

**TOWN OF LEICESTER
CONSERVATION COMMISSION
Meeting Minutes
May 6th, 2009**

Meeting opened at 7:30pm. Stephan Parretti, John Marc-Aurele and Glenda Williamson were in attendance; JoAnn Schold and Adam Menard were absent.

NOTICE OF INTENT

Applicant: Frank Lyon
Location: Pine St
Request: capture effluent sewer discharge above Dutton Pond & pipe to new discharge point
Rep: Arthur Allen, EcoTec, Inc

Mr. Allen representing, also present for hearing Frank Lyon for Water Supply District and Carl Hultgren from Quinn Engineering. Mr. Allen explained that the WSD is under EPA mandate to reduce the levels of phosphorous discharge; plan to intercept outflows and stream down and discharge at existing dam. National Heritage has received ENF and have done preliminary reviews and have no impending issues.

Mr. Allen gave an overview of the existing conditions and alternative plans. Presently the discharges are adjacent to the existing treatment facility, which creates 90% of flow. EPA wants this reduced. Piping and discharge requirements will be met, discharge will be intercepted just above the pond and then will bypass the pond. There will be a small amount of wetland impact (68 sq ft) at the intercept point, small amount of bank impact, and no impact at discharge point. Erosion control will be installed and restoration and construction protocol will be followed. No comments from DEP other than fee questions. Leicester Water Supply owns Dutton Pond, they are a public entity within town, so therefore not exempt from filing fees. Question of easements, they are with the attorney, nearly complete, all land owners who's property will be affected have signed off where easements will be taken. Ms. Dianne Dowd, 190 Pine St, presented to the commission with some questions, first what are the impacts of the phosphorous levels. Mr. Lyon explained that they are miniscule, similar to that produced by many household products, ex. Laundry detergent. He explained that when phosphorous enters a body of water, the algae consumes it; it is not harmful to humans. It could effect animals. They are looking at levels of 2 parts per billion, state permits 5 parts per billion, and they will be adding .09 parts per billion into Dutton Pond. This is about 20% of what is there already. Ms. Down also asked where will easements be taken; from her property, of from the facility at Pine St. The response was that they would be coming from the other end of the street. She also asked if many trees would need to be cut; response was from the waters edge to highwater mark there will still be a significant buffer area, about 30' with a grassy area. Piping will be underground and the area will be regarded. The work is scheduled to take place this June or July and should take about 2 weeks maximum. Mr. Krevosky asked what the closest body of water to Dutton Pond is; Mr. Lyon replied that Greenville Pond is which is about 2 miles down. Discussion.

No other comments from the public or the commission.

Ms. Williamson motioned to accept the NOI and to take 21 days to draft Orders of Conditions, Mr. Marc-Aurele seconded the motion. All in favor, motion passed.

NOTICE OF INTENT

Applicant: Joseph Patterson
Location: 30 Lake Sargent Dr
Request: tree removal, construction of retaining walls
Rep:

No DEP File # has been issued as of yet. Mr. Patterson the home owner bought this house from Stan Rogalinski. His would like to remove damaged trees from the ice storm that are in the waterfront, he has spoken with tree services who recommend that 9 trees be removed and prune the rest to try to save. There is one tree that borders neighbors yard, who has signed off that he has no issue with removal. He would also like to put in retaining walls to tier his yard in stages, and construct a patio. Discussion. Plans reviewed, locations of walls reviewed. At this time there were no additional questions or concerns from the public or the commission, this hearing will have to be continued due to the DEP File # not being issued. We will continue until 5/20/09 hearing. Commission will allowfor tree work to take place, damaged trees may be removed, but applicant is not to allow for any stumping of the trees.

NOTICE OF INTENT

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

Mr. Krevosky representing. There is an existing house on the property, Mr. Krevosky wanted to point out that there is a brook system 200' up from River St that shows on the USGS, the stream that is on this property is not part of that stream system, the one they are on does not show on USGS map, therefore they are not in the riverfront. Drainage analysis showed that .24 square miles draining to them, stream stats state you need .5; so you could say that it is "half-way" to being a perennial stream.

Applicant would like to raze existing house which is approximately 40' from the wetlands, construct a new home that will be centered on lot, approximately 80' from the wetlands. Level area, no sloping. New home will have town sewer and are proposing for a new well. Existing shallow well on site will be abandoned according to town codes. Part of existing

driveway will remain, the entrance. Discussion. No other question or comment from the public or the commission. This will need to be continued until our next hearing, DEP has not issued comments or number as of yet.

