

**Town of Leicester Conservation Commission  
Meeting Minutes  
May 13, 2020**

*[Note: This meeting was held remotely using GoToMeeting]*

MEMBERS PRESENT: Stephen Parretti, Chair, JoAnn Schold, Dawn Marttila, John Marc-Aurele

MEMBERS ABSENT: James Cooper

STAFF PRESENT: Michelle Buck, Town Planner, Tiffany Peters, Department Assistant

MEETING TIME: 6:30 PM

AGENDA:

**1. Certificate of Compliance**

- a) 220 Baldwin St., Matt Schold (DEP#197-0628) single family home, *continued*
- b) 3 Flagg Drive, Barbara Flagg (DEP # 197-223), single-family home 2000, *continued*
- c) 414 Pine, Michael Marinucci (DEP # 197-099), single family home 1990

**2. Request for Determination of Applicability (RDA)**

- a) 3 Oak Bluff Lane (RDA 2020-04), *continued*. Applicant: Central Land Development Corp, Construction of single-family dwelling w/ attached garage, associated septic, well, driveway
- b) 25 Rawson Drive (RDA 2020-05), *continued*. Applicant: Vincent Tiscione, Removal of 9 trees within 100' of shoreline

**3. Abbreviated Notice of Resource Area Delineation (ANRAD)**

- a) 408 Stafford Street, Applicant: New England Power (DEP # 197-0658), *continued*  
Survey of 45-acre parcel

**4. Approval of Minutes:**

- a) January 14, 2020
- b) April 15, 2020

**5. Board Discussion/Miscellaneous**

- a) Acceptance of MGL Chapter 110G, Section 9 related to electronic signatures
- b) Miscellaneous Project Updates/Site Inspection Updates
- c) Correspondence/Other New Business
- d) Ratification of Emergency Certificate - Beaver Dam – Washburn Street
- e) Ratification of Enforcement Order - 31 Chapel Street

Meeting called to order at 6:36PM

**Certificate of Compliance**

**220 Baldwin St., Matt Schold (DEP#197-0628)**

Mr. Parretti states that this is a continuation due to having a lack of quorum at the last meeting.

He advises that we have a letter from an engineer on the Certificate of Compliance. Mr. Parretti asks if there are any questions from the Board or from the public. There are none.

**Motion:** Mr. Marc-Aurele moves to approve the request for a Certificate of Compliance for 220 Baldwin Street

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** All in favor (3-0-0)

### **3 Flagg Drive, Barbara Flagg (DEP # 197-223)**

Mr. Parretti states that we are waiting for additional information from Glenn Krevosky and Bill Coyle and asks if we have received any additional information from them. Ms. Buck advises that we have not received additional information. There is no one at the meeting representing 3 Flagg Drive. Mr. Parretti suggests that we remove this item from the agenda until the applicant provides the proper documents.

**Motion:** Mr. Marc-Aurele moves to remove COC for 3 Flagg Drive from agenda until proper documents are provided

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** All in favor (3-0-0)

### **414 Pine, Michael Marinucci (DEP # 197-099)**

Mr. Parretti asks if there is anyone at the meeting representing 414 Pine Street. Michael Marinucci, the property owner is present. Mr. Marinucci states that his closing attorney has been in discussions with Ms. Buck. He states in 1990 the Certificate of Compliance for another property was incorrectly reported for this property and one was never applied for back in 1990 when the home was built which is why he is trying to obtain it now. Mr. Parretti states that it can be agreed upon that the site is stable. There are no comments from the Board.

**Motion:** Mr. Marc-Aurele moved to approve the Certificate of Compliance for 414 Pine Street

**Second:** Ms. Marttila

**Discussion:** Ms. Marttila asks if applicant had to pay \$50 fee. Ms. Buck advises that a fee is applied when requests for compliance come in late. Ms. Marttila states it does not seem to her that the applicant should have to pay a \$50 late fee. Ms. Buck states that it took a significant amount of staff time to work on this application and that older requests take longer to process.

