

**Conservation Commission
Meeting Minutes**

Minutes of August 16, 2017

Members present: Steve Parretti, Chair; JoAnn Schold, Jim Cooper, Josh Soojian arriving at 6:40PM

In Attendance: Michelle Buck, Town Planner

Meeting called to order 6:33PM

Certificate of Compliance

162 Paxton Street; DEP#197-530

A site visit done determined the site in compliance with the Wetland Bylaws and stable.

MOTION: Ms. Schold moved to approve the Certificate of Compliance for 162 Paxton Street, Leicester, MA DEP#197-530

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

37 Fairview Drive; DEP#197-598

A letter from the applicant's Environmental Consultant, EBT Environmental, determined the site in compliance with the Wetland Bylaws and stable. A site visit done by the Commission concurred.

MOTION: Ms. Schold moved to approve the Certificate of Compliance for 37 Fairview Drive, Leicester, MA DEP#197-598

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

29 Fairview Drive; DEP#197-0447

A letter from the project engineer, Coyle Engineering, determined the site in compliance with the Wetland Bylaws and stable. A site visit done by the Commission concurred.

MOTION: Mr. Cooper moved to approve the Certificate of Compliance for 29 Fairview Drive, Leicester, MA DEP#197-0447

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

5 Sabina Circle; DEP#197-175

Ms. Courtney Mankus, property owner, in attendance.

There were three Orders on this property, two Orders received Certificate of Compliance. This Order covered construction of roadway known as Sabina Circle. Completion was in 2002 and road acceptance by the Town was in 2005.

MOTION: Ms. Schold moved to approve the Certificate of Compliance for 5 Sabina Circle, Rochdale, MA DEP#197-175

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

Mr. Soojian arrived at this point

Request for Determination of Applicability

690 Stafford Street – (turnaround driveway)

Mr. Erich Berantuo, property owner, in attendance

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

There was an NOI on this property and a Certificate of Compliance issued.

The Commissioners issued a Cease and Desist on July 18 regarding recent work conducted within a Wetland Area without approval.

Mr. Berantuo filed an RDA for work already done, asking for a determination whether an NOI filing would be required.

He asked for approval to keep the driveway so his children can ride their bikes and he can turn his car around, as well as, to put a patio around the pool area with a walk. He also wanted to put a privacy fence around the front.

After some discussion, the Commissioners agreed to continue this hearing, in order to review the minutes from the original NOI Hearing and then set up a site inspection prior to the next meeting on September 13, 2017.

Discussion continued to September 13.

Notice of Intent

408 Stafford Street CONT (solar project-National Grid)

Continued from July 12, 2017.

This is to allow construction of a 1,361 kW ground-mounted solar energy system.

Mr. Peter Esselstyn of Ameresco and Tyler Krupa of National Grid in attendance.

Quinn Engineering was able to review the stormwater plans and did get comment back to them in relation to the Leicester Stormwater Regulations. All comments were met in relation to Site plan and Stormwater requirements.

The Commissioners pointed out the two issues referred to Conservation; Item# 4b, regarding a large area of the site to be cleared without improvement of the ground surface and item #3, regarding the use of the 18" Compost Sock.

After some discussion, item #4b, the Commissioners agreed it was the applicant's responsibility to keep siltation control maintained and keeping extra supplies on hand as needed.

With a condition on requiring monthly monitoring reports to completion.

Item #3 regarding the Compost Stock, Mr. Esselstyn explained the 18" compost sock with a silt fence behind it was found to be more than sufficient.

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

MOTION: Ms. Schold moved to approve the Notice of Intent Application for 408 Stafford Street Solar Project, a.k.a. National Grid, Cherry Valley MA with the following conditions: submitting monthly monitoring reports; notifying the Commission prior to the start of work for an erosion control inspection; and notify the Commission at the end of work.

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

At this point, Ms. Schold recused herself from both Pine Street NOI Applications due to a Conflict of Interest.

555 Pine Street – (single family home)

Mr. Parretti read the notice into the record and opened the meeting for discussion.

Mr. Brian MacEwen of Graz Engineering in attendance.

The applicant requests to construct a single family home with attached garage & associated septic system, well, driveway and site grading located in the Buffer Zone to a Bordering Vegetated Wetlands. As well as, constructing lake front wall & access steps just above high water line.

Mr. Scott Rowland, 596 Pine Street asked to have the location pointed out on the street map.

Mr. MacEwen showed it sat on the corner of Parker and Pine Streets. A small bit of frontage existed on Parker Street, but the building frontage will be located from Pine Street.

Mr. Jonathan Vanhazinga, 600 Pine Street concern was where the well and septic would be in relation to his property.

Mr. MacEwen explained the perk showed the lot would support a well and septic and it will follow all Title 5 regulations on distances, etc. when placing a well and septic system.

The Commissioners conditioned the retaining wall proposed at lakefront, can only be done during lake-drawdown and that hay bales and/or waddles, and silt fence, be in place prior to the start of work.

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

MOTION: Mr. Cooper moved to approve the Notice of Intent for 555 Pine Street, Leicester, MA with the following conditions: All work (retaining wall) at beach front can only be done during lake drawdown; Silt fence and waddles installed near lake during construction and maintained throughout construction; and to contact Conservation Office prior to start of work for Erosion Control Inspection.

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

Pine Street, Leicester/Spencer (replication area for single family home)

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

Mr. Brian MacEwen of Graz Engineering in attendance.

This is for construction of a wetland replication area, on a parcel of land located in the Town of Leicester. This request is the result of the construction of a new single-family dwelling and associated site improvements that are results in the loss of a “finger-like” portion of the Bordering Vegetated Wetlands at the locus of the proposed site development in the Town of Spencer.

