

Leicester Conservation Commission

MEETING MINUTES 4/14/2021

MEMBERS PRESENT: Steve Parretti (Chair), JoAnn Schold (Vice-Chair), Dawn Marttilla, Ashlyn Coyle

MEMBERS ABSENT: Jim Cooper

STAFF PRESENT: Michelle Buck, Town Planner; Brooke Hammond, Department Assistant

TIME: 6:30 PM

1.	Request for Certificate of Compliance a) 339 River St (DEP# 197-385), Applicant: William Coyle
2.	Request for Determination of Applicability a) 4 Oak Bluff Lane (RDA 2021-02) Applicant: Schold Development, LLC. (Single family home construction with attached garage and associated septic system.) b) 67 Lake View Drive (RDA 2021-03), Applicant: Jeffrey & Kandra Gervais. (723 square foot addition to existing home) c) 31 Burncoat Ln (RDA 2021-04), Applicant: Kyle Bourque. (deck expansion on waterfront property) d) 3 Paxton St (RDA2021-05), Applicant: Town of Leicester. (stormwater management improvements to the Leicester Fire/EMS Headquarters)
3.	Order of Conditions Extension a) Cedar Meadow Lake (DEP# 197-0579), Applicant: Cedar Meadow Lake Watershed District.
4.	Board Discussion/Miscellaneous a) Follow Up (1039 Stafford, 15 Bond, 83 Charlton, 57 Fairview, 82 Baldwin, 59 Burncoat Ln, 0 & 31 Chapel, 1323 Main) b) Paxton Street Tree Cutting Complaint c) Approval of Minutes: February 10, 2021 March 10, 2021 d) Application for Conservation Commission Membership e) Miscellaneous Project Updates/Site Inspection Updates f) Correspondence/Other New Business g) Future Meeting Dates

Mr. Parretti opens the meeting at 6:02

[Agenda item 4B ‘Paxton Street Tree Cutting Complaint’ was moved to the start of the meeting by the Chair]

The plan was addressed at the January 13, 2021 Conservation meeting, where the Commission was only authorized to comment; it was not within their jurisdiction to approve or deny the plan.

Ms. Panepinto, an abutter to the affected area, expresses concern for the nearby water resource Sargent Pond and the associated buffer zone. Ms. Panepinto says the Planning Board’s preliminary subdivision approval for Smuggler’s Cove (off Paxton St.) included a condition

which said the developer cannot encroach on the 100' wetland buffer zone. The Planning Board told abutters to direct any concerns regarding the wetlands to Conservation Commission.

Chris Capone from MA Department of Conservation and Recreation (DCR) explains that Forest Cutting plans are submitted to his office and the local Conservation Commission simultaneously. The local Conservation Commission has 10 days to submit comments following the submittal date. DCR only approves permits for properties that are to be reforested in the future. Ms. Panepinto asks if Mr. Capone was aware of the preliminary development plan proposed on Paxton St. Mr. Capone says he did not receive any comments from the Commission regarding a preliminary subdivision plan.

Mr. Parretti notes that the Commission reviewed the forest cutting plan and found it to be thorough, hence the lack of comment from the Commission. Mr. Capone issued a temporary order to stop work and visited the site after receiving numerous complaints but found that the applicant was doing work as approved by DCR. Mr. Parretti states the Commission was unaware of the preliminarily approved subdivision plan when the forest cutting plan came before the Conservation Commission.

Resident Ms. Patterson asks if the land can now be developed. Ms. Fish from DCR notes that applicants have 5 years after approval of a permit to regenerate the forest before DCR signs off on the final inspection. Applicants sometimes finish required regeneration sooner than 5 years. The permit is ongoing until this final sign-off, and no other development besides tree-cutting can take place on the property until that point. If other development was proposed for the same property, then DCR could deny the permit. Ms. Leppard of Overlook Dr. asks if DCR considers intent when approving applications. Ms. Fish says determining intent for every project would be difficult.

Matt Schold, part-owner of Central Land Development (CLD) states that a preliminary subdivision plan was approved for this lot but after feedback from residents and the Planning Board, CLD has not yet moved forward with a definitive subdivision plan. In the interim, CLD wanted to harvest timber on the property. Ms. Leppard says she wishes CLD would have been more involved with the Sargent Pond Lake Association, and maintain a working relationship moving forward. Mr. Schold notes that he previously reached out to some members of the lake association to gauge interest in working together and had just recently reached out to Mr. Reinke (president of the lake association) but received no response either time.

Mr. Parretti says the forest cutting does not fall under Conservation Commission jurisdiction; DCR is overseeing the permit, and if any development on the site is to take place, then CLD will have to submit an application to the appropriate local Board. Mr. Highland of 17 Whittemore Street asks how often DCR inspects the forestry property to ensure the plan is being followed. Mr. Capone says DCR goes to the site as often as possible.

1. 339 River St (DEP# 197-385), Applicant: William Coyle

Motion: Ms. Schold moves to approve the Request for Certificate of Compliance for 339 River St.

