

**LUDLOW CONSERVATION COMMISSION
MINUTES OF THE MEETING OF
September 4, 2024**

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TOWN CLERK'S OFFICE
2024 OCT -4 A 7:24
TOWN OF LUDLOW

CONSERVATION MEMBERS

Angela Tierney – Chair (Present)
Cameron Covill – Vice Chairman (Present)(6:55 p.m.)
Penny Lebel (Present)
Helder Cerqueira (Present)
Jason Martowski, Associate Member (Absent)

The meeting began at 6:31 p.m. in the Selectmen's Conference Room.

Request for Certificate of Compliance – Hampden Homebuyers (Lot 2) 675 West Street (DEP #207-0640) (Assessors' Map 8, Parcel 1C)

Ms. Tierney said that a site visit was conducted and that the disturbed area has been restored and that the vegetation is coming back. She also mentioned that the driveway was redesigned, and that the applicant was advised to remove the silt fence.

Ms. Lebel: I make a **MOTION** to issue a Certificate of Compliance for 207-0640, Lot 2 West Street Ludlow.

SECOND Mr. Cerqueira.

3-0 in Favor.

Documents included: WPA Form 8A – Request for Certificate of Compliance; Letter from Sherman & Frydryk requesting Certificate of Compliance (July 3, 2024); Site As-Built Plan, Permanent Marker Plan, Hampden Homebuyers, Lot 2, West Street Ludlow, MA (01/04/24)

MAIL ITEMS

62. Planning Board Notices of Decisions for Home Occupations: 143 Parker Lane, 186 Lyon Street, 164 Lyon Street, 218 Lyon Street

Ms. Lebel: **MOTION** to file.

SECOND Mr. Cerqueira.

3-0 in Favor.

63. Planning Board Legal Notice – Proposed Zoning Bylaw Amendments

Ms. Lebel: **MOTION** to file.

SECOND Mr. Cerqueira.

3-0 in Favor.

64. Planning Board Legal Notice - Special Permit/Home Occupation – 1087 Center Street

Ms. Lebel: **MOTION** to file.

SECOND Mr. Cerqueira.

3-0 in Favor.

Camp White/Dog Park Signs

Ms. Tierney commented that the signs are up at Camp White including Dog Park signs. She said that she spoke with Ken Batista of the DPW about the upkeep of the area around the sign at the entrance. Ms. Tierney mentioned that there is also a sign up near the Dog Park in which anyone that donates money to the park can have their name put on the sign. She also remarked that the original Camp White sign appears to have been broken when it was taken out, but that Ken Batista will look into having it put back up near the trail, in addition to having the old gate taken out.

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Approve/sign minutes of August 7, 2024

TOWN OF LUDLOW

Ms. Lebel **MOVED** to approve the minutes of August 7, 2024.

SECOND Mr. Cerqueira.

3-0 in Favor.

Change/cancel January 1, 2025 meeting

The meeting of January 1, 2025, is scheduled for New Year's Day in which the Town Hall is closed.

Ms. Lebel **MOVED** that we cancel the January 1, 2025, meeting and the next one would be February 5, 2025.

SECOND Mr. Cerqueira.

3-0 in Favor.

Ms. Tierney remarked that the office received a phone call from Mrs. Hodgman (1475 Center Street) about cutting down trees. The town GIS maps showed that the area was outside of the 100-foot wetland buffer, and that the trees could be removed without filing with Conservation. Mrs. Hodgman had told Ms. Tierney that she was going to leave a snag on the tree stumps for wildlife.

Ms. Tierney said that there is an enforcement order on the storage facility at (148) Carmelinas Circle (DEP #207-0522) because the conditions were not met with the Orders of Conditions. She said that when she went out on a site visit (last year), the whole drainage system was not completed and overgrown and dilapidated. Ms. Tierney further explained that the property owner was given a year to get the drainage system in working order. She said that a site visit should be scheduled.

The Commission talked about literature that's available in the Conservation Office about the invasive spotted lanternfly.

Continued Public Hearing – Palmer Moore, Ludlow Renewables, LLC - 0 East Street (Assessors' Map 27, Parcels 26, 27, 28, 29, 30 & 31) (installation of a ground mounted solar array and associated utility connection on portions of six (6) properties) (DEP #207-0663)

In attendance: Palmer Moore – Nexamp, Brian Waterman – WDA Design Group, attendees

The continued public hearing opened at 6:45 p.m.