A street number was not issued on the property because it is not a proposed building lot Leicester. The Assessor’s Office only issued a parcel number.

The dwelling and all associated work will be completely located in the Town of Spencer; address will be 102 Chickering Road, Spencer. The replication area will be completely developed in Leicester. An NOI was filed in both Towns.

The Commissioners asked whether the Town of Spencer had given opinion on filling wetland in their Town and replicating in another Town.

Mr. MacEwen explained their meeting with Spencer Conservation was next week and DEP wanted the Towns to work out an agreement.

Ms. Michelle Buck explained Spencer's Conservation Agent contacted her regarding this application. Spencer requires when building a single family home the replication work be completed first before the home.

She felt that requirement could also apply to Leicester's decision.

Discussion opened to public.

Mr. Geoffrey Harris, 568 Pine Street and Mr. Scott Rowland, 596 Pine Street had concern with possible damage to the drainage culverts.

Mr. MacEwen explained the replication area constructed, will allow for better drainage to the area.

Mr. Jonathan Vanhazinga, 600 Pine Street asked about ground water testing and the possible affect to neighboring wells. His concern was having a shallow well and the construction affecting his ground water supply.

Mr. MacEwen explained ground water testing had been done and the impact would be to surface runoff and would not affect any subsurface water source. There would not be any hydrological conditions changed at that location.

Mr. Rowland had concern with the amount of fill being brought in.

Mr. Parretti explained fill wasn't being brought in, it was being taken out.

The Commissioners agreed prior to making a ruling on this application, doing a site inspection after the Spencer Conservation meeting and in the meantime, the engineer stakes out the replication area and any trees being removed. *Contact abutters when site walk is scheduled.*

MOTION: Mr. Soojian moved to continue the hearing to September 13, 2017

SECONDED: Mr. Cooper – Discussion: None – Vote: All in Favor

Ms. Schold returned to her seat on the Commission.

Approval of Minutes

3/15/2017

MOTION: Mr. Cooper moved to approve the March 15, 2017 Minutes

SECONDED: Mr. Soojian – Discussion: None – VOTE: 3 in favor / 1 abstained (Ms. Schold)

6/14/2017

MOTION: Ms. Schold moved to approve the June 14, 2017 Minutes

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

7/12/2017

MOTION: Ms. Schold moved to approve the July 12, 2017 Minutes

SECONDED: Mr. Cooper – Discussion: None – VOTE: 3 in favor / 1 abstained (Mr. Parretti)

Board Discussion

Burncoat Park Request (tree removal)

Mr. Parretti spoke with Diana Provencher from the Burncoat Park Committee. The Burncoat Committee plans to meet with representatives from National Grid to discuss new poles being put in down at Burncoat Park. They need to show the specs, as far as where the new poles would go and what the plans were regarding any extensive tree cutting.

Ms. Provencher will contact the Commission once a meeting was scheduled.

Brookside Package Store (cleaning/clearing back lot)

The store's owner inquired clearing and cleaning the area behind the store. The property directly abuts Rochdale Pond.

After some discussion, the Commission agreed the owner needed to file an RDA application.

Meeting Paused @ 7:45PM

Reconvened @ 7:50PM

298 Clark Street (DEP site visit)

Mr. Cooper met Judy Schmitz of DEP on site. It was observed recent fill immediately adjacent to regulated resource area and the inlet of a pipe beneath the driveway appeared to be blocked. Send an email to DEP asking for an update on contacting the homeowner and the recommended remedy.

Worcester Airport (recent wetland violation)

Mr. Cooper met with Tom Pyle, J.R. White Project Engineer on site.

DEP contacted the Conservation Office wanting the local authority to handle this most recent violation, because the DEP Office was back logged resolving the previous violations at this site. After some discussion, the Commissioners agreed contacting Jim Stolecki of MassPort asking for a site meeting, as soon as possible, to discuss the most recent and all other previous egregious violations. The Commissioners asked for copies on each violation report and remedies taken.

1749 Main Street – (Curtis self-storage)

A site inspection done with the property owner found the amount of fill extended beyond the original fill limit approved. All agreed a Cease and Desist Order be issued to the property owner noting fill has gone beyond the scope of work, having the project Engineer evaluate the site and determine the amount of unauthorized fill brought in. Have the engineer attend the next Conservation Meeting on September 13 for a determination on how to remedy the situation.

Bottomly Ave Complaint (DEP)

A concern received from DEP regarding 104 Bottomly Ave, Cherry Valley that a wetland had been filled and a foundation built. The complaint reports blue flags marking the wetlands prior to the fill. DEP asked if there were any open applications on this lot.

Upon review of the MassGIS map showing the lot at the top of the hill with a foundation, but no wetlands shown in vicinity on DEP datalayer. Due to the grade of the land, water would not stay up there.

A building permit was issued in 2009 for a garage, but nothing since and no applications in Conservation file. The Building Inspector took a look at the site for any recent activity taking place and no evidence found.

KM Kelly, 93 Huntoon Highway

A recent inspection found erosion control not visible. Send email to engineer regarding maintaining erosion control/silt fence line and send pictures for the file.

Alternate Membership

Some examples reviewed from surrounding Towns were very similar and the only difference was the number of alternates and the length of the term. The Commissioners agreed on 2 alternates with a 3 year term. They raised the question whether the Dept. Asst./Secretary could sit in as an alternate when needed. Ms. Buck will look into it.

Library

Ms. Buck received an Email from the project manager for the Library renovation project inquiring whether Conservation had any concerns regarding the project's erosion control and site maintenance. Mr. Cooper was able to visit the site and felt the silt fence looked good.

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

MOTION: Ms. Schold moved to adjourn

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

Meeting adjourned at 8:25PM

Respectfully submitted,

Barbara Knox

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