

**Town of Leicester Conservation Commission**  
**Meeting Minutes**  
**November 14, 2018**

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

MEMBERS ABSENT: None

IN ATTENDANCE: Michelle Buck, Town Planner and Wanda Merced, Department Assistant

MEETING TIME: 6:30 PM

AGENDA:

1. **Certificate of Compliance**
  - a) 470 Pleasant Street (197-0172)
2. **Request for Determination of Applicability (RDA)**

n/a
3. **Notice of Intent(NOI)**
  - a) Stafford/Wilson Extension Request (single-family home), DEP #197-0541
  - b) 500 Boutilier Solar (solar farm) continued, DEP #197-0640
  - c) 25 Lakeview Drive (house renovation/septic), DEP #197-0639
4. **Approval of Minutes**
  - October 24, 2018
5. **Board Discussion/Miscellaneous**
  - a) Ratify Airport Emergency Certificate
  - b) 211 Baldwin Street
  - c) 315 River Street
  - d) Auburn Solar Farm
  - e) Miscellaneous Project Updates/Site Inspection Updates

**Notice of Intent: 25 Lakeview Drive (house renovation/septic), DEP#197-0639**

Mr. Parretti read the notice into record.

Jason Dubois of DC Engineering & Survey, Inc. was present and submitted the Certificates of Mailing. Mr. Dubois discussed the property renovation and stated that they are looking to put a septic system across the street, which is outside the buffer zone. Mr. Dubois said that because of the location of the proposed driveway and the placement of the septic tank across the street, some trees will have to be removed to fit the pump tanks. He pointed out the proposed deck placement and the proposed retaining walls and stated that erosion controls are in place around the entire site. He stated that the site is currently a mixture of grass with scattered trees.

Mr. Parretti asked if the Board of Health is working on this with regards to the septic and Ms. Buck responded saying that they have not submitted to ZBA yet.

Ms. Schold asked if the previous owners were given a DEP number and Mr. Dubois said yes. Ms. Schold stated that there can't be two separate DEP numbers on the same property address. Mr. Marc-Aurele explained that the Order of Conditions is on the property not on the owner. Mr. Marc-Aurele asked if any work has been done and Ms. Schold confirmed that she was there today and no work had been done. Ms. Schold suggested that they look at the original Order of Conditions because it's very similar to what they are proposing here. She stated that they may

need to just do an amendment. Mr. Marc-Aurele said they'd have to close the previous DEP number first.

Mr. Marc-Aurele asked if the retaining walls are inside or outside the buffer zone and Mr. Dubois stated that they are inside the buffer zone and confirmed no work is taking place near water. Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public.

Mr. Parretti asked if Mr. Dubois wanted to continue this hearing to give him time to find out about the DEP issue and Mr. Dubois agreed to the continuance. Mr. Parretti also suggested that Mr. Dubois have DEP close out the old number.

Ms. Schold asked Ms. Buck if there was a way to check to see if there is an NOI already on this property and do they cross-reference? Ms. Buck said the database would need to be searched (it doesn't automatically check for prior Orders on the same property).

The Board continued the hearing so that Mr. Dubois can research the DEP issue.

**Certificate of Compliance, 470 Pleasant Street (Applicant: Ann Coomey)**

Glenn Krevosky of EBT Environmental Consultants, Inc. discussed the Order of Conditions that hadn't been closed out and his clients now want to sell the property. He explained that lawn clippings and leaves had accumulated over the years but that fill has since been removed. Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public.

MOTION: Mr. Marc-Aurele motioned to approve a Certificate of Compliance for 470 Pleasant Street.

SECOND: Ms. Schold

VOTE: All in favor

**Notice of Intent: Stafford/Wilson Extension Request (single-family home), DEP#197-0541**

Matthew Marro, Environmental Consultant who has been monitoring the project, discussed the need for the extension and submitted his site visit details taken on 10/12/2018. Mr. Parretti asked if the owner has built anything yet and Mr. Marro stated that his client hasn't built his home yet. Ms. Schold stated that there is equipment stored on the property and Mr. Marro confirmed that. Mr. Marro said that he has been going every month for inspections as required. He said that erosion issue has been addressed with a silt fence and hay bales and are working well. Mr. Parretti asked if he is going to starting building something sooner than later and Mr. Marro said yes. Mr. Marro said a single-family home is planned to be constructed in 2019.

