

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: October 12, 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. 4 Lake Shore Drive, Applicant: William Yorke Murphy, construct a port 100 feet from Cedar Meadow Pond

2. Certificate of Compliance (COC)

- a. 35 Fairview Drive (DEP# 197-0671), Applicant: Camden Dacey, septic system replacement and minor tree cutting

3. Notice of Intent (NOI)

- a. 2 Lake Shore Drive (DEP# 197-0689), Applicant: Richard and Lori Carr, replace existing retaining wall
- b. 153 Paxton Street (DEP# pending), Applicant: Central Land Development, construction of 10 residential lots and related construction activities
- c. 0 and 124 Charles Street (DEP# pending), Applicant: Cedar Meadow Lake Watershed District, cutting of trees/shrubs to stump level within 20' of the downstream side of Cedar Meadow Lake Dam
- d. 0 Chapel Street (DEP# 197-0670), Applicant: Armory Street LLC, Office building with associated driveway & stormwater structures in a riverfront area
- e. 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. Correspondence/other new business
 - i. 6 Hammond Street (DEP# 197-0660), new owners

Mr. Parretti called the meeting to order.

Mr. Parretti stated the Commission's intention to change the order of business, due to a number of continuations because of lack of DEP numbers and comments.

- 35 Fairview Drive (Camden Dacey) has a DEP number but not an as built, so they are asking for a continuation until the next meeting.
- 0 Chapel Street and 31 Chapel Street also requested a continuation as they work out some issues with DEP.
- 153 Paxton Street also requested a continuation as they wait for a number from DEP. Mr. Parretti acknowledged that many of the members of the public present at the meeting were present regarding this project. Mr. Parretti stated that the Conservation Commission will review DEP's findings regarding the project, potentially at the next meeting (Nov. 9, 2022), and that the Conservation Commission will hire their own Wetlands Specialist to review the application. The applicant was not present at the meeting.

1. Request for Determination of Applicability (RDA), 4 Lake Shore Drive, Applicant: William Yorke Murphy

Mr. Murphy plans to replace his 25-year-old 12'x8' porch with a new 24'x6' porch. This would be on the street side of his house, not the water side. Ms. Schold stated that she had visited the house and Mr. Murphy's work would be fine with an RDA of negative three. Mr. Parretti invited members of the public who were present at the meeting to discuss the project; there were no comments.

Ms. Schold recommended approving an RDA with a negative 3 determination in accordance with DEP regulations.

Motion: MS. Schold

Second: Mr. Cooper

Discussion: None

Vote: 3-0-0

2. 2 Lake Shore Drive (DEP# 197-0689), Applicant: Richard and Lori, Carr

The Carr's want to replace their existing retaining wall, which has partially collapsed into the lake. This would be done during the lake draw-down in mid-late November. The original wall material will be removed and replaced with one of the same size made of concrete blocks.

Ms. Schold stated that she had visited the site and asked if the work would be done by hand or using machinery. Mr. Carr's understanding is that excavation contractor's machines will be used to remove the original wall material (stone and concrete), and to dig down 6-12 inches to seat the concrete block base layer. After that, the new 40-pound concrete blocks would be set by hand.

Ms. Schold recommended that a boom be set by the excavator to protect the shoreline from gas or oil leaks from the machinery. Ms. Schold reminded Mr. Carr that the new wall cannot approach closer to the water than the existing wall and Mr. Carr agreed.

Jan Park, an abutter of 2 Lake Shore Drive (across the cove) asked that the Conservation Commission consider any extra measures that could be taken by the contractor to protect the amphibian life around the corner to the right of Mr. Carr's property. During drawdown, the amphibians buried in the mud of the cove are particularly vulnerable.

Mr. Parretti acknowledged the concern and summarized that the contractor has a responsibility to protect the lake, including using booms, hay bales, etc. to prevent siltation. In discussion with Ms. Schold, he suggested including in her motion a statement that all necessary precautions will be

taken by the contractor to prevent damage to the lake and cove area exposed by the lake draw-down.

Motion: Ms. Schold moved to approve the NOI for 2 Lakeshore Drive, that a boom will be in place as needed, and that the Conservation Commission will be notified 72 hours in advance of the work starting.

Second: Mr. Cooper

Discussion: None

Vote: 3-0-0

3. 0 and 124 Charles Street (DEP# pending), Applicant: Cedar Meadow Lake Watershed District.

Brian Waterman, wetlands specialist from WDA Design Group presented. The project is part of a DCR required study on dam safety. Part of ensuring safety is cutting the trees within 20 feet of the dam. The dam is classified as a “significant hazard” dam. The study indicated that if the dam breached, it would impact 7 of the downstream streets, and several houses and businesses to the Oxford town line, with possible injuries or even loss of life.

