

**Town of Leicester Conservation Commission
Meeting Minutes
July 22, 2020**

[Note: This meeting was held remotely using GoToMeeting]

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

MEMBERS ABSENT: John Marc-Aurele

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

MEETING TIME: 6:30 PM

AGENDA:

1. Board Re-Organization

2. Certificate of Compliance

- a) 6 Hammond Street, William Klansek (DEP#197-0547) installation of subservice disposal system, tree clearing, removal of screen porch & cottage

3. Request for Determination of Applicability (RDA)

- a) 140 Green Street (RDA 2020-09) Applicant: Brian & Cheryl Hallen, Construction of a 41' x 8' farmers porch on the front of home
- b) 2 Oak Bluff Lane (RDA 2020-10) Applicant: Central Land Development Corp, Construction of a single-family dwelling with attached garage

4. Notice of Intent (NOI)

- a) 5A& 5B Virginia Drive (DEP # 197-0659) *continued*, Applicant: John Stelmok, Construction of duplex dwelling with utilities, driveway and landscaping
- b) Worcester Regional Airport (DEP # Pending) Applicant: Mass Port Authority, removal of wetland vegetation identified as obstructions to the airspace
- c) 6 Hammond Street (DEP # 197-0660) Applicant: William Klansek, construction of screen house and creation of beach area

5. Approval of Minutes:

- a) June 10, 2020

6. Board Discussion/Miscellaneous

- a) Miscellaneous Project Updates/Site Inspection Updates
- b) Correspondence/Other New Business
- c) 15 Bond Street (Cease & Desist)

Meeting called to order at 6:38PM

Board Re-Organization

The Chair states he will entertain a motion for Board re-organization.

Motion: Ms. Schold moved to keep the Board as is until there is a change in members

Second: Ms. Marttila

Discussion: None

Roll Call Vote: (3-0-0)

Certificate of Compliance:

6 Hammond Street (DEP # 197-0547)

Mr. Jason Dubois states that they are looking for a Certificate of Compliance on the Order of Conditions for DEP # 197-0547 which was for construction of the house and septic system. He states that they want to do additional work on the property, so they are trying to resolve this Certificate of Compliance. A letter from Mr. Dubois stating that the work was satisfactorily completed was provided. Ms. Schold states she visited the site and agrees that the site is stable.

Motion: Ms. Schold moved to approve Certificate of Compliance for DEP # 197-0547

Second: Ms. Marttila

Discussion: None

Roll Call Vote: (3-0-0)

Request for Determination of Applicability (RDA):

140 Green Street

Mr. Glenn Krevosky of EBT Environmental Consultants, Inc. is representing the applicant. He states that they are proposing a simple farmer's porch with five anchor bolts going into the ground. He states that it is 50 feet from the wetlands. Mr. Parretti states he visited the site which is a flat area and the method they are using would not create siltation. Ms. Marttila asked for clarification regarding the use of anchor screws. Mr. Krevosky provided clarification.

Motion: Ms. Schold moved for a negative 3 determination

Second: Ms. Marttila

Discussion: Ms. Schold asked the Chair if based on his site visit, he believed the applicant needed to install erosion controls. He states he does not believe erosion controls are needed.

Roll Call Vote: (3-0-0)

Notice of Intent (NOI):

5A & 5B Virginia Drive (DEP # 197-0659)

Mr. Arthur Allen of EcoTec, Inc. and John Stelmok from Oakridge are present for this application. Mr. Allen states the plans were prepared by McClure Engineering and that they are proposing a two-unit duplex on Lot 1. He states that the DEP commented on the adequacy of the existing storm water system. He states that the project engineer, Mr. Dennis Rice, submitted a response to those comments on July 6, 2020. He states this was the lot where the community center was proposed for the senior village, but it was never built but the land was cleared and has been maintained as lawn ever since. He states all the work is being done within an existing lawn area and will be limited to the existing tree line, approximately 25 feet and the structure at the closest point to the line will be 39 feet. Mr. Allen states that the engineer believes that the existing storm water system which was constructed for the subdivision was designed to handle the drainage from this lot, storm water will flow out to Virginia Drive and into existing catch basins. Per Ms. Buck the Planning Board's approval of the subdivision addresses stormwater. Per Mr. Stelmok this is the last duplex being built here. Ms. Schold requests to view the

engineer response to DEP comments which Ms. Buck shares on the screen. Mr. Parretti asks if there are any comments from the public. There are none.

Motion: Ms. Schold moved to approve the NOI 5A & 5B Virginia Drive (DEP # 197-0659)

Second: Ms. Marttila

Discussion: Ms. Schold asks that the applicant alert the Commission when the erosion controls are in place so they may inspect them prior to the start of construction.

