

**Town of Leicester Conservation Commission  
Meeting Minutes  
August 23, 2018**

MEMBERS PRESENT: Steve Parretti, Chair; John Marc-Aurele, JoAnn Schold, Jim Cooper

MEMBERS ABSENT: None

IN ATTENDANCE: Michelle Buck, Town Planner

MEETING TIME: 7:00 PM

AGENDA:

**1. Certificate of compliance**

5 Hemlock Street

**2. Notice of Intent(NOI)**

101 Huntoon Highway, Continued

Auburn & Church Street Bridge Repair, Continued

445 Pine Street (Riverfront restoration)

Mulberry Street Solar farm III

**3. Extension Request**

Cedar Meadow Lake (197-0579)

**4. Approval of Minutes**

7/11/2018

**5. Board Discussion/Miscellaneous**

Emergency Certification (2 Patricks Drive)

Applicant for Commission Vacancy

Report to Conservation (Stafford St/Matthew Marro DEP 197-0541)

Sign Performance Agreement for 690 Stafford St

Forestry Complaint (Reservoir Street)

Oakridge Update

Miscellaneous Project Updates/Site Inspection Updates

**Certificate of Compliance, 5 Hemlock Street (Applicant: Tricia Tarentino)**

Mr. Parretti asked if anyone had concerns or questions, stated that Ms. Schold and he went to the site and added everything looks good. They had made the updates to what was suggested.

MOTION: Mr. Marc-Aurele moved to grant the Certificate of Compliance for 5 Hemlock Street.

SECONDED: Mr. Cooper

VOTE: All in favor.

**Notice of Intent: 101 Huntoon Memorial Highway. DEP#197-0632 (Applicant: 101 Huntoon LLC)**

Mr. Parretti asked why this was continued. Mr. Balcwicz from BC Engineering stated that he wanted the ability to submit more documentation related to the proposed addition, after the first peer review [comments from Quinn Engineering.]. He met with Planning Board last night, and will meet with the Zoning Board of Appeals on September 19, 2018. He's made changes and addressed comments including adding guardrail, narrative to explain how trucks access the property without backing out on route 56, changes to address stormwater control and stabilization of slopes, and details of retaining wall construction.

Ms. Buck noted that the project still doesn't conform to Massachusetts Stormwater Management Policy; Kevin Quinn thinks they need to redesign because the Cultec chamber is in groundwater (it's supposed to be 2 feet above groundwater).

Mr. Balcewicz states he had a conversation with Mr. Quinn on this, but he disagrees because they are not capturing pavement run off only roof runoff, which is considered clean runoff. Mr. Quinn suggested providing an impermeable barrier (a 40 mil poly barrier) under the Cultec chamber (which is in groundwater). He still needs to provide details to Mr. Quinn, the systems is now raised up higher than previous plans, though still not 2 feet above groundwater.

There was back and forth discussion on the Cultec chamber and related issues. Ms. Buck noted that Mr. Quinn felt Conservation Commission shouldn't approve until the stormwater issues are addressed. Mr. Balcewicz said they're in the process of further revising the plans. Mr. Parretti felt that if there weren't major changes that affect wetlands, the Commission should be able to approve in September. If major changes, the applicant should notify the Commission and schedule a site visit.

The Board continued the hearing to the meeting of September 12, 2018.

**Notice of Intent: Auburn Street and Church Street, Continued. DEP#197-0634 (Applicant: Town of Leicester)**

This was continued from the July meeting date because the DEP number hadn't yet been assigned. The Board reviewed comments from DEP regarding prevention of erosion. Richard Lenox of WSP USA was present for the Applicant. He stated that DEP comments have been addressed.

Ms. Schold asked the work has started. Mr. Lennox said no, but they had to close the Church Street bridge, so they'd like to get approvals so the work can get out to bid and start as soon as possible. He provided an overview of the work. He explained that Church Street has a 2 cell culvert and there are currently stone slabs that will be replaced with concrete slab, and trying to replicate the railing. Church Street will be done first as the bridge is closed. Auburn Street is just to provide a crash-worthy railing. The cable rail has failed, and will be replaced.

