

**LUDLOW CONSERVATION COMMISSION
MINUTES OF THE MEETING OF
October 2, 2024**

CONSERVATION MEMBERS

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

RECEIVED
TOWN CLERK'S OFFICE
2024 DEC -5 P 2:10
TOWN OF LUDLOW

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

**Public Hearing – Notice of Intent – Matt Goncalves – Lot 15 Mariana Lane (Town Bylaw)
(Assessors' Map 1B, Parcel 12W) (construction of a single-family dwelling with all associated
grading and utilities)**

In attendance: Mike Pietras – Engineering & Land Solutions, attendees

The public meeting opened at 6:31 p.m.

Mr. Pietras explained that the filing is for the Town Bylaw only since it is an isolated wetland of approximately 5,000 square feet which originated as a farm pond. He noted that the parcel was created in 2006 and that he went out to verify the field conditions of the original plan that was made at that time. Mr. Pietras said that the wetland still corresponds with the original plan. He commented that the filing is for the construction of a single-family home, and that the 25-foot no-disturb would be honored with the bounds as shown on the plan.

Ms. Tierney said that she did a drive-by site visit and that the site looked like it was well vegetated.

Ms. Lebel: I make a **MOTION** to approve the Notice of Intent for Matt Goncalves, Lot 15 Mariana Lane, Assessors' Map 1B, Parcel 12W.

SECOND Mr. Cerqueira.

3-0 in Favor.

Ms. Lebel: I make a **MOTION** to issue a standard Order of Conditions for this Notice of Intent, Lot-15 Mariana Lane.

SECOND Mr. Cerqueira.

3-0 in Favor.

Ms. Lebel: I make a **MOTION** to close the public hearing for Lot-15 Mariana Lane.

SECOND Mr. Cerqueira.

3-0 in Favor.

The public hearing was closed at 6:37 p.m.

Documents included: Site Development for a Single-Family House, Lot-15 Mariana Lane Ludlow, MA 01056 (including WPA Form 3 – Notice of Intent) (September 2024); Wetland Delineation/Site Plan – Lot 15 – Mariana Lane - Ludlow, MA (March 2006); National Wetlands Inventory – Mariana Lane, Ludlow, MA 01056 (September 11, 2024)

Request for Certificates of Compliance – Michael Pietras
(DEP #207-0200) Timber Ridge Estates – Knollwood & Timberidge Roads
(DEP #207-0400) Timber Ridge Estates – Knollwood & Timberidge Roads

In attendance: Mike Pietras – Engineering & Land Solutions, attendees

Mr. Pietras said that Lot 54 is being called out on for the Request for the Certificates of Compliance as those Notice of Intents were blanket filings for the entire subdivision and a new Notice of Intent is being filed for at tonight's meeting.

Ms. Lebel: I make a **MOTION** to issue partial Certificate of Compliance for these two lots, Lot 54, which is 207-0200 and 207-0400.

SECOND Mr. Cerqueira.

3-0 in Favor.

Documents included: WPA Forms 8A – Request for Certificates of Compliance

Public Hearing – Notice of Intent – Greenfields Inc. – Lot 56 Knollwood Drive
(Assessors' Map 39, Parcel 54) (construction of a single-family dwelling with associated grading and utilities)

In attendance: Mike Pietras – Engineering & Land Solutions, attendees

The public meeting opened at 6:45 p.m.

Mr. Pietras explained that he has had previous conversations with DEP regarding the filing. He said that the regulations allow the filling of the "finger like" wetland because it's considered an odd feature, and that they are doing a wetland replication which would be the only work taking place within the inner 130 feet of the perennial stream.

Mr. Pietras asked for a continuance due to the fact that there were no comments or filing number received from DEP as of yet.

Ms. Lebel: I make a **MOTION** to issue a continuance for the Notice of Intent application for Green Fields Inc. for Lot 56 Knollwood Drive.

SECOND Mr. Cerqueira.

4-0 in Favor.

The public hearing was continued until November 6, 2024.

