

Town of Leicester Conservation Commission
Meeting Minutes
April 15, 2020

[Note: This meeting was held remotely using GoToMeeting]

MEMBERS PRESENT: Stephan Parretti, Chair, JoAnn Schold, Dawn Marttila,

MEMBERS ABSENT: James Cooper, John Marc-Aurele

STAFF PRESENT: Michelle Buck, Town Planner; Tiffany Peters, Department Assistant

MEETING TIME: 6:30 PM

AGENDA:

1. Certificate of Compliance

- a) 1749 Main St., Marc Curtis (DEP#197-0574) bring in clean fill to level land around existing house
- b) 1749 Main St., Marc Curtis (DEP#197-0600) paved driveway and drive aisles
- c) 27 Parker St., Gerald & Laurie Norman (DEP#197-0537) single family home
- d) 220 Baldwin St., Matt Schold (DEP#197-0628) single family home
- e) 3 Flagg Drive, Barbara Flagg (DEP # 197-181), exploratory well drilling 1997
- f) 3 Flagg Drive, Barbara Flagg (DEP # 197-223), single-family home 2000

2. Request for Determination of Applicability (RDA)

- a) 2 Lynde Brook Drive (RDA 2020-02) Applicant: Barbara Tomolonius, installation of new septic system to replace failed system
- b) 15 Fairview Drive (RDA 2020-03) Applicant: John Krol, completion of paving driveway, finish landscaping including installation of grass swale along property line
- c) 3 Oak Bluff Lane (RDA 2020-04) Applicant: Central Land Development Corp, Construction of single-family dwelling w/ attached garage, associated septic, well, driveway
- d) 25 Rawson Drive (RDA 2020-05) Applicant: Vincent Tiscione, Removal of 9 trees within 100' of shoreline
- e) CSX Right-of-Way (RDA 2020-06) Applicant: CSX Transportation, 5-year vegetation management plan
- f) 211 Baldwin Street (RDA 2020-07) Applicant: James & Jennifer Mercier, Installation of 1000 ft of underground conduit and the removal of tree stumps

3. Abbreviated Notice of Resource Area Delineation (ANRAD)

- a) 408 Stafford, Applicant: Kellie Doherty (DEP # Pending) Survey of 45-acre parcel

4. Order of Conditions Extension Request:

- a) Stiles Lake Water District c/o Jason Lussier (DEP # 197-0607)

5. Approval of Minutes:

- a) January 14, 2020
- b) February 11, 2020

6. Board Discussion/Miscellaneous

- a) Miscellaneous Project Updates/Site Inspection Updates
- b) Correspondence/Other New Business
- c) Mulberry Solar update

Certificate of Compliance Requests

1749 Main St., Marc Curtis (DEP#197-0574)

Mr. Parretti positively confirms with Ms. Buck that we have a letter from an engineer confirming that everything has been done to substantial completion. Mr. Parretti asks if anyone from the Board has any questions regarding this address. Ms. Schold states that she visited the site and that she does not have any issues with it. She states that they still have some silt fence on the westside, lower crest of the hill which she thinks should stay in place and would like to see wattles there, otherwise he could dig it out in another 6 months. Mr. Parretti agrees that it should be left there. Mr. Parretti asks if there is anyone from public that would like to discuss 1749 Main Street. There is none.

Motion: Ms. Schold moved to issue Certificate of Compliance for 1749 Main Street

Second: Ms. Marttila

Roll Call Vote: All in favor (3-0-0)

1749 Main St., Marc Curtis (DEP#197-0600)

Mr. Parretti states that this Certificate of Compliance is for paving the driveway and the prior one (DEP # 197-0574) was for leveling the land around the existing house and confirms that Ms. Schold's comments stand for this request. Mr. Parretti asks if there any questions from the public. There are none.

Motion: Ms. Schold moved to issue Certificate of Compliance

Second: Ms. Marttila

Discussion: None

Roll Call Vote: All in favor (3-0-0)

27 Parker St., Gerald & Laurie Norman (DEP#197-0537)

Mr. Parretti asks if there are any comments from the Board. Ms. Schold states she went there yesterday and that everything is stabilized, there is no silt fence to be seen and that she is voting yes. Mr. Parretti states that we have a letter from an engineer also stating everything has been substantially completed. Mr. Parretti asks if there are any questions from the public. There are none.

Motion: Ms. Schold moved to issue Certificate of Compliance

Second: Ms. Marttila

Discussion: None

Roll Call Vote: All in favor (3-0-0)

220 Baldwin St., Matt Schold (DEP#197-0628)

Due to lack of quorum, (Ms. Schold recused herself) this request was moved to the 5/13/2020 Conservation Commission meeting agenda.