MOTION: Mr. Marc-Aurele moved to approve the Notice of Intent for Auburn Street and Church Street bridges.

SECONDED: Mr. Cooper

VOTE: All in favor.

**Notice of Intent: 445 Pine Street/DEP#197-0635 (Applicant: Susan Shea)**

Mr. Paretti read the hearing notice into the record.

Glen Krevoski from EBT Environmental Consulting was present for the Applicant. Most of the project is outside the wetland area and buffer zone. There was an encroachment of 1,203 square feet, which is also over the 10% allowable alteration in the riverfront area. There's a field onsite that they propose to use as the wetland replication area. They will clean out exotic invasive plants and plant red oak and white pine. DEP reviewed it and provided no comments. They're ready to go ahead with restoration, and he'll oversee the work.

Mr. Paretti asked about the size of the lot. Ms. Shea said it's almost 2 acres.

Mr. Paretti asked if there were any other comments. Ms. Schold said she checked the wattle line and it looked good. Mr. Marc-Aurele said what they're proposing looks good.

Mr. Marc-Aurele asked about proposed grading related to the house construction. Is the top of the hill coming down, and will the grading affect wetland areas? Mr. Krevoski said the work is outside the Conservation Commission's jurisdiction. There's no grading in the buffer zone and restoration is already staked out; they will put up wattles or construction fence. Mr. Marc-Aurele said he's concerned about the grades on-site and suggests an orange construction fence on the uphill side during restoration. There was back and forth discussion on this issue, and the consensus was that a fence be provided, and erosion control and the limits of restoration.

Mr. Paretti states that in the past they have done bonding for replication. Ms. Schold noted that this is because if the work isn't done right the Town would have to go in and fix it. Mr. Krevoski agreed; a dollar per square foot would be \$1,200. Mr. Paretti notes that the bond amount is small, but a bond should be posted to be consistent.

MOTION: Mr. Marc-Aurele moved to approve the Notice of Intent for 445 Pine Street as discussed.

SECONDED: Mr. Cooper. Discussion: Mr. Parretti noted the wattles the applicant had agreed to as well as the bond requirement

VOTE: All in favor.

**Notice of Intent: Mulberry Street. DEP#197-0636 (Applicant: Syncarpha Solar)**

Mr. Paretti read the public hearing notice and gave background. Mr. Marc-Aurele stepped down as a direct abutter to the project and will abstain from the vote.

Peter Engle of Bertin Engineering was present for the Applicant. He presented revised plans to the Board and provided an overview. There is clearing, but it's outside the 25 foot no-disturb. There's no equipment, panels, or equipment inside the buffer. There's no replication.

Mr. Engle noted that they'd revised the plans in response to comments from Quinn Engineering. There were also comments from DEP. Ms. Buck noted the revised plans were just received late this afternoon so have not yet been reviewed. The plans weren't meeting the buffer requirements, so they had to move the detention basin.

Mr. Engle said they shifted the detention basin about 35 feet to the east. The Board reviewed the revised plans.

Mr. Paretti asked about zoning related to solar farms. Ms. Buck said there were new Zoning Bylaws adopted a year ago, which is why they had to redesign the project. There was a mis-interpretation of those new requirements. The Applicant thought the Planning Board could waive the buffer, but they can't (a reduction would require a variance from the ZBA). The applicant revised the plan and moved the detention basin to conform. The Planning Board is

Ms. Schold asked if the Applicant had addressed DEP comments. Mr. Engle said many of the comments coincided with Mr. Quinn's comments. Ms. Schold asked if they had a written response to DEP comments. Mr. Engle went over responses. No test pits were done. Mr. Art Allen of EcoTec stated that there is substantial topsoil on the site.

Mr. Engle stated that the detention basin has been moved so that it's not in Zone A.

