

Town of Leicester

Conservation Commission
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Conservation Commission

Stephen Parretti, Chair
James Cooper, Vice-Chair
JoAnn Schold, Member

Meeting Minutes

Date: January 12, 2022

Time: 6:30PM

Location: Virtual Meeting

Commissioners Present: Stephen Parretti, Ashlyn Coyle, Joann Schold, Ryan Winslow

Others Present: Brooke Hultgren

ORDER OF BUSINESS:

1. Extension Request

- A. 500 Boutillier Rd (DEP# 197-0640), Applicant: Zero Point Energy Solutions (Extension request for Order of Conditions)

2. Request for Certificate of Compliance

- A. 14 Mulberry St (Mulberry Solar) (DEP# 197-0636) Applicant: Syncarpha Solar, LLC
- B. 208 Rawson Street (DEP# 197-0664) Applicant: Sparhawk Realty, LLC

2. Request for Determination of Applicability

- A. Oakridge Estates (RDA2021-19), Applicant: Stephen Paquette (minor tree cutting)
- B. Burncoat Park (RDA2021-18), Applicant: Burncoat Park Sports Planning Committee (trail improvements)

3. Notice of Intent (NOI)

- A. 0 Chapel Street (DEP# 197-0670) **Continued**; Applicant: Armory Street LLC, Office building with associated driveway & stormwater structures in a riverfront area
- B. 31 Chapel Street (DEP# 197-0669). **Continued**; Applicant: Armory Street LLC, Office building with associated driveway & stormwater structures in a riverfront area
- C. Waite Pond Dam (DEP# 197-0681), Applicant: Town of Leicester (seasonal dam draw-down)
- D. 214 Rawson Street (DEP# 197-0676), Applicant: Neil Lechtner (single-family home construction)
- E. 1355 Main Street (DEP# 197-0679), Applicant: ZP Battery DevCo (solar energy storage system)
- F. 35 Mayflower Circle (DEP# 197-0680), Applicant: Thomas Martin (single family home construction).
- G. 51 Waite Street (DEP# 197-0682), Applicant: Justin Smith (42' x 32' accessory building)
- H. 90-92 Huntoon Memorial Highway (DEP# 197-0683) **Continued**; Applicant: JMC/TBG Leicester LLC. (Industrial warehouse)

4. Board Discussion/Miscellaneous

- A. Forest Cutting Plan: 709 Pleasant Street
- B. Follow Up (15 Bond, 83 Charlton, 82 Baldwin)
- C. Minutes approval: Sept. 15, 2021
- D. Miscellaneous project updates/site inspection updates
- E. Correspondence/other new business

Mr. Parretti called the meeting to order.

1. Extension Request

- A. 500 Boutilier Rd (DEP# 197-0640), Applicant: Zero Point Energy Solutions (Extension request for Order of Conditions)

Tom Corbett spoke for the applicant. They are looking to extend to February 20, 2023, due to the Governor's Covid-related executive order.

Ms. Schold mentioned the email received by the Conservation Commission (Nov. 30, 2021) regarding Governor Baker's executive order and recommended approving the extension request.

Mr. Parretti requested comments or questions from the public and there were none.

Parretti entertained a motion to approve the Extension request.

Motion: Ms. Schold

Second: Ms. Coyle

Discussion: None

Vote: 4-0-0

2. Request for Certificate of Compliance

- A. Oakridge Estates (RDA2021-19), Applicant: Stephen Paquette (minor tree cutting)

<name indecipherable> spoke for the applicant; they are requesting a certificate of completion.

Mr. Parretti stated that the Conservation Commission had visited the site last year with a member of the applicant's team, but since then have received no correspondence indicating that any of the Conservation Commission's recommendations regarding planting and erosion issues had been put into effect.

Kevin Quinn from the Planning Board visited the site and approved it from a Planning Board perspective, and submitted documentation that Ms. Schold referenced. After discussion, Mr. Parretti suggested reaching out to Ms. Hultgren to schedule a site visit after the snow is off the ground.

- B. 214 Rawson Street (DEP# 197-0664) Applicant: Sparhawk Realty, LLC

Brian McEwan with Graf Engineering spoke for the applicant. The developer wants to sell the property, but per the building inspector that is contingent upon the Certificate of Compliance. The applicant is wondering if the Conservation Commission could grant interim approval of the Certificate of Compliance, as this would not generally be approved for two more growing seasons.

After discussion with the Conservation Commission, Ms. Hultgren will reach out to the building inspector to determine what he is looking for. Occupancy is not contingent upon a Certificate of Compliance, and the Conservation Commission will work with the applicant and the building inspector to resolve the situation administratively. A vote is not required.