Second: Ms. Marttila

Discussion: Ms. Coyle recused herself due to a conflict of interest.

Roll-Call Vote: (3-0-1)

2. RDA Applications

a. 4 Oak Bluff Lane (RDA2021-02), Applicant: Schold Development LLC

Mr. MacEwen says this is a new home construction off Oak Bluff Lane. Erosion control measures were placed around the wetland that is located at the front of the property. The associated grading does not extend into the 25-foot buffer zone surrounding the wetland. Ms. Marttila asks Mr. MacEwen to repair the erosion control measures around the wetland.

Motion: Ms. Coyle moved to approve the RDA with a Negative 3 determination with conditions that the erosion control measures are repaired and approved by the Conservation Commission.

Second: Ms. Marttila

Discussion: Ms. Schold abstained from voting due to a conflict of interest.

Roll-Call Vote: (3-0-1)

b. 67 Lake View Drive (RDA2021-03), Applicant: Jeffrey & Kandra Gervais

[Note: A procedural error was made; the hearing notice had the incorrect GoToMeeting link. The hearing will move forward as planned because the correct meeting link was posted in multiple other locations.]

Mr. Gervais says he plans to build an addition onto the existing house at 67 Lakeview Drive, along with a well. Ms. Schold and Ms. Coyle went to the site and are concerned about the placement of the well. Mr. Gervais is open to moving the well farther away from the wetlands or across the street. Ms. Schold says the well should have been included on the plans presented to the Commission for the RDA. Mr. Parretti says the applicant could come back at a later date and propose the well as a minor change to the RDA.

Ms. Coyle asks if the existing home is to be demolished, Ms. Hager, the Gervais' representative, says only a few exterior walls will be demolished, and the new foundation will be tied into the existing foundation.

Motion: Ms. Coyle moved to approve with a Negative 3 determination with 20-48 hour inspection.

Second: Ms. Schold

Discussion: None

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

c. 31 Burncoat Ln (RDA2021-04), Applicant: Kyle Bourque

Mr. Bourque is looking to expand his deck by 16 feet bringing it 25 feet from the lakeside retaining wall. Ms. Schold and Ms. Coyle visited the site and noted that both neighboring homes have decks that are about the same distance from the water as Mr. Bourque's proposed deck. Helical piers will be used for the posts, which reduce environmental impact because they do not require digging.

Motion: Ms. Schold moves to approve with a Negative 3 determination.

Second: Ms. Marttila

Discussion: Wattles will be placed along the shore to ensure no silt goes into the water.

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

d. 3 Paxton St (RDA2021-05), Applicant: Town of Leicester.

Mr. Boucher of VHB was hired by the town to make improvements to the Fire/EMS Station on Paxton St. The original design of the station was done by a different engineer, and there have since been drainage issues on site that need to be fixed. The original design intent was for the two basins on site to infiltrate all water without needing to pipe the water off-site. Since construction the basins have not been draining which causes flooding on neighboring properties. The Town hired VHB to modify the current system to prevent future flooding of the basins.

Due to high groundwater and silty soil the infiltration basins are being redesigned as detention basins with outlets. The proposed route of the pipes goes down Warren Ave, Gleason Way, and Harberton Drive, for which easement plans have been drafted. The bottom of the larger basin will be partially filled so the bottom surface is above groundwater level; it will then be expanded laterally. The smaller basin will also be raised, and outlet control structures will be installed in both basins. The flows from each basin will be run through a water quality unit for treatment prior to discharge. The pipes will run through the easement on Warren Ave and down Gleason Way; four catch basins on Gleason will be replaced. The water will ultimately be discharged 450' away from Sargent Pond over a rip-rap apron, and a 45-foot long level spreader will be installed to disperse the flow of water. The larger basin is adjacent to a wetland area, which was flagged by VHB. VHB plans to keep the existing fence surrounding the basin and adding erosion controls in front of the fence and existing stone wall, offering multiple layers of protection to the wetland area. Mr. Boucher notes that Leicester Planning Board reviewed and approved the project on April 6, 2021.

Ms. Schold asks why an NOI was not filed, stating that the work seems extensive. Mr. Boucher says the only area within the wetland buffer is the area adjacent to the larger basin. Ms. Marrtila asks Mr. Boucher to elaborate on the water quality units. Mr. Boucher says per DEP guidelines the goal is to remove 80% of total suspended solids through the water quality units.

Mr. Reinke says one of the residents with a proposed easement on their property stated that they have the ability to attach their sump pump to this system. Mr. Boucher confirms that said resident can attach their drain to the system. The sump pump currently drains into the groundwater. Mr. Reinke does not think tying the sump pump into the system should be allowed, and says the pump was not pointed out during the Planning Board presentation. Mr. Parretti says the Planning Board addressed only with stormwater management. Mr. Reinke explains that the Planning Board approved this plan because it is the best solution to the flooding that currently takes place at the Fire/EMS station now. The plans being presented to the Commission are the same plans that were approved by the Planning Board. Mr. Parretti suggests approving the project with the condition that the connected sump pump is removed.

