

Conservation Commission Meeting Minutes

Minutes of November 16, 2016

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

Meeting called to order at 6:30PM

Request for Determination of Applicability (RDA)

214 Pine Street; add back deck (Debbie-Ann Phelan)

Debbie-Ann Phelan in attendance.

Request to add a deck to the back of the existing house within a riverfront. This previously an approved NOI on property and a Certificate of Compliance received.

MOTION: Mr. Marc-Aurele moved to make 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.”

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

23 Salminen Drive; removing large stones from waterfront (William Beando)

William Beando in attendance.

Request to remove several stones (approximately 8), 40+/- feet off the lake front retaining wall center. Work will not be done in the lake area and will be done during the drawdown of the lake.

MOTION: Mr. Marc-Aurele moved to make 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 done during drawdown, no work in the water and no more than 40-feet from the wall within the area of the doc.”

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

71 Burncoat Lane; removing trees (Peter Fischer)

Peter Fischer in attendance.

Request to remove (1) dead tree and (1) damaged tree and grind stumps. The area is lawn area of a single family home adjacent to Burncoat Pond and a cement retaining wall 42” wide separates the lawn from the pond. Work is within the 25-foot buffer, 1 tree is 19-feet and the other is 22 feet away from the pond.

MOTION: Mr. Marc-Aurele moved to make 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:

Keep all debris out of the water, loam and seed ASAP.

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

Notice of Intent

93 Huntoon Memorial Highway, Lot A; CONT (commercial bldg. w/in buffer)

Robert Murphy, R.G. Murphy & Associates, Inc. & Keven Menard, property owner in attendance.

Mr. Cooper informed the Commission on being an abutter to this property.

Mr. Parretti asked if he had any financial interests to the project. Mr. Cooper said no.

Mr. Parretti noted because there were no financial interests, Mr. Cooper did not have to recuse himself.

This was continued because a DEP number had not been issued and location of the lot was unable to be determine for the Commission to do a site visit

A DEP number was issued, with no comments and the site location has been marked out.

The comments received were from Highway Department stating approval for a curb-cut entry onto Huntoon Highway. The Historical Commission had no comments and the Water/Sewer Departments had availability for hook-up.

This project is also under review by the Planning Board and they were recommending some changes to the project.

Mr. Murphy said the Planning Board noted a couple of issues relative to parking in the front yard setback, but nothing that would affect where the wetland flags were located or that would push them closer to the wetlands. He submitted a waiver request to the Planning Board to allow parking in the front setback. They did not anticipate the changes requested by the Planning Board would cause additional impact to the wetlands.

Comments from the Town Engineer had not been received regarding Stormwater Control and parking in the front setback wasn't something the Planning Board could waive. In addition, the landscape buffer was narrower than required.

Mr. Murphy explained the building will be used for storage and not as an office building. The site won't have the public coming into the site as a commercial use.

Mr. Marc-Aurele explained any vote the Commission takes, will be conditional upon Planning Board review. Any changes made to the site plan, will require additional review by the Conservation Commission, to confirm there will be no additional changes made to the wetland, and that the review by the Town Engineer, confirms the configuration to the Stormwater system will still meet all the requirements.

If change to the wetlands impact is determined to be more than just a minor adjustment, it may require a new public hearing for an amendment.

Mr. Parretti asked for any further comments or questions, hearing none, asked for a motion.

MOTION: Mr. Marc-Aurele moved to approve the Notice of Intent for 93 Huntoon Memorial Highway, Lot A with the following conditions:

That the final plan approved by Planning Board and reviewed by Town Engineer, be submitted to the Commission for determination on any minor or major modifications; a bond be submitted

prior to the start of work; and the Commission be notified, in advance to the start of work for a pre-construction inspection.

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

1749 Main Street; CONT (Marc Curtis; Self-storage Facility & Contractor's Yard)

No DEP number issued - Continued to December 14th

Board Discussion: 500 Moose Hill Road –logging complaint (Marc Curtis)

The Commission approved doing a wetland crossing and rebuilding the bridge.

Mr. Curtis said they haven't started the replication area, but started opening up the area in order to bring in the tractor-trailer trucks to start the logging operation. They have filed a Forestry Plan with DCR.

