

Leicester Conservation Commission Meeting Minutes September 13, 2023

Location: Leicester Town Hall, Select Board Meeting Room

Member Present: Stephan Parretti, JoAnn Schold, Ashlyn Coyle, Vanessa Lopez

Members Absent: James Cooper

Others Present: Kristen Jacobsen, Town Planner

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2023 NOV 13 AM 9:15
TOWN CLERK'S OFFICE
LEICESTER, MASS.

Call to Order: Chairman Parretti called the meeting to order at 6:30 PM

1. 59 Burncoat Lane – Request for Certificate of Compliance

The Applicant, Mr. Gorman, was not in attendance. Ms. Schold stated that they need an as-built. Mr. Parretti agreed and said there was also no letter from the engineering firm and asked Ms. Jacobsen to send correspondence saying they need to do a site meeting or, preferably, Mr. Gorman needs to have his engineer reviewing his Order of Conditions and respond whether he has satisfactorily completed the project per the plan.

2. 0 Blueberry Lane – Request for Determination of Applicability

Glenn Krevosky was present on behalf of the applicant. He thanked Conservation for conducting a site visit and gave an overview of the evaluation he submitted for the RDA. He said that wetlands were found below the site on the 2 lots below the lot in question, and silt fencing will be put in on the last lot down to ensure no flow if Conservation issues negative determination so project can begin.

Ms. Schold said she visited the site and the clearing people where there and the clearing was already done. This is a moot point for the RDA. If they are going to build a house, they need to be in compliance with Town regulations. Mr. Krevosky said they filed an RDA to show that there were no wetlands within 100 feet from the project. Ms. Schold stated an RDA is not necessary if it's 230 feet away from wetlands. Mr. Krevosky said he wanted a paper trail saying they were x number of feet away from wetlands. Ms. Schold said she was ok with RDA but asked why they didn't file a cutting plan. Mr. Krevosky said he is only involved in the wetland plan. Applicant, Steven Antanavica, said he didn't file a cutting plan because he didn't know he needed one. Mr. Krevosky asked what is the minimum area. Ms. Schold said tree cutting regulations are in the Town Wetland Bylaw. Mr. Antanavica said he went to the Building Inspector and Planning Board and they told him he didn't need to do anything.

Mr. Parretti asked what work was being done now, if they were still clearing, and that they need to define where the wetlands are located. Mr. Krevosky said that is what the wetland plan shows. Mr. Krevosky asked for determination as after the fact RDA.

Mr. Parretti asked if there were any comments from the public and there were none.

Motion: Ms. Schold made a motion to give the Applicant a negative determination and work does not require the filing of a Notice of Intent.

Second: Ms. Coyle

Discussion: None

Vote: Four – yes. One – Absent. Motion carried.

3. 257 Pine Street – Notice of Intent for decommissioning of an existing cesspool and install a Title 5 tight tank.

Mr. Mark Elbag, P.E. was present on behalf of the Applicant, Wilbert Dellarosa. He said that this is a septic repair plan with no increase in flow, serving a single-family house, with well and cesspool on site. Applicant is proposing a well and tight tank due to lack of space for Title 5 compliance. The project is within buffer of Bordering Vegetated Wetland (BVW) and riverfront of perennial stream. The cesspool will be filled.

Mr. Parretti asked if he was upgrading from cesspool to tight tank and Mr. Elbag said yes, that the cesspool is in failure and within the groundwater table. Ms. Schold asked if MassDEP had any comments. Mr. Elbag said that a MassDEP number was issued with no comments and provided copy to the Commission.

Mr. Parretti asked if there were any comments from the public and there were none.

Motion: Ms. Schold make a motion to approve DEP #197-0704 for the decommissioning of the existing cesspool and installation of Title 5 tight tank and in accordance with the plan, install silt fencing and notify Conservation when it's done so they can inspect.

Second: Ms. Coyle.

Discussion: None

Vote: Four - yes. One – absent. Motion carried.

