

**Town of Leicester Conservation Commission
Meeting Minutes
December 16, 2020**

[Note: This meeting was held remotely using GoToMeeting]

MEMBERS PRESENT: Stephen Parretti, Chair; James Cooper; Dawn Marttila

MEMBERS ABSENT: JoAnn Schold

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

MEETING TIME: 6:30PM

AGENDA:

1. Certificate of Compliance

- a) 346 Auburn Street (Lot F3), Steven Gallo, Fox Hill Builders, Inc. (DEP # 197-0623), single family home, *continued*
- b) Felix Street (Lot A-19), Steven Brigham, SW Brigham Construction Co Inc. (DEP # 0645), single family home
- c) 3 Flagg Drive, Barbara Flagg (DEP # 197-0223), single family home, 2000
- d) 7 Sandy Circle, Bethany Salek (DEP # 197-0488), single family home, 2008

2. Request for Determination of Applicability (RDA)

- a) 289 Pine Street, (RDA 2020-18) Applicant: Elbert Clark, landscaping
- b) 46 Water Street (RDA 2020-19) Applicant: Edward Dickinson, cutting of 5 trees

3. Notice of Intent (NOI)

- a) Sargent Pond (DEP # 197-0662), Applicant: David Baril, Aquatic Management Plan, *continued*
- b) 909 Stafford Street (DEP #197-0541) Applicant: Adam & Sara Wadden, installation of powerlines, *amendment*

4. Approval of Minutes:

- a) October 21, 2020
- b) November 18, 2020

5. Board Discussion/Miscellaneous

- a) Applications for Conservation Commission Membership
- b) Common Ground Land Trust Inc. Discussion
- c) Follow Up (82 Baldwin, 83 Charlton, 57 Fairview, 1039 Stafford, 0 & 31 Chapel, 59 Burncoat)
- d) Burncoat Park Quotes
- e) Open Space Plan Committee
- f) Miscellaneous Project Updates/Site Inspection Updates
- g) Correspondence/Other New Business

Mr. Parretti called meeting to order at 6:30PM

Certificate of Compliance

346 Auburn Street (DEP #197-0623), *continued*

This was continued from the last meeting because Commission requested an engineer letter be submitted. A letter was provided from New England Environmental certifying that the construction performed at this site was completed in accordance with the Order of Conditions. There are no questions from the Board or the public.

Motion: Ms. Marttila moved to approve the Certificate of Compliance for 346 Auburn Street (DEP #197-0295)

Second: Mr. Cooper

Discussion: None

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

Felix Street (Lot A-19), (DEP #197-0645)

An engineer letter was provided certifying that all work done at the site, including wetland replication, was completed per the Order of Conditions. There are no questions from the Board or the public.

Motion: Ms. Marttila moved to approve the Certificate of Compliance for Felix Street Lot A-19 (DEP #197-0645)

Second: Mr. Cooper

Discussion: None

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

3 Flagg Drive (DEP #197-0223)

Mr. Glenn Krevosky is representing the applicant. A letter was provided by Coyle Engineering certifying that the work was done in compliance with the Order of Conditions. Mr. Krevosky gives a brief overview of the work done and states that they doubled the number of wetlands plants at the site and that he will go back out to verify that all the plants have survived. Ms. Marttila states that she visited the site.

Motion: Ms. Marttila moved to approve the Certificate of Compliance for 3 Flagg Drive (DEP #197-0223)

Second: Mr. Cooper

Discussion: None

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

7 Sandy Circle (DEP #197-0488)

Mr. Glenn Krevosky is representing the applicant. A letter was provided by Coyle Engineering certifying that the work was done in compliance with the Order of Conditions. Ms. Marttila asks about the line of boulders that were not installed as indicated in the letter from Coyle Engineering. It is advised that the boulders were originally instructed to be installed by the builders as a buffer so that they would not drive into the wetlands. Mr. Krevosky confirmed that the developers did not encroach on the wetlands.

Motion: Ms. Marttila moved to approve the Certificate of Compliance for 7 Sandy Circle (DEP #197-0488)

Second: Ms. Cooper

Discussion: None

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

Request for Determination of Applicability (RDA)

289 Pine Street (RDA 2020-18)

The applicant, Mr. Elbert Clark, states that he is looking to remove vines and thorny rose bushes from his property. He has hired an arborist to assist him with the removal. The Board reviews the plans submitted from the applicant. The Board determines that the work is inside the buffer area but is not especially intrusive.

