

**Conservation Commission
Meeting Minutes**

Minutes of October 14, 2015

Members present: Stephen Parretti, Chairman; John Marc-Aurele, JoAnn Schold, Joshua Soojian, James Cooper

In Attendance: Michelle Buck, Town Planner

Meeting called to order at 6:30PM

Certificate of Compliance

99 Waite Street, Cont.

A site visit was done and the site was found to be stable with no noted problems.

Approval was recommended.

MOTION: Mr. Marc-Aurele moved to approve the Certificate of Compliance for 99 Waite Street DEP#197-236

SECONDED: Mr. Soojian – Discussion: None - VOTE: All in Favor

43 Water Street

Mr. Glenn Krevosky represented the applicant. There was a previous Order issued on this lot for the causeway that never received a Certificate of Compliance. A new NOI has been filed on this lot for a new single family home and they want to clean up the paperwork from the last Order for the causeway to move forward.

A site visit was done and the work was found to be in compliance with the previous Order.

Approval was recommended.

MOTION: Ms. Schold moved to approve the Certificate of Compliance for 43 Water Street, lot 2, DEP# 197-439

SECONDED: Mr. Soojian – Discussion: None - VOTE: All in Favor

Request for Determination of Applicability

63 Fairview Drive, Cont.

Mr. Robert Coty was present.

A site visit was done, the 12 trees to be removed were clearly marked; there were a couple of the trees that are close to the water and the plan was to stump them all.

The Commission noted some concern about bank erosion and recommended adding the following conditions: the trees are to be removed when the lake was in drawdown; the stumps within 25-feet off bank are to be ground, not pulled and hay bales to be placed for erosion control.

MOTION: Ms. Schold moved to recommend a; #3 Negative Determination “The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to the protection under the Act. Therefore, said work does not require the

filing of a Notice of Intent, subject to the following conditions: the trees to be removed when lake was in drawdown; the stumps within 25-feet off bank to be ground, not pulled and for hay bales to be placed for erosion control.

SECONDED: Mr. Soojian – Discussion: Mr. Parretti noted this approval does not give the legal right to the applicant to cut down trees on the neighboring property. Both property owners will need to come to an agreement where their property line is located before the start of any tree removal work. - VOTE: All in Favor

1 & 3 Paxton Street – Town of Leicester

Mr. Parretti read the Hearing Notice into the record and opened the hearing to discussion.

No one was present to represent the application.

Mr. Parretti explained that the public hearing was to determine whether there were any wetlands on the property. The plans filed with the application were incomplete and no additional information has been received to further help explain this request specifically and no one was present to help explain it.

A comment period was opened for the public, noting a representative was not present to address any concerns.

Ms. Wendy Trucheeon, 24 Warren Ave was concerned about how this project was going to affect her property, because she lives at the bottom of this hill where the building was going and was very concerned about the wetlands. She explained there was a stream that goes right through both the properties. She requested to review a 246 page report and a 16 page report that had to do with the Environmental findings and the borings done on the property that the Town conducted. She was looking for a summary from those reports, because if there are wetlands or any type of chemicals found, her land abuts this field and everything will come downhill into her yard.

Ms. Debra Lamoureux, 47 Lake Sargent Drive asked for any documentation that had to do with water at that site.

Mr. Parretti explained that the Commission never received copies of any reports and did not receive any additional information on this application, therefore was unable to comment.

Kevin Mizikar, Town Administrator, explained the 246 page document was a Phase 1 Environmental Analysis, which is not a Conservation matter; it's an overview of whether there were any environmental hazards on the site. The 16 page document is a geotechnical analysis that had to do with soil borings to determine earth quake measurements, to determine how far down before hitting bedrock, & determine the water table measurements, etc.

The Conservation matter will be as it relates to wetlands, which was to be presented to the Commission this evening.

He apologized for the inconvenience this has caused and asked for the hearing to be continued to the next meeting on November 18th.

Ms. Lamoureux questioned how this wouldn't involve Conservation when there was a marsh at the end of the street and all the water that comes down into the marsh overflows into Sargent's Pond & through the back yards of that neighborhood.

Mr. Parretti said any information to do with the wetlands and the marsh has not yet been presented to the Board and he did not want to assume them being there or not being there. Those were specifics to something that has not yet been presented to the Board.

At that point, Mr. Parretti asked for a motion to continue the public hearing to November 18th.

MOTION: Mr. Marc-Aurele moved to continue the Public Hearing on the Request for Determination filed by the Town of Leicester for property located at 1 & 3 Paxton Street.

SECONDED: Mr. Soojian – Discussion: Mr. Parretti noted to the public, to check with the Town web site on the posting for Conservation's next meeting day and time or call the office to confirm the meeting day. - VOTE: All in Favor

Notice of Intent

9 McNeil Highway Solar; Cont.

Mr. Michael Loin, Bertin Engineering presented this request.

The site location is on Route 9 where the Paintball facility is currently located. The project is for a ground mounted solar facility. The existing access will remain and goes through to the back end of the site with a turnaround. Silt fence and hay bales will be placed around the site protecting the wetlands. There is a small island where the crossing is and in order to keep that area from being encroached upon, boulders will be put around that existing wetland, along with the silt fence and hay bales. All the work done will be within the buffer zone.

The site was designed to meet Stormwater standards and is currently under Site Plan Review through the Planning Board.

Ms. Buck asked what the width of the access road was. Mr. Loin said 14-foot is what the fire department recommended.

The Commission did a site visit with Mr. Loin on site and noted there was already a decent amount of area that has been disturbed and made a recommendation to waive the 25-foot No Disturb.

Waiver request to the Bylaw Fees reviewed. The Board agreed the fee did not apply to this application because there will be no disturbance to the Resource Area.

Hearing no further discussion; Mr. Parretti asked for a motion.

MOTION: Mr. Marc-Aurele moved to approve the NOI filed by SunConnect for property located at 9 McNeil Highway, Leicester to construct a ground mounted solar facility; including a waiver from the 25-foot No Disturbance Zone, as well as, a waiver from the application fee related to the disturbance of a Resource Area.

SECONDED: Mr. Soojian – Discussion: None - VOTE: All in Favor

Instructions were given on the appeal process and the filing of these Orders at the Registry of Deeds.

43 Water Street; Cont.

Mr. Glenn Krevosky presented this request.

This proposal is to construct a single family home, construction of a bit concrete drive, and construction of retaining wall.

The meeting was continued because adjustments were made to the plan and extra time was needed to allow review by DEP. The driveway berm was now marked on the plan, as well as the flood zone elevation.

DEP made reference to the replication requirement on the previous Order and if the driveway was ever constructed. They noted concern with the grading and clearing along the 86-foot contour and if it will impact BVW or stability of the Bank, and a non-native grass was proposed for the wetland replication area.

Mr. Krevosky explained the impact will be minimal to the water and he referenced that on the plan.

The replication area referenced shows 50 linear feet of bank alteration, with 10% of the bank located on this lot. There will be a 10 x 20 floating removable dock and two retaining walls along the east and west sides of the island. The beach, dock & rock removal will be done during Lake Drawdown. The area to be filled due to grading in the flood plain shall be compensated for in the area of the beach and dock and they will use a seed mix comprised of native grass. This project will have less clearing on the lot, having less impact, compared to the previous

A site visit was done and the Commission agreed impact to the bank would be minimal and due to the replication area being very small, recommended waiving a replication bond.

Hearing no further discussion; Mr. Parretti asked for a motion.

MOTION: Mr. Marc-Aurele moved to approve the NOI for 43 Water Street to construct a single family home, with the conditions that the beach, dock and rock removal work be completed during Lake Drawdown and native grass and/or herbaceous species be used in the replication area.

SECONDED: Mr. Soojian – Discussion: Motion to include a waiver from a Replication Bond.

VOTE: All in Favor

Instructions were given on the appeal process and the filing of this Order with the Registry of Deeds.

Board Discussion

Scott Wallace-104 Huntoon Mem. Hgwy.

Mr. Scott Wallace was present.

The Commission received a call regarding a possible wetland violation with recent tree work being done at the site.