**Roll Call Vote:** All in favor (3-0-0)

Mr. Marinucci asks how the signatures will be collected and how long it will take to get the original as he is closing on Sunday. Ms. Buck explains that it should be ready late next week. Mr. Marinucci asks if he can be sent an email describing the results of today's meeting so that he can present it to the new buyers. Ms. Buck states that an email can be sent with that information.

## **Request for Determination of Applicability (RDA)**

### **3 Oak Bluff Lane (RDA 2020-04)**

Mr. Parretti reads a summary of application which is for a single-family dwelling with an attached garage and associated septic, well and driveway. Mr. Parretti asks if anyone is at the meeting representing this application. Mr. Matt Schold is present and states that one of the corners of the septic system is within the 100-foot buffer. He states it is in front of erosion controls for the silt detention pond. Mr. Parretti asks if there are questions from the Board.

Ms. Marttila explains that she had difficulty finding the site. Mr. Schold explained to her where it is located, and Ms. Buck shared the plans on the screen. Ms. Marttila states that Oak Bluff started developing before she was a part of the Commission. Mr. Parretti explains that often with subdivisions, a NOI will be obtained for the entire subdivision and then individual lots will get NOIs, RDAs or nothing depending on their individual impact.

Mr. Schold states that the site work is 76 feet away. Mr. Parretti asks if there is there will be a buffer left regarding the vegetation. Mr. Schold states that they have already disturbed the area underneath this for the detention pond and that erosion controls have been put in place under the advisement of the Town Engineer. Ms. Marttila asks where the wetlands are. Ms. Buck points out the house, road and wetlands on the plans. Mr. Schold states that all the trees that were cut were a part of the NOI and done for the drainage. He states that do not have to cut anymore trees in order to put the septic system in and that the septic is going right behind the house that is currently being framed. Ms. Marttila thinks she may be looking at the wrong site. Ms. Martilla states that since she did not walk the site maybe she should abstain from voting. Mr. Schold states it is the only house under construction currently and the septic is going directly behind the house about 25 feet out. Ms. Marttila confirms that it will be between the road and the house. Mr. Schold confirms that this is correct. Mr. Parretti states that he inspected site and that they are 73 feet away with the haybale silt fence, so he does not see an issue with an RDA for this property. Mr. Marc-Aurele asks if the detention pond is stabilized. Mr. Schold confirms that it is and that all the slopes are stabilized. Mr. Marc-Aurele states that he would suggest some wattles along the top of the detention pond to preventing clogging it up. Mr. Parretti asks if there are any questions from the public. There are none.

**Motion:** Mr. Marc-Aurele moves to make a negative 3 determination that the work is within the buffer zone but not within the resource area and with the precautions shown will not have any detrimental effects

**Second:** Ms. Marttila

**Discussion:** Ms. Marttila agrees to second the motion since they will not have a quorum if she chooses to abstain. Mr. Parretti states that if she does not feel comfortable, she can vote no.

**Roll Call Vote: (2-1-0)** Ms. Marttila voted nay

*Ms. JoAnn Schold arrives at this time (6:57PM)*

### **25 Rawson Drive (RDA 2020-05)**

Mr. Parretti states that he and JoAnn Schold visited the site. He states that the homeowner

agreed to leave trees down by the shed alone as they would have impacted the bank quite a bit. Mr. Parretti states that based on his numerous site visits he is ok with approving the RDA. Mr. Marc-Aurele asks how many trees are being left out of the approval. Mr. Parretti confirms that since they are not removing the 2 trees by the shed, the applicant will now be removing 7. Mr. Parretti states that the tagged trees were not numbered but the 2 trees by the shed can be distinctly identified due to their location. Mr. Parretti said the trees near the shed were ingrained in the bank and had they been taken down they probably would have lost the bank. Mr. Parretti asks if there are any questions from the public. There are none. Mr. Parretti asks if the property owner is present. He is not.

**Motion:** Mr. Marc-Aurele moves for negative 3 determination for RDA for 25 Rawson that the work performed is within the buffer zone but not within the resource area.

