

**TOWN OF LEICESTER
CONSERVATION COMMISSION
Meeting minutes
March 18th, 2009**

Meeting opened at 7:30pm, all members present.

NOTICE OF INTENT continued from 3/4/09

Applicant: Melvyn Glickman
Location: River Street
Request: single family home with wetland replication
Rep: EBT Environmental

Mr. Krevosky continuing from last hearing. Members were able to view site, Mr. Krevosky again briefly reviewed the project, current owner had been previously issued Orders for this project; orders lapsed and expired. Looking to do same work, understand that orders have been updated and will be issued accordingly. Site will be cleaned, speckled alders will be planted, and replication will be done. No other questions or concerns from the public or the commission. Mr. Marc-Aurele motioned to accept the NOI and to take 21 days to draw up Orders of Conditions; Mr. Menard seconded, motion passed.

NOTICE OF INTENT continued from 3/4/09

Applicant: Mark Reil
Location: 37 South St
Request: site grading, construction of access to silt removal area
Rep: EBT Environmental

Mr. Krevosky representing, continued from last hearing. Site visits were held with DPW, abutters and concom members. Construction of berm and catch basin were discussed, berm installed to divert water to the catch basin. Trench on South Street cleaned out, will monitor during next storm events. Discussion of installing a new catch basin at bottom of slope, applicant and concom feel that it is necessary, will advise DPW. Applicant states that new catch basin can be installed within 90 days. Discussion. Settling trench has been cleaned out and will be continually monitored and cleaned as needed, silt fence has been repaired and entrenched, hay bales to be double staked. Placement of hay bales on plans discussed, there is significant vegetation and this was done to minimize soil disturbance. Revised plans presented, 20' easement with abutter was agreed upon and signed document was presented. Discussion of proposed house on lot, it falls outside of the 100' buffer, this NOI for grading, removal of sediment, etc. Discussion of isolated wetland. Possibility of run-off from construction that could enter wetland, this is why mitigation measures will be in place. Mr. Sherman who owns a chiropractic business is a direct abutter and would like stabilization done asap due to his business being affected by the run-off, his patients have not been able to use parking lot. All other issues brought up not concerning wetlands were addressed by stating that they are not concom issues. Ms. Stewart a direct abutter did state that she felt that hay bales should have been installed initially prior to any work and that was not the case. Another abutter from 51 Pine St, concerned with effects of future construction to this area, and what will future impacts be? Chairman explained that there is no way to know if and when any additional construction will occur in this area, and that we are not here to discuss at this time. The applicant did state that he has no plans to purchase any remaining lots in this area, regardless of irrelevance at this time. Discussion concerning temporary driveway from South Ct to access the slope for stabilization; according to Building Inspector this driveway may be used temporarily, but must be removed upon completion of project. Applicant will discuss with Bldg Inspector. Work being done to stabilize the site at this time to address water running down site; hay bales and silt fence installed, stabilization will be done to site at 2:1 slope and when Orders are issued for 37, stabilization to that site will be done as well, applicant hopes to have all stabilization, curlex blankets and hydroseeded by May 1st. All slopes and stabilization will be done, ensure that catch basin is functioning, keep trench open and monitor during storm events prior to construction of house on 37. Mr. Reil presented a signed construction sequence. Mr. Marc-Aurele motioned to accept the NOI, with revisions and to take 21 days to draft orders of conditions, Ms. Williamson seconded, motion passed.

Ms. Schold stepped off board due to conflict of interest.

NOTICE OF INTENT

Applicant: Paul Schold
Location: 1439 Main St
Request: site grading and replication
Rep: EBT Environmental

Mr. Krevosky representing, a DEP file number has not yet been issued for this project, it can be opened and discussed, but nothing can be voted on tonight. New plans were submitted, showing grading only, no structure. Mr. Krevosky presented plans and briefly reviewed description of the site. Site shown, abutting properties on Mt. Pleasant Ave, wetlands system. Applicant proposes to grade and level site for purpose of sale. There is a headwater wetland system there, ground water discharge causing wetland system. Area was delineated and agreed upon by DEP. Stonewall on plan reflects property line. Storm water best management practices will be followed. Mr. Marc-Aurele asked if any other planting will be proposed. Mr. Krevosky replied that post grading the site will be loamed and seeded, replication area will

consist of native species, but no up gradient planting has been proposed. They would be willing to add some white pine and red oak if Commission asked for it in Orders of Conditions.