3 Flagg Drive, Barbara Flagg (DEP # 197-181)

Mr. Parretti states that there are two requests for Certificates of Compliance for 3 Flagg Drive. One for exploratory well drilling from 1997 and another for a single family from 2000. Mr.

Parretti asks if there is anyone in the meeting for this request. No one comes forth. Mr. Parretti asks Ms. Buck if we have received a letter from an engineer for this request. Ms. Buck states that for DEP # 197-181 the Commission previously issued a Certificate of Compliance on February 10, 2000 which was misplaced and never recorded. This will be a reissuance. Ms. Buck states that for DEP # 197-223 we do not have any other information. Mr. Parretti asks if the Commission needs to vote on this since it was voted on in 2000 and if they could just bring the certificate to be registered. Ms. Buck states this cannot be done because we only have a photocopy and not the original and that this is basically a re-issuance. It was determined that this was from before the house was built and pertained to the well drilling only.

Motion: Ms. Schold moves to re-issue the previous Certificate of Compliance for 3 Flagg Street

Second: Ms. Marttila

Discussion: None

Roll Call Vote: All in favor (3-0-0)

3 Flagg Drive, Barbara Flagg (DEP # 197-223)

Mr. Parretti begins discussion on Certificate of Compliance for the construction of the home and states that we do not have a letter from an engineer for this. Glenn Krevosky speaks on behalf of this application, stating that Engineer, Bill Coyle is reluctant to issue a compliance letter because the shed in the back is right on the wetland. Mr. Krevosky states that there is also a carport and swimming pool is possibly adjacent to the intermittent stream on the plan. Mr. Parretti states that since we do not have an engineer letter and there are some issues that this should probably be sent back to the applicant and that the applicant could meet some of the Commission members at the site to address concerns. Mr. Krevosky states the seller of the home was in agreement to do an as-built but they want everything correct for the buyer that is already in the house. Mr. Krevosky states that he is looking to receive a photocopy of the plan. Ms. Buck advised that those documents were sent to him. Mr. Parretti states that this can be pushed off until we have more information.

Motion: Ms. Schold motioned to continue this Certificate of Compliance for single family

Second: Ms. Marttila

Discussion: None

Roll Call Vote: All in favor (3-0-0)

Request for Determination of Applicability (RDA)

2 Lynde Brook Drive (RDA 2020-02)

Mr. Parretti reads hearing notice. Mr. Jason Dubois is representing the applicant. Ms. Buck shares plan on the screen. Mr. Dubois states that the existing failed septic system is in the same vicinity of where the new one is proposed on the plan. Mr. Dubois states there is a shared well across Lynde Brook Drive and Lynde Brooke River on the plan. He states they are outside the 100-foot buffer of the shared well. Mr. Parretti asks if the Board of Health has reviewed this. Mr. Dubois states that Board of Health Agent reviewed it and states it needed Conservation Commission approval before she could sign off on it. Mr. Parretti asks if anyone on the Board had questions about this. Ms. Schold states that she visited site and she did see the orange markers for the work. She said that there is a slope there that goes down towards the neighbor. She asked if they planned on putting up any wattles. Mr. Dubois states that he does have an

erosion control barrier that begins at the bottom of the slope that is straw wattles. Ms. Schold states she would like to see barriers wrapped around the work area, especially where the slope is near the neighbor's house. Mr. Dubois states it will be around the entire work area. Mr. Parretti asks if there are questions from the public. There are none. Ms. Buck states that they are requesting a negative 5 determination. Mr. Dubois states that he checked off negative 5 because it specifies about work in the riverfront area but that he is ok with the Board issuing a negative 3 determination.

Motion: Ms. Marttila moved for negative 3 determination

Second: Ms. Schold

Discussion: None

Roll Call Vote: All in favor (3-0-0)

15 Fairview Drive (RDA 2020-03)

Mr. Parretti reads hearing notice. Lawyer, Don O'Neil, states he is representing the applicant. Mr. Glenn Krevosky states that he is representing the Mercadantes, abutters, and states that he was present at the site inspection. John Krol, the applicant is also present. Mr. Parretti states that at the site meeting he believes that they were able to come to an understanding between the Mercadantes and Mr. Krol on what needed to be done to complete the driveway terms of the swale and siltation issues. Mr. Krevosky, Mr. O'Neil and Mr. Krol agree with this. Mr. Krol states that he has appeared before the Board twice before and that most of the work has already been completed except for the driveway. He states that the concern about the runoff is why they are proposing the swale. He states that the filtration fence and hay bales are still in place. He states they are just looking to finish up and add the swale to address the concerns of the Mercadantes. Mr. Krevosky states that the Mercadantes are satisfied with the proposed conditions. Mr. Parretti asks if anyone from the public has questions. There were none. Ms. Schold states she visited site and it is stable.