Mr. Dickinson asks for confirmation that salt from the road and parking lot will not be drained into Sargent Pond because of this system. Mr. Boucher explains that all drainage on Gleason Way is already discharged to Sargent Pond.

Ms. Schold says she is not comfortable issuing a negative three determination for this project because of the sump pump. Mr. Parretti suggests again conditionally approving the project so the current system can be fixed and does not continue to flood neighbors' yards.

Mr. Shocik, Select Board member, agrees this stormwater management system is the best solution for the current flooding problems, but agrees the sump pump should be removed from the plans.

Motion: Ms. Schold moves to approve the RDA with a negative 3 determination with the condition regarding the sump pump as discussed [that it be removed from the plans].

Second: Ms. Marrtila

Discussion: Ms. Coyle asks if easement plans have been drafted with the neighbors. Mr. Boucher says the Town Administrator's Office has the easement plans.

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

3. OOC Extension Request Cedar Meadow Lake (DEP# 197-0579), Applicant: Cedar Meadow Lake Watershed District.

The Cedar Meadow Lake Watershed District is seeking their second 3-year extension to manage nuisance water species using herbicides and algicides. Since the last extension request invasive species management at the pond has been very successful. The district wants to maintain the ability to manage the pond. Mr. Parretti asks if any different chemicals than those originally approved are going to be used. Ms. Chase from the Cedar Meadow Lake Watershed District says no, and that there will be no herbicide treatment this year. Ms. Schold notes there cannot be any future extensions after this; the district will have to reapply for a new NOI in three years.

Motion: Ms. Schold

Second: Ms. Marttila

Discussion: None

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

4. Board Discussion/Miscellaneous

1039 Stafford:

A restoration plan was created by Ecosystem Solutions. The Commission had one site visit in January, but requests another is scheduled so they can see the site without snow on the ground.

15 Bond

Mr. Giggey, the property owner, is present. The Commission recommends he hire a wetland specialist. Mr. Parretti is going to contact the Highway director to look at the culvert on the property. Complaint continued to next meeting.

83 Charlton

No one is present from 83 Charlton St. Ms. Hammond will reach out to the neighbor who filed the complaint.

82 Baldwin

Ms. Hammond will send wetland specialists/engineer recommendations for the property owner.

59 Burncoat

Ms. Hammond is expecting an NOI application for 59 Burncoat.

1323 Main

Ms. Hammond is going to schedule a site visit for this property.

Minute Approval:

Approval of minutes continued to the next meeting.

Citizen Volunteer Application:

Ms. Panepinto says she became interested in conservation issues after the forest cutting plan on Paxton St, and that she's been researching conservation regulations for about two years. Mr. Parretti says the Commission will keep her application on file, but that the Board is currently full.

Miscellaneous:

CMRPC has released the Open Space & Recreation Plan survey.

Ms. Schold reminds the Commission about the 'Healthy Lawns, Healthy Water' initiative which prohibits phosphorous in lawn fertilizer.

Future Meeting Dates:

- May 12, 2021
- June 16, 2021
- July 14, 2021

Adjourn

Motion: Ms. Marttila moved to adjourn.

Second: Ms. Coyle

Discussion: None

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

Respectfully Submitted,

Brooke Hammond, Department Assistant

Documents included in the meeting packet:

- Letter of Completion from William Coyle dated 3/28/2021
- Request for Certificate of Compliance – 339 River St
- Public Hearing Notice – 4 Oak Bluff Lane
- Transmittal for 4 Oak Bluff Lane dated 2/24/2021 from Graz Engineering
- Request for Determination of Applicability – 4 Oak Bluff Lane
- Affidavit of Service from Brian MacEwen dated 2/25/2021
- 67 Lakeview Dr. Public Hearing Notice
- Request for Determination of Applicability – 67 Lakeview Drive
- 67 Lakeview Dr. site plans, elevation plans, Floor Plan
- 31 Burncoat Ln Public Hearing Notice
- Request for Determination of Applicability – 31 Burncoat Lane
- 31 Burncoat Ln. plans
- Deck specs for 31 Burncoat Ln
- 3 Paxton St Public Hearing Notice
- Transmittal for 3 Paxton St from VHB dated 3/25/2021

- Request for Determination of Applicability – 3 Paxton St
- 3 Paxton St site & aerial plans
- 3 Paxton St Narrative
- Cedar Meadow Lake Aquatic Plant Management Program OOC extension request
- Email to Brandon Faneuf dated 3/16/2021
- Letter to Jay Giggey dated 3/17/2021
- Letter to Ahmed Ismail dated 4/8/2021
- Email from Richard Gorman dated 3/10/2021 and 3/22/2021
- Letter to Ramez Almonla dated 4/8/2021
- Email from Glenn Krevosky dated 3/15/2021
- February 10, 2021 meeting minutes
- March 10, 2021 meeting minutes
- Citizen Volunteer Form – Carrie Panepinto