

**LUDLOW CONSERVATION COMMISSION  
MINUTES OF THE MEETING OF  
April 3, 2024**

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**CONSERVATION MEMBERS**

Angela Tierney – Chair (Present)  
Penny Lebel – Vice Chair (Present)  
Cameron Covill (Present) (6:26 p.m.)  
Helder Cerqueira (Present)  
Jason Martowski, Associate Member (Absent)

The meeting began at 6:00 p.m. in the Selectmen's Conference Room.

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**Public Meeting – Request for Determination of Applicability – Lucilia Nogueira –  
164 Higher Brook Drive (Assessors' Map 25A, Parcel 30) (replacement of an above ground pool in  
same footprint)**

*In attendance: Lucilia Nogueira, attendees*

*The public hearing opened at 6:01 p.m.*

Ms. Nogueira said that Teddy Bear Pools is going to be replacing a damaged above ground pool in the same footprint on her property. The Commission members reviewed the photos of the property. Ms. Tierney commented that erosion controls should be installed during construction and until the grass grows back.

Ms. Lebel: I make a **MOTION** we issue a negative determination for RDA for 164 Higher Brook Drive.  
**SECOND** Mr. Cerqueira.  
**3-0 in Favor.**

Ms. Lebel: I make a **MOTION** to close the RDA for 164 Higher Brook Drive.  
**SECOND** Mr. Cerqueira.  
**3-0 in Favor.**

*The public meeting closed at 6:05 p.m.*

*Documents included: WPA Form 1 – Request for Determination of Applicability; Photos of property; Swimming pool permit application*

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**Steven Mattocks, Massachusetts Division of Fisheries & Wildlife – Replacement of culverts at  
Facing Rock (appointment cancelled – see email)**

An email received from Mr. Mattocks stated that they will not be doing the work at this time.

*Documents included: Email from Steven Mattocks re: cancellation of appointment (April 2, 2024)*

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## MAIL ITEMS

20. **Planning Board Legal Notice – Special Permit/Home Occupation – 827 Poole Street**
  21. **Planning Board Legal Notice – Special Permit/Home Occupation – 77 Yale Street**
  22. **Zoning Board of Appeals Legal Notice – 681 Center Street**
  23. **Planning Board Notice of Decision – 10 Autumn Ridge Road**
  24. **Planning Board Notice of Decision – 68 Letendre Avenue**
  27. **Planning Board Legal Notice – Special Permit/Home Occupation – 55 Pleasantview Street**
  28. **Planning Board Legal Notice – Special Permit/Home Occupation – 115 Laconia Street**
  29. **Planning Board Legal Notice – Special Permit/Home Occupation – 149 Poole Street**
  30. **Zoning Board of Appeals Legal Notice – 0 Loopley Avenue**
  31. **Zoning Board of Appeals Legal Notice – 0 Swan Avenue**
  32. **Planning Board Legal Notice – Special Permit/Home Occupation – 386 Chapin Street**
  33. **Zoning Board of Appeals Legal Notice – 53 White Street**
  34. **Planning Board Legal Notice – Special Permit/Home Occupation – 735 Center Street**  
*No wetlands associated with mail items above.*
25. **Eversource Energy Five Year Vegetation Management Plan 2024-2028**  
File.
26. **Planning Board Legal Notice & Comment Sheet – 433 Center Street (EV parking stalls)**  
No wetlands.
35. **Notification of designated project site engineer and emergency contact details re: Greenstead Grove – 188 Fuller Street (DEP #207-0595)**  
File.
36. **Planning Board Legal Notice & Comment Sheet, & Zoning Board of Appeals Legal Notice – 76 Ravenwood Drive (electrical yard & building)**  
Construction should not affect the wetland area.

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### **Response from Peter Ostrowski about the status of 0 (Lot 210) Jerad Drive (Assessors' Map 41, Parcel 27K)**

Ms. Tierney mentioned that at the last meeting, a letter was sent to Mr. Ostrowski about the status of Lot 210 Jerad Drive. Mr. Ostrowski responded that there is no runoff into the detention basin, the tree stumps are being removed, and that a new house is being built there. He also said that silt fence and hay bales have been installed. The plan shows that the proposed house will be approximately 246 feet from the wetland.