Motion: Mr. Cooper moved for a negative 3 determination for 289 Pine Street

Second: Ms. Marttila

Discussion: None

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

46 Water Street (RDA 2020-19)

The applicant's wife, Sandy Dickinson, states that they are looking to cut down 5 tall, old pine trees that could potentially fall on their house if not removed. They state they consulted with Mr. Art Allen who visited the property and assisted them with their application but that he did not provide a written statement. The Board reviews the plans submitted by the applicant. One of the trees is in the 100-foot buffer zone and four of the trees are in the 25-foot no disturb zone. The applicant states that they are leaving the stumps. They also state that the tree company will not be bringing equipment into the no-disturb area, they will climb the trees to cut them.

Motion: Ms. Marttila moved for a negative 3 determination with the condition that the stumps are left for trees 1, 2, 3 and 5

Second: Mr. Cooper

Discussion: None

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

Notice of Intent (NOI)**Sargent Pond (DEP # 197-0662)**

This was continued from the last meeting, because we were waiting for DEP comments. DEP has issued a file number and comments for this application and the applicant's representative, Dominic Meringolo of Solitude Lake Management, is present to respond to those comments. He states this NOI is to continue an aquatic management program at Sargent Pond, specifically for the invasive, non-native milfoil plant. He gives a brief overview of the treatment plan for the pond and the products that will be used, which includes a newly approved systemic herbicide treatment. The program will include pre and post management annual surveys and performing of any treatments that are necessary.

DEP commented that the applicant should specify which areas of the pond will be treated and by what method and if areas of native vegetation that do not contain milfoil will also be treated. Mr. Meringolo responds to this by stating that the areas of the pond treated will be determined annual based on surveys to see where the milfoil is and then treatment will be conducted in those areas. The pond has not been treated in several years and it is likely that the majority will need to be treated this summer. He states that there are no current plans to treat native species, but it is a part of the management plan in case down the line they need to treat localized areas of overgrowth of native species. He states that the Commission will be updated on the management plan through annual reports. The second comment from DEP pertains to riverfront area

alterations due to needing access. Mr. Meringolo states that they have no plans on accessing the pond through the riverfront area or doing an alteration in the riverfront area. Mr. Meringolo states that the herbicide [Procellacor] was approved by the EPA in 2017 and approved for use in Massachusetts in 2019.

Motion: Ms. Marttila moved to approve the NOI for an Aquatic Management Plan for Sargent Pond (DEP # 197-0662) with the condition that they do not go into the riverfront area

Second: Mr. Cooper

Discussion: None

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

909 Stafford Street (DEP# 197-0541), amendment

Mr. Matthew Marro is representing the applicants [Adam & Sara Wadden]. He states there is currently a single-family house being constructed under the Order of Conditions [DEP#197-0541]. He states that National Grid is hooking up the power and they will be digging a trench for underground utilities. The Commission reviews plans of the areas where the trench will be dug. Mr. Marro states that there are erosion controls in place that he has been monitoring monthly, and the applicant fixes anything that starts to show wear. Mr. Marro states that the trench will connect to a pole that will connect to the house.

Mr. Ken Boivin of 911 Stafford Street is an abutter and states that the trench comes close to his property line, he states that National Grid was concerned about encroaching on his property in that area because they did not want to have to file for a right-of-way. He states that the property line stake that was in place is no longer there and asks if the applicant can reach out to him regarding have the property lines surveyed once again. Mr. Marro states that he will reach out to the applicant to facilitate Mr. Boivin's request.

Motion: Mr. Cooper moved to approve the amendment to the NOI (DEP # 197-0541) for 909 Stafford Street

Second: Ms. Marttila

Discussion: None

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

Approval of Minutes:

October 21, 2020

Motion: Ms. Marttila moved to approve the meeting minutes of 10/21/2020

Second: Mr. Cooper

Discussion: None

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

November 18, 2020

Motion: Ms. Marttila moved to approve the meeting minutes of 11/18/2020

Second: Mr. Cooper

Discussion: None

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

Burncoat Park Quotes

Ms. Marttila states that Quinn Engineering visited the site and evaluated the quotes from EBT Environmental Consultants, Inc., and EcoTec, Inc.; he recommended hiring EcoTec, Inc. NOI funds can be utilized for this expense. The Commission votes to accept the quote for Burncoat Park from EcoTec, Inc. [The project includes wetland delineation and a wetland resource report, cost not to exceed \$1,200].

Motion: Mr. Cooper moves to approve the Burncoat Park quote from EcoTec, Inc.

