

## Town of Leicester

Conservation Commission  
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## Conservation Commission

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

# Conservation Commission Meeting Minutes

**Date:** April 13, 2022

**Time:** 6:30PM

**Location:** Leicester Town Hall, Select Board Meeting Room

**Commissioners Present:** James Cooper, Stephen Parretti, Joann Schold, Alaa Abusalah, Ryan Winslow

**Others Present:** Alaa Abusalah, Director of Inspectional Services/Town Planner, Tina Stratis, DIS Assistant

## ORDER OF BUSINESS:

### 1. Request for Determination of Applicability (RDA)

- A. 65 Lakeview Drive (RDA 2022-03) Applicant: Denisse Valentine, Backyard improvements on lakefront.

### 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. 408 Stafford Street (DEP# 197-0685), Applicant: New England Power Company, 115 KV substation.

### 3. Order of Conditions Extension Request

- A. Marlboro Drive (DEP# 197-0571), Applicant: Stephen Petro, single family dwelling

### 4. Board Discussion/Miscellaneous

- A. Burncoat Park - request to use NOI funds.
- B. Forest Cutting Plan - 980 Stafford Street
- C. Miscellaneous project updates/site inspection updates
  - 124 Green Street
  - 15 Bond Street
  - 83 Charlton Street
  - 82 Baldwin Street
- D. Correspondence/other new business

Mr. Parretti called the meeting to order.

### 1. Request for Determination of Applicability (RDA)

65 Lakeview Drive (RDA 2022-03) Applicant: Denisse Valentine, Backyard improvements on lakefront. The Conservation Commission visited the site. Applicant has asked for a continuation while they put their package together. Continued to next meeting.

### 2. Notice of Intent (NOI)

- A. 0 Chapel Street (DEP# 197-0670) and 31 Chapel Street (DEP# 197-0669). Applicant: Armory Street LLC, Office building with associated driveway & stormwater structures in a riverfront area

The Conservation Commission received a letter from the applicant representative, Mr. Belsky. They are in the process of working with DEP to combine the two NOIs into one NOI; one of the numbers will eventually be cancelled and the others will just roll into one. This is continued to the next meeting.

- B. 408 Stafford Street (*DEP# 197-0685*), Applicant: Southwest Holding LTD and Stafford Street Properties LLC, construction of a 5,000-sf warehouse/office building.

The applicant, New England Power Company, was represented by Greg Russo, TRCM environmental consultant. The request is to build a 115 KV substation. Mr. Russo indicated that all information had been submitted to the Commission, and he was present to answer any further questions.

Ms. Schold stated that the Conservation Commission had received a copy of the answers to the DEP questions, provided by the applicant, and would add that to the applicant's file. Mr. Winslow mentioned that the <mats??> need to be returned to their original condition, and Mr. Parretti agreed that it should be part of the Special Conditions.

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

Mr. Parretti entertained a motion on the NOI.

**Motion:** Mr. Winslow made a special motion to bring the mats back to their original state and to approve the NOI.

**Second:** Ms. Schold

**Discussion:** None

**Vote:** 4-0-0

### 3. Order of Conditions Extension Request

- A. Marlboro Drive (*DEP# 197-0571*), Applicant: Stephen Petro, single family dwelling

The applicant sent in a letter requesting an extension. Alaa included the original in the packet (2017); since then the Conservation Commission extended it out to 2022. Fees have been paid, and without the extension they would need to resubmit and pay again.

Ms. Schold wondered if the plans have changed; Ms. Abusalah stated that nothing has changed, and the applicant is asking for more time.

Mr. Parretti suggested setting the request aside pending the arrival of the applicant to answer questions.

### 4. Board Discussion/Miscellaneous

- A. Burncoat Park Ad Hoc had a request from DEP to file a full NOI; they need to flag additional wetlands over and above what's already been flagged, at a cost of \$2250. They want to use NOI funds for this so they can move forward with improvements.

During discussion Ms. Schold stated that she is in favor of approving the request to benefit the town; Mr. Winslow is also in favor.

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

Mr. Parretti entertained a motion to use NOI funds, Ms. Schold specifying that these would not exceed \$2,250.

**Motion:** Mr. Parretti

**Second:** Ms. Schold

**Discussion:** None

**Vote:** 4-0-0

- B. Forest Cutting Plan - 980 Stafford Street

The Conservation Commission reviewed the packet submitted. There is a study included from DCR. Ms. Schold stated that the packet indicates DCR will be notified by the timber harvester prior to the work beginning; she would like the Conservation Commission to be notified as well and will send a request to the applicant to that effect.

### 3. Board Discussion/Miscellaneous

#### A. Miscellaneous project updates/site inspection updates

- 124 Green Street - Forest cutting plan that happened last year. Ms. Schold visited earlier in the week. DCR needs to do a site visit and assess the situation. Mr. Parretti suggested reaching out to DCR to request them to inspect their permit due to recent complaints of a wetland violation. Some logs in the river were removed by the Highway Department, in an emergency capacity, to prevent issues downstream. The Conservation Commission was not notified.
  - The Conservation Commission will send a reminder to the Highway Department that they are obligated to contact members of the Commission when emergencies arise, and to periodically update the Conservation Commission on any wetlands-related actions taken on an emergency basis.
- 15 Bond Street - Complaints due to filled in wetlands, with no DEP number, no paperwork filed.
- 83 Charlton Street - Filled in wetlands to expand their property. No paperwork filed.
- 82 Baldwin Street - Tremendous amount of fill brought in to rectify a culvert issue that the town rectified. No paperwork filed.

The Conservation Commission discussed 15 Bond Street, 83 Charlton Street, and 82 Baldwin Street as a unit as these properties have been under violation status for over two years, with no attempt to address the violations. While reluctant to levy fines, the town council does give the Conservation Commission the ability to do so at a rate of up to \$300 per day. Liens on the properties may eventually result.

Certified letters have been sent in the past.

Mr. Parretti suggests informing the homeowners that, if they do not attend the next meeting with a definitive plan, meaning they have at least hired a wetlands specialist and have a timeline, and intention to work with the Commission at the next meeting, fines will be levied and DEP will be notified.

Mr. Parretti entertained a motion to take the following actions: The Commission will send certified letters to these homeowners stating that they have 30 days before fines of \$100 per day are levied. To avoid the fines, the homeowners must attend the next Conservation Commission meeting with a plan of action for addressing the violations on their properties.

**So moved:** Ms. Schold

**Second:** Ms. Stratis

**Discussion:** None

**Vote:** 4-0-0

#### B. Correspondence/other new business

Marlboro Drive (*DEP# 197-0571*), Applicant: Stephen Petro, single family dwelling. He is requesting an extension for a plan originally filed in 2005, with multiple extensions in the interim time period. Mr. Petro is ready to restart the project.

The Conservation Commission will request guidance from the DEP and let Mr. Petro know whether an extension should be granted, or whether a new NOI needs to be filed.

- C. Ms. Abusalah 214 Rawson Street has an outstanding surety bond. The board signed it, and Ms. Abusalah sent it to the applicant. The applicant responded that it was their understanding that the bond isn't due to be paid until they start construction.

The Conservation Commission responded that the bond is, in fact, due to be paid immediately as part of the orders and conditions.

- D. Ms. Stratis asked the Commission if water can be removed from a river for agricultural purposes, and if so, how much? Mr. Cooper responded that there is a provision for that in the section of the Wetlands Protection Act that deals with Agricultural exceptions; it depends on the size and flow of the river.

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

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

**Motion:** Ms. Schold

**Second:** Ms. Coyle

**Discussion:** None

**Vote:** 4-0-0

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