Ms. Buck wanted to make some clarification and stated that even though it is this Commission's first extension, it was originally extended by 4 years through the Permit Extension Act back in 2012.

Mr. Parretti asked if anyone from the public had any comments. Mark Kall of 41 Virginia Drive asked the Board if they knew what was going on at the site and if they knew that there were logging trucks at all hours and large equipment kept at the site. Ms. Schold asked if this activity was recent or from a year ago and Mr. Kall stated that it had been within the last two weeks. Ms.

Schold stated that there were complaints about a year and a half ago about the property owner removing trees that he shouldn't have and the Board put a stop to that. Ms. Schold asked Mr. Marro if the owner is using the property as a "landing site" and Mr. Marro said that he was not. Mr. Marro explained that the owner did store tree trunks, which have since been removed. He further explained that the property owner does store some equipment on the property because he lost available storage that he was renting.

Ms. Schold stated that she was not sure if the property owner is allowed to store equipment on his property or not. She told Mr. Kall that the issue of storing equipment on the property is an issue for the Building Inspector. Ms. Schold reiterated to Mr. Kall that the storing of equipment is not a Conservation Commission issue.

Mr. Parretti told Mr. Kall that the applicant was here for the construction of a single-family home and nothing bigger. Mr. Kall asked about the access to the property and Ms. Schold said his driveway is on Stafford Street. Mr. Marro confirmed that access is located at 911 Stafford Street.

Mr. Parretti stated that he doesn't see a problem with the extension because it's only a single-family home. Mr. Kall asked if there was also a barn on the property and the Board confirmed that there is also a barn on the property. Mr. Parretti asked if there were any further comments from the public and there were no further comments.

MOTION: Ms. Schold motioned to approve the extension for 911 Stafford Street.

SECOND: Mr. Marc-Aurele.

VOTE: All in favor.

**Notice of Intent: 500 Boutilier Solar (solar farm), continued, DEP#197-0640**

Chris Anderson of Zero Point Energy Solutions III, LLC was present and stated that a DEP number had been assigned along with comments. Mr. Anderson distributed a revised Narrative for the Notice of Intent showing "**NO** work within 25-feet of the BVW". He also distributed copies of DEP's comments and his responses to those comments to the Board.

Mr. Anderson discussed the site and reviewed the proposed project. He stated that stormwater management is currently being reviewed by Quinn Engineering. Mr. Parretti inquired about the 25 foot no disturb zone and asked if absolutely no work was being done within that area and Mr. Anderson confirmed that was correct.

Mr. Parretti asked Mr. Anderson if he had sent his responses to DEP's comment to DEP and Mr. Anderson confirmed that he had not yet sent his responses to DEP. Mr. Parretti stated that the Board will need to hear from DEP regarding the responses submitted.

The Board reviewed and discussed each response with Mr. Anderson and Mr. Anderson clarified to the Board that this Notice of Intent is only for the solar array.

Ms. Schold mentioned that there is another solar property on Auburn Street that is having a lot of runoff issues. She stated that in the past few weeks there has been a lot of rain and asked Mr. Anderson if he's checked the area lately to make sure there isn't any run off issues. Mr.

Anderson answered that the storm water basins are designed to adequately accommodate the run off and there are no issues.

Ms. Schold asked if Kevin Quinn had looked at the stormwater issue and Ms. Buck said that he didn't have these comments yet. Ms. Buck explained that Mr. Quinn did an initial review and the applicant submitted the revised plans on Monday. Mr. Anderson stated that he will forward the comments to Mr. Quinn.