Mr. Parretti explained a complaint received was there was large earth removal going on.

Mr. Curtis said there was earth removal, but not large scale. He retained all the top soil on top of the hill, away from the water and placed a siltation fence there. His intension is to push it all back over when completed and leave it as pasture.

84 Lake Ave; (George Pataky, rebuild retaining wall)

Mr. Parretti read the Notice into the record and opened the hearing to the applicant to address the Commission.

NO DEP number issued - Continued to December 14th

Amend Order of Conditions

Worcester Airport Wetland Mitigation plan (DEP#197-0576)

Mr. Parretti read the Notice into the record and opened the hearing to the applicant to address the Commission.

Lisa Standley of VHB in attendance.

Construction access to ALSF light tower 10 was planned to be from the east through the upland, following the footprint of the proposed duct bank. The contractor determined the slope was too steep to bring in equipment needed to install the steel sheeting for the duct bank and elected to use the flat route along the FAA access road. That created an additional area of temporary wetland alteration of 3,160 square feet.

They are requesting that the temporary access road be allowed for the duration of construction and following construction, the area will be restored.

The Contractor is R.H. White. The Commission noted concern with the contractor making modifications without approval and will take it under consideration, at the end of the meeting, on whether to fine the contractor for not following the plan.

Hearing no further comments or questions related to the amendment, Mr. Parretti asked for a motion.

MOTION: Mr. Marc-Aurele moved to approve the Amendment as requested.

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

Ms. Standley asked about a major modification or discontinuance of an intermittent stream and reroute it to a different location. Her question was whether this would be considered a major modification or to submit an Amendment.

The Commission recommended filing with DEP for review and considered it to be a major modification or a discontinuance of an intermittent stream.

Extend Order of Condition

15 Fairview Drive (DEP#197-451)

Donald O'Neil, Attorney for the property owner, in attendance.

He's asking for one final extension on the Orders. The property is currently up for sale and if not sold, the property owner will finish the work.

MOTION: Mr. Marc-Aurele moved to approve an extension of 3 years

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

Certificate of Compliance

3 Tracy Place

Jeffrey Miller, Attorney for the property owner, and Kelly Luczyk, property owner, in attendance.

The Order of Conditions in place was in relation to the wetlands that are outside of this particular lot, known as lot 5.

Mr. Marc-Aurele noted this would be for a partial certificate for all work related to this lot only.

Hearing no further discussion, Mr. Parretti asked for a motion.

MOTION: Mr. Soojian moved to approve a Partial Certificate of Compliance for 3 Tracy Place, a.k.a lot 5 on the plan, Leicester, MA

SECONDED: Mr. Marc-Aurele – Discussion: None – VOTE: All in Favor

Board Discussion:

Minor modifications, Stiles Reservoir Mitigation Plan, Water Control Plan-(DEP#197-0592)

Mr. Josh Rosenberg of Pare Corporation in attendance.

They are requesting a minor modification to the Order of Conditions for the dam reconstruction project. The changes are limited to minor relocation and reconfiguration of the stormwater basin, which is to serve as the mitigation for BVW impacts.

Leicester's DPW requested the speed bump along Parker Street be moved 20-feet to the south, which would require relocating the adjacent stormwater basin a short distance to the south and reconfigure the layout of the inlet and outlet structures. The proposed location will remain within the disturbed area between Parker Street and the outlet stream and will not result in any additional impacts to resource areas or buffer zones.

The Commission approved this as a minor modification.

Mr. Marc-Aurele noted working with the engineers on site and in addition, submitted a plan showing the dewatering for excavation on the low water level. They are proposing to put the dewatering basin where the discharge pumps were located.

The Commission agreed this being a minor modification and for Pare Corp continue keeping Mr. Marc-Aurele informed.

Reopened Public Hearing

1749 Main Street continuance; Marc Curtis self-storage facility & contractor's yard

Mr. Marc Curtis returned and asked the Commission to consider reopening his public hearing. He was able to contact his engineer and informed a DEP number was issued.

Mr. Parretti reviewed that the public hearing earlier tonight was not opened because a number was not issued. At that time, he asked for comment from the public, there were no abutters present, and no comments heard. Therefore, the Commission agreed the hearing could be reopened.