3. Request for Determination of Applicability (RDA)

A. Oakridge Estates (RDA2021-19), Applicant: Stephen Paquette (minor tree cutting)

Dolores <unintelligible> The applicants are planning to bring in a crane to cut three trees behind one of the units. The trees are dangerous to the buildings and are located in the wetlands. The trees will be cut in half and lifted out of the woods, not dropped.

Ms. Schold visited the site and recommended approving with a -3 determination.

Mr. Parretti requested comments or questions from the public; there were none.

Ms. Schold recommended approving an RDA with a negative 3 determination in accordance with DEP regulations, and with the specification that the Conservation Commission be notified within a couple of days of the start of work.

Mr. Parretti entertained a motion to grant the RDA.

Motion: Ms. Schold.

Second: Ms. Coyle

Discussion: None

Vote: 4-0-0

B. Burncoat Park (RDA2021-18), Applicant: Burncoat Park Sports Planning Committee (trail improvements)

Dawn Martila spoke for the applicant. The work will involve tree cutting over paths and creating a viewing platform on the sand.

Mr. Parretti requested comments or questions from the board; Ms. Schold and others voiced their approval of the project. Mr. Parretti requested comments or questions from the public; there were none.

Ms. Schold recommended approving an RDA with a negative 3 determination in accordance with DEP regulations, and with the specification that the Conservation Commission be notified within a couple of days of the start of work.

Mr. Parretti entertained a motion to grant the RDA.

Motion: Ms. Schold.

Second: Ms. Coyle

Discussion: None

Vote: 4-0-0

4. Notice of Intent (NOI)

a. 0 Chapel Street (DEP# 197-0670) and 31 Chapel Street (DEP# 197-0669).

The applicant has requested continuing this NOI request until the next meeting. Ms. Schold requested taking this off the agenda until it's definite that the applicant will attend the meeting; Mr. Parretti concurred.

b. Waite Pond Dam (DEP# 197-0681), Applicant: Town of Leicester (seasonal dam draw-down)

April Doroski, Fuss & O'Neil spoke for the applicant. This is a new dam and Ms. Doroski reviewed the logistics of the drawdown to protect the dam, and how it will affect the water level going forward.

This would typically be done in November but for this year, the town would like to conduct this as soon as approvals are obtained (January). Water levels will begin to come up again in March.

Ms. Schold expressed concern about the fish since the drawdown is so late, particularly if draw-down will occur again over the summer. Ms. Doroski clarified that there is no summer drawdown; drawdown starts annually in the late fall with lowering the water level about 3" per day at a slow and controlled rate, and the water level is raised in early spring by about the same amount, achieving the high-water level in April. This approach has minimal effect on wildlife activity and migration.

The town will assess the safety of drawdown based on the weather and ice conditions.

Mr. Parretti solicited questions from the public. Jan Parke asked who will be performing the assessment and Ms. Doroski responded that it will be the DPW. Ms. Park responded that the town does not have a DPW, and that this should be the purview of the Conservation Commission.

Mr. Parretti entertained a motion to grant the NOI.

Motion: Ms. Schold made a motion to approve the ROI, with the condition that the assessment is brought to the Conservation Commission before drawdown, and that the Conservation Commission agrees with the assessment by the town.

Second: Ms. Coyle

Discussion: None

Vote: 4-0-0

c. 214 Rawson Street (DEP# 197-0676), Applicant: Neil Lechtner (single-family home construction)

Norman Hill from Land Planning spoke for the applicant. The current plan calls for lawn going around the house and encroaching into the 25-foot no touch zone by 10 feet, so they are asking for a waiver.

Mr. Parretti stated that the status of this lot over many years has changed from buildable to non-buildable and back again. The Conservation Commission would like to bring their own consultant to the site for a determination.

Mr. Hill indicated that Arthur Allen confirmed the wetland line five years ago on-plan and that is the plan currently in use. Ms. Coyle asked that the plans be forwarded; Ms. Hultgren will forward them to Ms. Coyle and Mr. Winslow.

Mr. Parretti will call Mr. Allen and request an email with a status of the issue. This request is continued pending Mr. Allen's response.

- d. 1355 Main Street (DEP# 197-0679), Applicant: ZP Battery DevCo (solar energy storage system)

Tom Corbett presented for the applicant. The plan is to improve a road that already exists, including grading, to allow access to the site. A site walk was conducted with Conservation Commission representatives and the wetlands scientist on December 10.

Mr. Parretti solicited questions from the board; there were none. Mr. Parretti solicited questions from the public; there were none.

Mr. Parretti entertained a motion to grant the NOI.

Motion: Ms. Schold, with a specification that the applicant should notify the board when wattles are in place.

