

**Town of Leicester Conservation Commission  
Meeting Minutes  
August 19, 2020**

*[Note: This meeting was held remotely using GoToMeeting]*

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

MEMBERS ABSENT: None

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

MEETING TIME: 6:30 PM

AGENDA:

**Certificate of Compliance**

- a) Worcester Regional Airport, Mass Port Authority (DEP# 349-1916), tree clearing
- b) Worcester Regional Airport, Mass Port Authority (DEP# 197-0540), vegetation management plan
- c) 555 Pine Street, Stephen Terrien (DEP # 197-0615), single family home

**Request for Determination of Applicability (RDA)**

- a) Pleasant Street (at Craig Street intersection) (RDA 2020-11) Applicant: Leicester Highway Department, breach of dam on either side of culvert and repair catch basin
- b) Multiple Locations (RDA 2020-13) Application: Leicester Highway Department, repair of damaged pipes
- c) Towtaid Park (RDA 2020-12) Applicant: Town of Leicester, repaving of parking area and upgrading of basketball and handball courts

**Notice of Intent (NOI)**

- a) Worcester Regional Airport (DEP # Pending) *continued*, Applicant: Mass Port Authority, removal of wetland vegetation identified as obstructions to the airspace

**Order of Conditions Extension Request:**

- a) Virginia Drive Extension (DEP # 197-0415), phase 3 infrastructure at Oak Ridge Estates

**Approval of Minutes:**

- a) June 10, 2020

**Board Discussion/Miscellaneous**

- a) Miscellaneous Project Updates/Site Inspection Updates
- b) Correspondence/Other New Business

Meeting called to order at 6:30PM

**Certificate of Compliance**

**Worcester Regional Airport (DEP# 349-1916 & DEP# 197-0540)**

Mr. James Stolecki of Massachusetts Port Authority states that an Order of Conditions was issued in 2011 for cutting about 100 trees at the runway 11 approach because they were obstructions to the protected airspace. He states the full Vegetation Management Plan (VMP) was later submitted and they received an Order of Conditions in November 2011. The VMP was amended twice so they could cut additional areas to comply with FAA requirements. He has submitted requests for Certificates of Compliance for those two orders as the work is completed.

He states he will be submitting a request for a Certificate of Compliance for the outstanding Order of Conditions for beaver control and will be submitting an updated Notice of Intent for that issue also.

Ms. Schold points out that there is not an engineer letter attesting to satisfactory completion of work provided for DEP # 349-1916. Mr. Stolecki states this is because the NOI for DEP # 349-1916 did not include stamped drawings so he checked the option stating that on the Certificate of Compliance request form but it's his understanding that the 105 trees were cut. He also states that the areas of cut trees were incorporated into the subsequent VMP which was approved by the Commission and did include a review of stamped drawings. He states that there was only cutting, not stump grinding. Mr. Cooper states that this scope of work would typically only require an RDA.

**Motion:** Ms. Schold moved to grant the Certificate of Compliance for DEP # 197-0540

**Second:** Mr. Cooper

**Discussion:** None

**Roll Call Vote:** (4-0-0)

**Motion:** Ms. Cooper moved to approve the Certificate of Compliance for DEP # 349-1916

**Second:** None

**Discussion:** Ms. Schold states she wants something in writing stating the 105 trees were cut according to the VMP. Ms. Stolecki will provide such letter.

**Roll Call Vote:** Vote not taken – COC for DEP # 349-1916 continued to September 16, 2020

#### **555 Pine Street (DEP # 197-0615)**

Mr. Brian MacEwen of GRAZ Engineering is representing the applicants. He states it was a new construction of a single-family residential home. He states they got a partial release about 8 months ago and the finish work has been completed since then. Ms. Schold states she visited the site which is stable, and she recommends granting the Certificate of Compliance.

Ms. Marttila inquires about Mr. Matt Schold's involvement in the project regarding a potential conflict of interest with Ms. Schold. Mr. MacEwen states that while the original order was issued to Mr. Schold because he was the owner at that time, the land has since been sold to the Terriens. It's discussed that since Mr. Schold was not the builder and has no financial gain, there is no conflict of interest. A public comment is made from Jan Parke of 207 Greenville Street who asks if wetlands replication was done on this project. Mr. MacEwen states that there was no replication required and that all work was done outside the 25 foot no disturb area.

**Motion:** Mr. Cooper moved to approve the Certificate of Compliance for 555 Pine Street

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (4-0-0)

## **Request for Determination of Applicability (RDA)**

### **Pleasant Street (at Craig Street Intersection) (RDA 2020-11)**

Mr. Dennis Griffin, the Leicester Highway Superintendent, states the culvert located adjacent to Brookside Package Store and Smith Steal had beaver dams on both sides. The beavers have been relocated and dams are in place. He states they want to open the flow as it is backing up and has been a consistent problem. Mr. Griffin states that the catch basin is at the base of Craig Street and the north bound lane on Pleasant Street, adjacent to the guard rail. He states the discharge pipe is 4 inches, so it gets clogged after a single rainstorm and is detrimental to the curb and the sidewalk in that area. He states they want to keep it a shallow basin and install a 10-12-inch diameter pipe is approximately 4 feet long. Mr. Parretti states that he believes that this project may require a NOI per DEP regulations, he will confirm this and let Mr. Griffin know how to proceed.