4. 17 Fairview Drive – Notice of Intent for repairs to existing retaining wall

Diane Mercadante was not present and she asked to continue to October meeting. Ms. Schold said Ms. Mercadante needs to send out abutters list. Ms. Jacobsen will reach out to the Ms. Mercandante.

5. 0 & 31 Chapel Street – Notice of Intent for office building with associated driveway and stormwater structures and a warehouse with associated driveway and stormwater structures.

The Commission received an email from Applicant requesting to continue to October 11, 2023. Mr. Krevosky was present and asked to be heard on the project. He sent a sketch of historic mill site and swale with information on what was there in the 1990s and what is there now. The swale is clear on the plan which also defines the limit of parking and water conveyance structure. The lower lot is low and flat and then drops off. This area was used as parking for original mill. The area has been flagged/staked and now shown on the plan with limit of fill. The de-graded riverfront

area (Quinebaug River) is lacking in topsoil. It is within 100-year floodplain but the Applicant is going to remove silty clay and put in 4-6 inches of topsoil as part of the restoration. They will also kill the Japanese knotweed.

Mr. Parretti asked if they still wanted a continuance and Mr. Krevosky said yes. Mr. Parretti said Mr. Krevosky has a new plan to submit to Conservation and MassDEP and will be placed on the October meeting or the one after depending on when things are submitted.

Mr. Krevosky said that Art Allen with EcoTec came out and said it was all historical mill site and no riverfront area on the property and that's why they came to Conservation. Ms. Schold asked that because this has been on agenda for so long, that the project come off the agenda until the Applicant wants to be placed back on. Mr. Krevosky agreed and said they would re-notify abutters and re-advertise the legal ad.

Discussion

- **Board of Health approval for beaver dam.**

Ms. Jacobsen explained that there have been occasions in the past that MassPort, the Worcester Airport, has needed to remove beaver dams. It was requested that BOH be able to sign off on the removal of beaver dams specially harming the runway lighting which is the one they are removing as it was in danger of being damaged. Requested formal motion to ok the BOH to sign off on this request to remove the dam.

Mr. Parretti explained that someone in office needs to sign or someone has to go out there and sign and suggested administrative approvals of things minor in nature. Ms. Schold said this would just be for the airport only.

Motion: Ms. Schold made a motion to approve the BOH to sign off on beaver dam approval on the Worcester Airport area.

Second: Mr. Parretti

Discussion: None

Vote: Four – yes. 1 - absent. Motion carried.

Ms. Jacobsen said that Jan Park from Common Ground Land Trust provided info on the importance of beavers for the Board to look at.

- **Review restoration plan for 15 Bond St.**

Jay Giggey from 15 Bond Street was present. He said Brandon Faneuf with Ecosystem-Solutions provided the plan from June 2023. Steve asked when work will start. Mr. Giggey said it's full of water right now. Mr. Parretti asked who is doing the work and removal. Mr. Giggey said Greg Bogman will do it when they can get in there. Mr. Giggey thought he needed a DEP permit to start. Mr. Parretti said he did not as it's under an enforcement order. Mr. Parretti wants the wetland company and contractor to look at the project and give a definitive answer as when it will start. Ms. Schold asked for a timeline. Mr. Giggey said it would probably have to happen after the ground

freezes. Mr. Parretti said it's dated June and they should have had it done in June and Mr. Giggey needs to reach out to the contractors and provide a timeline within the next two weeks, before the next meeting.

Miscellaneous/Board Updates

- 82 Baldwin Street

Mr. Parretti said that 82 Baldwin is another prior issue that has been going on way too long and that his understanding is that Mr. Krevosky is now retained as the overseer. Mr. Krevosky said no, that he sent the Town a proposal to oversee the removal of this material for the Town. Mr. Ramez Almonla, owner of 82 Baldwin St., was present. Mr. Krevosky gave the town a report. The material is not in the water, it's in the upland and was put there by Mr. Almonla because he's a landscaper and now it's going over the edge. They reviewed it with RSI Construction, Ross Lemansky. Mr. Almonla would hire Mr. Lemansky and Mr. Krevosky's sole task would be to review the work for the Town as the peer reviewer to make sure it's put back to its original condition. Mr. Krevosky said it's in the floodplain and riverfront but it's a pretty simple project to cleanup. Mr. Krevosky passed out some photos to the Board showing the area in question.