REQUEST FOR DETERMINATION

Applicant: James Dicentes
Location: 14 Huntoon Memorial Highway
Request: addition to existing garage
Rep:

Mr. Dicentes representing himself. He would like to add an addition to the existing garage, addition will be on the black top, 32' square area will be removed and building placed on this area. Site visit has been made, no issue at site. No other comment from public or commission. Ms. Williamson motion to make a -3 Determination, no impact to the wetland, Mr. Marc-Aurele seconded. Motion passed.

CERTIFICATE OF COMPLIANCE

298 Clark St 197-320 Question of rock wall that was mentioned in Orders of Conditions. Former commission member recalled that at the time of this hearing it was ordered that a rock barrier be placed to show the edge of the wetland. Present members are satisfied with what is there. Ms. Williamson motioned to grant a Certificate of Compliance for this property, Mr. Marc-Aurele seconded. Motion passed.

29 Rawson Dr 197-344 Site visit was made, site stable. Ms. Williamson motioned to grant Certificate of Compliance for this property, Mr. Marc-Aurele seconded. Motion passed.

Discussions

Karin Conte Boyd St Ms. Conte, along with John Prenosil, new representative for this project, presented update on this project. Erosion control issues addressed, along with discussion of proposed retaining wall from first filing. Mr. Prenosil, an environmental consultant has been at site and is satisfied with rip-rap stabilization at right side of driveway entrance, he would also like to construct the replication area in the original location, original plan will be followed using same dominant plants, same schedule and same trees. Amendment was never issued or recorded, so applicant will revert to original plans and original orders of conditions. Commission agreed, would like site stabilized asap but otherwise is fine with replication being done according to original filing.

Bylaw regulations, revisions Public hearing for the addition of regulations to add to the existing bylaw. The legal ad was read, new regulation to read as follows;

Disturbance of vegetation or soils within 25 feet of a resource area creates direct, observable impacts to the resource area. Activities undertaken in close proximity to wetlands and other resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, but are not limited to, erosion, siltation, loss of groundwater recharge, disruption of hydrologic connections, poor water quality, harm to wildlife habitat, or disruption of wildlife habitat corridors.

The minimum strip of continuous undisturbed vegetative cover for any and all resource areas (as defined in these regulations) is 25 feet from the outermost edge of the protected resource area in all directions. For example, a stream will have a minimum 50-foot corridor, plus the actual width of the stream based on the mean annual highwater mark. The 25-foot buffer is to be considered a "No Disturb Zone" and a "No Build Zone". The minimum distance for a new structure will be 25 feet from any resource area. For structures existing within the 25-foot buffer, which are not being removed but for which the footprint is changing, any increase in footprint must take place at the greatest feasible distance from the resource area.

The limits of the 25-foot "No Disturb Zone", the 100-foot buffer zone and all other relevant buffer zones, must be clearly indicated on all submitted plans.

Vegetation in the No Disturb Zone shall not be cut or trimmed in any manner. Prohibited activities within the No Disturb Zone include, but are not limited to, grading, landscaping, planting, harvesting, mowing, vegetation clearing, cutting, trimming, filling, depositing of any materials (including yard waste and construction debris) composting, excavating, construction, fencing and installation of roads, driveways and walkways.

The Commission shall have the power to issue a waiver to an applicant requesting to perform specific activities within the 25-foot "No Disturb Zone". A waiver may be granted to applicants whose projects occur within previously developed or highly disturbed areas and/or for projects and activities that will improve the protection to the resource area. Said applicant must show that measures will be incorporated into the project to ensure that there will be no significant adverse impacts to resource areas.

There was no comment from the public, commission voted. Ms. Williamson motioned to add amendment to existing bylaw, Mr. Marc-Aurele seconded. All in favor, motion passed.

Discussion with Mr. Todd Davis, 17 Hyland Drive. Mr. Davis has a drainage easement on his property which he feels was constructed incorrectly. He is looking to view all plans for the road and infrastructure for the road and development, and to see what avenue would need to be taken to have drainage area repaired. From what we understand there is a lengthy list of issues with this road that the town engineer and planning board have put together. Road has not been accepted by the town. Concom will review the plans and make them available to Mr. Davis for review, and discussion will continue as to what will need to happen next with the developer, if an enforcement order should be issued.

Mr. Marc-Aurele motioned to close the public hearing, Ms. Williamson seconded. Motion passed, meeting closed at 9:30pm.