### **Mutiple Locations, Highway Dept (RDA 2020-13)**

#### *Charlton Street & Sabina Circle*

Mr. Griffin states that pipe is compromised in the center and now is collapsing the road. He states there will be no change in diameter, just replacement from old steel to an ABS pipe. He states they will likely install headwalls so there is better retention of the road surface. There is an intermittent stream that goes under the road.

#### *Pine Street & River Street*

Mr. Griffin states that there is a 10-inch pipe that has failed and is plugged. He states when they tried to jet it, the top of the pipe was compromised and came up through the surface of the roadway, they think one of the joints is separated in the pipe. Mr. Griffin states they do not need to change the diameter of the pipe and they will replace it with a pipe of equal size, the Department Assistant will document as such in the determination.

**Motion:** Ms. Schold moved to approve the application for RDA with a negative 3 determination subject to the condition that the pipe will be changed out in kind

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (4-0-0)

### **Towtaid Park (RDA 2020-12)**

Ms. Buck shows a plan on the screen with existing courts (basketball, handball and pickleball) and the parking area at Towtaid Park and states that this application is to resurface these areas. She states we have applied for a grant through the state for resurfacing and it will also improve ADA accessibility. Kettle Brook is within 200 feet of the park. Mr. Griffin states that there has been no site plan submitted for the work. It would be his recommendation to remove the current surface and regrade the area to a 1% slope in the opposite direction. Ms. Marttila asks about storm water in that area. Mr. Griffin states that there are catch basins. He also states that construction of the courts would likely be subbed out. It is determined by the Commission that fabric should be placed over catch basins to prevent siltation from reaching the river if needed.

**Motion:** Ms. Schold moved to approve the application for an RDA for Towtaid Park with a negative 3 determination subject to the condition of fabric over the catch basins if needed

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (4-0-0)

### **Notice of Intent (NOI)**

#### **Worcester Regional Airport (DEP # 197-0661)**

The hearing for this application was continued from last month due to lack of DEP number. The number was issued along with comments stating that the applicant should confirm that all conditions for vegetation removal will be met, including but not limited to 310 CMR 10.53(3)(n) (3, 5e, 7, 8c, and 8g). The Chair asks Mr. Stolecki to address the DEP comments. Mr. Stolecki states that the regulatory sections of the CMR that DEP mentions, refers to submitting the NOI to other agencies. He states this is an update to the VMP that was approved in 2011, at that time they went through a full environmental assessment with the FAA and the Mass Historical Commission. Mr. Parretti states that since DEP specifically addressed those CMR regulations he thinks that the applicant should follow up with those other agencies. Ms. Schold requests that a summary of the NOI application still be heard at this time.

Ms. Buck shares the plans on the screen. Mr. Gregg Cohen of Stantec, states that aerial data of the area was collected in 2018 and analyzed in 2019 which precipitated the expansion of new clearing and maintenance for the 2020 VMP update. He refers to the plan which shows obstruction analysis. The plan shows points that were deemed obstructions, yellow areas which are new removal, and grey areas which are maintenance. Mr. Cohen states that the new removal area is about 16 acres, including 2 acres of wetland removal. He states that most of these areas include saplings except for an area between Paxton Street and Manville Street where mechanized removal will be required for more mature trees. He states everything to the west of that area is proposed for mowing. Mr. Cohen states that there is about 6,500 s.f. in the outer 100 feet of the Kettle Brook riverfront as well. Ms. Buck shares the wetland plan on the screen which shows the buffers, the riverfront and the wetland boundaries and the proposed work in those areas.

Ms. Marttila asks about the use of herbicide. He states that their prior herbicide plan was approved by the Worcester Parks and Water Departments due to the drinking water resource that is in that area and was continued through subsequent VMP updates. He states stormwater runoff testing is done pre and post herbicide application. He states that this VMP update is proposing the same type of application in the same areas, they are not expanding the area or changing the methodology except for one area. The Board determines that they would prefer something in writing from Worcester stating that they have reviewed and approve of the updated VMP. There are no further questions or discussion. Hearing is continued until September 16, 2020, to allow time for the applicant to respond to DEP comments and obtain written approval from the City of Worcester.

### **Order of Conditions Extension Request:**

#### **Virginia Drive Extension (DEP#197-0415)**

The applicant is requesting an extension. Ms. Buck states the overall project is 90% complete and they are trying to wrap up work this fall so they can file a road acceptance request. She states the only infrastructure related work remaining is installation of the sidewalks in phase 3. There are two unbuilt lots left that will be permitted separately. Mr. Parretti states that due to the small scale of work they have left to complete he is comfortable issuing an extension for this. There is no further discussion from the Board or the public.

