

Town of Leicester Conservation Commission
Meeting Minutes
March 13, 2019

MEMBERS PRESENT: Stephan Parretti, Chair; James Cooper, John Marc-Aurele

MEMBER ABSENT: JoAnn Schold

IN ATTENDANCE: Wanda Merced, Department Assistant

MEETING TIME: 6:30 PM

AGENDA:

1. **Extension Request**
Melvyn Glickman, Depot Associates, Inc., 43 River Street (197-0508)
2. **Certificate of Compliance**
Marc Curtis, 500 Moose Hill Road (197-0597)
3. **Notice of Intent(NOI)**
 - a) Oak Bluff Lane Definitive Subdivision *continued* (6 lot residential subdivision), DEP #197-0644
 - b) Felix Street – Lot A19 *continued* (build single family residence and driveway), DEP #197-0645
 - c) 710 Main Street – Lot 3 (perform site work on duplex lot in the 100' buffer zone), DEP # pending
 - d) 710 Main Street – Lot 4 (perform site work and construct a duplex and driveway in the 100' buffer zone), DEP # pending
4. **Approval of Minutes**
 - 9/12/2018
 - 1/9/2019
5. **Board Discussion/Miscellaneous**
 - a) Auburn Street Solar
 - b) Burncoat Park
 - c) Remote Participation Policy
 - d) Correspondence/Other New Business
 - e) Miscellaneous Project Updates/Site Inspection Updates

Extension Request

Melvyn Glickman, Depot Associates, Inc., 413 River Street (197-0508)

Glenn Krevosky of EBT Environmental Consultants, Inc. addressed the Board on behalf of Melvyn Glickman, Depot Associates, Inc. Mr. Krevosky stated that they are not asking for a three year extension. He stated that if they are not done in one year, his client can come back to the Conservation Commission again. Mr. Krevosky explained that this was the second extension request; the first being granted in 2016 and expiring in 2019. Mr. Parretti asked if everything was still staying the same and asked about septic. Mr. Krevosky answered that he checked with the sewer department and confirmed that they have the capacity for town connection.

Mr. Parretti asked if there were any questions from the public. Janice Parke of 207 Greenville Street asked what the plans were for this parcel. Mr. Parretti explained that this was for an order of condition to build a single family home that previously went through Conservation Commission and was approved. He further explained that they were asking for an extension so that they can move forward. Ms. Parke commented that the public has been looking for the

owner of this property for some time. Mr. Parretti asked Ms. Parke if she had any questions related to this specific request for an extension and Ms. Parke answered no. Mr. Parretti again asked if there were any further questions or comments from the public and there were none.

MOTION: Mr. Marc-Aurele moved to approve a one year extension to Melvyn Glickman, Depot Associates, Inc. for 43 River Street.

SECOND: Mr. Cooper

VOTE: All in favor.

Certificate of Compliance

Marc Curtis, 500 Moose Hill Road (197-0597)

Mr. Parretti asked if there was anyone from the public present for this request and there was no answer. Mr. Parretti read the letter from Michael Burke requesting a Certificate of Compliance into the record. He asked if there were any questions or comments from the public and there were none.

MOTION: Mr. Marc-Aurele moved to continue to the next meeting to see if Ms. Schold had a chance to inspect the site.

SECOND: Mr. Cooper

VOTE: All in favor.

Notice of Intent (NOI)

Oak Bluff Lane Definitive Subdivision *continued* (6 lot residential subdivision), DEP #197-0644

Brian MacEwen from Graz Engineering, LLC addressed the Board and stated that they are going through the process simultaneously with the Planning Board. He said that he is still waiting for comments back from Quinn Engineering regarding stormwater management revisions and had hoped to have had them by now. Mr. MacEwen reviewed changes to the back detention pond that addressed initial comments from Quinn Engineering and DEP. He explained that they came up with a configuration that is more elongated. He stated that changes were made due to the proximity of one of the neighbors in the back of the property. Mr. MacEwen said that the pond had been moved up to move it from the adjacent property. He said that he is still waiting for final comments from Quinn Engineering.