Mr. Waterman reviewed what was discussed at the August meeting, such as that the project was approved prior and that the Order of Conditions expired so they had to file a new Notice of Intent. He said that they have worked with Mass DOT to acquire access out to East Street for the project. A Certificate of Compliance was issued at the August 2024 meeting to close out the work that was never completed for the previous filing. Mr. Waterman mentioned that there were no changes from the last project other than the access drive and stormwater controls out to East Street in which there is no work proposed in the buffer zone. He explained that Mark Stinson from DEP issued comments yesterday, and that they replied to his comments and submitted the update stormwater calculations worksheet (*see file*). Mr. Waterman also noted that there would be stormwater reports and monitoring weekly and during storm events and that those reports will be kept on site with the contractor.

Mr. Waterman said that he did speak with the abutters that had concerns, and that the flow will be discharged away from their properties, and that the system is designed to not increase flow.

Mr. Covill joined the meeting at 6:55 p.m.

Mr. Moore presented the Commission with aerial photos of a similar site in Westminister Massachusetts and explained the details of that project.

Ms. Lebel: I make a **MOTION** to approve the Notice of Intent, 207-0663 for Ludlow Renewables.

SECOND Mr. Covill.

4-0 in Favor.

Ms. Lebel: I make a **MOTION** to issue a standard Order of Conditions for 207-0663.

SECOND Mr. Covill.

Ms. Tierney: For discussion, do we want to include our office receiving a copy of the weekly reports?

Ms. Lebel: I amend my **MOTION** to include a condition that the Commission will receive a copy of the weekly report for the rainfall.

SECOND Mr. Cerqueira.

4-0 in Favor.

Ms. Lebel: I make a **MOTION** to close the public hearing for 207-0663.

SECOND Mr. Cerqueira.

4-0 in Favor.

The public hearing closed at 7:02 p.m.

Documents included: WPA Form 3 – Notice of Intent (including narrative); Site Plan for Ground Mounted Solar Array East Street & Reynolds Road in Ludlow, Massachusetts (Rev. July 19, 2024); File number/comments from Department of Environmental Protection; Aerial photos of Westminister Solar Project (September 2010 & September 2019)

Continued Public Hearing – Notice of Intent – Stephen Rourke - Lot 15 Church Street (DEP #207-0661) (Assessors' Map 17, Parcel 103D) (construction of a single-family home, driveway, well & septic system within the 100-foot buffer zone of a Bordering Vegetated Wetland and Riverfront Area)

In attendance: Steve Rourke, Andrew Rourke, Ashley Rourke, Steve Riberdy – Boghunter Ecological Services; attendees

The continued public meeting opened at 7:03 p.m.

Mr. Riberdy reviewed and addressed Mark Stinson's comments. He said that revisions were made to the plan that included revising the bordering land subject to flooding using actual calculations rather than the FEMA map, shifting the house back a little bit, and adding a small retaining wall in the front to improve the turn radius into the driveway. Mr. Riberdy also noted that the riverfront impacts were reduced and asked for a waiver for the 25-foot no-disturb because of the pass through of the wetland area to get into the site.

Ms. Lebel: I make a **MOTION** that we waive the 25-foot no-disturb bylaw.

SECOND Mr. Covill.

4-0 in Favor.

Ms. Lebel: I make a **MOTION** to approve the Notice of Intent 207-0661.

SECOND Mr. Cerqueira.

4-0 in Favor.

Ms. Lebel: I make a **MOTION** to issue a standard Order of Conditions for 207-0661.

SECOND Mr. Cerqueira.

4-0 in Favor.

Ms. Lebel: I make a **MOTION** to close the public hearing for 207-0661.

SECOND Mr. Cerqueira.

4-0 in Favor.

The public hearing was closed at 7:12 p.m.

Documents included: WPA Form 3 – Notice of Intent (including narrative); Site Plan – Steven Rourke Notice of Intent Lot 15, Church Street Ludlow, MA (Rev. 08/21/2024); NOI Narrative – August 2024 Revisions – 15 Church Street; File number/comments from Department of Environmental Protection

Public Hearing – Notice of Intent – Alyse Enderle – 164 Lyon Street (DEP #207-0662) (Assessors' Map 24, Parcels 39A & 39B) (construction of a barn and gravel driveway in Buffer Zone to Bank and BVW; removal of unpermitted culvert crossing & replace with proposed bridge; remove above ground swimming pool & replace with in-ground pool; seeking approval of prior cutting of trees, shed installation, and gravel driveway expansion)

In attendance: Alyse Enderle, Ken Conley, Steve Riberdy – Boghunter Ecological Services, attendees

The public meeting opened at 7:15 p.m.

