

Leicester Conservation Commission
Meeting Minutes

Minutes of June 10, 2015

Members present: JoAnn Schold, Vice Chair; Joshua Soojian, Jim Cooper

Meeting called to order at 6:40

Notice of Intent

154 Peter Salem Road - Septic repair

Jason Dubois, Bertin Engineering represented the petition.

The application is for an installation of a septic system to replace one that is currently in failure.

The work is proposed within the 100-foot buffer zone of a Bordering Vegetated Wetland.

Mr. Dubois explained where the hay bales and a silt fence will be put at the slope and around the entire work area.

A site visit was done, noting a condition that when the hay bales and silt fence were installed and the work was ready to start, a pre-construction site inspection was required. Mr. Dubois agreed.

Hearing no further discussion; Ms. Schold asked for a motion.

MOTION: Mr. Soojian moved to approve the Notice of Intent application for Beverly Haynes of 154 Peter Salem Road, Leicester, Ma.; allowing 21-days to draft the Order of Conditions.

With the condition that Hay bales and Silt Fence be placed as stated on the plan and inspected by the Commission prior to the start of any work.

SECONDED: Mr. Cooper – Discussion: None

VOTE: All in Favor

Instructions were given on the appeal process and the filing of the Order of Conditions at the Registry of Deeds.

Request for Determination of Applicability

357–359 Main Street (expand parking lot)

Jeff Canane represented the application.

Mr. Canane owner of Jan's Package Store, also owns the adjacent property where he wants to fill and expand the current parking lot.

The wetlands were not delineated and amount of filled needed wasn't known.

The Commission agreed the wetlands needed to be delineated and a site visit is needed.

They recommended continuing; allowing Mr. Canane to get a wetland specialist to delineate the wetland and to figure out how much fill would be needed.

This request could be more than what an RDA allows.

Mr. Canane requested a continuance.

MOTION: Mr. Soojian moved to continue the Request for Determination of Applicability for Jeffrey Canane, Sr., 357-359 Main Street, Cherry Valley, Ma. to Wednesday, July 22, 2015.

SECONDED: Mr. Cooper – Discussion: None

VOTE: All in Favor

51 Lakeview Drive (tree removal)

Nancy Began represented the application.

Ms. Began would like to remove two trees within the wetland buffer area. The two trees are approximately 23-feet from the waterfront and in bad shape. Several dead branches have fallen during bad storms and there was concern for potential damage to her home and property.

She is having a professional tree service cut down the trees and the stumps will not be removed. The trees are already tagged for removal.

A site visit was done and agreed the trees were dying and needed to be removed.

The Commission advised wattles be installed prior to the start of work.

Hearing no further discussion; Ms. Schold asked for a motion.

MOTION: Mr. Soojian moved for a Negative Determination #3 “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, subject to the following conditions: Wattles are to be installed prior to the start of work and all appropriate erosion control measures are to be taken.”

SECONDED: Mr. Cooper – Discussion: None

VOTE: All in Favor

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

Board Discussion:

Cedar Meadow/Burncoat Pond – (drawdown complaint)

Glenn Krevosky made the presentation.

Mr. Krevosky explained during Cedar Meadow Lake’s annual drawdown, the flow declined was so dramatic, it affected the streams and lakes downstream.

In the Cedar Meadow Order of Conditions it has a special condition that states, “The Project shall conform to GEIR, prepared for DEP for Lake Drawdowns.” GEIR is a guide for Aquatic Plant Management and explains the estimated upstream and downstream flow rates during drawdowns and refills, that will ensure sufficient flow rates, at all times, to maintain fisheries. He was asking for the Commission’s consideration that on future Order’s, to make it a condition, during drawdown periods that the drawdown flow rates follow the GEIR guide, to ensure the flow, at all times, maintain downstream fisheries.

The Commission noted being recently informed that DEP was going to start putting together new guidelines for drawdowns and in the future will be adding additional comments to NOI applications.

New Business

- Miscellaneous Project Updates

Stafford Street/Wilson Street - Complaint

Ms. Sara Lange & Mr. Adam Wadden, property owners were present.

Several complaints were received regarding tree removal and earthwork being done without properly stabilizing the site; that there was tree clearing on Wilson Street without permission from the Highway Department and that Wilson Street was being used as an access.

A site inspection was done and several concerns were noted:

1) Wilson Street being used for access and approved was for access to be located off Stafford Street not Wilson Street; 2) tree work and earth work was being done without hay bales or a silt fence being in place; 3) the Conservation Commission not being notified for an inspection before the start of construction; 4) there were no wetland markings seen and 5) no DEP # posted.

The Conservation Commission informed Ms. Lange and Mr. Wadden that a Cease & Desist Order on All Work was being issued and before the Cease & Desist would be lifted, the following actions were required:

1) Posting of a sign with the DEP# on it placed in the front portion of the property and visible from the road. 2) Stabilize the site. 3) Get a Wetland Specialist to evaluate the site and see if there was any disturbance to the wetlands and to have the wetland specialist confirm wetland delineation and that there were no wetlands filled. 4) The site be inspected by the Conservation Commission once the site is stabilized. 5) Get written permission from the highway department for any work to be done on Wilson Street.

The property owners were reminded that all work done, has to be done in accordance to their Order of Conditions and the approved plan. Any varying from that plan, such as changing placement of the house or access, would require an Amendment to that Order.

Hearing no further discussion; Ms. Schold asked for a motion.

MOTION: Mr. Soojian moved to issue a Cease & Desist on All Work Immediately at the site located on Stafford Street/Wilson Street, Rochdale; Map 45, parcel B1.1, until the following actions have been done: 1) post a sign with the DEP # on it in the front portion of the property. 2) bring in a wetland specialist to evaluate the site and see if there was any disturbance to the wetlands. 3) have the wetland specialist confirm wetland delineation and that there were no wetlands filled. 4) have the wetland specialist submit a report with pictures to the Conservation Office confirming stabilization. 5) contact the Conservation Office for an inspection once the site has been stabilized. 6) get written permission from the Highway Department for any work done on Wilson Street.

SECONDED: Mr. Cooper – Discussion: None

VOTE: All in Favor

Board Discussion Cont:

397 Mulberry Street (replication bond)

The full amount agreed upon at the March 2015 Meeting was submitted on May 18, 2015.

1030 Stafford Street - Complaint

Check with Town Administrator to see if there was still a violation with Conservation.

Siani Road - Complaint

The resident of 12 Siani Road called, regarding their neighbor at 36 Siani Road illegally dumping and bringing in fill and putting it where the property slopes. That all the runoff was flowing onto 12 Siani Road property and ruining the forest floor and killing the plant species, such as Lady Slippers.

The Commission agreed this was a private property dispute and to wait for more information

Stafford Street Solar – (access)

The Planning Board just received a revised set of plans showing the access road being moved 250-feet.

The access change was discussed at the NOI public hearing and a condition was added in the Order of Conditions that the applicant was to submit a copy of the final approved plan from the Planning Board, to the Conservation Office, before the start of construction.

Reappointments

Mr. Soojian agreed to be reappointment.

Tobin Road

Ms. Buck received a call from Colin Novik of the Greater Worcester Land Trust group. They were interested working with the Town to permanently protect Kerry Scola's land located on Tobin Road in Cherry Valley. This is a 100-acre parcel that was previously proposed for a large subdivision. Mr. Novik asked for input on the Town applying for a grant towards a percentage of the purchase.

New Business Cont:

- Miscellaneous Projects Updates Cont:

63 Fairview Drive - Complaint

A complaint received regarding trees being taken down and digging to put in an underground garage.

A site visit was attempted, but entrance onto the property was not allowed. It was viewed from a neighbor's property some work was going on.

All agreed a Cease & Desist Order be sent to the property owner, ordering all work to stop, which included tree cutting and digging in the buffer, and to attend the next Conservation meeting on Wednesday, July 22nd.

55 Fairview Drive - Complaint

A complaint received regarding soil testing being done on the property.

A site visit was done and there was no evidence seen that any excavation was being done.

Oakridge Estates - Update

A status report has not been received for quite some time. The developer will be contacted and ask why the monthly reports have stopped. A site visit was done and there were no hay bales seen and the first two buildings, numbered 55 & 56 that have wetlands behind, did not have any erosion control.

A letter will be sent to the developer asking that the wetland specialist submit a status report to the Commission ASAP and if not received by the next meeting on July 22nd, a Cease & Desist will be issued.

Central Mass Crane

Monthly Monitoring reports have not been received and construction has started. A reminder will be sent to the Engineer asking to start sending the monthly reports ASAP.

147 Main Street

A letter was sent to the property owner reminding him of his obligation on keeping the site stable. It was recently noticed that the site was cleaned up, the fence was fixed and hay bales were back in place.

Building Inspector Reports

March, April, May monthly reports reviewed.

Rawson Street Bridge – (reconstruction)

A letter received from the Mass Department of Transportation; Highway Division proposing to replace the existing bridge over the Cedar Meadow Pond Inlet.

The project will consist of completely removing the existing bridge and replacing it with two 10-foot travel lanes, one 5 ½ foot sidewalk on the south side, a 2-foot shoulder on the south side and a 4-foot shoulder on the north side. The vertical clearance will be 4-feet to permit kayaks or canoes to pass under the bridge.

MassDOT requests for the Commission's review and asks for any comments regarding the project.

A letter will be sent to Matt Hopkinson, Project Manager, noting the understanding that a Notice of Intent will be filed with the Leicester Conservation Commission and asking whether it would be considered exempt from local & state fees.

Mail

- Notification received regarding chemical treatment of Cedar Meadow Lake will take place on or about June 17, 2015.

- Notification received regarding herbicide treatment of Sargent Pond will take place on Monday June 15, 2015.
- A list of streets to be milled (grinding) and paved received from Highway. Work is planned to start in the beginning of July and finish by the end of August.

Approval of minutes

5/13/2015

MOTION: Mr. Cooper moved to approve the minutes of May 13, 2015

SECONDED: Mr. Soojian – Discussion: None

VOTE: All in Favor

MOTION: Mr. Cooper moved to adjourn meeting

SECONDED: Mr. Soojian – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:35PM

Respectfully submitted:

Barbara Knox

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