The Board reviewed the comment about the detention basin, and the need for calculations. The Applicant didn't agree with DEP's comment, but the consensus after discussion was that DEP's comment should be addressed.

DEP also commented on the potential for erosion. The Board noted that the site is heavily wooded. Mr. Parretti asked if they will clear all at once. Mr. Engle said yes. They'll be leaving stumps. Mr. Parretti emphasized that erosion control is the Applicant's responsibility.

Mr. Parretti suggest that Mr. Engle should follow up with DEP then come back. Mr. Marc-Aurele noted that he hadn't reviewed the revised plan and stormwater report. He asked about the level-spreader and erosion control. Mr. Parretti said they'd have to inspect the erosion controls before construction. Mr. Marc-Aurele strongly recommends hay bales and silt fence along the bottom of the slope. He's recommending hay bales rather than straw wattles, so water won't overtop.

Mr. Parretti said that the Commission's two concerns are to address DEP's comments and to have hay bales instead of wattles on the low side.

The Board continued the hearing to the meeting of September 12, 2018.

#### **Extension of Notice of Intent: Cedar Meadow Lake, DEP#197-0579 (Applicant: Cedar Meadow Lake Watershed District)**

Michelle Casper was present for the Applicant. It's already expired, but because it's a volunteer district they're just submitting the request. There's no plan to do treatment soon, but they want it extended since it's an expensive process to go through the permitting process. It would be a retroactive extension.

MOTION: Ms. Schold moved to extend Cedar Meadow Lake for 3 years as of March 11, 2018.

SECOND: Mr. Cooper

VOTE: All in favor.

#### **BOARD DISCUSSION ITEMS/MISCELLANEOUS**

##### ***2 Patrick's Drive (Applicant: Tyler Lussier)***

Ms. Buck explained that at the last meeting, the Commission had asked her to send a letter to the owner of 2 Patricks Drive related to erosion control related to an Emergency Certificate for installation of a water line. [She noted that in the meantime, she'd been contacted by the owner of 4 Patrick's Drive seeking and Emergency Certification for similar work. 4 Patricks Drive isn't on the agenda, but the owner would like to speak with the Board about the issue].

Mr. Parretti noted that the owner was supposed to file an RDA. The owner was asked to attend the meeting (by certified mail), and was not present. Ms. Schold said the Emergency Certificate was issued in April and they never filed the RDA. Mr. Marc-Aurele asked if the work has been done and stabilized. Ms. Schold said no.

The Board decided to postpone further discussion on this item until later in the meeting since no one was present for the Applicant and other people for other projects were in attendance.

##### ***4 Patrick's Drive (Applicant: Melvin Medina)***

Pierre Brouillard of GH Excavation was present for the Applicant. The Water supply comes from the school property and doesn't go down Patricks Drive. It has to cross the stream. He's proposing to dig on either side of the stream and pull the waterline under it without affecting the

stream. Ms. Schold asked how long the work would take. Mr. Brouillard said only a couple days. Mr. Brouillard explained that the stream is only about 2- 3 feet wide. It's not deep, the bank is only 8-10 inches above the static line. The water line is leaking. The service is already in place, it's just leaking profusely.

Mr. Paretti noted that the Applicant should have come in sooner since they've known it was leaking.

Mr. Brouillard said there's some brush that has to be removed, and the work should take no longer than a week. There was discussion of property boundaries and water district issues. The Leicester Water Supply District is planning to shut off the water if the leak isn't fixed. Existing service is ¾" and will be replaced with the same size. Ms. Schold noted that erosion was an issue with the neighbor's property at 2 Patricks Drive, and siltation affected neighbors, so her concern is with runoff.

Mr. Brouillard said he doesn't mind putting in wattles. Ms. Schold said straw wattles would be sufficient; he doesn't need hay bales.

