

**TOWN OF LEICESTER
CONSERVATION COMMISSION
Meeting Minutes
August 12, 2009**

Meeting opened at 7:30pm. Members present; Stephan Parretti, JoAnn Schold, Glenda Williamson and John Marc-Aurele. Elizabeth Marc-Aurele, Dept Asst not present.

NOTICE OF INTENT *continued from July 15, 2009*

Applicant: John LaCroix
Location: 27 Fair View Drive
Request: replacement of retaining wall and stairs along shore line at Cedar Meadow Lake
Rep

Mr. Lacroix representing himself. Mr. Lacroix had been under impression that DEP was going to do a site visit. Concom explained that DEP was contacted, but informed us that they will not do a site visit unless a project is denied. Applicant would like to install a retaining wall and new stairs at edge of shore line, wall 40' long and 3' high. Pictures were reviewed. Applicant would like to go out approximately 3' from where the original wall was located. Plans to do work during the time of draw-down. Mr. Lacroix added that his two direct abutters are out further than this wall would be. Discussion of similar projects in this area. LCC suggested that the applicant repair the existing wall would be fine, but placing a wall further out would not be ok. If LCC denies the project, the applicant can appeal to DEP for constructing the wall further out from the shore line. Discussion. LCC will accept NOI to repair stairs and repair retaining wall as long as in same location as previous wall. They can then appeal to DEP to see if they would be allowed to construct the new wall where they propose. LCC not ok with constructing wall past high water mark. Applicant asked about placing wall against existing rocks at shore line, LCC agreed. Orders of conditions will be issued Sept 16 allowing the applicant to start work at next draw down. Orders will be prepared and be ready for the applicant on that date. Applicant agreed to construct wall along existing rocks, not further out as originally requesting. Mr. Marc-Aurele motioned to accept the NOI and to take 21+days to issue with note that wall be constructed as discussed. Ms. Schold seconded. Motion passed.

NOTICE OF INTENT *continued from July 15, 2009*

Applicant: Cambridge Properties LLC
Location: 28 Salminen Drive
Request: demo of one building; addition to other building w/ new septic & well
Rep: Michael Loin, Bertin Engineering Associates, Inc

Jason Dubois from Bertin representing. Recap of last meeting; 28 Salminen Drive currently has two houses on property, one house to be demolished the other to be repaired with a second floor addition and repair to septic system. Also propose a new well due to septic upgrade. There is an intermittent stream to south of wetland line shown on plans, along with 50' buffer and 100' buffers shown. Hay bales and silt fence will be used to prevent erosion. Stream stats were reviewed to verify intermittent stream. Discussion of construction access; access will be through driveway of demo house. LCC all set with delineation and protection of intermittent stream. LCC requests that a vegetated buffer strip be left to the left of the stream and will ask for double rows of hay bales in O of C. The hay bale line will be along the property line. Abutters to the project, Tracey Beando and Patrick Murphy discussed their regret of not meeting with LCC for site visit. They felt that when they were contacted for the site visit the day before it was too short notice and they weren't available at that time. Abutters would still like walk through at this time. LCC let the abutters know that the applicant's representative requested that no one was to walk the property. Abutters also concerned with water flow in the winter and concerned with location of septic, and that there is no record of the existing house. LCC stated that the BOH would deal with the septic, and other issues are not Conservation. LCC also made the abutters aware that if they were to deny this project that they would need concrete reasons to do so, and that if they denied DEP would most certainly approve. LCC believes run-off will be decreased, hay bales will be place to protect buffer zones, and grass areas will improve infiltration. If at some point water is diverted to someone's property, it would become a legal issue. Septic brought up again, LCC stated that the setbacks for the requirements have been met. In case of rain event, hay bales will be monitored and replaced as needed to prevent erosion or run-off. LCC reminded all again that to deny you need valid reasons, none have been presented. Appeals within 10 days of issuance, but are again very certain the DEP will have no issues. Ms. Williamson motioned to approve the NOI and to take 21+ days to issue OofC. Ms. Schold seconded, motion passed.

Discussion with Mark Riel regarding 35 South St (not scheduled, Mr. Reil present at hearing)

LCC at this time has only received on monitoring report for this project, with many issues being present. Mr. Riel discussed the erosion control measures being utilized, when he was contacted by this office he immediately addressed the situation. There has been no additional work at this site since that last rain event. A trench was dug at back of Mr. Sherman's property which exposed a box culver at back of this property. Swales were created to help with diverting water. Mr. Riel feels at this time that Mr. Sherman and Mr. Verrick are ok. He has also spoken with the Stewarts who at this time are all set. He presented a restoration report and let the LCC know that there is some silt that needs to be hand-removed. He is all set with the highway dept, culvert done and catch basin checked, driveway permits have been signed. Need to maintain berm at top of South St until fill is done and permanent berm is constructed. LCC stated that reports need to be continually submitted as in the OofC, and a restoration plan in office no later than 30 days from today. A site visit will need to be done to view sediment.

Kevin Sherer, Forester for City of Worcester, presented plans for tree cutting along Rte 56 and Manville Streets, Reservoir Streets at Lynde Brook to clean up debris from the ice storm. There will be no wetland or stream crossings, or harvesting within wetlands. LCC would like to walk the site. Work along reservoir to open shore line with a 50' buffer of grass and tree line. No need for hay bales. No viable trees will be removed, marked trees will be saved. They would like to start work asap. He is a water shed forester, there will be no operating within the 50' buffer, no clear cutting and no stumping. LCC all set, a site visit will be scheduled.

Worcester Airport. Discussion with Mass Port. Commission has visited site, Mulberry Street area at back of Worcester Airport. Plans were reviewed, shown on plan where excavated material will be stored. An EMASS system is being constructed at end of runway, it is a crushable concrete "path" utilized in the case a plane overruns the runway, this is a safety measure to slow the plane and eventually stop it. It is approximately 300' long. A storm water pollution prevention plan was presented which was a requirement from the EPA. Also a schedule of work to take place, hope to finish in mid to late October. Reports have to stay on site, but LCC can request copies of report if there is a big rain event. There is no water in drainage swale at this time and there is wetland vegetation. Site visit done by LCC show all work outside of buffer zone. LCC asked that Mass Port in the future give the town an acceptable time and notification for any future projects. Mass Port will be contacting LCC in the near future to continue the VMP at Worcester Airport.

Discussions of bylaws regulations will be postponed at this time.

Emergency Cert for 57 Henshaw Street. Ms. Schold and Ms. Williamson visited site with Mr. Knox from Water Dept, and also Ms. O'Connor from BOH. Beaver removal and breach of dams.

Discussion of Grand View Estates, they currently have a cease and desist, are doing drainage work for some units there but this work is outside of the buffer zone.

Certificates of Compliance for 148 Henshaw and 88 Marshall St were approved and signed.

Orders of Conditions for 127 White Birch were reviewed and approved for submittal to applicant.

Extension of Orders for Pond View will be continued to our next hearing pending a site visit.

At this time Ms. Schold motioned to close the public hearing, Ms. Williamson seconded. Motion passed, meeting closed at 9:00pm.