

Conservation Commission Meeting Minutes

Minutes of September 16, 2015

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

Members absent:

Meeting called to order at 6:30PM

Certificate of Compliance

124 White Birch Street - DEP197-216

The Commission was able to do a site inspection and found the site to be stable.

MOTION: Mr. Marc-Aurele moved to approve the request for Certificate of Compliance on 124 Birch Street.

SECONDED: Ms. Schold – Discussion: None

VOTE: All in Favor

99 Waite Street; DEP#197-236

The Commission was not able to locate a copy of the recorded Order by the Book and Page referenced on the request. The reference used was for the Deed, not the Orders and the street number, 99 Waite Street, does not exist.

All agreed continuing this request to the next meeting on October 14th, in order to get more information on the location of the property and a copy of the recorded Book & Page on the Order of Conditions.

Request for Determination of Applicability

357-359 Main Street **cont** – expand parking lot

Mr. Parretti opened the continued hearing to the applicant.

Jeff Canane gave a brief update.

He met with Glenn Krevosky, wetland consultant and was informed he would not be able to do as much fill as he original planed, because he needs to stay at least 100-feet from the Kettle Brook. He noted the wetlands had been flagged.

He requested for another continuance, because he wanted to keep his project opened.

Mr. Krevosky said after the property was flagged, it was determined all the work would stay 200 feet outside of the river. Once a plan is prepared, they will be back before the Board.

All agreed to continue this request until further notice, until the applicant gets back to the Board with additional information or decides to apply in a different manner.

63 Fairview Drive (tree removal)

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

Mr. Robert Cody gave a brief description on his request.

He has 12 trees marked out to be removed and plans to start with removing only 3 trees this fall. The trees are not big, approximately 8 to 14 inches tall. They are damaged with limbs falling and two are totally dead. The trees closet to the lake will not be coming down, only pruned.

Discussion opened to the public.

Mr. Michael Corby, 65 Fairview Drive, lives adjacent to where the trees in question are located and was concerned whether the trees in question were actually on his property and not Mr. Cody's. The diagram on his plot plan shows something different than what Mr. Cody shows on his plan.

The Commission requested having the trees marked that were to be removed and then setting up a site inspection through the office. It was also suggested for the property owners to have their lots surveyed to verify the property lines. All agreed.

Ms. Corey Lee, 61 Fairview Drive, lives on the opposite side of this property and noted that the trees to be removed on her side of the lot are completely dead and needed to be removed.

All agreed to continue to the next meeting in order to do a site inspection.

The Commission asked to view the property at any time; Mr. Cody agreed.

The site inspection will be set up through the Conservation Office.

Notice of Intent

Cedar Meadow Lake (annual drawdown & maintenance)

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

Mr. Richard Johnston made the presentation.

This request was for the annual lake drawdown for weed control and dam maintenance purposes, also to perform periodic minor dam maintenance, repairs and stability analysis.

It's a 5 year drawdown program, with the last NOI done in 2010. At that time, DEP noted a number of concerns, which have been addressed and noted with this application. Comments were received from DEP requiring the applicant to follow the GEIR Guidelines for drawdowns. Copies of GEIR were included with the application packet.

An abutter explained as part of the maintenance program, there was a process to refilling and maintaining the stream flow below the dam and there are very specific guidelines as to how much flow should be maintained in that stream. He wanted to make sure that this was noted in the Order of Conditions and at no point, having the stream shut off completely.

Mr. Glenn Krevosky agreed and also asked to include the comments he received from DEP stating, "Estimated upstream & downstream flow rates during drawdown and refill should be provided to ensure sufficient flow rates at all time to maintain fisheries and that during the lake refill period, DFG recommends that 0.5 cfsm be maintained at the outflow."

Mr. Johnston said he had met with the Lake Association and explained the need on maintaining the dam; and the opening and closing of the valves in the lake, in order to maintain the stream flow in the springtime; and try to replicate the downstream conditions that would exist if the dam wasn't there.