Cedar Meadow Lake acquired the area in question in 2020 and can now address the safety issues. Mr. Waterman showed several survey maps of the area, which highlight property lines, watershed areas, and the area of proposed tree cutting.

- A total of 64 trees need to be cut, including 22 covered by the maintenance easement on the Lamoge property.
- DEP# 197693 was received today with comments/recommendations from Mia MacDonald. Recommendations include:
 - Confirm the wetland boundaries. Mr. Waterman indicated his willingness to walk the site with the Conservation Commission. The trees to be cut are flagged.
 - The Conservation Commission may want to condition that no equipment shall enter any resource areas. If this is necessary, temporary impact should be quantified and a restoration plan provided to Mass DEP. The current plan is not to access any wetland areas with machines. Foot traffic can proceed along the pathway and bridge that crosses the property on the New England Power side, and the plan is to do this after the drawdown when the brook is in low flow, and you can walk across via rocks. Mr. Parretti commented that keeping the dam in good repair is the priority, so if equipment is needed, that can be discussed and done properly.
 - The Dam Inspection and Evaluation Report includes additional recommendations to address other deficiencies outside of the removal of trees, such as sealing of cracks and filling of voids. Mass DEP recommends that all such proposed work be included in the application.
 - The deed to the abutting land (currently owned by Lamoge) includes an easement for access to the dam for maintenance purposes in perpetuity.
- A properly signed application is in receipt of the Conservation Commission.
- Drawdown begins November 1; work would begin by mid-December.

Ms. Schold asked for clarification about the location and number of trees to be taken down. Most are inside of the DCR-recommended 20 feet from the dam, with 8 being outside of that line. The

total was confirmed to be 64 trees: 48 on the Cedar Meadow Lake property, and 22 on the Lamoge property.

Mr. Waterman confirmed that stumps will be left in the ground. The Commission indicated their intention of walking the site with Mr. Waterman before work progresses.

An invitation to the public to speak on the project was issued. Jan Park, 2 Lake Shore Dr., stated her satisfaction that the work is finally progressing after 30 years.

Ms. Schold requested that Mr. Waterman respond to the DEP comments and copy the Conservation Commission.

This matter will be continued to the November 9 meeting.

Discussion/Miscellaneous

1. Russell Memorial Park

Christopher, Central Mass Regional Planning Commission, and Dawn, Leicester Girls' Softball Board spoke.

Leicester has hired CMRPC to help them manage funds obtained through the Mass Department of Housing and Community Development Block Grant program. The goal is to implement plans that were funded by the Mass Department of Housing and Community Development, to create disability access to the fields at Russell Memorial Park from the parking area. This would involve:

- Upgrading existing gravel paths to pavement.
- Designating appropriate disability parking spots in the existing parking lot.
- Creating a basin in the "right field" area of one of the softball fields, to catch water that currently floods that area. While not required for ADA compliance, it would make sense to address this while work is underway.

The grant funds cover the design engineering plans, but not wetlands assessment, or other requirements that arise due to the improvements.

Christopher reviewed the existing plans with the Conservation Commission, noting the fact that the design plan does not take into account wetland areas that may be disturbed during implementation. He has in-hand a wetlands plan done by Cullen Engineering in 2001.

The Conservation Commission expressed the intent to assess next steps by walking the site with Christopher, Dawn, and the engineer. Christopher will contact the Conservation Commission members with a couple of time slots for a meeting on site.

2. 6 Hammond Street (DEP# 197-0660), new owners

Chris Wolf purchased the property in August, and would like to execute on the pre-existing, approved site plans from the previous owner to build a 24x16 screen porch. Two changes from the approved plan are requested:

1. No trees would be cut.
2. The location of the structure would move a few feet further from the water, toward the driveway.

Ms. Schold asked whether any of the hay bales and silt fence put in place by the previous owner were still there; Chris indicated there was still some silt fence in place. It was confirmed that the previous owner did plant grass in an area where he had taken down trees, so the area is now stable. No sand will be added to the beach area and no rocks removed from the water.

Ms. Schold and Mr. Parretti indicated that a minimal amendment to the existing orders and conditions may be all that is needed. They will visit the site with Mr. Wolf and the engineer to confirm and determine if any improvements to siltation are needed.

An employee from Bonsai Builders, who is constructing the greenhouse, asked if the Conservation Commission can indicate the location of the greenhouse on the site. Mr. Parretti said they would look at the existing plan, which will show that location.

Mr. Parretti will entertain a motion to close the hearing and adjourn

Motion: Ms. Schold

Second: Mr. Cooper

Discussion: None

Vote: 3-0-0

Meeting Minutes Respectfully Submitted by:

Donna K. Main, DIS Assistant

Date Approved: April 12, 2023