

**Leicester Conservation Commission  
Meeting Minutes**

Minutes of November 18, 2015

Members present: Steve Parretti, Chairman; John Marc-Aurele, Joshua Soojian, Joanne Schold

Meeting called to order at 6:30PM

**Request for Determination of Applicability (RDA)**

1 & 3 Paxton Street- Town of Leicester Cont.:

Norman Hill of Land Planning Consultants presented the application request.

A site walk was done by the Commission and Mr. Hill, to confirm that there were no wetlands on the site. Mr. Hill noted they found no marsh, swamp or swamp vegetation on the lot.

The Commission did a second site walk on the abutter's property at 24 Warren Ave, who had concern with additional water runoff coming down the hill onto their property. It was noticed in the far right corner of the lot, a pipe sticking out of the ground and Mr. Hill was asked if he was made aware of that pipe and if that area was inspected. The Commission asked if there were plans showing a detention basin.

Mr. Hill said he was not aware of the pipe, but did walk along that corner and did not find any wetland vegetation there & if a detention basin is proposed, it would be shown on the design plans for the facility.

Ms. Buck noted making the Town Administrator aware of the pipe and that the information would be forwarded to the engineering firm designing the site plan application.

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

MOTION: Mr. Marc-Aurele moved to recommend a Negative Determination 1; "The area described in the Request is not an area subject to protection under the Act or the Buffer Zone."

SECONDED: Ms. Schold – Discussion: None - VOTE: All in Favor

Instructions give on the appeal process and the filing of this decision at the Registry of Deeds.

104 Huntoon Memorial Highway-tree removal w/in buffer

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

Mr. Scott Wallace presented his plan showing the area where the trees were removed and where the new building would be placed. He had the wetlands flagged and one of the trees removed was 65-feet from the wetland. His plan was to build a 7,000-square foot building, with some additional parking.

After review of the plan, the Board established the area was abutting a resource area that would require filing a Notice of Intent application. He will need to show the full proposal, as well as an erosion control plan protecting the resource area.

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

MOTION: Mr. Marc-Aurele moved to recommend a Positive Determination 1; “The area described on the referenced plan is an area subject to protection under the Act. Removing, filling, dredging or altering of the area requires the filing of a Notice of Intent.”

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

Stafford Street-Map 35/ Parcel D1.2 – work w/in buffer

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

JoAnn Schold excused herself as a voting member due to a conflict of interest.

Matt Schold, Schold Development presented the application.

They want to regrade the parcel for mixed used development. EcoTec flagged the parcel and recommended addressing Conservation Commission before moving further, because the parcel had random ruts from old equipment and logging activity, and there’s a drainage swale located at the toe of the slope.

They were asking for a determination whether the ruts & drainage ditch were considered a wetland.

A site walk was done by the Commission and the areas in question were isolated areas subject to flooding, but not contiguous to any boarding vegetated wetlands or resource areas, therefore was not subject to resource protection.

Mr. Parretti opened discussion to the public.

Mr. Roger Castell, 607 Stafford Street has a well serving his property at the corner of the lot.

There’s a stream that sits on the neighboring site and there’s a pipe that runs under the road that provides water that affects his property.

The Commission explained the stream and the wetland resource associated with that stream had been identified by the applicant’s wetland consultant. That stream was not a main stream, but an intermittent stream and the applicant was not asking for a determination on the stream, but to the area located in the northern section of the property.

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

MOTION: Mr. Marc-Aurele moved to recommend a Negative Determination 1; “The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.”

SECONDED: Mr. Soojian – Discussion: None - VOTE: 3-In Favor / 1-Abstained (Ms. Schold)

**Notice of Intent (NOI)**

18 Peter Salem Road - Septic repair

Jason Dubois, JD Engineering made the presentation.

This is for the installation of a new septic system because the old system had failed.

The property was flagged and was currently under review through the Board of Health.

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

MOTION: Mr. Marc-Aurele moved to approve the NOI for 18 Peter Salem Road, for the installation of a new septic system, subject to the approval of septic plans by the Board of Health; with a waiver from the 25-foot “No Disturb” Zone; and to call for an inspection prior to the start of work.

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

**Public Hearing Cont.:**

Wetland Fees and Regulations

Moved to end of meeting

**Board Discussion**

92 Lake Ave - Complaint

Numerous complaints received regarding 92 Lake Ave dumping leaves into Lake Sargent. Cheryl Serchia of 92 Lake Ave, submitted pictures showing numerous bags of leaves on her property ready for pick up; a dump truck showing it loaded with these bags and a copy of a receipt of payment to the truck driver.