There was discussion of the RDA process. There's a fee of \$50, applications have to be received 2 weeks prior to a meeting, and abutter notification is required

MOTION: Mr. Marc-Aurele moved to grant the Emergency Certificate for 4 Patricks conditioned upon filing of an RDA before the next Conservation Commission meeting on September 12, 2018 and straw wattles along the construction site.

SECOND: Mr. Cooper

VOTE: All in favor

### ***Oakridge Estates Update***

Arthur Allen from EcoTech was present. He's been the wetland scientist for this project since 2010. Justin Stelmok and John Stelmok (developeprs) are also present. Mr. Allen has been monitoring the site and directed some wetland restoration. He's prepared reports for the Commission. Based on his inspection this afternoon 80% of the open area is now covered and stabilized and they are excavating the wall and putting in geotextile per the structural engineer's recommendation. Siltation controls are in and holding. He's under contract to do post-precipitation monitoring until the site is buttoned up.

Mr. Paretti asked about the long-term prognosis. The permanent stabilization is to have the site covered. Mr. John Stelmok said they're doing work in accordance with recommendations from Yankee Engineering. Mr. Marc-Aurele noted that at the time of the site visit the developer had already reinforced the rock slope. Since then, based on the recommendation of the Conservation Commisison, Mr. John Stelmok is working with McClure Engineering. McClure is not a geo-technical engineer, so they hired Whitestone Associates. Whitestone is coming out to evaluate all the road slopes. There's no new work since the cease & desist, just stabilization work. Whitestone Associates' specializes in this type of work and they'll provide a plan.

Mr. Marc-Aurele said that the Commission won't need to review the structural engineer's plan, but will need certification for record that the slope is stable. Mr. Paretti said the issue will be to ensure that the plan will protect the wetlands from siltation. Ms. Buck noted that the walls be permitted by the Building Inspector, Jeff Taylor. Mr. John Stelmok noted that some of what we're discussing are rock slopes, not walls.

Steven Paquette, unit 72 at Oakridge Estates, said his concern is that if the wall behind units 22 & 24 is not taken apart and reconstructed we will have the same problem with siltation again in the future. Also concerned with steep slopes.

Mr. Marc-Aurele asked if the Planning Board has concerns. Ms. Buck said if it doesn't involve the road, not. Jeff Taylor will be reviewing. For the Planning Board, this is just backyard grading, not something that they'd review. Mr. Paretti suggested that that Mr. Paquette express his concerns to Mr. Taylor. The Conservation Commission's concern is with siltation.

Wayne LeBlanc, 50 Virginia Drive, wants the Commission to know that lawyers and engineers are involved. He suggested that the Conservation Commission also consider hiring an engineer. Mr. Parretti said this is all public record and residents are free to look at the record and submit any concerns to the Commission, and maybe the Building Inspector and Planning Board as well.

Mr. LeBlanc said the Homeowner's Association attorney has already submitted a public records request to the Building Inspector. They'll have an engineer review the record and information submitted by the developer.

Mr. John Stelmok said there will be a final from Mr. Roy at Whitestone Associates that will be provided to the Town.

Mr. Paquette asked about the siltation line and if it was in the buffer. Mr. Marc-Aurele said this project came in before the 25 foot no-disturb requirement, so it's right up to the wetlands. Mr. Paretti said this wouldn't happen on a newer project, but it's grandfathered.

Mr. Paquette asked what would happen if there was additional disturbance in the wetlands. Mr. Marc-Aurele said they'd have to look at it, and replication could be required if that happened. Mr. Parretti noted that work in the wetlands should be avoided.

Mr. Alan said the developer does not want to encroach further on the wetlands. If they did, they'd have to amend the NOI with the full permitting requirements.

Mr. Paquette asked how long the developer is responsible for the project. Mr. Paretti said it would be until the Certificate of Compliance. After that, it's the responsibility of the Homeowners' Association.

Mr. Allen noted that the existing Order of Conditions goes through 2020. Mr. John Stelmok said they want to be completely done by the Spring of 2020.

