

**Leicester Conservation Commission
Meeting Minutes**

Minutes of December 16, 2015

Members present: Steve Parretti, Chairman; John Marc-Aurele, Josh Soojian, Jim Cooper, and JoAnn Schold

Meeting called to order at 6:30PM

Certificate of Compliance

483 Stafford Street – DEP# 197-285 (garage)

This request did not include a written statement from an engineer certifying substantial compliance with the plans, but the Commission was able to do a site inspection and found the site to be stable.

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

MOTION: Mr. Marc-Aurele moved to approve the Certificate of Compliance request for 483 Stafford Street, Rochdale, Ma.

SECONDED: Mr. Soojian – Discussion: None

VOTE: All in Favor

Request for Determination of Applicability

29 Watson Street – (garage & site inspection)

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

Mr. Christopher Bailey, property owner, first explained there was a mess up with the Post Office regarding the Certified Mailing to abutters. All the Certified Mailing was returned stating “attempted – not known – unable to forward”. He verified the addresses with the Assessor’s Office and the Post Office and both departments verified all the addresses as being correct. The Post Office could not give an explanation as to why the letters were returned.

The Commission agreed having the returned letters kept in file and agreed that abutter notification was met because the attempt was made. It’s not the fault of the applicant because of a Post Office mess up.

Mr. Marc-Aurele met with Glenn Krevosky, the applicant’s Environmental Consultant and Mr. Bailey on-site. The wetlands were reflagged and found to be consistent with the original wetland line shown on the plan. There was still evidence of the remnant hay bale line showing where the original line of disturbance was. The entire site was stabilized and there was no encroachment beyond the original line of disturbance. There is a small stream channel that runs from the road to the back of the property and there was no impact from the work area that went beyond the original limits shown on the original plan submitted and approved.

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

MOTION: Mr. Marc-Aurele moved to approve with a Negative #3 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 protection under the Act. Therefore, said work does not require the filing of a Notice of Intent.”

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

Amendment Order of Conditions

Worcester Airport - DEP# 197-0540 - (vegetation maintenance plan)

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

Mr. James Stolecki, Project Manager with MassPort and Mr. Gregg Cohen, Environmental Analyst with Stantec Consulting Services were in attendance.

Mr. Stolecki reviewed the original Notice of Intent application filed in 2011 regarding the Worcester Regional Airport Vegetation Management Plan (VMP).

Mr. Cohen reviewed the Amendment proposal.

They are proposing a revision to the approved Vegetation Management Plan at the Airport in order to safely manage airspace associated with the future Runway 11 CAT III approach lighting system. The Vegetation proposed for removal includes approximately 5.5-acres of upland and 1.2-acres of wetland vegetation and the wetlands include approximately 0.12 acres of riverfront area.

Proposed alteration within the Bordering Vegetated Wetland will increase to 33.5 acres and the proposed alteration within the Riverfront Area will increase to 554,370 square feet.

Mr. Parretti asked for any questions or comments; hearing none, asked for a motion.

MOTION: Mr. Marc-Aurele moved to approve the request to Amend the Order of Conditions filed by Gregg Cohen of Stantec Consulting Services for the purpose of amending the approved Vegetation Management Plan on property owned by Massachusetts Port Authority located at Worcester Regional Airport, Leicester, Ma. as submitted, with the condition that all previous conditions still apply.

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

Board Discussion

92 Lake Ave – (possible wetland violation cont.)

Attorney Robert Amorello and Cheryl Sechrice were in attendance.

New material Submitted into Evidence: Opinion Letter from Town Counsel, dated 12/14/2015 regarding 92 Lake Ave leaf dumping complaint; pictures of property and waterfront area at 92 Lake Ave that were accompanied with pictures and a letter of explanation from property owner. Upon review of Town Counsel's letter, the Commission made the following motion:

MOTION: Ms. Schold moved to adopt Attorney Cove's Letter of Opinion dated 12/14/2015 into the record.

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

Mr. Parretti suggested continuing this concern until the January meeting because he felt; the abutters understood this was being continued to the January meeting in order to get Attorney Cove's Opinion. All agreed.

Mr. Parretti opened discussion.

