

Mr. Nitzsche mentioned that they are going to ask for a partial Certificate of Compliance for the road crossing at Southview Estates. He said that the crossing has been filled, the wetland area replication has been constructed and planted with all the approved plants and that he will do two years of monitoring reports. Ms. Tierney asked about the dumping of debris at the site. Mr. Nitzsche said that he received a photo yesterday from the property manager and that all the leaves have been removed and that he will look at it this week and will report back to the Commission on that.

Joe Chaloux – 1206 (0) Lyon Street (207-0621) (Assessors' Map 20, Parcel 18-2) Fence revisions

Joe Chaloux was present for the appointment.

Mr. Chaloux explained that the pool has been installed according to the original Notice of Intent, but that he would like to move the pool shed and the location of the fence to be installed. He said that the area is currently hayfield and that he would be out of the 100-foot boundary.

Ms. Tierney said that Mr. Chaloux can submit a Request for Determination for the new placement of the fence, and then apply for a Certificate of Compliance in the fall when the lawn is established.

Public Hearing – Notice of Intent (207-0660) Ana Huberty, EGMA Gas dba Eversource Energy – Center Street Public Road Right of Way (Assessors' Map 24, Parcel 6 to Map 24, Parcel 57; Map 17, Parcel 105A; Map 25, Parcel 50 to Map 25, Parcel 4) (installation of approximately 3,481 linear feet of new 4-inch diameter High Density Polyethylene, Medium Pressure (PHMP) gas main, which includes replacement of approximately 1,540 linear feet of gas main in Center Street, from an existing substation east of Sawmill Road westward to the Booth Street intersection.

In attendance: Elizabeth Martin – SWCA Environmental Consultants, Ana Huberty – EGMA Gas

The public hearing opened at 7:34 p.m.

Ms. Martin described the project as noted in the Notice of Intent. She said that there are two streams and two wetlands with no impact on any of them although there will be 428 linear feet of impact in the 100-foot buffer zone, 71 linear feet of impact in the 25-foot no-disturb zone, and 280 feet of bordering land subject to flooding impact on the roadway. Ms. Martin said that construction is estimated at 70 days.

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Ms. Lebel: I make a **MOTION** we approve the Notice of Intent for Eversource 207-0660.
SECOND Mr. Cerqueira.
4-0 in Favor.

Ms. Lebel: I make a **MOTION** we issue a standard Order of Conditions for Notice of Intent 207-0660.
SECOND Mr. Cerqueira.
4-0 in Favor.

Ms. Lebel: **MOTION** to close the public meeting for Notice of Intent 207-0660.
SECOND Mr. Covill.
4-0 in Favor.

The public hearing closed at 7:41 p.m.

Documents included: Notice of Intent: Center Street Reliability Project Ludlow, Massachusetts – Prepared for EGMA Gas dba Eversource Energy (February 2024); Notification of Wetlands Protection Act File Number/DEP Comments

Request for Certificate of Compliance – 131 Jerad Drive (Assessors' Map 41, Parcel 27L)

Ms. Tierney said that she did a drive-by of the property and that everything is growing and looks good and has no problem with issuing a Certificate of Compliance. She said that there is an issue with the property next door which is still covered with tree stumps and heavy equipment.

Ms. Lebel **MOVED** to issue a Certificate of Compliance for 131 Jerad Drive, Assessors' Map 41, Parcel 27L.
SECOND Mr. Cerqueira.
4-0 in Favor.

Documents included: Request for Certificate of Compliance

Request for Emergency Certification for I-90 Culvert Outfall Repair – 43 Tait Street – MassDOT

Ms. Tierney explained that a phone call was received from the Mass DOT that the outfall on Tait Street was in danger of collapse and that she issued an emergency certification through the office.

Ms. Lebel **MOVED** to ratify the emergency certification issued for 43 Tait Street by Mass DOT.
SECOND Mr. Cerqueira.
4-0 in Favor.

Documents included: Emergency Certification Form with attachments from MassDOT; Email from Billie Li – MassDOT (February 13, 2024)

Public Meeting – Request for Determination of Applicability – Christopher LaRose (Eversource) 993 Center Street (Assessors' Map 24, Parcels 53-58) (replace the existing drainage system within the substation as part of a larger upgrade project taking place within the substation)

In attendance: Christopher LaRose – Eversource, Samantha Vellutini – Tighe & Bond, Kate Wilkins – Tighe & Bond

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The public meeting opened at 7:44 p.m.