Mr. Parretti inquired about the right-of-way issue from the last meeting and asked Mr. Anderson if that had been resolved. Mr. Anderson told the Board that a professional land surveyor is actively looking into that issue. Mr. Parretti stated that this was not a Conservation Commission issue but he wants to make sure everyone is getting along. Ms. Buck stated that this issue has already been before the Planning Board and has been continued to December 4<sup>th</sup>.

Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public. Mr. Parretti asked if there were any comments from the Board and Ms. Schold stated that she would like to see what both the DEP and Mr. Quinn have to say. Mr. Parretti stated that he was more interested in Mr. Anderson sending his responses to DEP for them to agree on or continue their conversation in order to alleviate any issues they may have. He said it would be nice to give DEP a chance to comment on the responses.

Mr. Anderson stated that they need to have Conservation Commission approval so they can schedule National Grid in a timely manner in order to hook up with them. Mr. Parretti stated he was surprised that they were not more concerned about the Planning Board's approval. Ms. Schold reiterated that she was not ready to vote until she hears from DEP about Mr. Anderson's comments. Mr. Parretti reviewed the comments again with the Board. Mr. Anderson stated that they plan to have the Stormwater Pollution and Prevention Plan (SWPPP) program in place so there will be regulation inspections to make sure there are no erosion issues. Mr. Marc-Aurele suggested making a conditional approval.

Mr. Marc-Aurele asked about the access road and Mr. Anderson answered that it would be a compact gravel access road with 12 inches of packed gravel. Mr. Marc-Aurele asked about the access to the site and Ms. Buck stated that it was complicated and said that the Planning Board views access sufficient for a solar farm only. She said that the Planning Board decision will likely be very specific on that point. Mr. Parretti asked if the access road will be extended and Ms. Buck replied that it would not be extended; they are doing nothing to the road. Ms. Buck explained that the Planning Board's approval and decision will be tightly written so that it will be access only for a solar farm.

Ms. Buck explained to the Board that the subdivision plan that they submitted recently is for the sole purpose for the zoning freeze. She reiterated that submission was only to be exempt from the solar farm moratorium; they don't actually plan to construct a subdivision.

Mr. Marc-Aurele commented that we don't know if they actually have access to this site. Ms. Buck stated that no one has ever questioned the right to pass and repass on this road. She said it would probably take a court case to determine the final status of this road.

Ms. Schold asked Ms. Buck when the next meeting would be in December. Ms. Buck answered December 12<sup>th</sup> and Ms. Schold asked if the meeting could be pushed to December 19<sup>th</sup>. Ms. Schold commented that she did not want to be put under the gun to make a decision because the applicant is saying they need approval tonight because of National Grid. Ms. Schold stated that she wants to hear comments back from DEP. She stated that the responses were just submitted today and told Mr. Anderson that he should have submitted his responses two weeks ago so the Board would have had comments back from DEP. Mr. Parretti stated he did not disagree with her comments.

Mr. Marc-Aurele stated he felt the Board could condition the approval to protect the Commission and to protect the site. He said he is fine with making a decision on conditional approval. Mr. Parretti stated that the conditional approval would be based on stormwater management, DEP comments and Quinn Engineering's comments. Mr. Cooper agreed with Mr. Marc-Aurele.

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

MOTION: Mr. Marc-Aurele motioned to approve the Notice of Intent for the Solar Farm #3 on Boutilier Road subject to our normal construction site Order of Conditions, including also a moratorium on any future expansion or tree removal within the 25 foot buffer zone, including a copy of the General Construction Permit being submitted, along with notification of receipt of submittal to the Conservation Commission, as well as a copy of the SWPPP and that this be conditional upon approval from the Planning Board.

SECOND: Mr. Cooper

VOTE: Mr. Parretti, Mr. Marc-Aurele and Mr. Cooper in favor and Mr. Schold abstained.

## **BOARD DISCUSSION/MISCELLANEOUS**

### ***Ratify Airport Emergency Certificate***

Emergency Certificate discussed. Ms. Buck stated that when an Emergency Certificate is approved outside of a meeting, it needs to be ratified by the Board at the next meeting. The Board signed the certificate to ratify it.

MOTION: Ms. Schold motioned to ratify the Airport Emergency Certificate.

