

**LUDLOW CONSERVATION COMMISSION  
MINUTES OF THE MEETING OF  
August 7, 2024**

**CONSERVATION MEMBERS**

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

RECEIVED  
TOWN CLERK'S OFFICE  
2024 SEP -6 A 9:13  
TOWN OF LUDLOW

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

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**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)**

**– Request for Certificate of Compliance – 0 East Street (DEP #207-0617)**

*In attendance: Palmer Moore – Ludlow Renewables, Brian Waterman – WDA Design Group, attendees*

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

Ms. Tierney said that a DEP number was not received therefore the Commission cannot make a decision on the Notice of Intent.

Mr. Waterman remarked that he has been in contact with Mark Stinson of the DEP, and that he was waiting for the updated storm management report which was submitted today but not reviewed as of yet. He said that the only changes to the plan compared to the original filing (DEP #207-0617) was that the access is now through East Street. He also noted that the original filing expired due to the time it took to get an easement grant through Mass DOT which is the reason why they filed for a Certificate of Compliance to close out the prior Notice of Intent.

Angela Anselmo, an abutter, voiced her concerns about drainage and water runoff. Mr. Waterman explained that the water will not be directed towards her property.

Ms. Lebel: I make a **MOTION** to continue the public hearing for Notice of Intent, Palmer Moore, Ludlow Renewables LLC, 0 East Street, to the September meeting.

**SECOND** Mr. Covill.

**4-0 in Favor.**

Ms. Lebel: I make a **MOTION** to issue a Certificate of Compliance for 0 East Street, DEP #207-0617 for incomplete work.

**SECOND** Mr. Cerqueira.

**4-0 in Favor.**

*The public hearing was continued until September 4, 2024, at 6:35 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); WPA Form 8A – Request for Certificate of Compliance (including letter dated 7/25/24)*

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**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, Steven Riberdy – Boghunter Ecological Services; attendees*

*The public meeting opened at 6:57 p.m.*

Mr. Riberdy reviewed the plan with the Commission. He explained that they want to use the existing stream crossing to access the proposed house towards the back of the property, and that a small wetland would need to be filled for the crossing but will be replicated. He also remarked that there is a vernal pool to the rear of the property and wanted to speak with the Commission with regard to the permanent location of the house. Mr. Riberdy said that he also needs to address Mark Stinson's comments from DEP.

Ms. Tierney said that she was on site, and that the property used to be a gravel bank in the past. She commented that the applicant will need to ask for a waiver of the 25-foot no-disturb because it would deny access to the property without it. Ms. Tierney also remarked that she would lean towards preserving the vernal pool.

Mr. Riberdy addressed Mark Stinson's comments. In response to the comment Mr. Stinson made about clearing on the property, Mr. Rourke said that most of the trees came down from several storms. Mr. Riberdy noted that there will be minimal grading, and that the house could be shifted somewhat if necessary.

Mr. Covill remarked that if the plan changes to move the house back, that he would like to see permanent markers on the vernal pool along with the installation of a wildlife exclusion fence during construction.

Mr. Riberdy will come back with plan revisions and responses to Mark Stinson's comments.

Ms. Lebel: I make a **MOTION** that we continue the Notice of Intent for Steven Rourke, Lot 15 Church Street, DEP 207-0661 to the September 4<sup>th</sup> meeting.

**SECOND** Mr. Cerqueira.

**4-0 in Favor.**

*The public meeting was continued until September 4, 2024.*

*Documents included: WPA Form 3 – Notice of Intent (including narrative); Site Plan – Steven Rourke Notice of Intent Lot 15, Church Street Ludlow, MA (05/28/2024)*

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**Public Meeting – Request for Determination of Applicability – Massachusetts Municipal Wholesale Electric Company – 0 Lyon Street (Assessors' Map 18, Parcel 3B) (excavation & removal of overburden to expose the existing natural gas pipeline to conduct safe inspection of the pipeline and/or repair of the pipeline coating)**

*In attendance: Eli Jameson, attendees*

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The public meeting opened at 6:29 p.m.

Mr. Jameson explained that every seven years they do integrity management on the pipeline which involves confirmatory digs to inspect internal and external corrosion of the pipe. He confirmed that the work will be done in an existing maintained right-of-way with no wetland crossings, with hopes of completing the work by early September.

Ms. Lebel: I make a **MOTION** to issue a negative determination for the RDA for Massachusetts Municipal Wholesale Electric Company, 327 Moody Street for the project at 0 Lyon Street.

**SECOND** Mr. Cerqueira.  
**4-0 in Favor.**

*Documents included: WPA Form 1 – Request for Determination of Applicability; Site Plan – Iron Duke Brewing, 100 State Street Suite 122 Ludlow, MA (April 9, 2024)*

**Update from Dan Nitzsche – 357 Fuller Street (Southview Estates)**

Mr. Nitzsche stated in the email that the wildflower seed mix was applied in early June and that the growth was sparse due to the dense shade in the area.

*Documents included: Email from Daniel Nitzsche (July 12, 2024)*

**Site Visit – 220 Ventura Street (possible wetland violations)**

Ms. Tierney said that she went on a site visit in response to an anonymous complaint. She said that the property owner is bringing in wood to mill for a barn repair, and that there is also soil being stored there. Ms. Tierney noted that she did not see any wetlands present in the area of concern.