Second: Ms. Marttila

Discussion: None

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

Board Discussion/Miscellaneous

Applications of Conservation Commission Membership

Valerie Kokernak: Ms. Kokernak was not able to attend the meeting due to an illness

Ashlyn Coyle: Ms. Coyle reads a letter to the Commission and has additional discussion explaining her qualifications and interest in being a Commissioner. She is a member of both the Capital Planning Committee and the Zoning Board of Appeals.

Motion: Ms. Marttila moved to recommend Ms. Coyle as a member of the Conservation Commission

Second: Mr. Cooper

Discussion: None

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

Common Ground Land Trust Inc.

Jan Parke states that the Common Ground Land Trust, Inc. has acquired parcels on both Kettle Brook and Greenville Pond. She describes the properties that were acquired and discusses concerns and potential plans for the land. She's concerned about erosion issues affecting Kettle Brook and maintenance issues on the adjacent Town-owned Towtaid Park site. She states they want to maintain these properties and asks for the Commission's support with the MVP Grant for invasive vegetation control at Greenville Pond. She also inquired about permitting requirements for work on the site adjacent to Greenville Pond. The Commission recommends that she come back for further discussion once she has a plan to present to them.

Open Space & Recreation Plan Committee

Ms. Marttila volunteered to be the Conservation Commission representative for the Open Space Plan Committee.

82 Baldwin Street

An Enforcement Order was sent to the property owner. Mr. Krevosky states that it will be hard to determine old fill from new fill and that using lidar and surveying the land may be helpful. The Department Assistant will forward the EBT Environmental report to the property owner.

57 Fairview Drive

Mr. Ray Gaulin, who owns the property, is at the meeting. He explains to the Commission the work that was done on the property. Mr. Parretti plans to visit the site.

0 & 31 Chapel Street

Mr. Krevosky states that he is still working on this. He is waiting on the engineer to send him the completed plans. He anticipates having his submittal ready in a couple of weeks. Mr. Parretti urges him to submit something prior to the next meeting.

59 Burncoat Lane

The office received a complaint from an abutter than the property owner was putting in fill. An Enforcement Order was issued, and the owner has hired EcoTec, Inc.

1039 Stafford Street

The violator has been unresponsive. This has been referred to DEP. [Note: although not noted the meeting, an Enforcement Order was sent 11/19/2020, requiring a restoration plan by 12/16/2020.]

Next meeting date: January 13, 2020

Motion to Adjourn: Ms. Marttila

Second: Mr. Cooper

Discussion: None

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

Meeting adjourned at 8:23PM

Documents included in meeting packet:

- Agenda
- Request for Certificate of Compliance for 346 Auburn Street (DEP # 197-0623)
- Letter to the Commission from New England Environmental Design, LLC dated 11/19/2020 for 346 Auburn Street
- Site Plan for 346 Auburn Street
- Letter to the Commission from Robert G. Murphy & Associates, Inc. Environmental Consultants dated 11/19/2020 for Felix Street Lot A-19
- Request for Certificate of Compliance for Lot A-19 Felix Street (DEP # 197-0645)
- Letter to the Commission from Land Planning, Inc. dated 12/10/2020 for Lot A-19 Felix Street
- Site Plan for Lot A-19 Felix Street
- Request for Certificate of Compliance for 3 Flagg Drive (DEP # 197-0223)
- Letter from Coyle Engineering, Inc. for 3 Flagg Drive dated 11/23/2020
- Photos of site at 3 Flagg Drive
- Sales Order from New England Wetlands Plants, Inc for 3 Flagg Drive dated 10/13/2020
- Site Plan for 3 Flagg Drive
- Request for Certificate of Compliance for 7 Sandy Circle (DEP #197-0488)
- Letter from Coyle Engineering for 7 Sandy Circle dated 11/22/2020
- Photos of site at 7 Sandy Circle
- RDA Application, plans and photos for 289 Pine Street
- RDA Application, plans and photos for 46 Water Street
- NOI Application for Sargent Pond with associated documentation, plans and photos

- NOI Amendment request from Matthew S. Marro Environmental Consulting dated 11/10/2020 for 909 Stafford Street
- Original site plan for 909 Stafford Street
- Meeting minutes for 10/21/2020
- Meeting minutes for 11/18/2020
- Town of Leicester Citizen Volunteer Form: Valerie A. Kokernak
- Town of Leicester Citizen Volunteer Form: Kathryn Ashlyn Loges (Coyle)
- Enforcement Order for 1039 Stafford Street
- Enforcement Order for 57 Fairview Drive
- Burncoat Park quote from EBT Environmental Consulting dated 9/17/2020
- Burncoat Park quote from EcoTec, Inc. dated 9/9/2020

Documents submitted at meeting: N/A