Mr. Marc-Aurele asked if Quinn Engineering would be accessing DEP comments and Mr. MacEwen answered yes. Mr. Marc-Aurele asked if they still planned on having a pond with a valve and Mr. MacEwen answered yes. Mr. MacEwen explained that he would install a shut off valve in case they ever need to do a draw down. Mr. Parretti asked if where they met for a sight walk is where the basin will be located and Mr. MacEwen answered yes. Mr. Parretti asked if the wetlands by Baldwin Street would be touched and Mr. MacEwen answered that they would not be touched.

Mr. Marc-Aurele asked about a copy of an email from John and Karen Pajer that they received that afternoon. The email was in regards to the missing location of the Pajer's well on Oak Bluff Lane's plans and the possibility of the town line being shown 40 to 50 feet eastward of its actual location. A copy of the email was distributed to the Board members and to Mr. MacEwen. John and Karen Pajer confirmed that they were present and that the email did come from them. Mr. Marc-Aurele asked for their address and Mr. Pajer answered that it was 20 Oak Bluff Lane.

Mr. Parretti asked Mr. MacEwen for his comments and Mr. MacEwen answered that he did not have the well located on the plan so he could not comment. Mr. Parretti asked what the town setback was and Mr. MacEwen stated that he would have to check. Mr. MacEwen said he thinks that Mr. Pajer's engineer's mapping was done using GIS mapping and stated that GIS mapping is not accurate. Mr. Pajer stated that his main concern is the well and the fact that it was not located on the plan. He said he is worried about vibration from machinery that could disturb the well.

Mr. Parretti stated that the Conservation Commission cannot comment on Mr. Pajer's well caving in or not; it's not their jurisdiction. He stated that as far as setbacks, he suggested that the Planning Board and Board of Health review this and comment. Mr. Pajer said that the engineer, who wrote the email, Mark Johnson, suggested having DEP notified about the well along with Quinn Engineering. Mr. Parretti asked Mr. Marc-Aurele if DEP would care about the location of a well on a plan and Mr. Marc-Aurele answered that they would care.

Mr. Pajer commented that Mr. Johnson felt that the erosion control isn't nearly enough and thinks that the hill will come down. Mr. MacEwen said that the contractor will be responsible for stabilizing the slope throughout construction. Mr. Parretti asked Mr. Pajer if the well and sediment control/slope sliding down were their biggest concerns and Mr. Pajer answered yes. Mr. Pajer stated that there would be no way to get a machine in there to drill another well.

Mr. Parretti asked if there were any questions or comments from the public. Matt Schold addressed the Board and said that Quinn Engineering and Mr. MacEwen were ultimately reliable for this and they will obviously make sure all concerns are addressed. Mr. Schold asked the Board to consider an approval contingent on the Planning Board's approval. He made it clear to the Board that they are not altering wetlands.

Mr. Marc-Aurele stated that the Board of Health needs to be notified. He said that they will be continuing anyway until they get the final comments from Quinn Engineering and resolution to the issue with the well. Mr. Parretti stated that as far as the well goes, he did not mind giving a conditional approval contingent on the Board of Health and Planning Board's approval. Mr. Pajer reiterated that he wanted DEP to look into the well issue. Mr. Pajer gave Mr. MacEwen permission to access his property to plot the well so he can forward that information to DEP.

MOTION: Mr. Marc-Aurele motioned to approve the Order of Condition for Oak Bluff Lane Definitive Subdivision subject to final review and approval from the Planning Board and Board of Health and subject to new well location being provided on plans and provided to DEP along with normal conditions.

SECOND: Mr. Cooper. Discussion: Mr. Parretti told Mr. Pajer that if he has 10 days to appeal the Conservation Commission's decision and suggested that he attend the next Planning Board meeting and discuss his concerns with that Board as well.

