

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: September 14, 2022

Time: 6:30

Location: Leicester Town Hall-Select Board Meeting Room

Commissioners Present: Stephen Parretti, James Cooper, JoAnn Schold

Others Present: Alaa Abusalah, Town Planner/ Director of Inspectional Services

ORDER OF BUSINESS:

1. Request for Determination of Applicability (RDA)

- a. 18 Lake Drive, Application: John & Jessica Coleman, tree removal

2. Certificate of Compliance (COC)

- a. 20-22 Lake Drive (*DEP# 197-0622*), Applicant: MaryAnn DiPinto/Three Oaks Environmental, request to remove expired order of conditions

3. Notice of Intent (NOI)

- a. 20-22 Lake Drive (*DEP# 197-0691*), Applicant: Teresa Kopec, remove old out-buildings and build single-family home in the buffer zone to the bank of Burncoat Pond
- b. 38 Manville Street (*DEP# pending*), Applicant: Mark Olson and Cheryl McNally, demolish existing single-family dwelling and wood post foundation, replace with new concrete foundation and single-family dwelling
- c. 0 Chapel Street (*DEP# 197-0670*), Applicant: Armory Street LLC, Office building with associated driveway & stormwater structures in a riverfront area
- d. 31 Chapel Street (*DEP# 197-0669*), Applicant: Armory Street LLC, Office building with associated driveway & stormwater structures in a riverfront area

4. Discussion/Miscellaneous

- a. Russell Memorial Park
- b. Administrative Amendments
 - i. 408 Stafford Street, *DEP# 197-6090*
 - ii. 92 Huntoon Memorial Highway, *DEP# 197-0683*
 - iii. Correspondence/other new business

Mr. Parretti called the meeting to order.

1. Request for Determination of Applicability (RDA), 18 Lake Drive, Application: John & Jessica Coleman

The members of the Conservation Commission referred to the packet provided by the applicants and discussed the tree removal with the Colemans. The Colemans have a new roof, and to protect it they want to take down 6 pine trees which are overhanging the house, plus 2 more which are on the side of the house, 45 feet from the water.

C&C Tree Removal is the contractor hired to cut the trees. No stumping or grinding is planned, and they have permission to access the vacant lot next door as needed for equipment access to the trees.

Mr. Parretti and Ms. Schold reviewed the requirement to install a siltation fence to protect the pond, particularly if any slope exists. MaryAnne DiPinto stated that the vacant lot has an existing berm.

Ms. Schold indicated that she visited the property the previous Sunday.

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

Second: Ms. Schold

Discussion: None

Vote: 3-0-0

2. 20-22 Lake Drive (DEP# 197-0622), Applicant: MaryAnn DiPinto with Three Oaks Environmental

Ms. DiPinto is requesting to remove expired orders of conditions from the deed. She stated that the only work that was performed on the pre-existing permit was the creation of the berm on the vacant lot next to the previous applicant's home (18 Lake Drive).

Mr. Parretti indicated his willingness to issue a Certificate of Compliance at this time.

Mr. Parretti entertained a motion to approve issuing a Certificate of Compliance.

Motion: Mr. Cooper

Second: Ms. Schold

Discussion: None

Vote: 3-0-0

3. 20-22 Lake Drive (DEP# 197-0691), Applicant: Teresa Kopec.

<note: not all audio was understandable due to background noise and cross- speaking>

MaryAnn DiPinto with Three Oaks Environmental represented Ms. Kopec. The only structures on the vacant lot are and an old shed and an outhouse. The shed will remain in place.

The applicant is filing a new application with the Zoning Board of Appeals as the previous one expired.

The plan is to remove the old outhouse and build a single-family, two-bedroom home, including septic, in the buffer zone to the bank of Burncoat Pond. Clearwater Environmental designed the system; it has a high-performance sand filter with two chambers, to meet Board of Health requirements and protect nearby wells.

There is a significant pitch down to the water, with an existing berm near the water. Erosion control measures will be staked in just beyond this berm. The property has slight swales on either side, to convey stormwater down to the pond. There is no plan to include a beach or dock; trees at the water's edge will be left as-is.

Mr. Parretti reminded the applicant that they are responsible for installing wattles and silt fence sufficient to prevent soil erosion and protect the pond. Ms. DiPinto responded that the wattles will be installed on the up-graded side, with silt fence behind it, and that the plan submitted includes a schematic.

Ms. Schold requested that the applicant send the Conservation Commission some pictures of the lot for their reference.

Mr. Parretti invited questions from members of the public but there were none.

Mr. Parretti entertained a motion for a two-bedroom home under the condition that wattles and silt fence be installed near the water, and to notify the Conservation Commission within 48-hours of having successfully placed all siltation devices.

Motion: Mr. Cooper

Second: Ms. Schold

Discussion: None

Vote: 3-0-0

5. **38 Manville Street (DEP# 197-0692), Applicant: Mark Olson and Cheryl McNally,**

The applicant has received a DEP number and submitted packets to the Conservation Commission.

The applicants were represented by James DeCino from Guarantee Builders, the contractor on the project. They want to demolish the existing single-family dwelling and wood post foundation and replace it with a new concrete foundation and single-family dwelling. The new structure will be further from the water than the structure being removed.

From the edge of the high-water mark, it is approximately 90 feet to the edge of the new building. Mr. DeCino approached to review the plans with the Conservation Commission, including the effective use of silt fence, wattles, and hay bales (if needed).

