

TOWN OF LEICESTER
CONSERVATION COMMISSION
MEETING MINUTES
October 3rd, 2007

Meeting opened at 7:35pm. Members present- Stephan Parretti, JoAnn Schold, Glenda Williamson and Adam Menard.

Notice of Intent

Applicant: David & Rose Pare

Location: 299 River Street

Request: construction of single family home, driveway, installation of septic tank & leach field,
associated site work & grading, erosion control measures

Rep: William Coyle, Coyle Engineering

Mr. Coyle representing for David and Rose Pare. Glenn Krevosky did the flagging on this site. There are wetlands in the front of the lot as shown on plan. The septic design has to stay 50' from the wetlands, setbacks shown on plans and discussed. Mr. Coyle feels that placement of septic, well leach field are in best possible locations on this site. Discussion. There is no proposed wetlands filling, all work will be in the upland area. There are some isolated wetlands here, no vernal pools. Flagging done was based on hydric soils. The applicants do not have a house plan; they are selling the lot as buildable. Ms. Schold had concerns with future owners building into the buffer zone and would like something placed in orders of conditions in perpetuity that any plans that deviate from proposed plans must come back in before Conservation for amendment. No other comment from the board or the public. Ms. Schold motion to accept NOI and to take 21 days to draft orders of conditions with the stipulation of conducting another site walk to view wetlands in the back of property. Ms. Williamson seconded, all in favor, motion passed.

Request for Determination

Applicant: Barton Brook Kennels

Location: 305 River Street

Request: proposed grading w/in buffer zone, proposed kennel expansion, septic system &
associated site work outside buffer zone

Rep: William Coyle, Coyle Engineering

Mr. Coyle representing for Patricia Dykas-Gonet for new kennel for the Town of Leicester Animal Control Officer. Plans reviewed and site described. A new modular unit will be placed on poured concrete foundation with a walk out in the back to minimize grading. Building is over 100' out of the buffer zone. Wetlands shown on plans. The closest area grading is 56' from the wetlands. Hay bales and silt fence will be in place. Existing well will be used and gravel parking lot will be used, no paving proposed. Reserved area for septic shown on plan. Discussion. Grading will occur at top of slope at contour 96 about 10' beyond top of slope. Tree line is right at top of slope. Discussion. No questions from the public, no other comments from the board. Ms. Williamson motioned to accept RDA and to make a -3 Determination stating that work described is within the buffer zone but will not alter area subject to protection. NO notice of intent is required, applicant to call for hay bale/silt fence inspection and approval prior to construction. Ms. Schold seconded, all in favor, motion passed.

Request for Determination

Applicant: Michael Madaus

Location: 174, 176 White Birch Street

Request: provide access over BVW to perform a perc test in area of uplands

Rep: William Coyle, Coyle Engineering

Mr. Coyle representing for Mr. Madaus. Mr. Coyle explained that no abutters will allow him to access the uplands on this property to perform a perc test. Only way to enter would be through the wetlands at the front of the property. We discussed this earlier this year in the winter, to enter while the ground was frozen over. Mr. Coyle explained that he and Mr. Krevosky went out to the site and the ground there never completely froze over and they both felt it would be better to cross during a dry spell. Mr. Krevosky flagged the site. A track machine would be used to cross wetlands and they would back blade on the way out. Area of uplands is very small. Applicant would like to perform perc tests before applying for anything further; variances that would be needed to meet setbacks from Zoning. If land doesn't perc, he will not be proceeding. Discussion of perc tests and digging of 2 or 4 deep holes. This would potentially be a limited project because of wetlands crossing. Fill would be under 5000'. Discussion. Ms. Williamson would like to continue this hearing until she can walk the site. Hearing continued until 10/17/07.

Extension for Order of Conditions

197-257 861 Main Street

Ms. Schold stepped off board due to conflict of interest. Mr. David Sadowski representing. In May of 2003 the applicant Mr. Wallace purchased restaurant. In 2004 work was started in back of site. At this point all permits have expired and applicant is in process of getting things updated. Discussion and explanation of work done up to this time. They would like to expand parking area and put in a detention pond. Everything proposed is same as on the original plan. They would like

to commence work in spring 2008. Ms. Buck the town planner was in attendance and made mention that the applicant will have reapply for zoning permits dealing with storm water and being in the overlay district. Ms. Williamson would like to walk the site not being familiar with it. We will continue this hearing until 10/17/07.

Discussion/Complaints/Open Forum

Storm Water Bylaw- ConCom has some concerns with Planning Board being in charge of storm water bylaw. We feel based on other town's experiences that conservation should be involved. Ms. Buck the town planner feels that this bylaw has not been discussed enough among the boards. Ms. Schold stated that when ever there is a major rain event, conservation gets landed with the calls and complaints relating to storm water issues. We have the regulations for storm water and they are in our Notice of Intent form. General consensus is that the boards need to work more closely and have joint meetings. The Commission questioned whether or not conservation would deal with storm water issues if there were no wetlands involved. Discussion. Another issue is that the public has had no opportunity to comment on this and that the public forum scheduled for the next evening would have a poor turn out. What needs to be done is boards need to coordinate and meet prior to town meeting. Concom suggested that a member from the storm water bylaw committee join the Conservation Commission.

The bylaw committee has been working together since January 2007; due to the fall Town meeting being cancelled there is still time to work on this bylaw. Concom's comment is that we will continue to review this and respond in an appropriate time and invite Planning and the storm water bylaw committee members to attend our hearings or meet at another time discuss. Ms Schold asked Ms. Buck if Planning would be comfortable with handling this bylaw. Ms. Buck responded yes, she just wants to be sure that applicants won't have to duplicate. She also stated that Planning is not comfortable going to Town Meeting and asking for this bylaw to be adopted while there are still questions regarding the regulations. Conservation is not comfortable with the bylaw at this point and cannot support it. Ms. Williamson commented that the bylaw should cover not only subdivision, but also apply to single family homes. Ms. Buck replied stating that the Planning board submittal requirements are too much for single family homes, so there is no say governing them. Conservation could monitor single family homes. We will continue to discuss these and all matters at joint meetings of the boards.

359 Rawson Street- Applicants submitted a non-significant project change to an outside patio. The applicant never recorded the orders of conditions for this project which was filed for over a year ago. We will issue a C&D at this time.

593 Pleasant Street- Mr. Marc Vandall was given orders of conditions back in 1999 and was supposed to build a replication area that was never done. He is now working with Glenn Krevosky who will be flagging the area. We will go back out to site when flagging is complete and most likely require Mr. Vandall to submit another NOI.

63 Henshaw Street- Mr. Michael Jubinville is looking to get a Certificate of Compliance for his property, we are unable to issue it at this time due to the fact that the Orders of Conditions have not been followed and that there are still erosion issues. We will request for Mr. Jubinville to review his orders and to attend our next hearing to discuss.

Rte 56 Mr. John Missiewicz- Due to some phone calls inquiring about work taking place on Rte 56 it was discovered that Mr. Missiewicz the owner of the property had clear cut the site without any permitting. There are wetlands in the front and possibly the back. We will issue a C&D at this time and call into DEP.

Mr. Menard motioned to accept the minutes from 8/15/07 and 9/20/07. Ms. Williamson seconded, motion passed.

Orders of Conditions were done for 197-469 87 Burncoat Lane, and 197-471 9 Hammond Street.

Mail was reviewed.

Ms. Schold motioned to close the public hearing, Ms. Williamson seconded. Motion passed. Meeting closed at 9:10pm