This is a continuation of a Public Hearing from October 12th.

Mr. Curtis submitted revised plans and explained there were certain areas where they are encroaching into the 25-foot No Disturb. Some storage units were eliminated and some units were shifted closer to the contractor's yard. They took one of the isles and turned it into a one-way, to get the wall closer to the units and further away from the wetlands. There will be no bulldozer work and they have not started removing any trees.

The only outstanding issue with Planning Board was screening from the abutters and any changes before Planning will not affect Conservation issues.

There's no work within the wetlands and no replication proposed.

Hearing no further comments or concerns, Mr. Parretti asked for a motion.

MOTION: Mr. Marc-Aurele moved to approve the Notice of Intent for Marc Curtis, 1749 Main Street, Leicester, along with a waiver from 25-foot No Disturb regulation & to approve the plans as submitted and revised today, with the standard conditions:

Notify Conservation before the start of work to do an erosion control inspection and the waiver from the 25-foot No Disturb is to be in the specific area as shown on drawing S-1, Provision-2 on the approved plan.

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

Snowmobile Trail maintenance – Burncoat Park

John True, representative of the Snowmobile Club, in attendance.

He was before the Commission 2-years ago regarding removing logs and dead wood from the where the stream and bridge was located along the snowmobile trail that goes through Burncoat Park. He also found a blocked drainage pipe there.

He was notifying the Commission that work will begin soon. He plans to remove the dead trees and put the bridge back. The pipe that has been there for at least 25 years, is in rough shape, and will not be removed. The dead wood would be pulled off the trail, set aside until spring and then removed from the site.

The Commission agreed Mr. True could move forward with the proposed work.

298 Clark Street site inspection (update)

Mr. Marc-Aurele was able to do a site inspection with the property owner. The property owner was told no more work be done and to allow the area to regrow. Any new work would require coming before Conservation.

Monitoring Reports

Stafford Street/Wilson Street monthly report
Worcester Airport Mitigation weekly reports
Stiles Reservoir Dam Repair weekly Progress reports
Building Inspector Reports

6 Hammond Street (inspection request)

Bill Klansek, property owner, was getting ready to demo the house and the building inspector requested Conservation do a site inspection before removal because there were opened Order of Conditions on the property. The Commission asked to send them copies of the Orders and then will do a site visit.

Approval of Minutes

August 17 & September 14

MOTION: Mr. Marc-Aurele moved to approve the minutes of August 17 and September 14, 2016

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

New Business/Miscellaneous Project Updates

Forestry

The office received a call from Clarkson Logging inquiring clearcutting 5 acres and what was required.

After some discussion, the Commission recommended if a State Forest Cutting permit was not being filed, the Commission would need to review the delineation of property being worked on to see if there were any impact to wetlands.

If the job was not State regulated, the logger would need to put a plan together and come before the Commission with an RDA application.

Discussion: Worcester Airport Wetland Mitigation (violation reviewed)

The Commission reviewed whether the contractor could be fined or would the applicant be issued the fine. The contractor acted without a Notice of Intent for what they did, by going outside the specific Orders noted in the contract, without direction from MassPort.

MassPort holds the Order of Conditions & J.F. White is the contractor.

Stated in the Orders of Condition, anyone performing the work authorized in the Orders, was also subject to those Orders. Therefore, the contractor could be issued a fine.

After some discussion, the Commission agreed to contact Lisa Standley and ask when they actually went in, found the violations, before the cease, and desist was issued.

Prior to Conservation's notification October 6; DEP found the violation and reported it to Lisa Standley, who issued the stop work.

Also request when MassPort was notified of the violation and how long they knew before the cease and desist was issued.

Some discussion on issuing a fine starting at \$100 per day to R.H. White, from when VHB actually went in and found the disturb area, to the date Conservation received notification, October 6.

MOTION: Mr. Marc-Aurele moved to recommend issuing a fine to R.H. White Company at \$100 per day from the date the violation was first found to the date Conservation received notification, October 6.

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

Hearing no further comments, questions or concerns, Mr. Parretti asked for a motion to adjourn.

MOTION: Mr. Marc-Aurele moved to adjourn

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

Meeting adjourned at 8:25PM

Respectfully submitted,

Barbara Knox

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