

**TOWN OF LEICESTER  
CONSERVATION COMMISSION  
Meeting Minutes  
June 3<sup>rd</sup>, 2009**

Meeting opened at 7:30 pm. All members present.

**NOTICE OF INTENT *continued from May 6, 2009***

Applicant: Antanavica Construction Co  
Location: 101 Charlton St  
Request: raze existing house, build new single family home  
Rep: Glenn Krevosky, EBT Environmental

Discussion continued, issue was whether or not the stream on site is perennial or intermittent. Stats prove that stream is in fact intermittent, DEP comments were incorrect for this site. Site walks have been done, short discussion regarding requirements for stream to be classified as perennial. No further comments from the board or the public. Mr. Marc-Aurele motioned to accept the NOI and take 21 days to draft Orders of Conditions; Ms. Williamson seconded. Motion passed.

**NOTICE OF INTENT *continued from May 20, 2009***

Applicant: Sandra Laflash  
Location: Boutillier Rd  
Request: subdivision roadway  
Rep: EBT Environmental

Continued from May 20<sup>th</sup>. Minutes from previous meeting have been reviewed. This project has been sent out for peer review, we are waiting on bid proposals. Chairman asked if there were any new questions from the public, or forward to the office to include in peer review. Brief discussion of hydrology report, done by town engineer. Commission is satisfied with storm water report. LCC looking for review of delineation, replication, storm water management. Discussion of whether or not hydrology report will need to be reviewed; extensive report, concern with conflicting findings; LCC agrees that hydrology report is satisfactory and peer review will not need to include hydrology report. Mr. Parretti reviewed list of questions from last hearing; if anyone wants a copy, or add to, call the office. Discussion regarding forest cutting, as brought up at Planning meeting. Mr. K. replied that according to state forester, if you are constructing a subdivision, you do not need to apply to forest cutting; under LCC bylaw if tree cutting permit is required, applicant will have to apply for one. Question pertaining to forest cutting permit, if one is applied for and issued, can the applicant start work: they can as long as they are outside of wetland areas; applicant and rep will review bylaws to see if tree cutting permit is required. Question from abutter at 213 Henshaw St; concern with retention ponds and water flow, where will it go, his concern that his land in low area. Mr. Coyle addressed the question; detention pond viewed on plans, discharge will go into Cassella property and they are working on getting an easement. Discussion. There will be no increase of flow at his property; before and after studies are done to ensure that flow will not increase. Mr. K added that peak rates will not change, basin will hold excess water. 213 Henshaw Street also asked how far will pond be from his property? Mr. Coyle again addressed; all set back requirements are met per Planning Board, applicant will comply with all setbacks as well as storm water management requirements. LCC asked if all setbacks are known? Mr. Coyle replied that he would like to double check before saying to ensure accuracy. LCC asked if setbacks will possibly change? Mr. Coyle replied that all setback requirements will be met, and if changes need to be made they will. Mr. K added that due to size of wetlands, a DEP wetland overlay map will be utilized. Mr. K also stated that wetland crossings will be staked as well as center line of proposed road way. LCC stated that bids for peer review should be in by next week, and should be awarded by our next hearing. Mr. K stated that some flags are old and will be updated. He also stated that wetlands at Witkowski property have been filled in, complaints have been made. Discussion. LCC asked if there are any Planning concerns with topographic survey? Concerns with grading requirements for construction. Discussion, comments from Quinn referred to. At this time the Chair asked if there were any other questions or comments that could be addressed at this time; at this time this hearing will be continued until 7/15 to allow for peer review, site visits, etc. Mr. Coyle asked who was up for the peer review? At this time we are looking at proposals from JMP, Places Site Consultants, and Ecotec. Mr. Laflash asked why a peer review needed to be done. LCC explained that it their responsibility to have a peer review done due to the size of project, amount of wetland and replication and according to MACC we are well within our right and encouraged to have peer reviews done for projects such as this. Discussion. Applicant signed the NOI at this time, it was submitted without signature. LCC asked if 401 was done yet; Mr K stated that it had been started, alternative analysis, replicated wetland, cross at narrowest point, avoid, minimize, mitigate and storm water were all being addressed.

On a separate note Mr. K asked for a copy of OofC for Stiles Lake Association, brief discussion stating that they have been illegally shutting dam and are at illegal levels for draw down. River in Oxford is running at draught conditions due to this, dam is not being managed properly. Discussion. DEP issued Superceding Orders, does not appear if anything was recorded. LCC will follow up with Stiles Lake Association.

Discussion of Kindred Hospital, replicated area use of mulch. Plantings need to be done; will go back out for additional site visit.

Orders for 6 Massasoit Drive read and approved.

5 Rawson Drive, discussion of Orders for septic only, now are reconstructing a garage within the wetlands, will need to amend the Orders of conditions to include additional work. At this time C&D will be issued notifying applicant what he needs to do.

Summer Hours- will hold meetings July 15<sup>th</sup>, August 12<sup>th</sup>, and September 9<sup>th</sup>. Office hours will be Tuesdays and Thursdays, 8:00am-12pm.

Discussion of proper procedures for filing complaints. Complaints should come in writing, or email. Phone calls are not specific, usually anonymous. Will leave instruction on phone message instructing how to leave complaint; and add a form on webpage for filing complaints.

Letter from O'Neil discussed. DEP advised LCC to not act on this, they are dealing with this. Discussion of similar cases, DEP advised us that in cases such as this, NOI needs to be filed, BMPs according to Wetland Protection Act need to be followed, can only put wall up against existing shore line, can not extend it out. We will need to refer to DEP in all applications that want to do this type of work. Discussion of NOI filed by Mr. Patterson, need to review NOI as it does not seem to go along with work he discussed at meeting. If he wants to construct wall along shore line, he will need to file a new NOI; we will notify him of what is required.

35 LakeView - fill in wetlands, notified to remove fill. Send out letter explaining work that needs to be done, 10 days to do work, remove fill or Cease and Desist will be issued.

Discussion of putting an ad in the MACC newsletter looking for Conservation Agent, looking for what salary requirements might be. Need to come up with job description, scope of work.

Motion made by Ms Schold to close the public hearing, Mr. Marc-Aurele seconded. Motion passed. Meeting closed at 9pm.