

Conservation Commission Meeting Minutes

Minutes of 8/17/2016

Members present: Steve Parretti, JoAnn Schold, Jim Cooper, Josh Soojian

Members absent: John Marc Aurele

Meeting called to order 6:30PM

Certificate of Compliance

- 35 Burncoat Lane (Brian Lane; DEP#197-0575)

Mr. Parretti read the Engineer's letter into the record and the letter spoke only to the septic design and not to Conservation compliance. A representative was not present.

MOTION: Mr. Soojian moved to disapprove the request for Certificate of Compliance on 35 Burncoat Lane because the Commission was not provided with the pertinent information needed to make a decision.

SECONDED: Ms. Schold – Discussion: None - VOTE: All in Favor

- 690 Stafford St (Edgar Reinehr; DEP#197-0563)

Mr. Parretti read the Engineer's letter into the record and the letter did not speak to Conservation compliance or the replication on this property. A representative was not present.

MOTION: Mr. Soojian moved to disapprove the request for Certificate of Compliance on 690 Stafford Street because the Commission was not provided with the pertinent information needed to make a decision.

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

- Whittemore Estates; (Fred LaFlash) DEP#s 197-268; 197-276; 197-298; 197-301 & 197-309

A representative was not present and there was no additional information provided with the request.

MOTION: Mr. Cooper moved to continue allowing the applicant's attorney to send proper documentation

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

- Tracy Estates; (Fred LaFlash) DEP#197-323

A representative was not present and there was no additional information provided with request.

MOTION: Mr. Cooper moved to continue allowing the applicant's attorney to send proper documentation

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

Request for Determination of Applicability

- 214 Rawson Street CONT (determine boundaries of resource area)

The Commission asked Art Allen of EcoTec Consultants to walk the site to determine where the wetlands are and confirm the flagging done by Land Planning was accurate.

Mr. Allen submitted his report and found a few discrepancies with the flagging. Land Planning agreed with Mr. Allen's findings and submitted a revised plan. A representative from Land Planning was not present at this time.

Ms. Josephine Donahue Aja, 212 Rawson Street asked what the Commission was making a determination on.

Mr. Parretti explained the applicant was asking the Commission to confirm the location and boundaries of the wetlands on the property. If they choose to build anything, they will need to come back before Conservation, right now; this is just to confirm the wetland flagging.

Hearing no further discussion from the Commission and public, Mr. Parretti asked for a motion.

MOTION: Mr. Soojian moved to accept the revised plans based on the Commission's Consultant, Art Allen's wetland flagging and suggestions and make a Positive 2a Determination; "The boundary delineations of the following resource areas described on the referenced plan are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as the Determination is valid," on property located at 214 Rawson Street, Leicester, MA.

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

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

The Commission asked Art Allen of EcoTec Consultants to walk this site to determine where the wetlands are and confirm the flagging done by Land Planning. Mr. Allen submitted his findings showing some minor corrections needed to the Land Planning's flagging.

Land Planning has not responded to date and a representative was not present at this time.

MOTION: Mr. Soojian moved to continue discussion regarding Huntoon Memorial Highway, Map 37, Parcel C2 to the next meeting on September 14, 2016.

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

Notice of Intent

- Paxton Street (Route 56) Road Upgrade CONT – Town of Leicester Hgwy/ Mass Hgwy.

Mr. John Morgan, CHA Consulting represented the application.

This is a continued public hearing for the Town of Leicester Highway Department & Mass DOT, who are proposing pavement rehabilitation, sidewalk construction and reconstruction, upgrade of traffic control devices, drainage improvements and widening for bicycles accommodation on Paxton Street from Main Street to Hyland Avenue.

The Commission did a site walk with the engineer to discuss & review the detention basins and all agreed it went well.

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

MOTION: Ms. Schold moved to approve the Notice of Intent for the Paxton Street Reconstruction Project with the standard conditions.