An abutter, Mr. Ball from 3 Mt. Pleasant Ave had questions about swale shown on plans, is this area that will be filled. The area that will be filled is a low lying valley, a short portion along Rte 9, 120' long x 20' wide, approximately 240' off of Rte 9. No additional wetlands feed this area, water comes from storm water discharge and ground water. There is a pipe there which will be extended to 120' from where it currently drains, and is up gradient of the wetland. Wetlands determined by soils, hydrology, vegetation, this is not road run-off. Mr. Mcloud of 5 Mt. Pleasant had questions concerning abutter notification, whether or not it should have been certified mailing and why some residents on Rawson Street were not notified. Mr. Krevosky explained that current requirements for notification to abutters are as follows; the commission requires abutters out to 300' to be notified, the assessors office prepares the list for the applicant. The law requires that a certified mailing certificate be issued with filing, and that individual certified letters are no longer required. (The letter that was used to notify abutters still lists old requirements.) Questions about arsenic levels in the soil at this site, Mr. Mcloud states that his arsenic levels have doubled since fill was added to site. Discussions pertaining to arsenic, documents provided refer to this. Mr. Mcloud also has concerns with dust control and asked if soil from Worcester State has been capped. Yes, the soil is capped and Mr. Schold will have a water supply system on site to keep dust levels to a minimum. Mr. Ball asked if filling in will affect the wells in vicinity, Mr. Krevosky explained that pipes used will be perforated, and stones will line areas to keep water flowing, it will not be captured, the water will continue to flow. Projected time of project, the applicant would like to start in June and projects that in 2 ½ months time the work will be done. Hours of construction are not a concom issue. Question of brush pile currently on site, this will not be buried, the town has been using this site, the brush will be chipped. This hearing will be continued until our April 1st meeting at which time a DEP file number should be issued.

Ms. Schold returned to the meeting at this time.

REQUEST FOR DETERMINATION

Applicant: Alden & Jane Erickson
Location: 45 Fairview Drive
Request: tree removal

Applicant would like to remove trees that were damaged during the ice storm. The legal ad for this hearing has not been submitted. Will open for discussion but will need to continue until the next hearing before any determination is made. Steven and Jane Erickson of 45 Fairview Drive explained that there are roughly 18 trees that are leaning from the ice storm and they would like to remove them. All trees have been marked, they will be cut and stumps will be ground, the area is 20' from the shore line. They are in process of hiring professional tree removal service, hay bales will need to be placed, and the commission would like something in writing from the neighbor that they are all set with tree line. A boom will be placed in the water. The applicant is looking at 3 different tree companies, one proposed to cut and use a crane to bring trees down. Concom members will view the site to determine if RDA is sufficient, continue until 4/1/09.

NOTICE OF INTENT

Applicant: William Union
Location: 21-69 Main St
Request: removal of contaminated soils
Rep: Loitherstein Environmental

Mr. Dave Bramley representing Cherry Valley LLC. Area for review is in south corner of property, next to McCarthy Ave, new bridge. Due-diligence showed concentrations of lead, estimated at 300 cubic yards of soil with lead and arsenic, about 0-2' in depth. Area of contamination has been delineated. Soil will be excavated and stock piled, characterized for disposal depending on analytical data. The area is flat now, will be re-filled with clean material and returned to flat grade. The applicant would like to start the work right away, should only take 3-4 weeks, excavation 3-4 days. Hay bale line shown on plan, area is not paved. Stock piled contaminated soil will be stored on paved area, outside of buffer zone, surrounded by hay bales and covered with 6-mil polyethylene sheet. A monitoring well be installed to replace existing monitoring well to assess ground water quality. No other comments or questions from the public or the board. Ms. Williamson motioned to accept the NOI and to take 21 days to draft orders of conditions, Ms. Schold seconded. Motion passed.

Discussions

Mass Highway (Rawson St/Rte 9)

Informal discussion with William Clougherty regarding storm water issues on Rte 9. Has been ongoing issue. Mr. Clougherty presented plans of areas of Rte 9 most affected. Short term work to include hand work to reestablish channel that flows under Rawson Street; and catch basins will be cleaned out. Possibility that water flowed over area where headwall collapsed, jumping the berm causing the collapse, appears that pipe is probably broken and full of road sand. Discussion of possibly installing more catch basins along this area of Rte 9. At this time Mass Highway resolved to address localized flooding. Concom concerned with loss of shoulder of the road where head wall has collapsed. Mr. Clougherty will send out consultant to view the headwall and 24" culvert. Once we receive report of proposed works an emergency cert will be issued to cover area of Rte 9 to receive repairs.

Orders of Conditions_were drawn up and reviewed for 197-510, 17 Fairview Drive.

Mail reviewed.

Motion made by Ms Schold to close the public hearing at 9:30pm, Ms. Williamson seconded. Motion passed, meeting closed.