Robert Amorello, Ms. Serchia attorney, submitted into evidence a police report from a call received on leaf dumping into Lake Sargent from Ms. Serchia. The report stated there was no evidence of leaves being dumped into the lake.

Nicole Thebeau of 94 Lake Ave; Carl Johnson of 78 Lake Ave; Deborah Carroll of 90 Lake Ave and Jim Reinke of 46 Lake Sargent Drive presented their information and claimed having pictures and videos, on their phones, showing Ms. Serchia raking leaves into the lake and dragging bags of leaves down to the wall at the water’s edge of her property.

After discussion, the Commission recommended continuing the meeting, allowing everyone to submit their copies of videos and pictures, to the Conservation Office. All of which would be submitted to Town Counsel for review and opinion as to whether the pictures submitted would be admissible. The Commission also agreed requesting for Town Counsel to attend the continued meeting.

Ms. Buck agreed putting the packet together for Attorney Cove’s review.

Lake Ave resident - question

Property owners on Lake Sargent questioned the requirements for rebuilding a retaining wall on the lake front side of their property. The Commission advised a Notice of Intent filing.

29 Watson Street – possible violation

Mr. Christopher Bailey, property owner, was in attendance.

The Commission received a report that construction was going on within the wetland buffer on his property and nothing had been filed with Conservation.

Mr. Bailey explained when he bought the house; he was not aware there were any wetlands or made aware there was a previous Order of Conditions on his property.

After discussion, the Commission recommended for the property owner to file an “after the fact” NOI or RDA, and that it would be up to his engineer to determine on which application would apply.

#### 47 Salminen Drive - complaint

A complaint received from Mark & Maria Dolan, residents at 49 Salminen Drive, regarding erosion concerns with work being done at 47 Salminen Drive and removal of trees from the neighbor’s property without permission.

The Commission noted advice received from Town Counsel was that this issue was a civil matter and the site had been inspected and all erosion control measures were in place and the site was stable.

### **Site Inspection Reports**

#### Stafford Street Solar Farm- pre-construction inspection

A site visit was done and the Commission noted all erosion control was installed and that there were only a couple of small issues needed to be address, otherwise they were okay to continue working on the site.

#### 45 Fairview Drive- pre-construction for septic repair

A site visit was done and the owner was advised to put additional wattles along the northeast corner of the lot where it appears most of the excavation equipment will be accessing and digging for the septic; also to protect the steep grade to the water line and the neighbor’s yard.

#### 3 Howard Terrace –tree removal inquiry

The property owner wants to take a few trees down near a resource area. A site visit was done and the owner was advised to file an RDA and to provide a sketch showing his boundaries and the trees being removed.

#### Stafford Street/Wilson Street –status report

The property owner submitted an update on the progress of work at the site.

Again several phone calls received regarding a logging business being done at the site and the use of Wilson Street as the access drive.

Highway Department was notified and advised the office they did not have any issues.

The Commission noted there were no wetland issues, above the one already known attached to the NOI; and the primary issue was whether the property owner was conducting a business at the site.

**Public Hearing Cont:**Wetland Fee & Regulations

Michelle reviewed the changes the Commission recommended from the last meeting. Page 4, a Waiver section was added; Page 5 & 7, separated the application requirements for RDAs and ANRADS; Page 7, added footnote related to new state abutter notification requirements for certain projects; Page 8, Modified NOI fee so size of project is based on state definition of Project Site; Page 9, Modified RDA notice requirements; Page 10, revised Section VII; Page 12, Deleted text allowing 5 year permits & added related footnote; and Page 14, added language related to setting of security amount.

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

MOTION: Mr. Marc-Aurele moved to approve the amended Wetland Rules & Regulations as revised and presented at the 11/18/2015 Conservation Commission Meeting.

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

**Board Discussion cont.:**Conservation Commission Mission/Vision

The Commission agreed that paragraph one in the Rules & Regulations under;

I. Purpose; clearly states their Mission Statement and Vision.

**Approval of Minutes**

10/14/2015

MOTION: Mr. Soojian moved to approve the minutes of October 14, 2015

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

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

MOTION: Ms. Schold moved to adjourn meeting

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

Meeting adjourned at 8:30PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox