

Leicester Conservation Commission Meeting Minutes January 17, 2024

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TOWN CLERK'S OFFICE
LEICESTER, MASS.

Location: Leicester Town Hall, Select Board Meeting Room

Member Present: Stephan Parretti, JoAnn Schold, Vanessa Lopez

Members Absent: Ashlyn Coyle, James Cooper

Staff Present: Lisa Westwell, Administrative Assistant to the Planning Department

Member of the Public Present: See Sign In Sheet attached.

Call to Order: Chairman Parretti called the meeting to order at 6:30 PM

1. Waite Pond Dam – Repairs – Emergency Certification Review/Ratification

Applicant: Fuss & O'Neill

No one was present for the project. Ms. Westwell explained that an emergency certification was signed for the repairs and tonight the board needs to ratify it. She also said that MassDEP was requiring Fuss & O'Neill, the engineering firm working on the repairs, to file an after the fact Notice of Intent, that they were aware of the requirement, and expected to submit the NOI for the February 14, 2024 meeting.

Motion: Ms. Schold made a motion to ratify the emergency certification.

Second: Ms. Lopez

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Absent
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
Three (3) in Favor. None (0) Opposed.	
Two (2) Absent.	
Approved 3 to 0	

2. 19 Marlboro Dr./54 Fairview Dr. – Performance Bond

No one was present for the project. Mr. Parretti said the restoration was pretty small. Ms. Schold asked if they had started work and Ms. Westwell said no, they had not started the project yet. Ms. Schold asked if they knew they had to come back to Conservation and Ms. Westwell stated yes. Ms. Westwell said the proposed bond was \$1,000.

Motion: Ms. Schold made a motion to accept the performance bond for 19 Marlboro Dr./54 Fairview Dr.

Second: Ms. Lopez

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Absent
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
Three (3) in Favor. None (0) Opposed. Two (2) Absent. Approved 3 to 0	

3. 651 Main Street – Request for Certificate of Compliance (DEP File #197-0677)

Ms. Westwell said the Order of Conditions was issued with the condition that it was only valid if Colonial Drive was extended by the Planning Board, but it was not extended so the OOC was not necessary. She said that the Certificate of Compliance is a housekeeping item. Mr. Parretti said that 651 Main St. is Skyview Estates and they had come before the Commission for their project.

Motion: Ms. Schold made a motion for the Commission approve the Certificate of Compliance for 651 Main St. DEP File #197-0677 and that no work started or will start under the Order of Conditions.

Second: Ms. Lopez

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Absent
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
Three (3) in Favor. None (0) Opposed. Two (2) Absent. Approved 3 to 0	

Discussion

- 458 Pine Street – Complaint**

Peter Hauge with PMZ Development was present for the complaint. Ms. Westwell said there are ANR lots under construction and there is a runoff complaint. Mr. Hauge said he only owns one lot and he is helping to manage one lot and they are both under construction. Mr. Hauge said his site guys have been addressing the runoff. Mr. Don Cherry, 525 Pine Street, was also present. Mr. Haugh said he doesn't own 458 Pine anymore and he is helping with the runoff issues. Mr. Hauge said he built 458 and 456 and they have been sold and signed off on. He has 506 under construction and he is helping manage 508 but it's been sold. Mr. Parretti said there six lots, four are sold, and

two are under construction. Mr. Parretti asked what he is doing to stop the runoff and Mr. Hauge said he is repairing the silt fence and hay bales. Ms. Schold offered some background. She asked if 456 was the one that is across from Mr. Cherry and Mr. Hauge said yes. Ms. Schold said there was a large rain event in July and she called MassDEP and they gave some suggestions, Mr. Hauge implemented them, and she said that site is very stable. Ms. Schold said there was still runoff that comes down from 458 and Town Highway cleaned the swales up and down the road. Mr. Cherry said the runoff that he sent photos for occurred during a significant rain event on December 8th, and that it came down from 458 and got down into the wetlands behind his house leaving a plume almost 30 feet long.