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

MOTION: Mr. Marc-Aurele moved to approve the Notice of Intent for Cedar Meadow Lake to conduct annual lake drawdown for weed control & dam maintenance; also to perform periodic minor dam maintenance, repairs & stability analysis and take 21 days to draft an Order of

Conditions that reflects following the fill-up and drawdown requirements as required by DEP and agreed to by the applicant.

SECONDED: Ms. Schold – Discussion: None –

VOTE: All in Favor

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

9 McNeil Highway - Solar Project

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

Ms. Leslie Wilson, Bertin Engineering, made the presentation.

This request is for approval to construct of a solar farm within 100ft of a Boarding Vegetated Wetland (BVW). This site is where the paintball facility is currently located. The location of the existing driveway, off of Route 9, will not change and there's an emergency vehicle turnaround at the end of the drive. The project is just within the 100-foot buffer.

The front half of the site is already cleared and from that point back, the trees needed, will be cut. There is a special seed mix used for beneath the solar panels that are low maintenance. There will be plenty of room between panels for any type of maintenance needed.

Mr. Marc-Aurele questioned that if there wasn't any impact to the resource area, should this require the additional bylaw fee. He felt the fee would apply if actual work was done within the resource area. Ms. Wilson noted the definition of a resource area in the Commission's Regulations says within the buffer.

Mr. Marc-Aurele felt that's where there was a misunderstanding of the Bylaw. He recommended approving the waiver request, because he felt that was not the intent of the bylaw.

Ms. Wilson noted that all the wetlands were flagged back in April 2015.

Ms. Buck asked if there will be trees planted along the front and if that was included in the plan.

Ms. Wilson said there will be three trees within the 100-foot buffer and the rest will be outside of it and then requested a continuance to allow the Commission the opportunity to do a site visit.

The Commission agreed continuing this hearing to the next meeting on October 14th in order to conduct a site inspection and see where everything will be laid out.

The waiver request will be taken up at the next meeting.

The site inspection will be set up through the Conservation Office.

43 Water Street (single family home)

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

Mr. Glenn Krevosky, EBT Environmental Consultants, representing the applicant, made the presentation.

They submitted revised plans and they have not been reviewed by DEP, therefore a continuation will be requested after discussion

This request is for approval to construct a single family home on lake front property.

The property was previously approved in July 2006 as part of a 3-lot subdivision plan.

The revised plan submitted shows the finale location of the 25-foot No Disturb.

Conservation Commission

9/16/2015

The project will be pulled back from the original design and proposing 50 linear feet of bank alteration. The home will be connected to Town water/sewer.

Also proposed, is a 10 x 20 foot long floating removable dock located directly to the east of the beach area. The area to be filled due to grading in the flood plan shall be compensated for in the area of the beach and dock.

There will be a wetland alteration of 65 square foot of BVW from the bank to the wetland flags.

The Commission asked if a partial Certificate of Compliance should be requested on the work already done under the original Orders on the driveway.

Mr. Krevosky said they will be requesting a partial Certificate of Compliance that will be added to this proposal, on the water/sewer lines and the driveway crossing.

Mr. Parretti asked for any further comments or questions; hearing none, asked the applicant on how they wanted to proceed.

Mr. Krevosky requested a continuance and asked to have a site inspection set up with the Commission.

The Commission agreed continuing this hearing to October 14th and to have a site inspection set up through the Conservation office.

Ms. Saundra Dickerson, 46 Water Street asked if they would be any blasting.

Mr. Krevosky said there was no indication of ledge at the surface and blasting would be needed.

45 Fairview Drive (septic repair)

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

Mr. Seth Lajoie, representing the applicant, made the presentation.

They are proposing to replace the existing failing septic system and install a 2-foot high concrete block retaining wall around the septic area, with grading within the area currently being maintained as lawn.

Ms. Schold did a site visit and noted the house needed a lot of renovation. There were several trees that need to be removed and there were a number of other things that needed to be done.

The applicant might be looking to do more than just a septic repair and she questioned if the additional work could be done under this NOI application.

After some discussion, it was agreed that this approval would just cover the septic repair and any additional work; they would need to apply for an amendment at a later date.

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

MOTION: Mr. Marc-Aurele to approve the NOI to replace existing failing septic system and install retaining wall with grading within the area currently maintained as lawn located at 45 Fairview Drive, Leicester, Ma.