Documents included: Construction of Single-Family Dwelling with Associated Utilities and Grading – Lot-56 Knollwood Drive Ludlow, MA (including WPA Form 3 – Notice of Intent) (September 2024); Proposed Site Plan Layout -For Permitting- Lot 54 Knollwood Road Ludlow, MA for Green Fields Inc. (9/12/2024)

R Levesque Associates – Enforcement Order Discussion – 148 Carmelinas Circle (DEP #207-0522)

In attendance: Filipe Cravo – R Levesque Associates

Mr. Cravo gave an update as to the status of the work involved with the enforcement order that was issued. He said that there was a stormwater basin that was constructed out back that was not to the original plan, was deficient in size, and had been left to vegetate and overgrow. Mr. Cravo noted that the intent of the applicant is to reconstruct that area out back to be in line with what was originally proposed under the original Order of Conditions. He commented that nothing has been done as of yet and that the intent is to do the stormwater basin, erosion controls, site grading, and paving of the parking area in the spring of 2025.

Ms. Tierney said that the enforcement order was issued a year ago and that the applicant was given a year to have the work done and vegetated. She commented that the Commission has the authority to begin to issue a fine of \$300 a day for being in violation of the enforcement order. Ms. Tierney asked what can be started right now in the next few months to show in good faith that the Commission should not issue the fine. Ms. Lebel told Mr. Cravo that they can contact the office to let the Commission know that things have started so that the Commission can do a drive-by inspection to see what the progress is before they have to start issuing the \$300 a day fine. Ms. Tierney noted that before the next meeting on November 6, 2024, the office should be contacted for a site inspection to see that work has begun and there is some improvement and stabilization of the area so that the next steps can be discussed at the next meeting.

Documents included: Letter from Robert M. Levesque re: Site Visit – 148 Carmelinas Circle (DEP File #207-0522); Layout & Materials Plan – 148 Carmelinas Circle – Parcel I.D.# 26-3430-9D-0 Ludlow, Mass. (September 9, 2024)

Carlos Teixeira – West Street/Brook Street discussion

In attendance: Carlos Teixeira

Mr. Teixeira explained that his son is buying the property to build a single-family house and that the wetlands have already been flagged. He said that his wetland scientist suggested that he talk to the Conservation Commission to see if there was enough room for a driveway. Ms. Tierney said the easiest way is to design it so that the driveway doesn't go into the 25-foot buffer. She added that if it can't be done, then the Commission could issue a variance. Mr. Teixeira said that it is possible.

Documents included: Email from Sherman & Frydryk to Carlos Teixeira, Subject: West Street/Brook Street (September 26, 2024); Town of Ludlow GIS Map West/Brook (10/1/2024)

Ken Conley – 164 Lyon Street – property access discussion

In attendance: Ken Conley, Alyse Enderle

Mr. Conley remarked that he would like to gain access to the rear 3 ½ to 4 acres of his property to cut some trees for firewood to heat his house. He said that the only access to the back is a 25-foot path between the property line and the 25-foot buffer. Ms. Tierney recommended that he contact DCR to apply for a forest cutting permit which will allow Mr. Conley to cross the wetland for the purpose of

Minutes of October 2, 2024

taking care of his forest. She also explained that in the future for farming purposes, Mr. Conley should contact a wetland scientist to help with the access. Ms. Lebel said that the idea of putting wood chips down on the path would be a great idea in helping protect the wetland. Mr. Conley acknowledged that he would contact DCR.

Documents included: Wetland Site Plan – 164 Lyon Street – Parcel B Lyon Street Ludlow, MA – owned by Alyse Enderle (3/7/2024)

Southview Estates Site Visit

Ms. Tierney commented that she met Dan Nitzsche out at Southview Estates. She said that all of the leaves had been taken out down to the dirt. She also mentioned that the landscapers have been informed that all grass clippings and leaves are to be taken off site. Ms. Tierney explained that about 1/3 of the area has revegetated but is growing slow due to the shaded area.

Ms. Tierney said that she would like to make a recommendation that a letter be sent to the person who complained about it notifying them that it has been taken care of and thank you for their concern and everything is fine.

Ms. Lebel: **SO MOVED.**
SECOND Mr. Cerqueira.
3-0 in Favor.

Request for Certificate of Compliance – Harris Brook School (207-0606)

Ms. Tierney said that a site inspection must be conducted before a Certificate of Compliance can be issued for Harris Brook School. She mentioned that a temporary soccer field was put in and that the area is now devoid of grass, and that some of the evergreen trees may have died.

Chris LeBlanc of Mount Vernon Group Architects will be contacted to schedule a site visit.