Mr. Wallace presented a plan showing the area where the trees were being removed and explained there was one tree within the buffer area that was not to be cut, but mistakenly got cut down.

The Commission recommended the wetlands be reflagged, and to stay out of the 25-foot No Disturb Zone with the stumping & grinding operation. It was also recommended to hold off on starting any work with grading or stump grinding until after the property has been reflagged.

Public Hearing

Wetland Fee & Regulations

Mr. Parretti read the Public Notice into the record and then opened the hearing for discussion.

Ms. Buck presented a Draft on the changes related to the existing Wetland Rules & Regulations.

The proposed new text was underlined and the deleted text was shown with a strikethrough.

- Page 9 of 15; Section VII. Coordination with Other Boards. The Commission agreed to waive the requirement for applicants to mail all application materials to the Town Boards & Committees and that all application materials are submitted in a .pdf format. That the Conservation Commission will provide copies of the application materials to the Town Department & all plans be viewed at the Conservation Office.
- Page 11 of 15; (third paragraph-5th line)- “Any permit may be renewed once for an additional one-year, provided that a request for a renewal is received in writing by the Commission prior to expiration.” The Commission agreed this regulation should be made consistent with DEP regulations and renewal requests be allowed up to an additional three years.
- Pages 5 & 6; Application Requirements – Separate RDA & ANRAD submittal requirements.
- The Commission agreed adding a paragraph under Section IV. Exemptions and Exceptions - Waiver Requests from submittal requirements.
- The Commission agreed there be RDA abutter notifications to direct abutters only by Certified Mail and remove the wording “hand delivered”.

Ms. Buck recommended the public hearing be continued to the next meeting in order to make the recommended changes.

MOTION: Mr. Soojian moved to continue the Public Hearing on the Wetland Fees & Regulations to November 18th.

SECONDED: Mr. Marc-Aurele – Discussion: None

VOTE: All in Favor

Board Discussion Cont.

Conservation Commission Mission/Vision

The Town Administrator requested each Board and Committee create a Mission/Vision Statement for FY2016 that will evolve & sustain the community’s high quality of life and that will preserve the Town’s history.

17 Ingram Road Update

EnChem Engineering is planning to install monitoring wells in the basement of the building. The drilling method will use direct push techniques and not generate any drilling fluids that would cause an adverse impact to the resource area or adjacent properties.

The Commission has done periodic site visits and the property looked good with no violations noted.

357-359 Main Street RDA Update

The Planning Board agreed to sponsor the property owners zoning change request.

5 Huntoon Highway

A Site visit was done and found this concern was a non-Conservation issue.

Approval of Minutes

9/16/2015

MOTION: Ms. Schold moved to approve the minutes of September 16, 2015

SECONDED: Mr. Soojian – Discussion: None

VOTE: All in Favor

Miscellaneous Project Updates

29 Watson Street

It was brought to the attention of the Commission that a garage was built on this lot that may be within the BVW.

The Commission requested a letter be sent notifying the property owner that there may have been a wetland violation with the construction of a garage. Note in the letter that a previous Order was issued on this site that received a Certificate of Compliance. Ask the property owner to attend the next meeting to further discuss.

Enclose copies of the Town's Wetland Bylaw and the previous Plot Plan where it relates to the new garage.

Chapel Street Mill

A site visit was done and there were small pieces of construction equipment seen parked at the site, but the Commission did not see any evidence of dredging, filling or altering of the site.

Building Permits

Discussion on adding a check box area to the Building Permit Applications forms regarding wetlands.

Another suggestion was adding a condition that when a building permit was issued, it would be contingent upon the applicant's responsible to obtain any and all other permits needed for their project.

Stafford Street/Wilson Street - Sara Lange

Contact the applicant to start submitting Monitoring Reports; none have been received to date.

Next Meetings

11/18/2015

12/16/2015

With no further discussion; Mr. Parretti asked for a motion to adjourn

MOTION: Ms. Schold moved to adjourn meeting

SECONDED: Mr. Marc-Aurele – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:45PM

Respectfully submitted;

Barbara Knox

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