**Motion:** Ms. Schold moved to approve a 3-year extension for DEP # 197-0415 at Oakridge Estates Virginia Drive Extension

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (4-0-0)

#### **Approval of Minutes: June 10, 2020**

**Motion:** Ms. Schold moved that the Board approve June 10, 2020 meeting minutes as noted

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (4-0-0)

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

##### *0/31 Chapel Street*

Mr. Glenn Krevosky states that he is submitting draft plans for commercial development on these two pre-existing lots which are in the riverfront. He plans to submit something prior to the next meeting. He states he is working towards filing an NOI on these lots. Ms. Schold states that since the Enforcement Order was issued in April, she would prefer this not going any further than the September meeting.

##### *83 Charlton Street*

Mr. Ahmed Ismail, property owner is present. He states that he received a Cease & Desist letter and would like to rectify the situation. The Board sets up a site visit for Saturday at 9:00AM to inspect the area and discuss next steps with the property owner.

##### *1039 Stafford*

A Cease & Desist letter was sent to this address on 7/23/2020 and it was signed for on 7/28/2020. The office has not received a response to the letter. Ms. Marttila states that Board members visited the site and that there are trees being cut and significant erosion going into the French River. Mr. Parretti states that we will send a follow up letter if we have not received a response from the property owner by next week.

##### *15 Bond Street*

A Cease & Desist letter was sent to this address on 7/23/2020 and it was signed for. The office has not received a response to the letter. Mr. Parretti states that we will send a follow up letter if we have not received a response from the property owner by next week.

*184 River Street*

Mr. Schold states she visited this site after the Commission received a complaint. She states that the work being done is within the scope of what was approved, and she did not see any violations. The site will continue to be monitored by the Commission.

*57 Fairview Drive*

A complaint was received stating that a parking area was being created and filled with concrete slabs. Ms. Schold went to the site and states there is some earth work being done at that location. A Cease & Desist letter will be sent to the property owner.

*79R Auburn Street*

Ms. Schold states as part of the conditions the applicant needs to place boulders to outline the do not disturb area and the applicant doesn't want to put them in yet. Ms. Peters will forward the Order of Conditions and the applicant's contact info to Mr. Parretti so he may follow up on this.

*Chapter 61 Request*

Ms. Buck states that we received a request from an applicant that wants to remove property on Huntoon Memorial Highway from Chapter 61. The Board has no comments.

*Burncoat Park Sports Planning Committee*

Dawn states that the Committee would like to have a site plan done for the softball field at Burncoat Park and there are streams on either side of the field. She's inquiring into use of NOI funds to hire a wetlands specialist to draft a site plan. Mr. Parretti suggests that we find out what the NOI money can be used for and that an estimate be obtained for the work they want done. Ms. Buck states that there is close to \$14,000 in the account and that the Town withdrew \$9,991.00 from it. The Board states in the past they have been informed and voted on re-appropriated funds from that account, some of which was used to fund an administrative assistant. The Board asks Ms. Buck to investigate the appropriation of funds for this account. Ms. Marttila states that the Park does have roughly \$14,000 for environmental surveys which can also be used towards this project.

*Resignation/Board Openings*

Mr. John Marc-Aurele has resigned from the Board. The Board thanks Mr. Marc-Aurele for his service. There are currently no applicants for the open positions on the Commission.

**Next meeting date is September 16, 2020.**

**Motion to Adjourn:** Ms. Schold moved to adjourn

**Second:** Ms. Marttila

**Discussion:** None

**Roll Call Vote:** (4-0-0)

Meeting adjourned at 8:25PM

**Documents included in meeting packet:**

- Agenda
- Letter from Massachusetts Port Authority dated 08/10/2020 that request Certificates of Compliance for DEP #'s 349-1916 and 197-0540
- Request for Certificate of Compliance (WPA Form 8A) for DEP # 349-1916
- Request for Certificate of Compliance (WPA Form 8A) for DEP # 197-0540
- Request for Certificate of Compliance (WPA Form 8A) for DEP # 197-0615
- Public Hearing Notice for Highway Department RDA (multiple locations)
- RDA application for Highway Dept work at Pleasant & Craig Street
- RDA application for Highway Dept work at Charlton St/Sabina Cir & Pine St & River St
- Public Hearing Notice for Towtaid Park RDA
- RDA Application for Towtaid Park
- Public Hearing Notice for Worcester Regional Airport NOI
- NOI application for Worcester Regional Airport 2020 NOI for VMP
- Wetland Report for Worcester Regional Airport from Stantec
- Letter from EcoTec, Inc. dated 7/29/2020 requesting extension for DEP # 197-0415
- June 10, 2020 meeting minutes

**Documents submitted at meeting: N/A**