Mr. Parretti asked if 458 is causing the most issues. Mr. Cherry said 506 and 508 are the worst and he get silt in his yard and said Mr. Hauge is helping with that runoff, but 458 is still an issue. Mr. Cherry said the water runs down between 458 and 500. Ms. Schold agrees that there is still a problem at 458 and whether it's the homeowner or Mr. Hauge as the generator of the problem, there is a situation. Mr. Parretti said Mr. Hauge does not own the property and there is no Order of Conditions or Enforcement Order. Ms. Schold said they were all ANR lots and they didn't need to come to Conservation as they were outside the wetlands. Mr. Hauge said he is not doing anything with 458. Mr. Parretti asked if he was working with Don Cherry and Mr. Cherry confirmed. Ms. Schold said Mr. Hauge did the work prior to the sale. Mr. Parretti suggested a site visit and call with MassDEP. He said this is a perfect example of what happens with ANR lots when there are no stormwater requirements, which there aren't any requirements, but there should be if there are consecutive ANR lots that are being developed as it's just like a subdivision. Mr. Parretti said they will call MassDEP next week when the snow melts and conduct a site visit and then go from there. Ms. Schold said she saw the pictures of what was going into the wetland and that just can't happen. Mr. Cherry said Mr. Hauge is putting up silt fences to help stop the runoff.

- **214 Rawson Street - status update**

Sam Harvey with Integrity Site Development LLC was present. Mr. Harvey said the status is that they are on hold waiting for Conservation to approve the wetland flags so they can start the replication. Mr. Parretti asked if it's been fully staked out, everything has been re-flagged, and the erosion control is in and Mr. Harvey said yes. Mr. Harvey said he is the site guy representing the homeowner. It's his understanding that the homeowner reached out to the engineer to re-flag and they used old pink/white flags. Mr. Parretti said the owner wanted release from the proximity to the wetland zone to cut some trees and that's why they went out to do a site visit and asked the owner to have the wetlands flagged. Mr. Parretti said the site was a mess and they needed to address it before they could continue. Mr. Harvey said the work has been done. Mr. Parretti suggested Mr. Harvey go back to the owner, have them review the plans with the engineer, make sure everything has been fully flagged, and then call the office and say they are ready for inspection. Ms. Schold said that Glenn Krevosky went out already. Mr. Harvey said he was with Glenn and they walked together and Mr. Krevosky mentioned adding another culvert where the erosion took place to carry the water but Mr. Harvey doesn't know where that went. Ms. Westwell said the work has already been done by Mr. Krevosky. Mr. Parretti said he wants to meet Glenn out at the site. Mr. Harvey said they were just going to re-use the soil and it would grow in its original place. Ms. Schold said that the plantings are not correct per Glenn. Ms. Westwell said she spoke with Glenn, he went to look at the flags and questioned if they were in the right place. He asked her to call Norman and

find out how the flags were re-flagged and then went out with a tape measure and said they are not in the right place and the erosion control is in the replication area. Ms. Westwell said that Mr. Krevosky also said that they are supposed to use a native seed mix and it's supposed to be a duplicate replication but Mr. Hill, the engineer, was just going to use what was taken out of the original area and Mr. Krevosky said that's not how it's done. Ms. Westwell said she asked for a planting list and also asked Mr. Krevosky to provide an estimate for oversight services which he did and that is all in the conservation meeting packet. Mr. Parretti said they will do a site visit. Mr. Harvey will check erosion control, request the flagging be all in place from the engineer, and then he will call to schedule a site visit. Mr. Parretti and Ms. Schold said the flags needed to be blue and numbered.

- **Ken Wilson – 42 Manville St. – new project**

Mr. Wilson from Commonwealth Builders explained to the Commission that the owners want to tear down an existing addition and put up a new addition and wants to know if they need Conservation permitting. Ms. Westwell said they just bought the house, want to do an addition, and wanted to know what level of permitting they would need. Ms. Westwell said they are in the flood plain. Mr. Wilson described the project to the Commission. Mr. Parretti said they would need to file with the Commission. Ms. Schold asked if they were doing anything near the bank and Mr. Wilson said no. Ms. Schold and Mr. Parretti said they would need to file a Notice of Intent.

- **257 Pine St. – Status**

Ms. Westwell said a letter was sent to the owner asking him to record his Order of Conditions, clean up trash around the wetlands, stabilize the septic repair area, and repair the erosion controls. Ms. Westwell said she went back to check progress and most of the work is done. Ms. Schold said he has done everything he was asked to do except pick up the rest of the trash. Ms. Westwell said the Commission asked him to submit an as-built plan in time for tonight's meeting but he hadn't yet. Ms. Schold said they don't need one until he submits his Certificate of Compliance. Mr. Parretti said the Commission will put this on the March meeting agenda and check the status.