VOTE: All in favor.

Notice of Intent (NOI)

Felix Street – Lot A19 *continued* (build single family residence and driveway), DEP #197-0645

Mr. Parretti read the public hearing notice into record. Robert Murphy of Robert G. Murphy & Associates, Inc. was present for the Applicant and passed in the Certificate of Mailing receipt. He addressed the Board discussing the project to construct a single family house with the driveway crossing a roadside swale and the filing of 120 square feet of bordering vegetated wetland. Mr. Murphy stated that the house itself is located in the buffer zone. He said that Felix Street is serviced with town sewer and there is a well on site.

Mr. Murphy said that one issue arose when it rained heavily. He said he noticed a fair amount of water running off of the Leicester Country Club's golf course. He said that they had to design an interceptor trench along the property to intercept the water coming down from the golf course. Mr. Murphy stated he will be working with the Leicester Country Club to make sure that any additional stormwater runoff is directed away from this property.

Mr. Parretti commented that they had a number from DEP but that there were no comments from them. Mr. Murphy stated that this was pretty straight forward. Mr. Marc-Aurele asked if he had a replication plan for the wetlands and Mr. Murphy answered that he plans to transplant the plants that are already there. Mr. Marc-Aurele asked if the soil there now was adequate and Mr. Murphy answered that the soil was adequate. Mr. Marc-Aurele stated that he was comfortable with the flood plan mitigation but wants to see the wetland replication on the plan. Mr. Murphy stated that he would add those notes to the plan. Mr. Marc-Aurele stated that he would also like to do a site visit.

Mr. Parretti asked if there were any questions or comments from the public and there were none.

Mr. Parretti, Mr. Marc-Aurele and Mr. Cooper set up a site visit with Mr. Murphy for Saturday at 9:00 AM. Mr. Murphy asked for a continuance to May 15th because he would not be available in April.

The Board continued the hearing to May 15, 2019.

Notice of Intent (NOI)

710 Main Street – Lot 3 (perform site work on duplex lot in the 100' buffer zone), DEP # pending

Mr. Parretti read the public hearing notice into record.

Glenn Krevosky of EBT Environmental Consultants, Inc. was present along with Mr. and Mrs. Matthew Dumas, co-owners of the property. Mr. Krevosky stated that the other co-owner, Paul Doray, was not present. Mr. Krevosky passed out copies of an email from DEP that was sent that day at 5:15 PM. The email stated that DEP's database was down and that they were unable to provide the DEP numbers in time for the meeting but would issue those numbers on Friday. The email also stated that they completed review of both the Lot 3 and Lot 4 projects and that DEP did not have any comments to issue regarding those projects.

Mr. Krevosky reviewed the plan with the Board. He said that Lot 3 is located just outside the buffer zone and discussed the proposed placement of the duplexes and driveways. Mr. Parretti asked if what was on the plan is what they are going to do and Mr. Krevosky answered yes. Mr. Parretti commented that there is a ton of fill on that site. He said that Vic Taylor filled that property. Mr. Krevosky reviewed where the new fill will be placed.

Mr. Marc-Aurele stated that he wants to make sure that whoever is engineering the wall for the slope reinforcement constructs it correctly. Mr. Krevosky said it would be an armored slope and commented that an engineer is normally not required for these types of cases. Mr. Marc-Aurele asked Mr. Krevosky if he would agree to have someone come out to make sure that the wall is being put up correctly and Mr. Krevosky agreed to have someone inspect it. Mr. Parretti commented that they want to make sure the wall does not collapse.

Mr. Parretti asked if there were any questions or comments from the public and there were none.

MOTION: Mr. Marc-Aurele motioned to approve the NOI for 710 Main Street (Lot 3) with normal conditions and the Applicant shall notify the Conservation Commission early on in the construction of the slope reinforcement to request an inspection.