**Second:** Ms. Schold

**Discussion:** None

**Roll Call Vote:** (4-0-0)

### **Abbreviated Notice of Resource Area Delineation (ANRAD)**

#### **408 Stafford Street (DEP # 197-0658)**

Mr. Parretti reads summary of application and asks if there is a representative to speak on its behalf. Mr. Gregory Russo of TRC is present. This was continued because the DEP number had not been issued as of the last meeting. Mr. Russo confirmed that a DEP number has now been assigned. Mr. Russo states the parcel was delineated last fall. He states that they have all their plans ready, they have submitted the ANRAD and that they are trying to move forward on this project. Mr. Parretti asks if the Board has any questions. There are none. Mr. Parretti asks if there are any questions from the public. There are none.

**Motion:** Mr. Marc-Aurele moves to approve ANRAD submitted for 408 Stafford Street

**Second:** Ms. Schold

**Discussion:** None

**Roll Call Vote:** (4-0-0)

### **Approval of Minutes:**

#### **January 14, 2020**

**Motion:** Mr. Marc-Aurele

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (3-0-1) Ms. Schold abstained

#### **April 15, 2020**

**Motion:** Ms. Schold

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (3-0-1) Mr. Marc-Aurele abstained

**Board Discussion/Miscellaneous:**

**Acceptance of MGL Chapter 110G, Section 9 related to electronic signatures|**

Ms. Buck explains that the Registry of Deeds is requiring that each Board take a vote to approve electronic signatures. A certificate of the vote needs to be recorded. Ms. Buck states that the registry rejected some of the documents that signed at the last meeting, specifically Certificates of Compliance. The Board needs to make a motion, Ms. Buck will then file notice of that vote with the Town Clerk, that document will then be recorded at the Registry. The book and page from the recorded document will be included on all documents that are signed electronically.

**Motion:** Mr. Marc-Aurele moves that the Leicester Conservation Commission recognize and accept the provisions of MGL Chapter 110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (4-0-0)

**Municipal Vulnerability Program (MVP) Grant:**

Ms. Buck states that the Town is considering applying for weed management at Greenville Pond, Rochdale Pond and Clarks Mill Pond. This is being worked on by the Economic Development Coordinator. He is putting together a grant application that is due on June 11<sup>th</sup>. They are requesting a support letter from the Conservation Commission. Mr. Parretti asks if they are planning on leaving it open ended in order to include other ponds if needed. Ms. Buck states that they had to amend their Municipality Vulnerability Preparedness Plan to mention weed control and in the plan itself they left it broad. She states that in terms of the grant application that we are submitting now, it will be for the three ponds. Mr. Marc-Aurele asks for clarification as to what the vote on this is for. Mr. Buck states the vote is for a support letter for the grant application. Ms. Marttila asks if they plan on using herbicides or mechanical techniques for weed removal. Mr. Parretti said they talked about both methods and if they do get the grant, they are trying to get the most bang for their buck, the grant is for \$100K and they plan to use it over 2 years. Ms. Buck states she will be drafting the letter once she receives more details on the project.

**Motion:** Mr. Marc-Aurele

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (4-0-0)

**Ratification of Emergency Certificate - Beaver Dam – Washburn Street**

Ms. Buck states that Julie VanArsdalen, Health Agent, went and visited the site and an Emergency Certificate was issued on April 9, 2020. She states when this is done outside of a meeting it is put on the next meeting's agenda for ratification by the Commission. Mr. Parretti asks if the Board or public has any comments on this. There are none.

**Motion:** Mr. Marc-Aurele moves to approve/ratify the Emergency Certificate for beaver dam removal

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (4-0-0)

**Ratification of Enforcement Order - 31 Chapel Street**

Ms. Schold confirms that this is the site where trees were being cut down. Mr. Parretti states that we served the property owner with an Enforcement Order. Mr. Parretti states that it is his understanding that Mr. Krevosky has been working with them. Mr. Parretti asks if the property owner was asked to attend this meeting. Ms. Schold states that they were asked to call the office and that he planned to file an application with Conservation, but he was not yet ready to do so. It is unclear what his intent is for the site. Ms. Buck confirmed that they have not filed anything yet. Ms. Schold states that she thinks that the Commission needs clarification on their plans by the next meeting. Mr. Parretti states that he will reach out to Mr. Krevosky to find out what their plan is for the site and that we want him to be on the next agenda to advise the Board as to what is going on. He states that if Mr. Krevosky is not working on this then we can contact the property owner.

**Mulberry Solar Update:**

Ms. Schold states that she has had an issue two weeks ago with the solar farm runoff. She states she contacted Ms. Buck about it. She states that she visited the site and spoke with their engineer. She states that they did a great job and they have complied with anything she has asked them to do which included bringing the haybales and the silt fence further down to help with runoff that was running over the road and into the river. She states there is still a problem with runoff when it rains from the top of the slope of the field. Mr. Marc-Aurele states that he will try to visit the site this week. Ms. Schold asks Ms. Buck if they have addressed the runoff issue from the top of the field. Ms. Buck states that she is not sure but that Kevin Quinn, Town Engineer, visited the site recently and she can check with him. Ms. Parretti asked that Mr. Quinn look at the detention basins/drainage that they are planning on having and determine if they need to escalate their detention basins ahead of schedule due to the terrain. Mr. Marc-Aurele states that the detention basins are in but there is more runoff now than there will be once the ground is stabilized more and until they get the site more stabilized may need to do a temporary sediment pond. Mr. Marc-Aurele states he will monitor the runoff. Mr. Parretti asks for update on the restoration plan. Ms. Buck states that they are near completion of the restoration plan. There has been a delay because they were storing materials in an area where 40 shrubs were supposed to be planted. Ms. Parretti asks if the Planning Board is monitoring the restoration process. Ms. Buck confirms that this is correct.

**Paxton Street Complaint**

Ms. Schold states she visited site and confirmed that there are wetlands located there but she could not see any clearing or tree cutting that had taken place. She states she didn't walk on anyone's property due to the resident asking for anonymity. Mr. Parretti asked that we reach out to resident and advise that to inspect further they may need to walk on their property.

**Meeting Minutes:**

Ms. Sandy Wilson, Select Board Chair, is present at meeting and states that Board members do not need to be present at a meeting in order to vote on the minutes. Mr. Marc-Aurele asks if everyone who attended the meeting must vote on the corresponding minutes. Ms. Wilson states that they do not have to vote if they are not at the meeting where the minutes are accepted. She states Board members can vote on any minutes if Ms. Buck or the Chair has gone over the content of meeting with them or they watched a replay of meeting and they agree that the minutes reflect the meeting. Ms. Wilson emphasized the importance of accepting and posting minutes in accordance to the Open Meeting Law in a timely manner.

**June Meeting Date:** June 10<sup>th</sup>, 2020

**Motion to adjourn**

**Motion:** Mr. Marc-Aurele

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (4-0-0)

Meeting adjourned at 7:29PM

Respectfully submitted:

Tiffany Peters, Department Assistant

**Documents included in meeting packet:**

- Agenda
- Memo to the Commission from the Town Planner dated May 6, 2020
- List of Certificate of Compliance applications
- Affidavit of Site Work Completion for 220 Baldwin Street
- Certificate of Compliance for 3 Flagg Street issued 2/10/2000
- Letter to the Commission from Thompson Law Group, P.C. dated April 30, 2020 regarding 414 Pine Street
- Plans and surveyors map for 414 Pines Street
- Summary of RDA applications
- Email from Mass DEP which provides DEP # for 408 Stafford Street ANRAD
- Letter from Gregory Russo of TRC Companies regarding 408 Stafford Street dated 3/12/2020
- WPA Form 4A ANRAD Application for 408 Stafford Street

- Conservation Commission Meeting Minutes for 1/14/2020
- Conservation Commission Meeting Minutes for 4/15/2020
- Suggested motion regarding electronic signatures
- Letter from the Worcester District Registry of Deeds dated 4/23/2020
- Letter from the Worcester District Registry of Deeds dated 4/09/2020
- WPA Emergency Certificate for Washburn Street beavers
- WPA Form 9 – Enforcement Order for 31 Chapel Street

**Documents submitted at meeting: N/A**