

**Conservation Commission  
Meeting Minutes**

Minutes of September 13, 2017

Members present: John Marc Aurele, JoAnn Schold, Jim Cooper, Joshua Cooper, and Steve Parretti arrived at 6:45pm

Mr. Marc Aurele, Vice Chair called the meeting to order at 6:35PM

**Certificate of Compliance**

466 Stafford Street Solar Project (DEP#197-0591)

Steve Long of Borrego Solar present.

A letter from a Certified Engineer and As-Built Plans submitted with request. The letter stated the site was in conformance with the Wetland Protection Act and stable.

A site inspection by the Commission concurred.

Hearing no further comments or questions, Mr. Marc Aurele asked for a motion.

MOTION: Mr. Cooper moved approve the Certificate of Compliance to Steve Long of Borrego Solar for 466 Stafford Street Solar Project.

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

Wilson Street & Virginia Drive Extension

Mr. Art Allen of EcoTec, Inc. and Mr. John Stelmok, Developer present.

Mr. Allen reviewed material submitted from McClure Engineering Firm. Both Orders are original Orders on this project that have since expired. The letter submitted certifies phase 1 & 2 site work, building construction and final stabilization of all areas were complete. As-Built plans of replication areas prepared and submitted. Based upon visual observations, the work and build-out for DEP#s 197-252 & 197-350 are in substantial compliance with the design plans. *At this point Mr. Parretti arrived.*

Hearing no further comments or questions, Mr. Marc Aurele asked for a motion for a Certificated of Compliance to DEP#197-252.

MOTION: Mr. Cooper moved to approve the Certificate of Compliance for Oakridge Estates Senior Village DEP# 197-252, Wilson Street & Virginia Drive Extension

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

Mr. Marc Aurele asked for a motion for a Certificate of Compliance to DEP# 197-350

MOTION: Mr. Soojian moved to approve the Certificate of Compliance for Oakridge Estates Senior Village DEP# 197-350. Wilson Street & Virginia Drive Extension.

SECONDED: Mr. Cooper – Discussion: None – VOTE: 4 In Favor / 1 abstained (Mr. Parretti)

**Extend Order of Conditions**

Oakridge Estates, Wilson Street & Virginia Drive Extension (DEP#197-415)

Mr. Art Allen of EcoTec, Inc. and Mr. John Stelmok, Developer present.

Mr. Allen explained this is the final Order still valid for this project. It was extended once previously and by virtue of the Permit Extension Act, was currently set to expire on 9/20/2017.

The project is 84% complete and the project owner anticipates completion within next 2 to 3 years.

Hearing no further comments or questions, Mr. Marc Aurele asked for a motion.

MOTION: Ms. Schold moved to extend the Order of Conditions DEP# 197-415 for Oakridge Estates, Wilson Street & Virginia Drive Extension for 3-years to 9/17/2020.

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

*Mr. Parretti resumed his seat as Chair*

**Request for Determination of Applicability**

690 Stafford Street CONT (turnaround driveway)

Applicant currently not present – Tabled to end of meeting

14 Harberton Drive (single family home)

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

Mr. David Baril, property owner present.

This is for a single family home that will be 15-feet outside of the 100-foot buffer zone.

Existing gravel road will change to a paved driveway. Sewer & water lines will run from the house to Warren Ave. Wood chips, with loam and grass seed, placed down to help prevent erosion into the seasonal stream.

A site inspection by the Commission confirmed work was being done outside of the 100-foot buffer. The contractor was asked to stabilize the area and make sure to keep all equipment and work away from the area between the barn and seasonal stream.

The Commission requested the Right to Enter the property to do periodic inspections.

Mr. Baril agreed.

Hearing no further comments or questions, 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; any project change requires coming back before Conservation for additional review; waddles/hay bales in place between barn and stream throughout construction; notify Conservation Office at completion of project.”

SECONDED: Mr. Soojian – Discussion: The application and scope of work are part of the meeting minutes – VOTE: All in Favor

61 Fairview Drive (site work)

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

Ms. Corey Lee present.

There was a previous RDA approval for the fence and a portion of the retaining wall. They failed to ask for removal of the shed and fixing existing patio under the deck. The retaining wall will tie into the existing patio; the stairs will be removed from current location and rebuilt further away from the lake.

