

Leicester Conservation Commission
Meeting Minutes

Minutes of April 15, 2015

Members present: Steve Parretti, Chairman; JoAnn Schold, Joshua Soojian, Jim Cooper

Meeting called to order at 6:40PM

Certificate of Compliance

61 Fairview Drive (Corey & Tommy Lee)

No one was present representing this request.

Ms. Schold visited the property and found the site to be stable and in Compliance. A letter from the Engineer did not accompany this request.

MOTION: Mr. Soojian moved to issue the Certificate of Compliance for 61 Fairview Drive

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

Request for Determination of Applicability

CSX – Right-of-Way Cont. (5-yr. veg.maint.pl.)

No one was present representing CSX.

The site walk scheduled did not take place due to a mix up on the meeting place.

After some discussion, the Commission agreed a site walk was needed before making a Determination.

MOTION: Ms. Schold moved to continue the Request for Determination until the May 13th meeting and to reschedule the site walk before said meeting.

SECONDED: Mr. Soojian – Discussion: The Board Secretary will work on setting up a meeting day, time and place. VOTE: All in Favor

468 Auburn Street Cont. (used car sales-Anthony Brooks)

This was continued to allow the Commission to visit the site and be shown where the applicant wanted to do clean up. The members agreed that the work described did not require the filing of an NOI.

MOTION: Mr. Soojian moved to recommend 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.”

SECOND: Ms. Schold – Discussion: No Conditions were necessary.

VOTE: All in Favor

Notice of Intent

Worcester Airport Cont. – Taxiway Project (Stewart Dalzell)

Ms. Lisa Standley of VHB Environmental Engineering and Mr. Stewart Dalzell of MassPort were present.

Mr. Dalzell gave a brief review. Back in February, they asked for approval to do work in the wetlands. The area of wetlands the Commission did the site walk was the proposed mitigation area. In the interim, there was additional detail submitted on the soil erosion and sediment control. A site walk was conducted that Art Allen, the environmental consultant retained by the Commission, was able to attend. At this point, discussion was turned over to Lisa Standley.

Ms. Standley reviewed the site walk results and the additional materials submitted. She explained the updated plans included more detailed designations of the types of erosion control that will be used and their specific locations. The plans specified straw wattles in areas where work is proposed within the 100-foot buffer zone or riverfront area, but more than 50-feet from the wetland edge.

At the taxiway and glide slope and in areas where work is proposed within 50-feet of the wetland edge, the use of both straw wattles and silt fence were specified.

The Commission reviewed the Site Evaluation letter from Art Allen, the Environmental Consultant on this project and in the letter DEP suggested for the Commission to consider having the final design of mitigation area submitted for review and approval prior to construction. This would allow the Order of Conditions to be issued while the proponents are doing additional fieldwork and design required to finalize the mitigation area details.

Ms. Standley was asked if there would be any objection with the Commission incorporating those comments into the Order of Conditions.

Ms. Standley and Mr. Dalzell stated having no objections.

Mr. Parretti asked for any further comments or questions; hearing no further discussion, asked for a motion.

MOTION: Ms. Schold moved to approve the Notice of Intent filed by Stewart Dalzell of the Massachusetts Port Authority for the purpose of construction a partial-parallel taxiway; upgrades to the instrument landing system and installation of navigational aids on property owned by MassPort for project located at the Worcester Regional Airport, Leicester, Ma.

With the **condition** that the final design of the mitigation area be submitted for review and approval prior to start of construction, allowing the Order of Conditions to be issued while the proponents do additional field work and design required to finalize the mitigation area details. The Commission is to be notified prior to the start of construction, so a site inspection can be conducted; and that a construction schedule be submitted to the Commission prior to start of any site work.

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

100 Stafford Street – Solar Project PowerSecure Solar)

Mr. Joshua Crumpler of Kleinfelder Engineering represented the project request.

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

Mr. Crumpler explained that PowerSecure was proposing to build and construct a solar farm with appropriate Stormwater and erosion control measures. The proposed solar site is located in the southern portion of Leicester, known as Cherry Valley, and it's off of Stafford Street. It's a 45 acre site owned by National Grid, zoned Business Industrial (BI-A) that is currently vacant and wooded. The proposed development is approximately 1.0-megawatt (AC) photovoltaic solar array facility that will be place on 15 acres of the site. The site contains two wetlands, one to the east and one to the west and one intermittent stream to the west. The site is split by an existing ridgeline and drains both to the east as well as to the west. Access to the site will be a 700 linear foot gravel access road and the site will contain a 190-square foot inverter pad.

Michelle Buck, Town Planner noted the Planning Board's application missing the deed reference and it was reference wrong on the Conservation application. Mr. Crumpler agreed to correct it.

The Commission asked if there would be any wetlands filled; if the site had been flagged and for a review on the design plan for the hay bale/silt fence line. Mr. Crumpler explained there wouldn't be any wetlands filled and were staying outside the wetlands. The property was flagged back in November 2014 and the project will be within the 50-foot setback. Any tree clearing will not involve stumping and the hay bale/silt fence plan submitted was reviewed.

