

Leicester Conservation Commission
Meeting Minutes

Minutes of May 13, 2015

Members present: Steve Parretti, Chairman; Joshua Soojian, Jim Cooper, JoAnn Schold
Ms. Schold; Vice Chair called the meeting to order at 6:30PM

Certificate of Compliance

41 Lakeview Drive (Ryan Maloney)

Ryan Maloney was in attendance.

A letter from the engineer was attached to the request noting the project was completed in compliance with the design plan. Ms. Schold did a site inspection and agreed the site was stable.

MOTION: Mr. Soojian moved to grant Certificate of Compliance for 41 Lakeview Drive.

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

Notice of Intent

100 Stafford Street Solar Cont.

Doug Pyne of PowerSecure was in attendance representing the applicant.

The public hearing was continued from April 15th allowing the applicant time to respond to the Board's recommendations and to allow the Commission to conduct a site inspection of the property.

The recommendations were for the property to be re-flagged and have the corners of the project staked out. Also for the access drive location to be marked out and to show how wide the access drive will be.

Revised plans were submitted that showed the project's property lines in relation to the abutting properties; the re-flagging of the property and the access road being moved further away from the wetlands.

Mr. Parretti arrived at this point (6:45pm)

The site walk was on May 8th and there were no major problems noted.

Hearing no further comments or questions; Ms. Scholds asked for a motion.

MOTION: Mr. Parretti moved to approve and take 21 days to draft the Order of Conditions with the following **condition** that a copy of the Amended Plans be submitted to the Conservation Office prior to the start of any site work and to make note on the property's correct address being, 490 Stafford Street and not 100 Stafford Street.

SECONDED: Mr. Soojian – Discussion: Instructions were given on the appeal period and the filing of these Orders at the Registry of Deeds - VOTE: All in Favor

Request for Determination of Applicability

CSX – Right of Way Cont. (5 yr. veg.maint.pl.)

A CSX representative was not present.

Mr. Parretti was able to do a site visit of the ROWs with a CSX representative on May 8th and found no problems and noted the areas being treated were not near the wetlands.

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

MOTION: Mr. Soojian moved to grant 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,” with the following **condition**: that the Conservation Office be notified before the start of treatment.

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

Notice of Intent

81 Waite Street Cont. (Robert Fawls)

Robert Fawls was present representing the application.

The Public Hearing was continued from April 15th because a DEP number had not been issued.

Mr. Fawls noted a DEP number was issued. The demolition guy recommended pulling the stumps out down by the waterfront, but it also sits partially on the abutting neighbor’s property. The Board recommended getting a written agreement from his neighbor on removing the tree stump at the water line.

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

MOTION: Ms. Schold moved to approve the Notice of Intent for 81 Waite Street, Leicester and take up to 21 days to draft the Order of Conditions, with the following **condition**: a site meeting and inspection is required prior to the start of site demolition and that a letter from the abutting neighbor is submitted to the Conservation Office regarding removal & stumping of trees before the start of any site work.

SECONDED: Mr. Cooper – Discussion: Instructions were given on the appeal period and the filing of these Orders at the Registry of Deeds - VOTE: All in Favor

Notice of Intent

33 Burncoat Lane Septic Repair/upgrade w/ garage addition (Peter Doane)

Jason Dubois, Bertin Engineering was in attendance representing the applicant.

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

The garage and septic system will be placed in the front of the property. Hay bales & wattles will be placed along the side and back for the erosion control and the closest point from the water to the septic tank is 50-feet. The house is staying and all the work will be further away from the pond and there is no grading being done near the pond.

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

MOTION: Mr. Cooper moved to approve the Notice of Intent for 33 Burncoat Lane, Leicester and take up to 21 days to draft the Order of Conditions, with the following **condition**: silt fence and hay bales are to be installed in accordance to the approved plan and a pre-construction site inspection is required prior to the start of construction.

SECONDED: Mr. Soojian – Discussion: Instructions were given on the appeal period and the filing of these Orders at the Registry of Deeds - VOTE: All in Favor

Notice of Intent

Lot 4, Moose Hill Road – single family dwelling (Derick Niddrie)

Jason Dubois, Bertin Engineering was in attendance representing the applicant.