Hearing no further comment or questions, 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; waddles/erosion walls be installed prior to construction; notify Conservation Office prior to start of work for EC inspection; and notify office at completion.”

SECONDED: Mr. Soojian – Discussion: The application and scope of work are a part of the meeting minutes – VOTE: All in Favor

#### 25 Rawson Drive (16 x 20 deck)

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

Vincent Tiscione, property owner present

This request is to install a 16 x 20-foot deck on the back of the house facing the water, with stairs facing right side towards chimney. No footings or grade work proposed and stone will be put down to make a barrier from the driveway.

Hearing no further comment or questions, 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; straw waddles, with additional waddles required to be in place & installed prior to construction, notification to Conservation Office before start of work and notify Conservation Office at completion.”

SECONDED: Mr. Soojian – Discussion: The application and scope of work are a part of the meeting minutes – VOTE: All in Favor

#### **Notice of Intent**

##### Pine Street /Leicester, Spencer

Email memo received from Brian MacEwen requesting to continue the hearing.

Mr. Parretti read the request into record.

Hearing no questions or concerns, asked for a motion.

MOTION: Mr. Soojian moved to accept the request of Brian MacEwen to continue the Notice of Intent Hearing to October 11, 2017.

SECONDED: Mr. Cooper – Discussion: None – VOTE: 4 In Favor / 1 abstained (Ms. Schold)

#### 231 Pine Street (driveway/single family home)

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

Glenn Krevosky, EBT Environmental & James Wessell, property owner present.

They are proposing to construct a 12-foot wide driveway off Pine Street, which will pass through ±35 linear feet of outer River Front Area in order to gain access to single family home.

No fill proposed, the driveway will be a crushed asphalt surface & within 200-feet of River Front, 25-foot No Disturb Zone will be maintained.

Mr. Jay Levitan, 10 Birchwood Road had concern with work being done inside the wetlands and the effect heavy equipment would have on the wetlands.

The Commission explained work was not inside the wetlands, but 25-feet away from the wetlands called the No Disturb Zone and all work was restricted from that zone. Hay bales/silt fence are also required for additional protection to the wetlands.

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

MOTION: Mr. Marc Aurele moved to approve the NOI for 231 Pine Street to construct a 12-foot wide driveway off Pint Street that will pass through ±35 linear feet of outer River Front Area, to gain access to a single family dwelling, with the following conditions: hay bale/silt fence be in place prior to start of work; call Conservation Office for EC inspection prior to start of work; notify Conservation Office when work is complete; maintain 25-foot No Disturb Zone.

SECONDED: Mr. Soojian – Discussion: The application and scope of work are a part of the meeting minutes –

Instructions given on the appeal process

VOTE: All in Favor

## **Board Discussion**

### Snowmobile Club

Mr. John True of the Leicester Snowmobile Club present

The Club is proposing repair on two bridges located on Brad Johnson's property and a third bridge located behind the Town Highway Department.

After some discussion, the Commission recommended filing two RDA applications. One for the two bridges on Brad Johnson's property and one for the bridge behind the Town Highway Dept.

### Burncoat Park

Mr. Russ Anderson of the Burncoat Committee in attendance

Discussion on tree removal to allow Mass Electric place new poles to rerun the electric for the park. The committee felt lights and surveillance cameras would help deter vandalism at the park.

The Commissioners advised to notify the office when Mass Electric was ready to evaluate placement of the poles.

Another matter discussed was Town ownership of Burncoat Park.

Mr. Anderson explained because the Town owned the Park, it was eligible to get a free Forest Management Plan, paid for by DCR. The plan would evaluate the timber, the soils and possibly determine when it was time for another timber harvest, which would generate some funds to help pay for work needed at the Park.

The Town would be required to cover the cost up front and then receive full reimbursement from DCR. There are two parts to the plan, a Forest Management plan and a bird habitat plan. Based on the size of the property, a forest stewardship plan would be \$1940 and with the bird habitat plan, would total \$2440.