Documents included: WPA Form 8A – Request for Certificate of Compliance; Email from Chris LeBlanc, Subject: Harris Brook Elementary School Compliance Request (October 1, 2024)

Request for Extension of Orders of Conditions – Town of Ludlow DPW (207-0584)

Ms. Tierney remarked that the Ludlow DPW has the duty to issue a generic Notice of Intent to cover all the work they plan to do in the Town for the coming three years. She said they have filed them in 2020 and 2022, but that they weren't recorded at the Registry of Deeds, and that Jim Goodreau of the DPW is asking for an extension of the last existing Order of Conditions because they have to write a new one and update the town streets on it that may or may not need work on them in the next three years.

Ms. Lebel: I make a **MOTION** that we extend the current Order of Conditions for 207-0584 for DPW.
Ms. Tierney: For a year?
Ms. Lebel: For one year.
SECOND Mr. Cerqueira.
3-0 in Favor.

Ms. Tierney said that a letter should be sent to DPW saying that this is extended for one year with the understanding that they will be filing a new up-to-date generic Notice of Intent within one year.

Ms. Lebel commented that the Town Hall parking lot is being worked on and things are starting to encroach towards the 25-foot no-disturb in the back of the parking lot. She said that they need to put up some sort of barrier to keep everything from going in there.

Ms. Tierney remarked that a letter should be sent stating that while working on the parking lot at the Town Hall, there should be some erosion controls set pretty much right along the berm because there's almost no 25-foot no-disturb in back of the building, and also to assess the drainage where the berm is missing in the parking lot.

Ms. Lebel: **SO MOVED** on the letter to the DPW.

SECOND Mr. Cerqueira.

3-0 in Favor.

MAIL ITEMS

66. Planning Board Notice of Decision – Special Permit/Home Occupation -1087 Center Street

67. Planning Board Legal Notice - Special Permit/Home Occupation – 6 Rosewood Drive

Ms. Lebel: **MOTION** to file 66 & 67.

SECOND Mr. Cerqueira.

3-0 in Favor.

65. Email from Terry Vital to Board of Health re: Confirmed Toxic Algae on Haviland Pond

Ms. Lebel: **MOTION** to file item 65.

SECOND Mr. Cerqueira.

3-0 in Favor.

68. Planning Board Legal Notice/Comment Sheet – Special Permit/Site Plan - 191 West Street

No wetlands are present on the property.

Ms. Lebel: **MOTION** to file item #68.

SECOND Mr. Cerqueira.

3-0 in Favor.

69. Planning Board Legal Notice/Comment Sheet – Special Permit/Estate Lot – 0 Kendall Street

No wetlands are present on the property.

Ms. Lebel: **MOTION** to file item 69, no wetlands for the Conservation Commission.

SECOND Mr. Cerqueira.

3-0 in Favor.

Approve/sign minutes of September 4, 2024

Ms. Lebel **MOVED** to approve and sign the minutes of September 4, 2024.

SECOND Mr. Cerqueira.

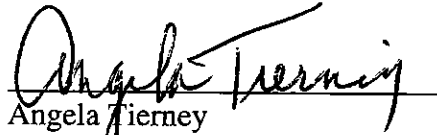
3-0 in Favor.

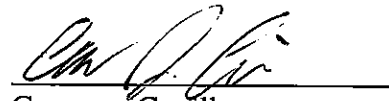
RECEIVED
TOWN CLERK'S OFFICE
2024 DEC 15 P 2:11
TOWN OF LUDLOW

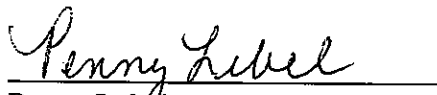
Ms. Lebel **MOVED** to adjourn.
SECOND Mr. Cerqueira.
4-0 in Favor.

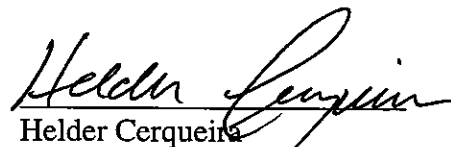
Meeting adjourned at 7:31 p.m.

APPROVED:


Angela Tierney


Cameron Covill


Penny Lebel


Helder Cerqueira

su

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

RECEIVED
TOWN CLERK'S OFFICE
2024 DEC - 5 P 2:11
TOWN OF LUDLOW