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

- 500 Moose Hill Road – repair to existing Snowmobile Bridge

Mr. Parretti read the Notice into the record and then opened the meeting to discussion

Mr. Michael Burk of Robert G. Murphy & Assoc. represented the property owner.

Marc Curtis, property owner, also in attendance.

This is a limited project to repair an existing bridge used by an existing fire & snowmobile trail club.

The resource area of impact, Bordering Vegetated Wetland, with a proposal of altering 2000 square feet of wetland and a proposed replacement of 2500 square feet.

The office had received a call regarding tree cutting at the site prior to approval.

Mr. Burk said tree cutting hadn't started on site.

Mr. Curtis said the abutting property was doing extensive tree removal on both sides of the property and there was land work going on behind his property. The tree clearing was right up to his property line, as well as the Rod & Gun's property line.

Mr. Burk further explained there will be a temporary crossing during construction and because the site is landlocked, they want to formalize the approach to the land. They are proposing replication of 2500 square feet. The site's only access was through someone else's property. The access drive will be gravel and the footings for the bridge will be within the buffer area.

DEP number and comments, received late today, noted several concerns regarding intermittent stream crossing & perennial stream crossings; and because work falls within mapped habitat polygons, a response from NHESP was required.

MOTION: Ms. Schold moved to continue discussion to the September 14th meeting to give time for the applicant to address DEP concerns.

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

At this time, Norman Hill of Land Planning arrived; Mr. Parretti asked for a motion to reopen public hearing discussion for the 2 RDAs Mr. Hill was representing; 214 Rawson Street & Huntoon Memorial Highway.

MOTION: Ms. Schold moved to reopen the public hearing on the RDA for 214 Rawson Street and Huntoon Memorial Highway.

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

Request for Determination of Applicability (reopened)

- 214 Rawson Street- (determine boundaries of resource area) reopened discussion

Norman Hill of Land Planning informed the Commission that he agreed with the Wetland Consultant, Art Allen of EcoTec, wetland delineation report and made the appropriate changes to the plan.

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

MOTION: Mr. Soojian moved to keep the Commission's current Decision accepting Art Allen's wetland flagging and make a Positive 2a determination; "The boundary delineations of the following resource areas described on the referenced plan are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions

rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as the Determination is valid,” on property located at 214 Rawson Street, Leicester, MA.

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

- Huntoon Memorial Highway Map 37, Parcel C2 – (determine boundaries of resource area) reopened discussion

Norman Hill of Land Planning said that he agreed with the Commission’s Wetland Consultant, Art Allen of EcoTec, wetland delineation report and they have made the appropriate changes to the plan.

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

MOTION: Mr. Soojian moved to accept Art Allen’s wetland flagging and make a Positive 2a determination, “The boundary delineations of the following resource areas described on the referenced plan are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as the Determination is valid,” based on Art Allen’s plan and revisions made by Land Planning on property located at Huntoon Memorial Highway Map 37, Parcel C2, Leicester, MA

SECONDED: Ms. Schold – Discussion: Mr. Parretti asked for a formal letter from Land Planning stating they were in agreement with EcoTec’s report, showing the changes on the revised plan – VOTE: All in Favor

Notice of Intent Cont.

- LaFlash Boutilier Solar Farm, ZPT Energy Solutions, LLC; CONT

Christopher Anderson, Hannigan Engineering represented the application.

He submitted revised plans pertaining to the Planning Board comments. Originally, the access drive was going to follow along the previously paved portion of Debbie Drive, and at this time, they will be removing a portion of Debbie Drive pavement at the cul-de-sac and converting it back to grass. The access drive will be relocated further up the road. The access drive did not impact the wetlands, and will now be further away from the wetlands.

The existing pavement along Boutilier Road will remain and the existing house will be removed. The original wetland delineation confirmed back in 2009 by DEP and the Army Corp of Engineers, was still valid and the Commission’s site inspection showed the flags were placed in accordance to the plan.

The Commissioners agreed placing a conditions that the applicant reflag and place the siltation control prior to the start of construction and notify the office for a site inspection.