There was discussion of project modifications because of errors made by the prior engineer (related to location of the road within the right-of-way).

Ms. Buck said since there are representatives of the Homeowners' Association here, she wants them to relay to their attorney the need to narrow the scope of the public records request. The request, as currently written, would be thousands of pages of documents. Mr. LeBlanc said the attorney will revise the request to narrow the scope.

Mr. John Stelmok asked that the Commission lift the cease & desist.

MOTION: Mr. Marc-Aurele moved to lift the cease & desist and continue to move forward.

Second: Ms. Nist

VOTE: All in favor

### ***Performance Agreement for 690 Stafford Street***

Ms. Buck explained that the applicant submitted a check for the replication bond amount, and she prepared a Performance Agreement based on a template in the Conservation Commission files. The Board signed the Agreement.

### ***Forestry Complaint***

The Board reviewed correspondence related to a forestry complaint. There's no action required.

### ***211 Baldwin (complaint)***

Ms. Schold said she went there yesterday. It used to be an old summer camp, there's a long driveway. They are clearing and didn't apply for a forestry permit. Ms. Buck said she spoke with the owner, who indicated it was limited clearing. Mr. Paretti said we should refer to DCR. It would require Conservation Commission approval only if it's near wetlands. Ms. Schold said the owner is clearing large trees. The Board asked Ms. Buck to notify DCR and send a copy of the forestry bylaw to the owner.

### ***315 River Street***

Ms. Schold said that the wattle line is messy. There are gaps in the wattle line so it's not controlling erosion adequately. Mr. Marc-Aurele said that we should send a letter asking them to correct the wattle line. Erosion control is not in compliance, and should be brought into compliance within 7 days.

### ***63 Fairview Update***

The final decision is affirming the DEPs Superceding order and approving the project with two new conditions.

### **2 Patrick's Drive (Applicant: Tyler Lussier), continued discussion**

The Board resumed discussion. Mr. Marc-Aurele asked if it was stabilized. Ms. Schold said the owner didn't plant grass or put in wattles or do anything to control erosion. He just let the silt run into the drain. Board members reiterated that they required an RDA filing.

MOTION: Ms. Schold moved to impose a fine of \$100 per week if the owner doesn't file an RDA prior to the next Conservation Commission meeting. Motion: Mr. Paretti moved

Second: Mr. Marc-Aurele

VOTE: All in favor

### **Approval of Minutes: July 11, 2018**

MOTION: Mr. Marc-Aurele moved to approve the minutes of July 11, 2018.

SECOND: Ms. Schold

VOTE: All in favor

### **Application for Conservation Commission Vacancy (Sue Sears)**

Ms. Sears noted that she has interest in environmental issues and would like to serve on the Commission. The Board said they'd consider her application.

MOTION: Ms. Schold moved to adjourn.  
SECOND: Mr. Cooper  
VOTE: All in favor

The meeting adjourned at 8:40 PM

Respectfully submitted:  
Michelle Buck, Town Planner

**Documents included in meeting packet:**

- Agenda
- Letter to Commission from Coyle Engineering Dated 6/26/2018 requesting Certificate of compliance and Supporting Documents
- Public Hearing regarding 445 Pine St and supporting Documents
- Public Hearing regarding Mulberry St Solar Farm and Supporting Documents
- Letter From Cedar Meadow Lake dated 7/9/2018 requesting to retroactively extend the Order of Condition expired 3/24/2018
- Meeting notes dated 7/11/2018
- Letter from Planning Dept. Assistant to Mr. Lussier dated 7/16/2018 regarding Emergency Certificate (2 Patrick's Drive)
- Application of Commission Received 7/17/2018
- Site Visit Details from Matthew Marro dated 6/29/2018 (DEP 197-0541)
- Forestry Complaint dated 7/26/2018 From Chris Capone
- Oka Ridge Status Report to Commissioners dated 8/14/2018 with Supporting Documents

**Documents submitted at meeting:**

- Revised plans for Mulberry Solar