SECOND: Mr. Cooper

VOTE: All in favor.

BOARD DISCUSSION/MISCELLANEOUS

Wetlands Agent

Ms. Parke asked if the Town of Leicester had a wetlands agent and Mr. Parretti answered that they do not. Mr. Parretti went on to say that they do have a fairly large NOI fund so if they need to hire engineers they can. He commented that they have done that in the past. Ms. Parke stated that she is the President of the Common Ground Land Trust. She said that she deals with Spencer a lot and said that they have a part time wetlands agent. Mr. Parretti said that they will not comment on Spencer.

Notice of Intent (NOI)

710 Main Street – Lot 4 (perform site work and construct a duplex and driveway in the 100' buffer zone), DEP # pending

Mr. Parretti read the public hearing notice into record.

Mr. Krevosky reviewed the plan with the Board. He stated that this was a similar project as Lot 3 with the same wetland lines. He said that he spoke with Denise Child at DEP to see if this project could go under residential but was told they considered it commercial. Mr. Krevosky said that the buffer zone cuts through half of the duplex, the driveway slowly lowers in grade and the slope is only a 6 foot rise. Mr. Parretti commented that this was similar to the other lot.

Mr. Parretti asked if there were any questions or comments from the public and there were none.

MOTION: Mr. Marc-Aurele motioned to approve the NOI for 710 Main Street (Lot 4) with normal conditions.

SECOND: Mr. Cooper

VOTE: All in favor.

BOARD DISCUSSION/MISCELLANEOUS Continued

Burncoat Park

Randy Moore of 79 Burncoat Lane addressed the Board. He stated that Ms. Buck had received correspondence from his wife, Amy Moore, regarding Burncoat Park. He said she sent an email

saying there were trees and limbs cut down to install light poles and that she wanted the Conservation Commission to know. Mr. Cooper commented that National Grid specifically said they would not cut down trees or leave spoils.

Dawn Martilla of 2 Chris Circle addressed the Board. She asked who was supposed to get permission to cut down trees and Mr. Parretti said National Grid. Mr. Moore stated that he wanted them to have accountability for cutting down the trees when they said that they would not. Mr. Parretti asked if any spoils were left and Mr. Moore answered yes. Mr. Parretti thanked Mr. Moore and told him that they will follow up with them. He suggested that Mr. Moore send an email to the Conservation Commission in a few weeks to check on the status of this.

Mr. Marc-Aurele pointed out the email from Kaitlyn Rimol, representative for National Grid, saying the town performed the tree work and not National Grid. Ms. Martilla took a picture of the email from Ms. Rimol and asked if the town had a tree warden. Ms. Parke said that Dennis Griffin from the Highway Department is also the tree warden. Mr. Parretti commented that Mr. Griffin should not have made the decision to cut down those trees.

Mr. Parretti verified with Ms. Martilla that the Parks and Recreation Committee were only looking for the Conservation Commission's blessing to continue their work on the park. He commented that there was a question on who had control over the park and said that it has been determined that the Conservation Commission has control. Mr. Marc-Aurele stated that they need to make sure that any work they do is done in regulation of wetlands and anything that requires an RDA or an NOI needs to come before the Conservation Commission. He said that he would be willing to meet them at the park and confirm if they need to file anything else with any other Board.

Ms. Martilla asked if someone from Parks and Recreation would be allowed to visit this site and Mr. Parretti told her to give her contact information to the department assistant. Mr. Parretti stated that he would be stopping by the Town Administrator's office to discuss the Highway Department and this issue. Mr. Parretti said that he will also ask about a key to that gate saying he used to have one but the locks were changed.

Ms. Martilla stated that a forester will be marking trees to do a rough estimate of the boundary lines. Mr. Parretti stated that he cannot put any markings or signs designating a town line. He said that they would need to hire a surveyor to appropriately mark boundary lines. Mr. Marc-Aurele commented that there can be absolutely no markings of property lines unless they are done by a surveyor. He said that he knows that money is tight but it may be worth taking some NOI money and using it to have the wetlands marked. Mr. Parretti stated that he'll have Michelle Buck look into if they can use NOI money for this. Ms. Martilla asked them to communicate this in writing to the Burncoat Park Committee.