Mr. Bill Wolfe, 690 Stafford Street stated concerns regarding water runoff onto his property and had questions regarding the replication of wetlands and the correct distance from his property line.

Mr. Anderson stated it was 200-feet. Mr. Wolfe didn’t feel that was correct.

Mr. Anderson said there will not be any alterations made to the wetlands, therefore replication won’t be needed.

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

MOTION: Mr. Cooper moved to approve the NOI for LaFlash Boutilier Solar Farm, ZPT Energy Solutions located on Boutilier Road, Leicester, with the condition of contacting the office for a siltation inspection and the Commission controlling the accuracy of the wetland flagging prior to the start of construction and replacing flagging where needed.

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

Amendment of Order of Conditions

- 148 Henshaw Street Solar Project (CVRW)

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

Mr. Shawn Martin of Fuss & O'Neil represented the application.

They are proposing additional grading within the area of disturbance already approved. They are not expanding the limit of disturbance and will actually be reducing the array field.

They are still maintaining the 25 foot No Disturb and the array will remain 150 feet from Henshaw Street.

Ms. Paula Hansen, 178 Henshaw Street asked if the change will create more of a drop off from the existing ground at the southern border and if it would be slopped or just drop off.

Mr. Martin said it would be slopped 2 to 1 and towards the water district property.

MOTION: Ms. Schold moved to approve the Amendment as proposed, noting the changes are minor in nature and would fit under the Commission's ability to allow a minor change to the NOI and any conditions noted in original Order of Conditions & Administrative Orders will apply to the Amended Order

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

Board Discussion

- Waite Street Dam (site work inspection)

No site meeting scheduled

- 35 Burncoat Lane – Enforcement Order/site inspection update

A site inspection was done and it was agreed that the property was now in compliance and the Enforcement Order was lifted.

A letter will be sent to the property owner stating the Order had been lifted and payment of the fine was due upon receipt.

- 4 Pond Court – Enforcement Order for wetland replication

Glenn Krevosky applied for a Certificate of Compliance on a Superseding Order from DEP. DEP suggested, because replication work was not done according to the Order of Conditions that the Commission send an Enforcement Order to the developer, ordering completion of the wetland replication.

The Commission agreed an Enforcement Order cannot be given because the RDA was just approved in March 2016 and is good for 3 years.

Stafford St/Wilson St Monitoring Report – project site update
July Report

Huntoon Mem. Hgwy/Route 56 across from Deer Pond Auto

A call received about the amount of fill being brought to a lot located across from Deer Pond Auto located on Huntoon Memorial Highway and being in close proximity to the wetlands. A site visit done determined that the property owner was doing everything within his legal right to do.

- Concerned Citizens Association of Thompson Pond - question

A memo received from Marty Nathan, Treasurer of the Concerned Citizens Association of Thompson Pond. He was asking if Leicester experienced landscaping and hydro-seeding companies siphoning water from any of the Town ponds into their water tanks. Their concern is reducing the volume of Pond water a creating the potential for fertilizer and grass seed to “back flush” into the Pond.

The Commission was not aware of that happening in Town, but it doesn’t mean it doesn’t and if the Commission became aware of this practice, would follow DEP’s opinion.

Approval of Minutes

- 5/11 & 6/15/2016

MOTION: Ms. Schold made a motion to approve the minutes of May 11, 2016

SECONDED: Mr. Soojian – Discussion: None – VOTE: 4- In favor / 1- Abstained (Mr. Parretti)

MOTION: Ms. Schold made a motion to approve the minutes of June 15, 2016

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

New Business

- Procedure for lifting Enforcement Orders

Any Conservation Commissioner, upon an inspection, finds the site to be in compliance to the Enforcement Order issued, has the authority to lift that Order and at the Commission’s next meeting, it would be reviewed and a vote taken.

- Next meeting will be September 14th

MOTION: Mr. Cooper moved to adjourn

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

Meeting adjourned at 8:40PM

Respectfully submitted:

Barbara Knox

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