*Documents included: Plan of land at Lot 210 – Jerad Drive Ludlow, Mass. (January 18, 2024)*

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*The Commission took a brief recess.*

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**Request for Release of Order of Conditions - John Dacruz – Lot D-2 (1225) Lyon St (207-0598)**

The email from Attorney John Dacruz explained that Lot D-2 was included in a Notice of Intent due the recording of the wrong Book/Page from a larger parcel and is encumbered by the order which should have been strictly for Lot 1. Ms. Tierney said that Lot D-2 contains no wetlands.

Ms. Lebel: I make a **MOTION** that we release the Order of Conditions for 207-0598.

**SECOND** Mr. Cerqueira.

**3-0 in Favor.**

*Documents included: Emails from John Dacruz RE: Release of Order of Conditions (March 13-14, 2024)*

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**Request for Release of Order of Conditions - Dennis Powers – Lot 71 Balsam Hill Rd (207-0639)**

A letter was received from Dennis P. Powers requesting that Lot 71 Balsam Hill Road be released from the Order of Conditions because there are no wetlands on this parcel and that the lot is being sold.

Ms. Lebel: I make a **MOTION** that we release the Order of Conditions for Lot 71 Balsam Hill Road 207-0639.

**SECOND** Mr. Cerqueira.

**3-0 in Favor.**

*Documents included: Letter from Dennis P. Powers (April 2, 2024)*

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**Public Meeting – Request for Determination of Applicability – Joseph G. Chaloux – 1206 Lyon Street (Assessors’ Map 20, Parcel 18-2) (changing location placement of new fence)**

*In attendance: Joseph Chaloux, attendees*

*The public hearing opened at 6:25 p.m.*

Mr. Chaloux explained that he is looking to move the limit of work line for a new fence installation around a pool. A site visit was conducted on March 30, 2024, with Ms. Tierney and Mr. Covill present. Ms. Tierney said that moving the fence would have no impact on the wetland.

Ms. Lebel: I make a **MOTION** to issue a negative determination for the Request for Determination of 1206 Lyon Street 207-0621.

**SECOND** Mr. Cerqueira.

**3-0 in Favor.**

Ms. Lebel: I make a **MOTION** to close the public meeting for 1206 Lyon Street.

**SECOND** Mr. Cerqueira.

**3-0 in Favor.**

*The public meeting closed at 6:26 p.m.*

Ms. Tierney also mentioned that Mr. Chaloux will be coming back in the fall for a request for a Certificate of Compliance on his property.

*Documents included: WPA Form 1 – Request for Determination of Applicability; As Built Plot Plan – 1206 Lyon Street Ludlow, Mass. (August 11, 2023)*

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*Mr. Covill joined the meeting.*

Ms. Tierney mentioned that there is an oversight committee has been meeting regarding a proposed battery storage facility on Center Street. She said that there are a lot of wetlands on the property which will include a stream crossing. She also noted that their wetland person is from New Hampshire, and she feels that since this is such an extensive project, that a representative for the Commission should be hired at the applicant's expense to meet with their people on site to determine if the wetland is in compliance with the Massachusetts Wetland Protection Act and with the town bylaw. Ms. Tierney said that they were provided with a list of wetland scientists in the area.

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**Jeffrey LeBeau (Hampden Homebuyers) – Request for extension of Order of Conditions / Buffer restoration plan (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 explained the 25-foot buffer restoration plan for the encroachment of the driveway on Lot 2 West Street and asked for permission to perform the work. He also asked for a 1-year extension to the current Order of Conditions.

Ms. Lebel **MOVED** that we extend the Order of Conditions for 207-0640 to May 11, 2025.

**SECOND** Mr. Covill.

**4-0 in Favor.**

*Documents included: Request for extension of current Order of Conditions from Jeffrey LeBeau (March 13, 2024)*

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**Dan Nitzsche (Southview Estates) Request for Partial Certificate of Compliance (207-0509) 353 Fuller Street (Assessors' Map 10, Parcels 98A, 99)**

*Dan Nitzsche was present for the appointment.*

Mr. Nitzsche remarked that he is requesting a partial Certificate of Compliance for the work that Southview Estates has completed, which includes the wetland crossing/fill for the wetland crossing, and the wetland replication area. He said that they will be monitoring it both this and next summer to take care of the two years of required monitoring and will report to both Ludlow Conservation and DEP.

Mr. Nitzsche commented that he will be coming in again for buffer zone work that will be done in the future.

Ms. Lebel **MOVED** that we issue a partial Certificate of Compliance for 207-0509.

**SECOND** Mr. Cerqueira.

**4-0 in Favor.**

*Documents included: Email from Dan Nitzsche DEP File 207-0509 (March 19, 2024); Letter re: Request for Partial Certificate of Compliance for Southview Estates (March 18, 2024); Observation Log – Southview Estates, 353 Fuller Street Ludlow MA; WPA Form 8A – Request for Certificate of Compliance*

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### **Approve/sign minutes of March 6, 2024**

Ms. Lebel **MOVED** to approve the minutes from March 6, 2024.

**SECOND** Mr. Cerqueira.

**4-0 in Favor.**

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Ms. Lebel mentioned that she met with the owners of 164 Lyon Street and had requested that they contact a wetland scientist before they bought the property due to prior work that was done on the property that was not approved by the Conservation.

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### **Notice of Intent – Ludlow High School Track & Field Improvements (207-0651)**

Ms. Tierney remarked that she got a call from the DEP to meet them out at the track because there was an issue with their amended work. She said that one of the proposed mitigation areas is currently mowed by the DPW. She explained to the Commission Members how they may be planting bigger trees and doing more plantings around the detention basin to readjust their mitigation area, which could also include a mitigation somewhere else in town. Ms. Tierney said that a new mitigation plan will be submitted to the Commission for the May 2024 meeting.

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### **Steven Riberdy – Discussion – Notice of Intent filing for 164 Lyon Street, & Building Permit Application for 562 Miller Street for deck replacement & sunroom addition**

#### **164 Lyon Street**

*In attendance: Steven Riberdy, Ken Conley*

Ms. Tierney explained that in 2009 the prior owner of the property did some work in and near the stream (installed a culvert, digging, tree cutting) without approval from Conservation. An enforcement order was issued, and a drainage analysis report was requested by the Commission but was never submitted. Mr. Conley, the current homeowner, said that he will comply with what is needed and will remove the culvert. Mr. Riberdy said Mr. Conley will be filing a Notice of Intent to construct a barn in the back, restore the area near the stream with native plantings, remove the culvert, replace the stream crossing, remove the existing pool and install a new in-ground pool near the house.

*Documents included: Emails from/to Steven Riberdy & Mark Stinson (March 28, 2024); NOI Application – 164 Lyon Street Ludlow, MA (March 20, 2024)*

**562 Miller Street**

*In attendance: Steven Riberdy, Timothy Walls – Finyl Vinyl*

Mr. Walls said that they removed an old 10x10 deck from the house at 562 Miller Street and are installing a new deck and sunroom, along with siding the house. He said that after applying for a building permit with the town, they started the work on the house while waiting to receive the permit. He then got a phone call from the Building Department saying that the permit was never finished. Mr. Riberdy said that he took a look at the property and that there is flat lawn behind the house to the tree line, with an 8-foot drop down to the wetland in the back. He said that the new deck will be further from the wetland. The Commission advised Mr. Walls that a Request for Determination should be filed in order to finish the work. Ms. Tierney also mentioned that erosion controls will need to be installed before the work continues and that the additional runoff be addressed.

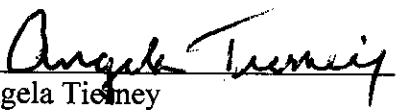
*Documents included: Assessors' Map 25, Parcel 53; Finyl Vinyl proposal – 562 Miller Street Ludlow MA (11/4/23)*

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

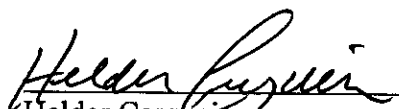
Meeting adjourned at 7:28 p.m.

APPROVED:

  
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Angela Tierney

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Cameron Covill

  
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Penny Lebel

  
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Helder Cerqueira

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