Ms. Martilla commented that she is applying for a reimbursable grant and wonders if the Conservation Commission could use NOI money for invasive species. Ms. Martilla asked Mr. Marc-Aurele if he would help her write this grant and he said that he would be happy to help her. Mr. Marc-Aurele and Mr. Parretti both said that Ms. Buck has a lot of information regarding what NOI money can be used for. Ms. Martilla stated that the forester will also have input for this grant as well.

Mr. Parretti read the letter from Amy Moore regarding Burncoat Park into the record. Mr. Parretti stated that they would digest the letter and said that the funding part would be done with donations, etc. Ms. Martilla said that some money has already been allocated for the light poles. She also that she was told that money from Cultivate was supposed to be coming in soon for all the parks to use. Ms. Martilla stated that they would like to do fundraising for their own money. She said that she would be happy to write grants and hopes that the park can fund itself. Ms. Martilla stated that she had received a copy of Ms. Moore's letter and invited Mr. Moore to the next Burncoat Park meeting.

Mr. Parretti asked if there were any questions or comments from the public and there were none.

Open Spaces

Ms. Parke commented that the land trust is looking at open space issues. Mr. Marc-Aurele suggested that she speak with the Select Board about that issue. Mr. Parke asked if the Conservation Commission was concerned about wetlands only and Mr. Marc-Aurele stated that the Conservation Commission monitors anything that impacts wetlands and anything that has to be permitted through them. Ms. Parke asked about protecting foot trails and snowmobile trails and Mr. Marc-Aurele told her that Ms. Buck would be able to help her with that. Mr. Parretti stated that he will ask Ms. Buck to speak with Dianna Provencher or Sandy Wilson and have a conversation about land that the town has taken for taxes and that has no value. He wants to know if there are any options for the Conservation Commission to be involved in this or not.

Auburn Solar

Mr. Parretti stated that they had done some work to this site but they did not notify the Conservation Commission. He said that he told them to provide a paved apron to the road to prevent washouts. Mr. Parretti said that they asked when the fine would stop and he said he told them to just keep on working to fix the issue. Mr. Marc-Aurele commented that they could not finish yet because of the weather and stated that it was not a good idea to do that kind of work now.

MOTION: Mr. Marc-Aurele moved to adjourn the meeting and continue the outstanding agenda items to the next meeting on April 10, 2019.

SECOND: Mr. Cooper

VOTE: All in favor.

The meeting adjourned at 9:15 PM.

Respectfully submitted,
Wendy Merced, Department Assistant

Documents included in meeting packet:

- Agenda
- Memo from the Town Planner to the Conservation Commission dated March 7, 2019 regarding the meeting on March 13, 2019
- Request to Extend Order of Conditions for 43 River Street and supporting documents
- Request for a Certificate of Compliance for 500 Moose Hill Road and supporting documents

- Responses to DEP comments from Graz Engineering, LLC for Oak Bluff Lane and supporting documents
- Notice of Intent for Felix Street – Lot A19 and supporting documents
- Notice of Intent for 710 Main Street (Lot 3) and supporting documents
- Notice of Intent for 710 Main Street (Lot 4) and supporting documents
- Meeting minutes dated September 12, 2018
- Meeting minutes dated January 9, 2019
- Letter and email from Amy Moore regarding Burncoat Park
- Copy of the Remote Meeting Participation Policy
- Citizen Volunteer Form for Glenda Williamson for the Conservation Commission

Documents submitted at meeting:

- Email from John and Karen Pajer regarding the well placement on Oak Bluff Lane plans
- Email from DEP regarding 710 Main Street Lots 3 and 4