- **385 Main St. – Jan's Package Store – Status**

Ms. Schold said the dumpster lids are closed and the manager of the store did a pretty good job cleaning it up. Ms. Schold said that trash gets thrown on the property but he is the owner and has to keep it cleaned up. Jan Parke, 207 Greenville St., said she is very pleased that they moved the dumpsters but there is still trash on the bank that she sees as the Land Trust owns the property on the other side of the brook. Ms. Parke is concerned about the water that flows off the streets and down into that driveway to a dip that sends it into the brook and would like the Town to come up with a way to catch the debris and water before it goes into the brook. Mr. Parretti said the Commission would monitor the area. Ms. Parke said she was very pleased with the response from Conservation and the Board of Health.

- **82 Baldwin St. – Status**

Ms. Schold said the grading work was completed and Mr. Krevosky would update the Commission when the planting is done in the spring.

- **15 Bond St. – Status**

Mr. Parretti said Glenn went out there and they flagged it. Ms. Westwell said she sent a letter with Glenn's report to Mr. Giggey and he confirmed that he received it. Mr. Parretti asked this to be placed on the March meeting agenda.

- **160 Peter Salem Road – Status**

Ms. Westwell said they don't have an as-built yet and that was requested by the Commission as a condition of the Emergency Certification. She also said she had sent a letter to both the owner and contractor with no response. Mr. Parretti asked if the Board of Health (BOH) gave them an emergency certification and if they require an as-built. Ms. Westwell said yes, the BOH will require an as-built. Mr. Parretti asked Ms. Westwell to reach out to the BOH so we don't duplicate efforts.

- **120 White Birch Street – Performance Bond - Status**

Ms. Westwell said she made multiple calls and emails to the applicant to come in and sign the performance bond and submit the check. Ms. Westwell said she talked to the applicant in December and he said he would be in at the end of December but didn't come in. Mr. Parretti said no work had been done there lately. Mr. Parretti said give him a cease and desist order and state that it won't be lifted until he abides by the Order of Conditions.

- **National Grid – ROW Maintenance**

Mr. Parretti said they received notification of maintenance in the right of way for yearly vegetation. Ms. Schold said they don't actually have to file anything with Conservation. Mr. Parretti said they have exempt status on some stuff, but he has some questions. Mr. Parretti and Ms. Schold would like National Grid to come in and talk to them about the chemicals they are using the vegetation as he has noticed that it is killing rhododendrons and their easements go through people's yard and they need to show more care in what they spray. Ms. Schold is concerned with the number of trees they are taking down. Mr. Parretti asked Ms. Westwell to invite them to the February 14th meeting. Ms. Parke informed the Commission that the tree companies hired by National Grid take the trees down and chip them and then deposit the chips behind the Town highway barn. Mr. Parretti said the Commission would take it under advisement.

- **Declaration of Position Vacancy per Leicester General Bylaws Chapter 4 § 6**

Ms. Westwell said that a member who is absent from 3 consecutive meetings can be declared to have vacated the position. Mr. Parretti confirmed with Ms. Westwell that she had reached out to

the member multiple times with no response. Mr. Parretti said that as Chair he is invoking the bylaw and wants to have a notice of vacancy sent to the Selectboard and to have it posted.

Motion: Ms. Schold made a motion to accept the 12/13/23 minutes.

Second: Ms. Lopez

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Absent
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
Three (3) in Favor. None (0) Opposed. Two (2) Absent. Approved 3 to 0	

Motion: Ms. Schold made a motion to adjourn.

Second: Ms. Lopez

Discussion: None

Record of Vote:

Stephan Parretti	Aye
James Cooper	Absent
JoAnn Schold	Aye
Vanessa Lopez	Aye
Ashlyn Coyle	Absent
Three (3) in Favor. None (0) Opposed. Two (2) Absent. Approved 3 to 0	

Meeting adjourned at 7:36 p.m.

Respectfully Submitted by:

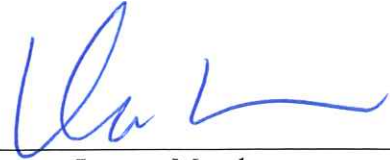
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: March 13, 2024

Conservation Commission Board Signatures



Stephan Parretti, Chair

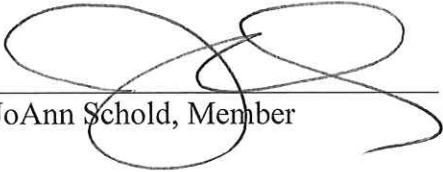


Vanessa Lopez, Member



James Cooper, Vice Chair

Ashlyn Coyle, Member



JoAnn Schold, Member

SIGN-IN SHEET

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