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

The Moose Hill Reservoir is located on the south side of the property. There is an existing house two lots up from this property. There will be no fill used and they are staying within the 100-foot buffer and the 25-foot No Disturb is protected.

It was noted that a sign is to be posted identifying the location of the lot and the corners need to be staked.

The lot is wooded and some trees will need to be removed before the hay bale and silt fence can be put down.

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

MOTION: Mr. Soojian moved to approve the Notice of Intent for Lot 4, Moose Hill Road, Leicester and take up to 21 days to draft the Order of Conditions, with the following **conditions**: a sign identifying location of the lot is to be provided at the property edge and a pre-construction site inspection is required prior to the start of construction.

SECONDED: Mr. Cooper – Discussion: Instructions were given on the appeal period and the filing of these Orders at the Registry of Deeds. – VOTE: All in Favor

Board Discussion:

214 Rawson Street (Jeff Dowgiedicz)

Jeff Dowgiedicz was in attendance.

This was part of a two-lot subdivision back in the 1980s. It was not been built upon and is a grandfathered lot. A delineation of the wetlands was done back in the 1980s and most recently a new flagging was done. There's a discharge pipe on the property that was thought to be part of Stormwater control, but the Highway Department doesn't have any easements going onto that property for surface water runoff. Therefore, it was determined the pipe may have been put in by the neighbor to relieve water from their property.

Over the years, the runoff has created a man-made wetland.

Where the house is being proposed, the only spot for the septic system will be in the front close to the road and there is an existing well in that created wetland.

Mr. Dowgiedicz asked how the Board felt if he re-delineates the wetlands and had soil samples done to confirm that it wasn't an actual wetland and was created by man.

The Board agreed the first step was to determine whether or not it was a wetland. If a small portion is considered wetland, a replication area could be proposed and that would depend on the amount of square footage to be filled.

Transfer of Funds

MOTION: Ms. Schold moved to approve the transfer of \$2,750.00 from the Town's Wetland Protection Act revolving fund to cover a portion of the Conservation Agent's annual salary. to transfer fund

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

Baber's Crossing (John Wallace)

No show

Bylaw Fee update

The Warrant Article presented at Town Meeting, to remove the Wetland Fees from the Bylaw and be put into the Commission's Regulations, was approved. Town Meeting Report was distributed and reviewed.

New Business

- Miscellaneous Project Updates

397 Mulberry Street

The Commission agreed a Cease & Desist order is to be sent to the property owner, Joe Hyland, noting the Bond amount submitted was found to be insufficient to the amount discussed and agreed upon at the February 11th meeting. Any continuance of any work will result in a \$100 a day fine.

Mr. Hyland will be asked to come to the next Conservation Commission Meeting on Wednesday, June 10th. The Commission will determine, at that time, what the ramification and course of action to take.

Central Mass Crane

Monthly Status Reports are not being submitted. A letter is to be sent to the Engineer reminding them to start submitting the Monthly Reports.

147 Main Street

It was recently observed that the site was starting to deteriorate and becoming unstable. A letter is to be sent to Mr. Goretti reminding him of his obligation to make sure everything stays maintained and the site remains stable or the monthly reports will again be required.

Cedar Meadow drawdown complaint

Glenn Krevosky called the office and left a message concerned on the recent drawdown to Cedar Meadow Lake and that he was bringing this concern to DEP.

The Commission felt this concern should have been referred to the local jurisdiction for first right to inspect, before being brought to DEP. Mr. Krevosky will be asked to attend the next meeting on June 10th for further discussion.

Boutilier Estates

Status reports are not being submitted. The Engineer is to be contacted and asked for an update on this project.

Approval of Minutes

4/15/2015

MOTION: Mr. Soojian moved to approve the minutes of April 15, 2015

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

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

MOTION: Mr. Soojian moved to adjourn meeting.

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

Meeting adjourned at 8PM

Respectfully submitted:

Barbara Knox

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