Roll Call Vote: (2-0-1) *Ms. Marttila abstained*

Worcester Regional Airport (DEP # Pending)

The Chair states that since a DEP number hasn't been issued yet the hearing will have to be continued but asks for a brief presentation from the project representative. Present for this project is Sarah Dennechuk, Senior Project Manager, Mass Port Authority, Jim Stolecki, Senior Environmental Project Manager, Mass Port Authority and Gregg Cohen, Wetlands Biologist, Stantec. Mr. Stolecki states this is a VMP (vegetation management plan) update which is based on a flyover that was done in 2018 where they mapped the obstructions to the airspace. Based on that information they delineate areas that need to be clear. Mr. Stolecki states that they do a 5-year update. He states that this update covers a plan from 2020 to 2024 and that they have a plan for each year that involves either an initial clearing or subsequent maintenance of those areas. Ms. Schold asks if they have an existing NOI that this plan could be covered under. Mr. Stolecki states that there is an existing Order of Conditions, but it is expired at this time. Mr. Cohen states that the latest VMP update incorporates areas that were not previously approved. The Board states that they would like closure on some of the open NOIs that are on file for the Airport. Mr. Parretti advises that the Board will determine a date and time to visit the site prior to the next meeting. The hearing for this application will be continued until the next meeting due to lack of DEP number.

Mr. James Cooper arrives at 7:10PM

6 Hammond Street

The Project Engineer, Mr. Jason Dubois and the applicant Mr. William Klansek are present. Mr. Dubois states that they have proposed a 16-foot by 24-foot screen house in the middle of the property. He states that there are some loam piles on the site, and they are looking to spread them out in order to establish some vegetation. He states there are some stumps on the northern part of the property, and they are looking to grind those in place. Mr. Dubois states they originally proposed a 50-foot beach area but have since reduced it to 40-feet. The DEP comments state that a wildlife habitat evaluation would have to be done for proposed alterations of the bank in excess of 10% of the total bank resource area present on the property. Mr. Dubois states they reduced the beach area to 40-feet, in order to keep it below that 10% threshold. He states the applicant is looking to remove one tree on the back side of house, the stump is to remain in place.

Ms. Schold states she visited the site and she does not have a problem with the plans and that stabilization of his beach front needs to be done quickly. She recommends that the applicant puts wattles up because of the grading and to keep debris from the lake. Mr. Klansek states that

they do have wattles along most of the property boundaries, especially down where the beach area is going to be. Ms. Schold states she recalls a silt fence on property that needs to be repaired. Mr. Klansek states that they intend on re-establishing the fence in order to protect the wetlands that he will follow the guidance of the Commission regarding erosion controls. Ms. Schold states she would like to see the wattle line before construction begins.

Ms. Marttila asks about the Wildlife Habitat Evaluation procedures which are mentioned in the DEP comments. Mr. Dubois states that DEP comments said that anything over 10% of the existing shorelines length would be subject to a Wildlife Habitat Evaluation which is why they revised their plans to reflect a smaller beach area. He states there is an existing 404 linear feet of shoreline and they are altering 40-feet of it which is less than 10% so they would not trigger that evaluation. The Chair asks if there are any additional comments from the public or Board. There are none.

Motion: Ms. Schold moved to approve the NOI for 6 Hammond Street (DEP #197-0660)

Second: Ms. Marttila

Discussion: None

Roll Call Vote: (4-0-0)

Request for Determination of Applicability (RDA):

2 Oak Bluff Lane

Ms. JoAnn Schold recuses herself from the Board at this time.

Mr. Matt Schold of Schold Development is present. He states that they are building a single-family house and the driveway encroaches on the 100-foot buffer in the beginning of Oak Bluff Lane. He states that erosion controls around the isolated pocket of wetlands have been in place since they started work on the new road. He states they have not impacted the wetlands in any way since the constructions of the roadway and they have been maintaining all erosion controls on this new subdivision. He states they did start work there, they put in a temporary driveway in the middle of the lot. Mr. Parretti states that he visited the site and that erosion controls are in place and the wetlands impact is minor. Mr. Parretti asks if there are comments from the public or Board. There are none.

Motion: Ms. Marttila moved for a negative 3 determination

Second: Mr. Cooper

Discussion: None

Roll Call Vote: (3-0-0) *Ms. Schold recused herself from the Board*

Approval of Minutes: June 10, 2020

Approval of the meeting minutes for June 10, 2020 has been continued to the next meeting.