Mr. Parretti invited questions and comments from the public; Ms. McNally, the applicant, indicated her support of what Mr. DeCino presented. Mr. DeCino supplied proof of mailing to the commission.

The Conservation Commission reviewed the comments from Mia McDonald with Mass DEP:

- In reference to the drainage area to the right of the lot, Mr. DeCino responded that the area is well off the applicant's property and would not be flagged. Mr. Parretti proposed, and Mr. DeCino agreed, that protecting that area, regardless, makes it a non-issue.
- Ms. Schold and Mr. Parretti asked Mr. DeCino to notify the Conservation Commission within 48-hours of having successfully placed all siltation devices, so that a visit to review these measures can be scheduled.

Ms. Schold asked whether the Applicant was required to go before the Planning Board before going before the Conservation Commission, but this is not the case. Mr. DeCino stated that the lead contractor on the job (currently on vacation) had prepared the plans to meet the appropriate setback requirements, area requirements, and zoning requirements. There is no plan to go before the Planning Board at this stage.

Mr. Parretti entertained a motion for tearing down the old structure and building a single-family home, with hay bales and silt fencing, as shown on the plan or as needed based on field conditions.

Motion: Mr. Cooper

Second: Ms. Schold

Discussion: None

Vote: 3-0-0

6. **0 Chapel Street (DEP# 197-0670), Applicant: Armory Street LLC and 31 Chapel Street (DEP# 197-0669), Applicant: Armory Street LLC**

Mr. Parretti and the Applicant from Eco-Tech agreed to handle these NOIs simultaneously as the Applicant and the issues are the same. The plan is to combine the two properties, cancel one of the DEP numbers, and proceed using the other DEP number.

There has been discussion with the DEP for some time related to the land in question, due to its being a historical mill complex. DEP were at first favorable to the plans, but recently had changed to a negative view. The DEP only views a certain section of the area proposed for development as a “Historical Mill Site.”

Armory Street, LLC distributed copies of the clauses in the regulation that deal with restoration of graded riverfront area. He explained that they looked at adjacent, off-site property, which has 8-10 inches of topsoil. This indicates that the applicant’s site was filled at some point in the past. With graded riverfront area, according to the clause, if you have 10,000 square feet you must restore 5,000 square feet and keep the remainder as graded.

Armory Street, LLC ‘s intent at their site is to address the two different areas as follows:

- Previously developed (degraded) riverfront area (Clause 1058-5): Restore everything closest to the river in the flood plain, then add 8-10 inches of topsoil and plant it. The only grading planned is in the steep swale that goes to the river.
- The “Historical Mill Site” (Clause 1058-6) - no riverfront.

Mr. Parretti summarized that moving forward, the applicant would develop a new plan, the Conservation Commission would walk the site to review the plan, fresh comments would be gathered from DEP, and next steps would be taken at that point.

Armory Street, LLC stated that, on a similar site in Sturbridge, DEP approved the plan. He presented the comments of the DEP representative on the Sturbridge site to the Conservation Commission. Mr. Parretti indicated that this prior approval sets a precedent for approval on this project.

Mr. Parretti and the applicant agreed that the applicant would need 30 days to complete a new plan, and the matter should be continued at the Conservation Commission meeting in two months (or whenever the applicant is ready).

Miscellaneous Items

1. **Russell Memorial Park** - Continued to the next meeting; CMRPC will join at that meeting and provide an update.

2. **Amendments**

Ms. Abusalah related the following changes to Orders of Conditions:

1. 408 Stafford Street, *DEP# 197-6090* - Added additional deed references.
2. 92 Huntoon Memorial Highway, *DEP# 197-0683* - Incorrect riverfront impact area has been corrected after communication with the applicant, DEP, and the Registry of Deeds.

3. **Correspondence/other new business**

- A. At the last meeting there was confusion about the NOI application for 2 Lakeshore Drive. Received copy from DEP, so that will be on the next agenda
- B. 65 Lake Drive there was concern that work was being done. Ms. Abusalah spoke to the resident and a new application is expected soon. Ms. Schold visited the residence; the work

in question was the completion of the previous project, and they will submit a new application for subsequent work.

- C. Ms. Schold discussed visiting the Copeland residence where site work was underway with no permit requested. They were told via certified mail to cease work until they consulted with a wetlands specialist and submit an NOI.
- D. Ms. Abusalah stated that the Conservation Commission is authorized to request funds through Wetlands Protection. She would like to hire part-time staff to help with the filing of the forms. Ms. Schold and Mr. Parretti suggested speaking with other towns' Town Planners to find a suitable agent, and initially allocating 10 hours per week.

Mr. Parretti entertained a motion to authorize 10 hours per week of salary to hire an agent to help with conservation issues.

Motion: Ms. Schold

Second: Mr. Cooper

Discussion: None

Vote: 3-0-0

Mr. Parretti, in discussion with the Conservation Commission, set October 12, November 9, and December 14 as the next Conservation Commission meeting dates. Ms. Schold indicated that she would send in her letter so that the two vacancies can be posted.

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

Motion: Mr. Cooper

Second: Ms. Schold

Discussion: None

Vote: 3-0-0

Meeting Minutes Respectfully Submitted by:

Donna K. Main, DIS Assistant

Date Approved: April 12, 2023