Ms. Nancy McCue, 402 Stafford Street was concerned with the public hearing notice stating the project was located at 100 Stafford Street, when there wasn't a 100 Stafford Street. She was curious as to where the property was actually located.

Ms. Buck stated the same concern.

The Commission recommended that the property be reflagged and to have the corners of the project staked out. They also want the access drive location marked out and to show how wide the access drive will be.

Mr. Parretti recommended continuing the public hearing to the next meeting on May 13th allowing the applicant to respond to the Board's recommendations and for the Commission to do a site walk before meeting.

Ms. McCue asked if the project will be elevated. She had concern with the runoff entering onto her property. Mr. Crumpler said slightly elevated and water runoff will not enter into the neighboring property.

MOTION: Ms. Schold moved to continue the public hearing on the Stafford Street Solar Project to May 13, 2015.

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

Ms. McCue asked to be notified when the site walk would take place.

81 Waite Street-single family dwelling (Bob Fawls)

Ms. Diane Simonelli of Field Resources, Inc. and Mr. Robert Fawls represented this application request.

Mr. Parretti informed the applicant that the DEP number was not received and the public hearing will need to be continued. He explained the public hearing could still be opened and the application can still be presented, but a vote cannot be taken.

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

Ms. Simonelli explained that the site consists of .19+ acres. It's a rectangular shaped parcel located on Waite Pond. There is currently a single-family home with an addition on the front and back, with a deck on the north side and a large shed 5-feet from the edge of the pond. The existing house is completely within the 100-foot buffer to the high water mark to Waite Pond and a large portion of the shed is within the 25-foot buffer.

The potential work is to raze the existing shed, cesspool and single-family structure, with the removal of three trees.

Approximately 2,560+ square feet of the lot within the 100-foot buffer will be regarded with a large boulder wall on the westerly lot line for the construction of the new single family home. The shed will be removed from the site with a machine that will sit up gradient and outside the 25-foot buffer. The cesspool will be demolished and filled as required by state code. The trees will be brought down by hand held machines within the 25-foot buffer and haybale line.

No earthwork is proposed within the Land Under Waterbodies and Bordering Land Subject to Flooding making improvements to the 25-foot buffer and 100-foot buffer.

Ms. Buck noted Ms. Ellen Arson, previous property owner, stopped by the office and wanted to let the Commission know that she was all in favor of these improvements.

Hearing no further discussion; Mr. Parretti asked for a motion to continue.

MOTION: Ms. Schold moved to continue the public hearing on 81 Waite Street to May 13th.

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

Board Discussion

- Project updates

Stafford Street application fee

Still under review

Amendment submitted to Bylaw Committee

The Bylaw amendment was submitted to the Bylaw Committee for review and then will be placed on the warrant for Town Meeting. The proposal is taking the fees out of the General Bylaws, which will allow the Commission to rewrite the fees into Regulations.

Cedar Meadow NOI

A complaint was received from Mr. Ray Shea, who owns property along Cedar Meadow Pond. The complaint was in regards to the Cedar Meadow NOI. He expressed not receiving the notice before the meeting and is now claiming that the application was allowing trespassing onto his property. He noted not giving anyone the right to trespass onto his property.

After some discussion, the Commission agreed being unable to look into Mr. Shae's complaint because Mr. Shea will not allow the Commission onto his property.

They also agreed that the Cedar Meadow Assoc. abided by the regulations and this was not a Conservation issue. It was a private property dispute, not to get involved and advise Mr Shea to Appeal to DEP.

New Business

- Miscellaneous Project Updates

Request from Town Administrator

A request was made by the Town Administrator regarding the transfer of NOI funds.

The Commission had concern on taking a vote on a request that was not specifically stated on the agenda.

After some discussion, the Commission agreed to give a conditional approval, but in the meantime, check with DEP and the Attorney General's Office to make sure it was not violating the Open Meeting Law.

MOTION: Ms. Schold moved to approve the transfer of \$2,750.00 from the Town's Wetland Protection Act revolving fund to cover a portion of the Conservation Agent's annual salary.

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

Lot 7 Conway Drive

A call was received from perspective buyers for Lot 7, Conway Drive asked whether a single-family home can be built on lot 7 under the current Order of Conditions. The Commission agreed it would be allowed, as long as the work does not go outside what was originally approved. If the scope of work goes outside of what was approved, they will need to apply for an amendment to the Order. Upon further review the Order will need to be extended, because it will expire on June 2015.

Paxton Street to Hyland Ave resurfacing/restructuring

Mr. Jay Hall of CJ Consulting called inquiring whether the Highway Department would be exempt from NOI filing fees. The Highway Department will be looking to do resurfacing and some restructuring of Paxton Street from Main Street to Hyland Ave. sometime in the near future. It was found stated in the Bylaw that municipality fees would be waived.

Another question was whether the proposed work can be done under the Highway's current Order of conditions. The Commission agreed that would depend on the extent of work being proposed.

Approval of Minutes

3/18/2015

MOTION: Mr. Soojian moved to approve the minutes of March 18, 2015

SECONDED: Ms. Schold – Discussion: None; VOTE: 3-In Favor / 1 Abstained (Mr. Cooper)

Hearing no further comments or 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 8:00PM

Respectfully submitted:

Barbara Knox

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