

**Conservation Commission  
Meeting Minutes**

Minutes to meeting of June 15, 2016

Members present: Steve Parretti, Chair; John Marc-Aurele, JoAnn Schold, Joshua Soojian, Jim Cooper

Meeting called to order at 6:30PM

**Certificate of Compliance**

Whittemore Street; DEP#197-268; 197-276; 197-298; 197-301; 197-309

No one present at this time– tabled to later in the meeting

Tracy Place; DEP#197-323

No one present at this time– tabled to later in the meeting

214 Pine St; DEP#197-0593

No one present at this time – tabled to later in the meeting

**Determination of Applicability**

207 Baldwin Street ( replace existing leach field)

Mr. Parretti read the notice into the record and then opened discussion to the applicant.

Seth LaJoie, represented the applicant James Eager.

This application request is to replace the existing failing leach field. It will be installed in the same area as the old leach field that will consist of maintained lawn.

They will be outside of the 50-foot buffer zone, but there is some grading that will go down into that 50-foot buffer and will be maintained as lawn.

This is also currently under review with the Board of Health.

The closest wetland is approximately 51-feet from the edge of the leach field.

Ms. Schold did a site inspection and noted no outstanding issues to report.

Hearing no further comment or questions from the Commission or public, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to recommend a Negative Determination #3 “The work described in the request is within the buffer zone, as defined in the regulations, but will not alter an area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions: notification at the beginning of work for an inspection on the erosion control and the site is to be stabilized upon completion of work.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

43 Salminen Drive (removing rocks, grading & filling)

Mr. Parretti read the notice into the record and then opened discussion to the applicant.

Mr. Parretti noted Matt Schold, who was representing the applicant and Commissioner JoAnn Schold, were mother & son. He said it was the decision of Ms. Schold if she wished to recuse

herself, but he felt it wasn't necessary because she wasn't involved in any financial responsibility with this property. Ms. Schold agreed to remain as a sitting member.

Mr. Schold explained this application request was to remove large rocks from the front yard between the house and street and to grade and fill the area as needed to match the existing grade. He said if the dam on Stiles Lake was repaired and this was any other year, this would be within the 100-foot buffer of the high water mark, but with the water being down at least 7-feet, they were well outside of any wetlands.

Hearing no further comment or questions from the Commission or public, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to recommend a Negative Determination #3 "The work described in the request is within the buffer zone, as defined in the regulations, but will not alter an area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions: all work permitted within the property line delineated; notification to Commission prior to the work start; no work is to be extended beyond the property line; notification to the Commission for EC inspection and the site is to be stabilized upon completion; EC is to be placed as shown on plan with the addition of EC down in front by the street.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

### **Board Discussion:**

#### Chapel Street Mill update;( checking on additional wattles & spill kit on site)

Confirmation was received from the property owner that extra wattles have been placed along the bank and a spill kit has been placed on site as requested.

#### Chapel Street Property with junk cars; letter to remove

Mr. David Root, owner of lots A1 & A2, Chapel Street, was present.

He explained his interpretation of the riverfront act.

Ch.131, S40—interpretation "the riverfront area shall not include land now or formerly associated with historic mill complexes including, but not limited to, the mill complexes in Holyoke, Taunton, Fitchburg, Haverhill, Methuen & Medford in existence prior to 1946".

Mr. Root felt that statue applied to his property.

Mr. Marc Aurele explained the intent of that section had to do with the restoration of complexes for the same use and not for new uses on property that was once part of the mill complex. It's the Board's understanding those parcels were no longer connected to the mill property.

Mr. Root argues another part of the statute states "removal, fill, dredging, altering of land bordering water" and he wasn't doing any of that. His tenant has an auto body place and the vehicles are stored temporarily while being worked on.

Mr. Marc Aurele explained if the cars there have been in a significant accident, there is that risk of fluid leaking out and getting into the water runoff and washing into the river.

The Commission recommended contacting DEP for their interpretation on: reuse of historic mill sites; the storage of vehicles in relation to the close proximity of a river front; and if there were any standards in terms of capturing oil.

This will be back on next meeting agenda.

#### 1323 Main Street; possible wetland violation

Mr. William Roberts, owner of the property, was present.

The office received a call regarding the possible filling of wetlands on the property. A cease and desist letter was sent to the property owner asking he come in to the next Conservation meeting.

Mr. Roberts showed a plan of the property showing where recent work was done and noting there was no work being done near wetlands.

All agreed to continue and do a site visit before the next meeting.

#### **Request for Determination of Applicability Cont.**

##### Huntoon Memorial Highway cont; Map 37-Parcel C2 (determine boundaries of resource area)

This was continued to allow an adjustment to the abutter notification.

Mr. Norman Hill represented the application.

This request was for a determination to the wetland boundaries on the property.

Ms. Joan Lombardozzi, 20 Edward Street asked where this lot was in relation to her property.

The lot is located on the other side of Huntoon Highway from Edward Street.

All agreed to continue and do a site walk to confirm the wetland boundaries before the next meeting.

#### **Board Discussion Cont.**

##### 357-359 Main Street; opened RDA (Jan's Package Store)

This has been an opened RDA application on this property since May 2015. There has been no new information received or contact made from the property owner since September 2015.

Contact DEP to see if there was a time limit on an application staying opened.

#### Floating Docks

The office has received several calls regarding any regulations on floating docks.

Contact DEP for their interpretation.

#### Waite Street Dam Site Meeting/Inspection

The Engineering Firm selected by the Town to provide the repair services and improvements to Waite Pond Dam wants to set up a pre-application meeting at the site to discuss the project and get some feedback on potential issues of importance.

Mr. Marc Aurele agreed to contact the engineering firm for available dates.

35 Burncoat Lane- Karen Comeau, Burncoat Pond Association

Ms. Karen Comeau was present.

She claimed that the slope of the septic area appeared to be settling a little bit, but beyond that the hay bale and silt fence was gone and a lot of rubble was migrating off the property.

There are 4 boundary pins on the property and the owner has gone beyond the property pins on two sides, which are the sides of the property they had the most concerns. The work done has been done incorrectly and the hay bale and silt fence were done in the wrong spot and not done as shown on the approved plan.

Upon further discussion, the Commission agreed to send the property owner an Enforcement Order to have the silt fence and hay bales put back in working order and placed only on the owner's property. That the lot needs to be brought back into full compliance, the erosion control is to be placed based on the approved plan and put back where it belongs along the owner's property line and in working order. This work is to be completed with 7-days of receiving the Enforcement and failure to do so, will result in a \$200 a day fine until signed off by the Commission.

MOTION: Mr. Marc Aurele moved to send the property owner of 35 Burncoat Lane, an Enforcement Order stating the lot needs to be brought back into full compliance with the Wetland Protection Act; all erosion controls (silt fence & hay bales) are to be placed based on the approved plan dated 11/23/2014 and to put it all back where it belongs along the owner's property line and in working order. The work is to be completed within 7-days of receiving the Enforcement and failure to do so, will result in a \$200 a day fine until signed off by the Leicester Commission. Send Certified Mail.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

**Certificate of Compliance cont**

Whittemore Street and Tracy Place

DEP#s 197-268; 197-276; 197-298; 197-301; 197-309; 197-323

This item was tabled from earlier in the meeting and still no one present.

After some discussion, the Commission agreed someone needs to be present for this request.

A letter will be sent to the applicant's attorney advising that they go through the Orders and provide the information showing they have fulfilled their obligation to the Orders. That an engineer has validated all work was done in compliance and in accordance to the Orders and to provide all the Documentations that are required to be submitted as specified within the Orders. Continued to next meeting

214 Pine Street – DEP#197-0593

This item was tabled from earlier in the meeting and still no one present.

Mr. Parretti read a letter received from the Leicester Water District noting opposition of approving the Certificate of Compliance for this property. The beach work done was on water district property and Dutton's Pond that abuts the property is owned by the Water District.

Mr. Marc Aurele said when he inspected the property at the time of the NOI filing, the beach was already there and he did not see any impact to the pond and there was no evidence of erosion. The beach was not a deviation from the original plan and was shown on the plan submitted with the NOI application. The beach was already there prior to the NOI filing.

Mr. Parretti explained several different issues going on with this property and applicant. He had some discussion with Town Counsel and with DEP on this. Town Counsel advised this was an issue between the water district and the property owner. Conservation was just to review what has been presented and rules based on the application before them. Approval, will not in any way, bear any weight on land ownership.

The Commission had a wetland consultant, Art Allen; inspect the property at the time of the original complaint. In general, the consultant told the property owner to cease and desist and make restoration, but never said what restorations.

Mr. Marc Aurele said he recently inspected the site after a hard rain and found the site to be stable and the grass was growing.

After some discussion; the Commission agreed if a site inspection showed the site being stable and Town Counsel said that the Commission's vote carries any weight on the ownership of the beach and pond.

Hearing no further discussion; Mr. Parretti asked for a motion based on Town Counsel's opinion.

MOTION: Mr. Marc Aurele moved to approve the Certificate of Compliance for 214 Pine Street, Leicester, MA with the condition that any future work within the buffer zone will require Conservation Commission approval and on Town Counsel's advice that the issuing of a Certificate of Compliance, in no way, mitigates any action from the Leicester Water Supply District or the Rondeaus'.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

## **Board Discussion cont**

### **81 Waite Street**

The Office received several complaints on improper erosion control and the deteriorating conditions on the property.

MOTION: Mr. Marc Aurele moved to send the property owner of 81 Waite Street, an Enforcement Order stating the lot needs to be brought back into full compliance with the Wetland Protection Act; all erosion controls (silt fence & hay bales) are to be placed based on the approved plan and along the owner's property line and in working order. The work is to be completed within 7-days of receiving the Enforcement and failure to do so, will result in a \$200 a day fine until signed off by the Conservation Commission.

SECONDED: Ms. Schold – Discussion: Ms. Schold agreed to do a site visit to determine whether an Enforcement Order is to be sent to the property owner.

VOTE: All in Favor

Reorganization of Board

MOTION: Mr. Marc Aurele moved to approve keeping the current Board as seated.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

**Approval of Minutes**

4/13/2016

MOTION: Mr. Marc Aurele moved to approve the minutes of April 13, 2016

SECONDED: Mr. Soojian – Discussion: None – VOTE: 4 - in Favor / 1 abstained (Mr. Parretti)

MOTION: Mr. Marc Aurele moved to close

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:00PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox