

TOWN OF LEICESTER

Conservation Commission
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Conservation Commissioners

Stephen Parretti; Chair
James Cooper; Vice Chair
JoAnn Schold

Conservation Commission Meeting Minutes

Date: July 13, 2022

Time: 6:30

Location: Leicester Town Hall-Select Board Meeting Room

Commissioners Present: Stephen Parretti, James Cooper, JoAnn Schold, Ashlyn Coyle

Others Present: Alaa Abusalah, Town Planner/ Director of Inspectional Services-Remote
Tina Stratis, Department of Inspectional Services Assistant

ORDER OF BUSINESS:

1. Request for Determination of Applicability (RDA)

- a. 88 Huntoon Memorial Highway (RDA# TBD), Applicant: 88 PropertyCo LLC, to install two 114+ linear feet of chain link fence

2. Notice of Intent (NOI)

- a. 0 Chapel Street (DEP# 197-0670), Applicant: Armory Street LLC, Office building with associated driveway & stormwater structures in a riverfront area
- b. 31 Chapel Street (DEP# 197-0669), Applicant: Armory Street LLC, Office building with associated driveway & stormwater structures in a riverfront area
- c. 69 Burncoat Lane (DEP#197-0688), Applicant: Michael Comeau, installation of a new septic system within 100-ft buffer zone to Burncoat Pond
- d. Stafford Street (DEP# 197-1687), Applicant: Southwest Holding LTD and Stafford Street Properties LLC, construction of a 5,000-sf warehouse/office building
- e. 408 Stafford Street (DEP# 197-0690), Applicant: New England Power Company, construction of a substation and associated ROW clearing

3. Discussion/Miscellaneous

- a. Certificate of organization
- b. Correspondence/other new business

Mr. Parretti called the meeting to order.

1. Request for Determination of Applicability (RDA), 8 Huntoon Memorial Highway (RDA# TBD), Applicant: 88 PropertyCo LLC

The applicant is a marijuana-growing operation and is asking to install two 114+ linear feet of chain link fence to protect their crop. The fence will be 2 feet off the asphalt, all the way around. Because it is within 100' of wetlands, the applicant cannot proceed with the planning board until they get a permit from the Conservation Commission. The Conservation Commission has a sketch in hand that shows the planned location of the fence.

MS. Coyle mentioned that she walked the site and stated that there were no areas of concern; the applicant confirmed that wetlands are a long distance away, down a slope. Further, a sewer line was installed last year with the appropriate certifications.

Ms. Coyle pointed out that the work description, section C.2.A states that straw wattles will be used, but the applicant replied that dirt that comes from the holes bored for the fence posts will be removed from the site. It was agreed that straw wattles would not be needed; Ms. Coyle requested that the applicant's representative correct the work plan for the Conservation Commission.

Mr. Parretti opened the issue for questions from the public but there were none. He entertained a motion on the RDA for this applicant.

Motion: Ms. Coyle moved to vote to approve an RDA with a negative 3 determination in accordance with DEP regulations.

Second: Mr. Cooper

Discussion: None

Vote: 3-0-0

2. **0 Chapel Street (DEP# 197-0670), Applicant: Armory Street LLC and 31 Chapel Street (DEP# 197-0669), Applicant: Armory Street LLC**

The applicant requested a continuance pending resolution of questions with the DEP. Mr. Parretti supported the request and the matter will be continued at a future meeting when the applicant can address the DEP questions.

3. **69 Burncoat Lane (DEP#197-0688), Applicant: Michael Comeau,** installation of a new septic system within 100-ft buffer zone to Burncoat Pond

The representative for the applicants, Jason indicated that board of health approval has been obtained. He presented the engineering plan showing the location of the pond, wells, street, and the existing system behind the house, where the new septic system will be reconstructed. He pointed out the flood zone and the compensation area.

The Conservation Commission and the town planner spent some time confirming that the correct address is on all the appropriate forms. The Conservation Commission did find that they do not have a copy of the plan that the representative for the applicants was presenting. The representative for the applicants approached with the plan and pointed out the leach field, existing septic system, and general location of the new system.

Ms. Schold and Ms. Coyle stated that they had visited the wrong address to view the property. Mr. Parretti indicated that he had previously visited the property.

Mr. Parretti requested comments from members of the public; two next-door neighbors at 71 Burncoat voiced their support for the Comeau's new septic system.

Mr. Parretti entertained a motion to accept the NOI for 69 Burncoat Lane to fix the failing septic system, according to the plan shown, with siltation devices as needed.

Motion: Ms. Schold: so moved.

Second: Ms. Coyle

Discussion: None

Vote: 3-0-0

4. **Stafford Street (DEP# 197-1687), Applicant: Southwest Holding LTD and Stafford Street Properties LLC**, construction of a 5,000-sf warehouse/office building

Peter Lavoie represented the applicant. Mr. Lavoie presented a plan and provided an overview of the project. Two existing parcels will be combined, totaling 9 acres in size. It is a vacant lot, and it slopes on Stafford Street down to the Wetlands line. This was flagged by Goddard Consulting. The area of proposed development is only 28,000 square feet of the 9 acres. They are providing a 25-foot “no disturb” along the flagged wetland line.

Mr. Parretti asked that it be noted that Joann Schold is recusing at this point in the meeting.

The proposed building is in the center of the parcel. The closest point is 27 feet from the wetland line. There is a proposed retaining wall that runs along the back. During construction, a portion of that building will be a retaining wall along the back of that wall to protect the area from disturbance.

Proposed septic is in the front of the building - the plan shows a reserve area and an active area that was witnessed by the Leicester Board of Health, so Passing deeps and percs exist for the parcel. A well is proposed on the right-hand side of the development in the back right corner, and proposed drainage consisting of catch basins, to a drain manhole, to a storm <sector?>, to either an underground system (on the right) or settling 4-bay basin with a level spreader to create sheet flow into the 25-foot No Disturb area before it gets into the wetlands.

The planning board approved the site plan with conditions. There are a couple of final recommendations from Quinn Engineering that were resolved.

It is a commercial building with an office and a garage door. Twelve parking spaces will go in on the right-hand side. The site was designed following stormwater management rules and using the standards for site development from Mass DEP.

There was some discussion about mitigating any runoff on the site; it is fairly flat so should not be a big issue.

Mr. Parretti requested comments and question from the public but there were none.

Mr. Parretti entertained a motion for the Stafford Street work to commence, contingent upon Quinn Engineering’s results, and with the understanding that the Conservation Commission will be notified once siltation measures are in place for inspection.

Motion: Ms. Schold: so moved.

Second: Mr. Cooper

Discussion: None

Vote: 3-0-0

5. **408 Stafford Street (DEP# 197-0690), Applicant: New England Power Company**

The project is the construction of a substation and associated right of way clearing. Dan Herslinger, TRC Environmental represented the applicant.

Mr. Herslinger reviewed the plans for new substation construction, line clearing, and four new structures. The Conservation Commission asked for clarification about the plans for the access road, the existing right of way, and the proximity of the work to wetlands areas. The road will not leave the existing right of way, and clearing is being conducted within the existing easement.

Mr. Herslinger showed a plan that indicates the location of wattles and siltation fence in relation to wetlands.

Francis Bergen, 30 Tobin Road, an abutter of 408 Stafford Street, requested to review the plans with Mr. Herslinger; specifically, to point out Mr. Bergen's property on the land and confirm that no private property is being purchased to allow the work. It was confirmed that the work would be limited to the existing right of way. Mr. Bergen pointed out the planned fence and gate locations.

Ms. Schold requested a color copy of the plans for the new structures that shows the location of the wetlands. Ms. Schold requested notification when the wattles and siltation measures are in place, so that she can walk the area. The applicant stated that weekly (and rainfall-initiated) EPA inspections are also planned; Ms. Schold requested copies of the EPA reports to maintain transparency.

Mr. Parretti entertained a motion on 408 Stafford Street.

Motion: Mr. Cooper moved to approve DEP# 197-0690 contingent upon EPA reports dispatched and notification of hay bale and silt fence installation.

Second: Ms. Schold

Discussion: None

Vote: 3-0-0

Correspondence/other new business

- In reference to an item discussed at a previous meeting, Ms. Abusalah will forward documents received from Art to the Conservation Commission.
- Two certified letters were sent out to residents; one was returned, and the other has not been acknowledged by the recipient. Ms. Abusalah will follow up with the town council as to next steps.
- Discussion about the state deadline for remote meetings.
- Mr. Parretti suggested returning to the policy of applicants signing a form as part of the submittal process. The form would allow inspections at the property at any time.
- Discussion about Ryan submitting a formal resignation letter, so that the position can be advertised.

Restructuring of the Conservation Commission

Ms. Coyle made a motion that Mr. Parretti continue as Chair, with Mr. Cooper as Vice Chair.

Mr. Parretti entertained a motion to close the public hearing.

Motion: Ms. Schold

Second: Ms. Coyle

Discussion: None

Vote: 3-0-0

Meeting Minutes Respectfully Submitted by:

Donna K. Main, DIS Assistant

Date Approved: April 12, 2023