SECOND: Mr. Marc-Aurele

VOTE: All in favor.

### ***211 Baldwin Street***

Ms. Buck discussed the complaint received from Robert Fournier. Ms. Buck told the Board that she spoke with the owner in August who indicated that she was only doing minor clearing work. Mr. Buck said that the Board asked her to notify DCR to have them look into it and she has notified DCR. Mr. Parretti stated that this was not a Conservation Commission issue and that DCR will look into it and do their part.

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

Ms. Schold stated that she went to the property and it is good and almost completed.

### ***Auburn Solar Farm***

Ms. Buck stated that she sent a letter out a week ago to the new owner, Clean Capital. She received an email response saying their technicians are taking care of the issue now. Ms. Schold stated that she went by the other day and said it's still a mess. Mr. Parretti stated that he hasn't been by in a couple of weeks but understands nothing has changed. Mr. Marc-Aurele stated that he hasn't noticed any new material coming down but they still have not addressed the issues. Ms. Schold said she noticed silt still coming down from that site. Mr. Parretti suggested that every Board member make an effort to take a look and exchange emails on what they've seen. Mr. Parretti said once everyone has reviewed the site and if debris is getting on the roadway, he suggested sending a letter to them saying they need to fix the issues by a date specific time and failure to do so will result in a fine of \$300 a day.

### ***Miscellaneous Project Updates/Site Inspection Updates***

#### **Stiles Reservoir**

Ms. Buck said Robert Fournier is appealing the Order of Conditions for the drawdown. Ms. Buck passed out the email that she just received that afternoon from DEP about a request to extend the drawdown for the Board to discuss. Mr. Parretti stated that if DEP is looking for a comment from the Board, he said the Board should tell them that it's his recollection that DEP's general recommendation is not to extend these lake approvals indefinitely and ask them why they are extending one that has already gone on for 12 years now. Ms. Schold asked why they haven't done an NOI with the Conservation Commission and why are they still under a Superseding Order? Mr. Marc-Aurele stated that the Board should comment that they have received the request to extend the drawdown for Stiles Lake and they suggest it only be related to construction and repairs and not extend the general drawdown.

#### **2 Patricks Drive**

Ms. Schold stated that this property is a mess. She said the owner still hasn't put any grass seed or anything down and the mud is still going into the basin. Ms. Schold said she will take some pictures to see what the Board thinks.

### **Approval of Minutes: October 24, 2018**

MOTION: Mr. Marc-Aurele moved to approve the minutes of October 24, 2018.

SECOND: Ms. Schold

VOTE: All in favor.

Next meeting December 19<sup>th</sup>.

MOTION: Mr. Marc-Aurele moved to adjourn.

SECOND: Ms. Schold

VOTE: All in favor.

The meeting adjourned at 7:55 PM.

Respectfully submitted:

Wanda Merced, Department Assistant

**Documents included in meeting packet:**

- Agenda
- Letter to Commission from Glenn E. Krevosky dated 10/31/2018 requesting a Certificate of Compliance for 470 Pleasant Street DEP#197-0172 and supporting documents
- Email to Commission from Matthew S. Marro requesting an extension for Order of Conditions for Stafford Street DEP#197-0541 and supporting documents
- Comments from DEP for 500 Boutilier Road DEP#197-0640
- Notice of Intent for 25 Lakeview Drive and supporting documents
- Meeting Minutes dated 10/24/18
- Emergency Certificate for breaching of beaver dam at Worcester Airport

**Documents submitted at meeting:**

- Report to Conservation Commission dated November 14, 2018 from Matthew Marro regarding 911 Stafford Street DEP #197-0541
- Revised Narrative through November 14, 2018 for Boutilier Solar 3/500 Boutilier Road DEP #197-0640
- Responses from Hannigan Engineering, Inc. to DEP's comments dated November 14, 2018 for Boutilier Solar 3/500 Boutilier Road DEP #197-0640
- Extension request from DEP dated November 9, 2018 regarding Stiles Lake DEP #197-0391