Ms. Wilkins explained that Eversource is doing a project at the substation on Center Street located primarily inside the existing fence line, which includes installing new equipment, changing out old equipment, installing a new control house, and replacing the existing drainage system piping and outfalls. She said the outfalls are located on the edge of the bordering vegetated wetlands outside of the fence line and don't meet the exemption of work within the existing substation. Ms. Wilkins explained the project in further detail as noted on the RDA submission and mentioned that erosion controls and haybales will be used during the project.

Mr. Covill said that he went out on the site and didn't really have any issues with the project but questioned whether an RDA was the correct filing on this project. Ms. Tierney said that Eversource has always done top quality work and takes the time to be environmentally correct. She also noted that DEP has said numerous times that utilities are exempt and that it's up to the Commission to determine how to proceed.

Mr. Covill: And ultimately what I also was coming back to was sort of along those lines that this is an improvement of their stormwater management system, and ultimately will improve the discharge that's entering the wetlands, so will presumably, by that extension be an improvement to the wetlands. And so, if the rest of the Commission feels the same, I would have no problem issuing a negative determination.

Ms. Lebel: I **SECOND** his motion for a negative determination.

4-0 in Favor.

Ms. Lebel: **MOTION** to close the public hearing for the Request for Determination for Eversource.

SECOND Mr. Cerqueira.

4-0 in Favor.

The public meeting closed at 7:54 p.m.

Documents included: Request for Determination of Applicability – Eversource – Ludlow, Massachusetts (February 2024)

Ms. Lebel mentioned that the owner of the lot next to 131 Jerad Drive is Peter Ostrowski. Ms. Tierney said that a letter will need to be sent to Mr. Ostrowski discussing the lot adjacent to 131 Jerad Drive and see what is going to happen on that property. She said that lot has had heavy equipment, tree stumps, and a detention basin with erosion going into it, for several years.

Ms. Tierney: Do you want to make a **MOTION** to send a letter to Peter asking him what is...

Ms. Lebel: The status of 0 Jerad Drive?

Ms. Tierney: Yeah.

Ms. Lebel: **SO MOVED.**

SECOND Mr. Covill.

4-0 in Favor.

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Building permit for above ground pool replacement – 164 Higher Brook Drive

Ms. Tierney remarked that a building permit request came in today to replace a damaged above ground pool on existing lawn. She said that the location of the pool is approximately 46 feet from the wetland area and thinks that something should be filed showing that they are putting in erosion controls and the type of pool being replaced.

The homeowner will be contacted to make them aware that if the pool is an in-kind replacement they can file a Request for Determination, and if there are any changes such as installing an inground pool, a Notice of Intent will need to be filed given the proximity to the wetland.

MAIL ITEMS

- 11. Planning Board Site Sketch Approval Letter & Comment Sheet – 313-319 East Street**
No wetlands.
- 12. Planning Board Legal Notice – Proposed Zoning Bylaw Amendments**
File.
- 13. Planning Board Legal Notice – Special Permit/Home Occupation – 68 Letendre Avenue**
File.
- 14. Planning Board Notice of Decision – Home Occupation – 259 Chapin Street**
File.
- 15. Planning Board Legal Notice – Special Permit/Home Occupation – 10 Autumn Ridge Road**
File.
- 16. Planning Board Legal Notice – Zone Change – 191 West Street**
File.
- 17. Planning Board Legal Notice – Zone Change – 8-10 Wedgewood Drive**
File.
- 18. Email from Doug Stefancik re: FEMA RiskMAP Update**
File.
- 19. Update for Greenstead Grove – Comprehensive Permit Documents (Wayfinders) (207-0595)**
File.

Ms. Tierney mentioned that the office received a last-minute inquiry from Hever Mattocks from the Massachusetts Division of Fisheries & Wildlife about the process to replace damaged culverts on Facing Rock WMA.

Mr. Mattocks will be invited to the next Conservation meeting for further discussion.

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Documents included: Email from Steven Mattocks (March 7, 2024)

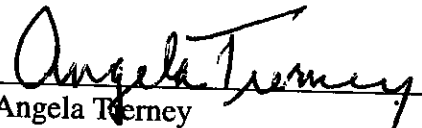
APPROVE/SIGN Minutes of February 7, 2024

Ms. Lebel **MOVED** to approve the minutes of our February 7, 2024, meeting.
SECOND Mr. Cerqueira.
4-0 in Favor.

Ms. Lebel **MOVED** to adjourn.
SECOND Mr. Cerqueira.
4-0 in Favor.

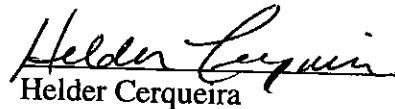
Meeting adjourned at 8:05 p.m.

APPROVED:


Angela Tierney


Cameron Covill


Penny Lebel


Helder Cerqueira

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(All related documents can be viewed at the Conservation Office during regular business hours.)