Mr. Riberdy explained that they had come before the Commission early this year to discuss the project including the stream crossing, tree clearing, a swimming pool, and shed that was done before the applicant purchased the property. He said that all of those things have been included in the current filing. Mr.

Riberdy mentioned that the shed will be staying, the pool will be replaced, the culvert will be removed with a new stream crossing (timber bridge), and a gravel drive to a barn will be installed.

Mr. Riberdy asked for a 25-foot wetland waiver.

Ms. Lebel: I make a **MOTION** to approve the Notice of Intent for 164 Lyon Street 207-0662.
SECOND Mr. Cerqueira.

4-0 in Favor.

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Ms. Lebel: I make a **MOTION** to issue a standard Order of Conditions for 207-0662, 164 Lyon Street.
SECOND Mr. Cerqueira.

4-0 in Favor.

Ms. Lebel: I make a **MOTION** to close the public hearing for 207-0662, 164 Lyon Street.
SECOND Mr. Cerqueira.

4-0 in Favor.

The public hearing was closed at 7:28 p.m.

Documents included: NOI Application – 164 Lyon Street Ludlow, MA (including WPA Form 3 – Notice of Intent) (March 20, 2024); NOI Narrative – August 2024 Revisions; File number/comments from Department of Environmental Protection; Wetland Site Plan – 164 Lyon Street Parcel B Lyon Street Ludlow, MA (8/9/2024)

R Levesque Associates Inc. – Santina Drive Subdivision discussion

Rob Levesque – R Levesque Associates, and Ralph Capua were present for the appointment.

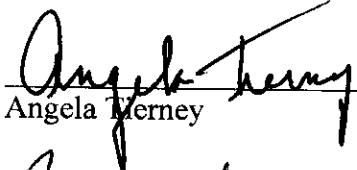
Mr. Levesque explained that the original Orders of Conditions for both the roadway as well as the lots themselves have expired. He said that in the past when this situation arises, they have requested Certificates of Compliance and then moved forward with new permits at the same time. He commented that the filing fees for the nine separate filings were quite significant and would like to discuss a path forward with the Commission. Mr. Capua said that the road is in, and everything is done with only a few pieces left to do. He also mentioned that he thought there was an automatic three-year renewal on the filings, or he would have sent in the paperwork to renew.

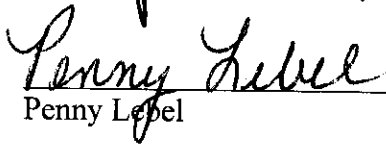
The Commission Members agreed that Certificates of Compliance could be issued for the work that has not been completed to close out the Orders of Conditions. Mr. Levesque asked if a Request for Determination could be filed for a buffer zone project. The Commission suggested that to save on costs, Mr. Capua could file one new Notice of Intent to cover all of the homes that are going to be built and that when each home is complete, a partial Certificate of Compliance could be issued for each property. Mr. Covill said that he would like to get Mark Stinson's feedback on the feasibility of filing a Request for Determination versus refiling a Notice of Intent for the subdivision. Mr. Levesque remarked that he will send an email to Mark Stinson explaining their approach and get any feedback for the Commission. Ms. Lebel suggested that if they were to file an RDA that individual filings would be better because of the wetlands present in Lots 1, 2, and 3. Ms. Tierney stated that a Notice of Intent would be better so that there would be wetland markers present, and that the wetland boundary would be included on the deed for future homeowners.

Ms. Lebel **MOVED** to adjourn tonight's meeting.
SECOND Mr. Cerqueira.
4-0 in Favor.

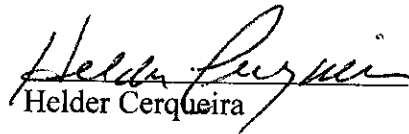
Meeting adjourned at 8:00 p.m.

APPROVED:


Angela Herney


Penny Lebel

Cameron Covill


Helder Cerqueira

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