Mr. Anderson wants to start the request process in order to get on the list and asked if the Commissioners would support this application request to DCR. He will forward the link to the Commission that has all the information about this grant proposal. The Commissioners agreed taking this under advisement and getting back to the Burncoat Committee after further review and at the same time, inquire where the up-front funding could come from.

#### 298 Clark Street (Enforcement Order)

An email memo from DEP noted notification being sent to the property owner, Michael Valle, regarding a recent inspection done by the Commission and assisted by DEP, at his property. It was observed recent fill immediately adjacent to the regulated resource area and the inlet of a pipe beneath the driveway appeared to be blocked.

MassDEP recommended LCC to issue an Enforcement Order that will direct the property owner to remove the fill from the wetland area and restore the flow through the pipe beneath the driveway. Once fill was removed, seed bank in original topsoil to regenerate area.

After some discussion, the Commissioners agreed to issue an Enforcement Order as directed by DEP.

MOTION: Ms. Schold moved to issue an Enforcement Order on 298 Clark Street, Rochdale, MA as directed by DEP to remove fill from the wetland area and restore flow through pipe beneath the driveway. Once fill is removed, seed bank in original topsoil to regenerate area within 90-days from the date of this letter. A resortation plan is to be filed with the Conservation Commission by their next meeting on October 11, 2017. Notification to the LCC required when work completed.”

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

#### Worcester Airport (Enforcement Order)

Discussion on the recent Administrative Consent Order and Penalty issued by DEP to J.R. White Company, as well as the recent violation at Tower #11 Mitigation Area located in Leicester.

Mr. Marc Aurele attended a site meeting, at the Worcester Airport, with representatives from MassPort, vhb Consulting Firm and the project manager from J.R. White Co.

After the meeting, he spoke with Denise Child of DEP, and she explained DEP being under negotiations regarding the numerous other violations at this site and didn't want to reopen negotiations on their Administrative Consent Order. She recommended that the Commission issue an Enforcement Order on the Tower 11 violation, requiring replication area done in accordance to the approved plan and prior to issuance of a Certificate of Compliance.

All agreed, because violation occurred within the Town of Leicester, inquiring whether the Town would receive a percentage of the fine imposed on J.R. White Co., as in the same manner receiving a percentage of an NOI fee. All agreed to table to next meeting.

#### **Request for Determination of Applicability**

##### 690 Stafford Street (turnaround driveway)

Mr. Parretti reopened the hearing and read the notice into the record.

No one present representing the application.

Hearing opened to discussion.

Hearing no discussion, having a request to continue in writing, or by phone, and having no sufficient information submitted on what needs to be done, Mr. Parretti asked for a motion. MOTION: Mr. Marc Aurele moved to recommend a Positive Determination #4, "The work described on referenced plan and documents is within the Buffer Zone and will alter an Area subject to Protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone). SECONDED: Ms. Schold - Discussion: None - VOTE: All in favor

Additional discussion regarding issuing an Enforcement Order. All agreed to issue an Order to remove fill within the wetland and replicate within the buffer zone and wetland area. As well as, recommending the Town issue a separate Order requiring removal of material from Town property (property line to street). Upon hearing no further discussion, Mr. Parretti asked for a motion. MOTION: Mr. Marc Aurele moved to require removal of all pavements within the wetlands and restore the site within the buffer zone and wetland area. That the Conservation Commission imposes a fine of \$100 to comply with this Enforcement Order within 30 days and \$100 every day thereafter the initial 30 days, until required work is completed. A restoration plan submitted to Conservation by its next meeting on October 11, 2017 SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

1749 Main Street (lift Cease & Desist)

Mr. Parretti met with Marc Curtis, property owner and Jay Dubois, Engineer and reviewed whether work had gone beyond approved scope of work. After review, cease and desist was lifted. MOTION: Ms. Schold moved to recommend approval on lifting the Cease & Desist at 1749 Main Street, Leicester, MA SECONDED: Mr. Marc Aurele – Discussion: None – VOTE: All in Favor

Stiles Dam Repair

Work on the dam is complete. The reservoir is currently at 60% and they are in the process of restoring the landscaping.

**Minutes**

8/16/2017

MOTION: Ms. Schold moved to adjourn meeting SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:35PM

Respectfully submitted:

*Barbara Knox*

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