SECONDED: Mr. Soojian – Discussion: This approval is a Conservation Commission issue only and has nothing to do with the Board of Health and their approval of the septic system or what is required by the Board of Health to have a retaining wall.

VOTE: All in Favor

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

Miscellaneous Projects

Camp wind in the Pines

The camp will be adding 9 yards of additional beach sand with some sand entering in the water. The additional sand will cover the small rocks and help aid in some of the activities on site. The Commission advised awareness to the level of the water because of the current problems Styles Reservoir is having with the dam.

Board Discussion

17 Ingram Road update (Emer.Cert)

Memo received with an updated progress report.

Central Mass Crane (August Monitoring Reports)

Received reports on August 27th that were dated August 3, 5, 6 and 13

Woodland Drive – Forestry (DCR)

DCR Forestry Permit approval for Clifford Leinonen; landowner, for Woodland Drive, Leicester

Draft Wetland Regulations/Fees

Ms. Buck reviewed the draft plan that was included with the Commission's meeting packet. The goal is to reduce the fee complexity; make fees easier for the public and staff to understand and to ensure that fees reflect the Town's costs associated with applications. Some communities use the State multi-step calculation, some use a flat fee and a handful of communities calculate a percentage of the State fee. Suggested example fees: RDAs; \$50-residential / \$100-commercial;- NOIs; fixed percentage fee; 25% small project (residential);-50% commercial project – large project over 10 acres 100%; -Extension of Order of Condition 3-year deadline – No charge if requested prior to expiration; \$25 if received after expiration; - Minor modification or amendment to an Order - \$25 that require re-filling of amendment; - Certificate of Compliance - \$0-\$50 if requested more than 1 year after expiration of Order; - After the Fact Applications – Double normal filing fees; - Consultant Review Fees – Actual cost in accordance with regulations.

Wetland Regulations reviewed. The Commission agreed there should be a reference made to CMR 105; Performance Standards for Resource Areas and Buffer Zone.

RDA notification to abutters reviewed and the Commission agreed RDA notifications be sent to direct abutters only.

Building Permits

The memos from the Building Inspector were reviewed and discussion was held on what would be the best procedure for property owners when applying for building permits and the possibility of being near wetlands. The Commission agreed there should be a wetland question added to the building permit application.

The Building Inspector pointed out in his memo, several violations that needed to be reviewed.

- 1) The Stafford Street Mill possible violation was regarding the parking of cars on the pavement and that issue had been referred to DEP.
- 2) The Chapel Street Mill concern was regarding the possible violation to the riverfront. The Commission requested to find who currently owns the property and to set up a site inspection.
- 3) Bond Street possible violation was with an excavator being parked in the swamp. The excavator was no longer there and the Commission noted they were never made aware of that concern.

Miscellaneous Projects cont:

- Route 56 – possible violation

Harry Brooks, Selectmen contacted Ms. Buck questioning a possible wetland violation on property located on 5 Huntoon Memorial Highway, across from Deer Pond Auto, receiving loads of fill and the proximity of this lot to the wetlands.

The Commission agreed to contact the property owner and do a site visit.

- Stafford Street Solar

Construction has not started. They are still in the process of finalizing the surveying, and then will start clearing trees for the site access. After the trees are hauled away, erosion control will be put down and Conservation will be contacted for an inspection.

- Burncoat Pond

Notice received that treatment of the pond will be starting.

- Rochdale Pond

A concerned resident contacted the office with an update regarding the ongoing concerns with the Pond's water level and discussion with DEP.

- New Application

Request for Determination of Applicability application (RDA) for 1 & 3 Paxton Street will be scheduled for next meeting.

Approval of Minutes

8/12/2015

MOTION: Mr. Soojian moved to approve the minutes of August 12, 2015 with noted corrections

SECONDED: Mr. Cooper –Discussion: None

VOTE: 4- In Favor / 1 Abstained- (Ms. Schold)

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

MOTION: Ms. Schold moved to adjourn.

SECONDED: Mr. Marc-Aurele – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:55PM

Respectfully submitted

Barbara Knox

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