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2024 SEP - 13  
10:49 AM

**Review Standard Order of Conditions – Condition #24**

**Condition #24 was changed to:** In advance of any work on this project, the applicant shall contact the Conservation Commission and arrange an on-site pre-construction meeting between the wetland specialist, the contractor, the designer/engineer, and the applicant. The applicant or their designee or agent shall extend an invitation to all members of the Commission and the Agent. The purpose of this conference is to ensure that all of these Orders of Conditions are understood.

Ms. Lebel: I make a **MOTION** to change the wording in item #24 on our Order of Conditions.  
**SECOND** Mr. Cerqueira.  
**4-0 in Favor.**

**Cutting of fallen tree at 590 Alden Street**

John Streeter inquired about cutting a fallen tree that was 15-20 feet from the water but was facing away from the water. Ms. Tierney had previously responded that it was ok to remove the tree.

**Inquiry from Joan Benoit re: grass clippings/overgrowth in Pickeral Pond**

Joan Benoit had contacted the office about growth in Pickeral Pond and landscapers possibly blowing grass into the pond. The office had advised her to contact the landscaping company and Pond Committee. The landscaping company told her that the employees are told not to blow anything towards the pond. Joan Benoit also met with the Pond Committee who are looking into the growth in the pond.

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**Request to release Lot 65 Balsam Hill from Order of Conditions (DEP #207-0585 & 207-0639) from Sonia Tereso, Powers Law Group**

A request was received to release Lot 65 Balsam Hill from the Orders of Conditions as there are no wetlands present in the area.

Ms. Lebel: I make a **MOTION** that Lot 65 Balsam Hill be removed from the Order of Conditions for 207-585 & 639.

**SECOND** Mr. Covill.

**4-0 in Favor.**

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**MAIL ITEMS**

43. **Planning Board site sketch approval letters for Harris Brook, Ludlow High, and East Street Schools**
44. **Ludlow Pond Committee notification of treatment of Alden Pond, Harris Pond, Haviland Pond**
45. **Zoning Board of Appeals Notice of Decision/Legal Notices – Lots A-B Swan Ave/Lots C-D Loopley St**
46. **Commission on Disability Re-organization**
47. **401 Water Quality Certification Review – Piney Lane (Bridge No. L-16-026) over Broad Brook**
48. **DEP Diesel Fuel and Liquid Asphalt Release - Interstate 90 East Mile Marker 57.9**
49. **Planning Board site sketch approval/comment sheet – 407 West Street**
50. **Planning Board site sketch approval/comment sheet – 1 Moody Street**  
*(File mail items 43 – 50)*
51. **Planning Board Legal Notice & comment sheet – Lot 82 Turning Leaf Road**  
*(No wetland concerns)*
52. **Planning Board Notice of Decision – 118 Highland Avenue**
53. **Planning Board Notice of Decision – 356 Lyon Street**
54. **Planning Board Notice of Decision/Legal Notice – 28 Woodland Place**
55. **Planning Board Notice of Decision/Legal Notice – 41 Crest Street**
56. **Planning Board Notice of Decision/Legal Notice – 126 Winsor Street**
57. **Planning Board Legal Notice - Special Permit/Home Occupation – 186 Lyon Street**
58. **Planning Board Legal Notice - Special Permit/Home Occupation – 143 Parker Lane**
59. **Planning Board Legal Notice - Special Permit/Home Occupation – 218 Lyon Street**  
*(File mail items 52 – 59)*
60. **Update of permanent markers for 1237 (Lot 1) Lyon Street (207-0598) & 149 (Lot 2) Nash**

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**Hill Road (207-0597) from Donald Frydryk**  
**61. Planning Board Legal Notice - Special Permit/Home Occupation – 164 Lyon Street**  
*(File mail items 52 – 61)*

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**Approve/sign minutes of June 5, 2024**

Ms. Lebel **MOVED** to approve the minutes of June 5, 2024.  
**SECOND** Mr. Cerqueira.  
**4-0 in Favor.**

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**Sign Invoice for MACC dues (July 1, 2024 – June 30, 2025)**

Ms. Tierney commented that MACC is having online training sessions as well as an in-person conference and that there are funds in the Conservation budget to cover the costs for the Commission Members.

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**Upcoming site visit – Lot 2 (#675) West Street – Saturday August 24, 2024 @ 8:30 a.m.**

Ms. Tierney remarked that there is an upcoming site visit for Lot 2 West Street in response to a request for a Certificate of Compliance.

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Ms. Tierney mentioned that the new Camp White/Dog Park sign has been put up and looks nice.

The Commission also discussed a complaint that was received at the police department about a dog off the leash outside of the dog park. Ms. Tierney will speak with the Town Planner about adding that to the rules and regulations posted at the dog park.

Ms. Tierney explained that she was part of an oversight committee for the proposal of the former Vets Park School field. She said that they viewed the property, including the wetlands, and talked about what things that could be there. She also said that Tighe and Bond are working on a proposal and will be back to discuss that with several departments in town.

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**Next meeting September 4, 2024**

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

Meeting adjourned at 8:11 p.m.

Minutes of August 7, 2024

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TOWN PLANNING  
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TOWN PLANNING

APPROVED:

Angela Tierney  
Angela Tierney

Cameron Covill  
Cameron Covill

Penny Lebel  
Penny Lebel

Helder Cerqueira  
Helder Cerqueira

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

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