Mr. Amorello gave a brief commentary on the situation. From his observation of the video submitted by the abutters, it was impossible to identify the person, because it was not a close up and taken at a distance. Also, the pictures submitted by the abutters, just show leaves in the lake, not someone dumping bags of leaves into the lake.

At the last meeting, Ms. Sechrica submitted a copy of a bill from Shrimpo's Rubbish Removal showing 67 bags of leaves were removed from the property. There was also a police report submitted stating no evidence was found of leaves being dumped into the lake.

The Conservation Office did confirm with Shrimpo Rubbish that 67 bags were taken from the property.

All agreed to set up a site visit at 92 Lake Ave, for Saturday, 12/19/2015 at 9:30AM and to continue tonight's discussion to the 1/13/2016 meeting. – Post site visit with Town Clerk.

48 Parker Street

The office received phone call message from an unknown caller concerned about a possible wetland violation at 48 Parker Street. After review, the Commission agreed there were no wetlands near this property.

7 Church Street – Smith Pond; (increased water level)

A phone call message received from the property owner of 7 Church Street with concern on the increased water level of the Smith Pond. The Commission agreed it was probably a beaver dam issue and had nothing to do with Conservation.

Site Inspections

1. 15 Fairview Drive – Site Inspection done and no issues noted; repair work was allowed to start on foundation wall
2. 18 Peter Salem Road – Site Inspection done; no issues noted; work was allowed to start on replacing existing septic system

35 Burncoat Lane – (possible violation)

An email received from the Association President of the Burncoat Pond with concern on construction work encroaching onto neighboring properties.

The Commission agreed that they have no jurisdiction over property line disputes nor were they able to make determinations as to property line encroachments. If the individual was found to be encroaching over the property line by an official having jurisdiction and legal standing to decide such matters, then the Conservation Commission may issue a notice of non-compliance.

Chapel Street Mill – (possible work w/out permit)

The Commission was able to visit the site and noted the grass & shrubs in the fenced in area around the building had been cut/trimmed (no ground disturbance). There was a small excavator and a dozer parked on the site just behind the fence near the street. The camper, boat and other stuff that had been in the small fenced area has been moved to the fenced area around the building.

They agreed it did not appear to be any active work that is in violation of the WPA at this time but it may warrant a letter to the owner notifying him that any work within the buffer zone/river front area will require the submission of a NOI.

All agreed sending a letter, Certified, reminding the property owner that a Notice of Intent filing will be required before any work can start on the site.

Miscellaneous Projects Updates

1749 Main Street

A phone call from an abutter concerned work was being done without permission and the DEP number was not posted.

All agreed sending a letter with a copy of the Orders to the property owner, reminding them that the Orders of Conditions are only for bringing in fill to a specific area and no other type of work should be performed, but if they wish to deviate from that, they will have to come before the Commission to do that.

357-359 Main Street - Request for Determination of Applicability (Jeff Canane)

This application was originally filed in May, 2015 and has been continued indefinitely. After some discussion, the Commission suggested sending a letter to the applicant suggesting withdrawing his RDA Application and resubmit when a definite plan is ready.

Building Permits

Ms. Buck submitted a draft version of the Building Permit Application forms that shows an additional line with the question regarding wetlands.

The Commission enthusiastically complimented Ms. Buck on a job well done.

MOTION: Mr. Marc-Aurele moved to approve adding of line 1.9 verbiage, in Section 7b #4 of the Building Inspector's Building Application Form

SECONDED: Mr. Soojian – Discussion: None

VOTE: All in Favor

Approval of Minutes

11/18/2015

MOTION: Mr. Marc-Aurele moved to approve minutes of November 18, 2015, noting 3 corrections on page 2 as amended.

SECONDED: Ms. Schold – Discussion: None

VOTE: All in Favor

Next Meeting

January 13th, 2016

MOTION: Mr. Marc-Aurele moved to adjourn

SECONDED: Mr. Soojian – Discussion: None

VOTE: All in Favor

Meeting adjourned at 7:35PM

Respectfully submitted:

Barbara Knox

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The roadway at the pasture on Paxton Street is Elliot Street and it goes from Paxton Street up to the Leicester Airport. It used to be a thru-way, but when the airport took the land by eminent domain, the town closed the road.