Miscellaneous Project Updates/Site Inspection Updates

3 Flagg Drive

Mr. Krevosky states that the property owner had requested a Certificate of Compliance for DEP #197-0223. He states that the shed which was not originally permitted was in the wetlands. They had surveyors go out and put out the wetlands flag that were on the original plans which were done by Mr. Bill Coyle which confirmed the shed and some fill are in the wetlands. For this reason Mr. Coyle did not provide a substantial compliance letter. Mr. Krevosky states they are asking for an Enforcement Order to move forward and take a small piece of the slope out in order to get the machine in the back, lift up the shed, move it away from the wetlands, and restore the wetlands. He states the slope that they will be working on will be mulched and will be at the same slope that it is currently. He states the current owners of the property are in favor of the work. He states the Commission could issue an Enforcement Order to allow them to complete the work. He states they are prepared to complete the work in the next week or two using Lemanski Contracting. Mr. Parretti agrees that the Board should issue an Enforcement Order since they are in violation of their current NOI as opposed to making them submit a new application. Ms. Schold states she that she agrees that we don't need another NOI due to having an existing one but that she would like to visit the site. Mr. Krevosky states that under the bylaw the shed will be within the 25-foot zone and also confirms that the plan is older than the bylaw has been in effect. Mr. Parretti states that after they visit the site they can discuss specifics regarding the plans. An Enforcement Order will be issued by the office for 3 Flagg Street for DEP # 197-0223.

1039 Stafford Street

A complaint was received which stated that trees were being cut in the wetland area. The Commissioners visited the site and determined that a violation had taken place. A Cease & Desist letter is to be issued to this address that instructs them to stop the work and requesting that they attend the next meeting with a plan describing the work they are doing and a plan to rectify the situation.

83 Charlton Street

A complaint was received by a neighbor who also submitted a written letter and an affidavit from additional neighbor. He stated that the neighbor was doing work and encroaching on the wetlands in the back of the property. The Commissioners visited the site and determined that a violation had taken place. A Cease & Desist letter is to be issued to this address that instructs them to stop the work and requesting that they attend the next meeting with a plan describing the work they are doing and a plan to rectify the situation.

31 & 0 Chapel Street

Ms. Schold asks for an update on this property. An Enforcement Order was issued in April and we have not received any plans or filings for this site. Ms. Peters advised that she had been in contact with the property owner in June who stated that he was working with Mr. Krevosky and would be filing something with the Commission. The office will send the property owner a follow up letter requesting an update regarding their plans for the site.

15 Bond Street

Mr. Parretti asks if we sent a Cease & Desist letter to this address. Ms. Peters advised that we sent the letter certified after the June meeting, the letter was not signed for and returned to the office on July 15, 2020. A second letter was mailed on July 16, 2020 and a certificate of receipt has not yet been received by the office. After brief discussion of possible family issues that have delayed receipt of the letter, the Board decides to revisit this issue at the next meeting.

184 River Street

A complaint was received stating that the scope of work being performed at this address is potentially out of the scope of what was approved. The Commissioners will visit the site.

401 Pine Street

The homeowner requested that a Commissioner come and inspect his property so that he may remove his wattles. Mr. Parretti states he will try to visit the site tomorrow.

89 Paxton Street

Ms. Marttila asks if there are any updates on the complaint from this site. Ms. Schold states she visited the site but did not see anything from the street. This will be followed up on by the office.

Site Visits:

The Board plans to try and visit the following sites on Thursday, July 30, 2020:

11:00AM

- A. Worcester Regional Airport

12:30PM

- B. 3 Flagg Street
- C. 83 Charlton Street
- D. 1039 Stafford Street
- E. 184 River Street
- F. 15 Bond Street

Next meeting date is August 19, 2020.

Motion to Adjourn: Ms. Schold

Second: Ms. Marttila

Discussion: None

Roll Call Vote: (4-0-0)

Meeting adjourned at 8:00PM

Documents included in meeting packet:

- Agenda
- Memo to the Commission from the Town Planner dated July 8, 2020
- Request for Certificate of Compliance for 6 Hammond St (DEP # 197-0547)
- Letter from DC Engineering & Surveying Inc. dated 6/30/2020 regarding 6 Hammond St
- RDA application and accompanying documentation for 140 Green Street
- RDA application and accompanying documentation for 2 Oak Bluff Lane
- Email from Mass DEP dated 7/6/2020 with NOI File Number for 5A/5B Virginia Drive
- NOI application and accompanying documentation for 5A/5B Virginia Drive
- NOI application and accompanying documentation for Worcester Regional Airport
- NOI application and accompanying documentation for 6 Hammond Street
- Meeting Minutes from June 10, 2020
- Cease & Desist Letter for 15 Bond Street

Documents submitted at meeting: N/A