Second: Ms. Coyle

Discussion: None

Vote: 4-0-0

- e. 35 Mayflower Circle (DEP# 197-0680), Applicant: Thomas Martin (single family home construction)

Brian McEwan, Graz Engineering presented for the applicant. This is a 48-acre lot that will have a single house on it. The existing logging road will be developed into a driveway.

Mr. Parretti solicited questions from the board; there were none. Ms. Schold noted that DEP assigned a number but made no comments. Ms. Schold requested that Mr. McEwan send the updated project statistics to the Conservation Commission.

Mr. Parretti solicited questions from the public; there were none.

Mr. Parretti entertained a motion to grant the NOI.

Motion: Ms. Schold, with a specification that the applicant should notify the board when hay bales, etc. are in place.

Second: Mr. Winslow

Discussion: None

Vote: 4-0-0

- f. 51 Waite Street (DEP# 197-0682), Applicant: Justin Smith (42' x 32' accessory building)

Karen Keegan, Allen Engineering presented for the applicant, who lives at the property. He wants to construct a single-story, 32' x 24' garage, for storage. It will be approximately 60.4' from Waite Pond. It is outside of the disturbance zone and no trees will be taken down.

Mr. Parretti solicited questions from the board; there were none. Mr. Parretti solicited questions from the public; there were none.

Mr. Parretti entertained a motion to grant the NOI.

Motion: Ms. Schold, with a specification that the applicant should notify the board when straw wattles are in place.

Second: Mr. Winslow

Discussion: None

Vote: 4-0-0

- I. 90-92 Huntoon Memorial Highway (DEP# 197-0683) **Continued:** Applicant: JMC/TBG Leicester LLC. (Industrial warehouse)

There is no DEP number yet. Jack Brennan spoke for the applicant, along with Richard Whitehouse from VHB. Mr. Whitehouse presented the site design plan, including grading, stormwater management, utilities, and connections. Kim Justham presented to describe the on-site wetlands and summarize how proposed work impacts buffer zones.

Mr. Parretti solicited questions from the board. Ms. Schold would like to view the site when it's feasible and stated that she would wait for the DEP number to be assigned and review DEP comments before making a decision. Ms. Coyle asked if the site had previously been logged; response was that the logging occurred on an adjacent site. Mr. Winslow asked if the state had reviewed the plans for stormwater concerns. Mr. Whitehouse responded that this section of Rte. 56 is not under state jurisdiction, but rather local jurisdiction. Appropriate precautions have been taken to ensure stormwater does not impact the road.

Mr. Parretti stated that the Conservation Commission would open a hearing after receiving DEP comments on the project and walking the site. This matter is continued pending these activities.

4. Board Discussion/Miscellaneous

- a. Follow Up (15 Bond, 83 Charlton, 82 Baldwin)

Regarding 15 Bond Street: The property owner, Mr. Giggey, has been dumping concrete and bricks in the wetlands. Chapter 61 does not allow you to fill in wetlands. Numerous attempts have been made to request his plans for remediation.

The Conservation Commission has been attempting to work with the owners of all three of these properties for over two years, without appropriate response. The Conservation Commission will therefore submit all three to DEP and raise the matter with the Town Council to find out what other recourse the Conservation Commission may have.

- b. Minutes approval: Sept. 15, 2021

Conservation Commission members had no updates to the minutes draft. Mr. Parretti entertained a motion to approve the meeting minutes.

Motion: Ms. Schold.

Second: Mr. Winslow

Discussion: None

Vote: 3-0-0 (Mr. Winslow abstained as not present)

c. Forest Cutting Plan: 709 Pleasant Street

This is a 30-acre forest cutting project that was sent to the Spencer Conservation department (although there is some question as to whether the site is in Leicester, Spencer, or Rochdale). The Leicester fire chief was notified because smoke may be sighted by Leicester residents. The listed proposed start date of February 1, 2022.

After discussion, the Conservation Commission asked Ms. Hultgren to reach out to DCR for clarification on the start date, completion of paperwork, and timely notification of concerned town boards.

d. Miscellaneous project updates/site inspection updates

Ms. Schold raised an issue with the 909 Stafford Street site, a single-family home construction. They appear to be stockpiling materials, erosion control measures are still up but are deteriorating, and the Conservation Commission is missing the NOI application. Mr. Parretti will look in his email for the missing forms and applications.

e. Correspondence/other new business

None.

Mr. Parretti requested additional questions or comments from the public; there were none.

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

Motion: Ms. Schold

Second: Mr. Winslow

Discussion: None

Vote: 4-0-0

Meeting Minutes Respectfully Submitted by:
Donna K. Main, DIS Assistant
Date Approved: May 10, 2023