Motion: Ms. Schold moved for negative 3 determination

Second: Ms. Marttila

Discussion: None

Roll Call Vote: All in favor (3-0-0)

3 Oak Bluff Lane (RDA 2020-04)

Due to lack of quorum (Ms. Schold recused herself), this RDA is moved to the 5/13/2020 Conservation Commission meeting agenda.

25 Rawson Drive (RDA 2020-05)

Mr. Parretti reads hearing notice and asks if there is a representative present. Applicant, Vincent Tiscione, is present. Mr. Tiscione states he wants to remove trees due to branches falling on his deck and yard areas. Mr. Parretti states he has visited the site and is concerned because some of the trees are right on the bank and when taking them down, they would likely fall in the water and the erosion of the bank once the trees are removed. Mr. Tiscione states that a crane would be used to remove the trees in pieces and the moved by the crane to the driveway where they would be chopped. Mr. Parretti inquired about erosion control, specially near the shed. Mr. Tiscione states he does not have a plan for erosion once the trees have been removed. Mr. Parretti states he would like to have a meeting with the applicant and the person who is going to

take the trees down to discuss removal and stabilization of the soil. Ms. Schold states she visited site and was concerned as well. She asks if the applicant is planning on leaving the tree stumps in the ground. Ms. Tiscione states that he is not removing the stumps except for the oak tree near his fire pit. The Board agrees to have a site meeting.

Due to the need for a site meeting with applicant and the Board, this RDA is moved to the 5/13/2020 Conservation Commission meeting agenda. The Board will meet on site on 4/18/2020.

CSX Right-of Way (RDA 2020-06)

Mr. Parretti reads hearing notice and asks if there is a representative of CSX present. Mr. Steven Herzog of Wood Environment Infrastructure is present and is representing CSX. He states that CSX manages the weeds on the tracks using herbicide application annually. Every five years they are required to renew their vegetation management plan. Part of that plan is filing a RDA to seek confirmation of the location of wetlands with each municipality in which the tracks pass through as they are not permitted to spray herbicide within 10 feet of a wetland or water body. Mr. Herzog explains the areas where the railroad runs through Leicester. Mr. Parretti asks if anyone from public has questions. There were none.

Motion: Ms. Schold moved for negative 3 determination

Second: Ms. Marttila

Discussion: None

Roll Call Vote: All in favor (3-0-0)

211 Baldwin Street (RDA 2020-07)

Mr. Parretti reads hearing notice. Mr. Krevosky is representing the applicant. He states that the property owner is going to underground conduit at the edge of the slope of the existing driveway. Ms. Buck shares a copy of the plan on the screen. Question is raised about correct address for this property; it is confirmed by Ms. Buck and Mr. Glenn Krevosky that 211 Baldwin is correct. Mr. Parretti states that they have previously visited this site for tree removal on a previous RDA and confirms with Mr. Krevosky that they are now looking to install an underground electric duct bay to where the house is going to go. Mr. Krevosky refers to the plan and indicates that the house is a distance from the wetlands. He states the conduit would be on the opposite side of the driveway and would be simple, 2-foot-wide trench. Mr. Krevosky states that the closest wetlands are across the street and is approximately 25-30 feet away.

Ms. Schold states she visited the site and asks if trees on the property are going to be removed to install the conduit. He states that according to the plan there are trees and stump to be removed. Ms. Marttila asks if the driveway can be moved to avoid removing trees. Mr. Krevosky states that this is an existing driveway that was installed when owned by the Girl Scouts and moving it would require removing more trees. It is adjacent to the wetlands on the west side and on the east side is the tree to be removed and conduit. He states that he reviewed the soils on the east side of the driveway, and it was not dominated by wetland plants but that a tree does need to come out in order to install the conduit. Ms. Schold suggests installing a few wattles so that it does not interfere with the wetlands. Mr. Krevosky states that he will install wattles where requested by the Board. Mr. Parretti points out 20-40-foot area on plan that he would recommend putting wattles. Mr. Krevosky states that they are going to mulch the trench and add

wattles. Mr. Parretti asks Ms. Buck to add wattles to plan since we are not in the meeting room and able to manually add it. Ms. Marttila asks if tree stump will be left in place. Mr. Krevosky states the stump on the east of the driveway where the conduit is going will be removed. He states that as a condition they will ensure that the area is backfilled, loomed, seeded and mulched for every tree stump within 100 feet. Mr. Parretti asks if there are comments from the public. There are none.

Motion: Ms. Schold moved for negative 3 determination

Second: Ms. Marttila

Discussion: None

Roll Call Vote: All in favor (3-0-0)

Abbreviated Notice of Resource Area Delineation (ANRAD)

408 Stafford Street (DEP # Pending)

Mr. Parretti asks if we have a DEP # for this. Mr. Gregory Russo from TRC is present and representing the applicant. He states he completed the delineation of the site. He states that he has not yet received a DEP number for this. Mr. Parretti states that since there is no DEP number that this needs to be moved to the next agenda.

Due to lack of DEP number (DEP # Pending), this ANRAD is moved to the 5/13/2020 Conservation Commission meeting agenda.

Order of Conditions Extension Request:

Stiles Lake Water District c/o Jason Lussier (DEP # 197-0607)

Mr. Parretti states he believes that this is the first extension of Order of Conditions requested by Stiles Lake Water District. Mr. Parretti states that the DEP has advised against multiple extensions for the water districts but that since this is the first request, he does not have an issue with it. The Board members agree. Mr. Parretti asks if there is anyone from the public wished to speak on this. There were none. Ms. Buck added that the current Order of Conditions expires on June 19, 2020.

Motion: Ms. Schold moves to approve a 3-year extension on the Order of Conditions

Second: Ms. Marttila

Discussion: None

Roll Call Vote: All in favor (3-0-0)

Approval of Minutes:

January 14, 2020

Due to lack of quorum, approval of 1/14/2020 minutes moved to next meeting

February 11, 2020

Motion: Ms. Schold moves to approve meeting minutes for 2/11/2020

Second: Ms. Marttila

Discussion: None

Roll Call Vote: All in favor (3-0-0)

Board Discussion/Miscellaneous

Mulberry Solar update:

Ms. Buck states that at the March 24, 2020 Planning Board, the Board meeting lifted the cease and desist and approved a forest restoration plan. The only work they are currently allowed to do is site stabilization and planting of the trees. They cannot install solar panels until the restoration is complete. Mr. Parretti asks how their siltation protection is going. Ms. Schold states that from what she has seen the site appears stabilized on the road area. Mulberry Solar Project is to continue with their restoration plan.

Site Visits

Ms. Marttila inquires on whether they should do site visits prior to next meeting. Mr. Parretti states that they are doing a site visit for 25 Rawson Street on Saturday. He asked that it be included in bold lettering on next agenda to please conduct site visits as which time the Commission can email amongst themselves to schedule said visits. Ms. Schold advises that she was able to obtain rough draft of agenda from the department assistant in order to obtain addresses for site visits due to the extensiveness of the meeting. Ms. Buck confirms that the next meeting will be virtual and advises the Commission that each application that is received is posted online on the Conversation Commission page. They are typically posted within a day or two of receipt.

445 Pine Street

Ms. Marttila asks about the status of requests by Susan Shea of 445 Pine Street for the Commission to come to her house and identify invasive species. Ms. Buck states that she was advised to hire a wetlands specialist. Mr. Parretti states that she should be referring to her wetlands plan. Ms. Schold states that herself and Ms. Marttila visited the site, but they did not feel comfortable telling her what to remove. It is concluded that she needs to speak to a wetlands specialist.

Special Meeting

Ms. Buck inquires as to whether the Commission wants to have a special meeting for the agenda items that they did not have a quorum on. Mr. Parretti advises that an email be sent to the Commission regarding interim meeting and they move forward with meeting if Board members agree.

Motion to Adjourn

Motion: Ms. Schold moved to adjourn

Second: Ms. Marttila

Discussion: None

Roll Call Vote: All in favor (3-0-0)

Meeting adjourned at 7:53pm

Respectfully submitted:

Tiffany Peters, Department Assistant

Documents included in meeting packet:

- Agenda
- Memo to the Board from Town Planner dated 4/8/2020
- List of Certificate of Compliance Applications
- Letter from Green Hill Engineering for DEP # 197-0574 dated 2/15/2016
- Letter from DC Engineering & Surveying Inc for DEP # 197-0600 dated 2/5/2020
- Letter from Coyle Engineering for DEP # 197-0537 dated 3/7/2020
- Affidavit of Site Work Completion for DEP # 197-0628
- Certificate of Compliance for DEP # 197-181 issued 2/10/2000
- Hearing Notice for April 2020 Conservation Hearings
- List and brief summary of RDA applications
- Letter from TRC Companies regarding ANRAD for 408 Stafford Street dated 3/12/2020
- WPA Form 4A ANRAD Application for 408 Stafford Street
- Conservation Commission Meeting Minutes for 1/14/2020
- Conservation Commission Meeting Minutes for 2/11/2020

Documents submitted at meeting: N/A