Ms. Schold said she has a problem with the Applicant not hiring his own wetland specialist to do this. She has no problem with Mr. Krevosky coming in after Mr. Almonla's specialist does the work. She said Mr. Almonla has had several years to resolve this and hasn't hired anyone. Ms. Schold was under the impression that the Town would pay Mr. Krevosky. Mr. Krevosky said that Mr. Almonla would pay his peer review fee. Mr. Parretti asked about the timeline and Mr. Krevosky estimated a few weeks. Ms. Schold asked Mr. Krevosky to please let the Board know when the project is started and finished, and he agreed to do so.

General Discussion:

Ms. Jacobsen informed the Commission about the MACC conference and asked who wanted to be signed up. Mr. Parretti asked her to send out the info and sign up whoever on the Commission is interested.

Ms. Lopez asked if Conservation ever did any outreach or education. Mr. Parretti said they haven't in the past but have talked about creating some brochures. Mr. Parretti said they have the NOI funds but need approval to spend that money. Ms. Lopez asked if there is money to purchase land. Mr. Parretti said land would have to be purchased at market value and the town wouldn't allocate a 2 ½ override to fund purchase. Ms. Lopez asked if the Community Preservation Act (CPA) was an option for the Town. Ms. Schold said that once the Town owns a parcel of land, the Town is responsible for the land maintenance and liability. Mr. Parretti likes the idea of buying land to protect but funding and timeliness of purchase is difficult. Ms. Schold and Mr. Parretti mentioned Common Ground and Greater Worcester Land Trust as better avenues for purchasing property. Mr. Parretti suggested Ms. Lopez bring any ideas or grants to the Commission's attention to see if it's something that they are capable of doing.

Ms. Jacobsen said the Town is considering hiring a part time Conservation agent. Mr. Parretti asked about the possibility of doing administrative letters for projects that are so minor that they don't require RDAs or NOIs. Ms. Jacobsen said Ware's Conservation Agent used to do site visits and then report to Conservation. Mr. Parretti said Sturbridge gave a staff person the ability to do a letter based on the site visit and conversation with the property owner. He wants to streamline the permitting process so minor projects are not held up. Ms. Jacobsen will look into this. General discussion about the fee schedule, whether fees should be raised and if they are, is the increase justified.

Ms. Coyle informed the Commission that Travis McAuley lives on Waite Pond and wants to get a \$3,000 study done. Waite Pond does not have a lake association but has applied for grants. Ms. Schold asked what the study was for and Ms. Coyle responded that it's for weed control and trash removal and Waite Pond dam is Town owned. Ms. Coyle wants to invite Mr. McAuley to a meeting to talk about it and see if the Commission can assist with the cost of study. Ms. Schold is concerned about setting precedent. Mr. Parretti asked if the Town can use NOI money for that and Ms. Schold said she would contact DEP and look into using NOI funds for the study. Ms. Lopez asked if there is any Town work being done about invasive species and Ms. Schold offered to look into it and what company(s) might be able to help.

Steve welcomed Kristen aboard as new Town Planner.

Motion: Ms. Schold made a motion to adjourn.

Second: Ms. Coyle

Vote: Four – yes. 1 - absent. Motion carries.


Meeting adjourned at 7:40 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

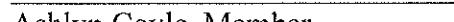
Date Approved: _____


Conservation Commission Board Signatures


Stephan Parretti, Chair


Vanessa Lopez, Member


James Cooper, Vice Chair


Ashlyn Coyle, Member


JoAnn Schold, Member