

# Leicester Conservation Commission Meeting Minutes

## February 14, 2024

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TOWN CLERK'S OFFICE  
LEICESTER, MASS.

**Location:** Leicester Town Hall, Select Board Meeting Room

**Member Present:** Stephan Parretti, James Cooper, JoAnn Schold, Vanessa Lopez

**Members Absent:** None

**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 6:35 PM

### 1. Public Hearing: Notice of Intent – 211 Baldwin Street (DEP #197-0710)

Clearing, grading and tree removal within the 100' buffer zone and the 25' "No Disturb" buffer zone between the proposed new house and Stiles Reservoir. Applicants: James and Jennifer Mercier.

Mr. Parretti opened the public hearing at 6:35 pm

Art Allen with EcoTec, Inc. and Jennifer Mercier, owner, were present for the project. Mr. Allen said the 52 acre property used to be a summer camp. The new owners want to build a house on the lake and clear a viewing/beach area along 120' of Stiles Reservoir. Mr. Allen said 5' of vegetated bank will be left as a buffer. Mr. Allen said this plan has less area being cleared and no tree or stump removal as indicated in the original plan. Mr. Allen said MassDEP issued a file number with a comment to add permanent memorialization fixtures such as fence or boulders to prevent future encroachment.

Ms. Schold asked if the applicant was willing to do does this. Ms. Mercier said yes, and Mr. Allen said they will accept that as a condition.

Mr. Parretti asked if they are clearing 20' of the 25' no disturb and Mr. Allen said yes. Ms. Schold said she visited the site, and the beach front was previously existing and it's 52 acres.

Mr. Parretti asked if there was any comment from the public and there were none. Public hearing closed at 6:41 pm.

**Motion:** Ms. Schold made a motion to issue the Order of Conditions for 211 Baldwin St., DEP File #197-0719 with the condition that the applicant install a fence or boulders per MassDEP comments.

**Second:** Mr. Cooper

**Discussion:** None

### Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye

Vanessa Lopez	Aye
<b>Four (4) in Favor. None (0) Opposed.</b>	
<b>Approved 4 to 0</b>	

**2. Public Hearing: Notice of Intent – Waite Pond Dam (DEP #197-Pending)**

Repairs to Waite Pond Dam described as the vertical extension of the retaining wall on the right side of the spillway. Applicant: Town of Leicester.

Mr. Parretti opened the public hearing at 6:42 pm.

Ken Berchielli and Dan Delaney with Fuss & O'Neil were present for the project on behalf of David Genereux, Town Administrator, for the Town owned Waite Pond Dam. Mr. Berchielli said the dam repairs are complete. Mr. Berchielli explained that 3 years ago the firm realized there were design flaws but the original Order of Conditions for dam repairs had expired. He said they requested Emergency Certification from the Town to do the repairs during the current drawdown and that certification was granted by the Conservation Commission, but MassDEP is requiring an after the fact Notice of Intent.

Ms. Schold said there is no DEP File # yet and asked about the orange snow fencing. Mr. Berchielli said that was to stop people from entering the work area and that there is a chain link fence on top of the new wall. Mr. Parretti asked if all work had been completed and Mr. Berchielli said yes.

Mr. Parretti asked if Fuss & O'Neil would keep the Order of Conditions (OOC) for the dam repairs open and Mr. Berchielli said they will request Certificates of Compliance for both open OOCs. Mr. Berchielli said that all work was within the buffer zone. Mr. Parretti asked if there was anything left to be stabilized and Mr. Berchielli said no.

Ms. Schold said the Commission should do a site visit to check stabilization. Mr. Delaney suggested also checking for good vegetative growth. Mr. Berchielli said they also need to close out the project and conduct a site visit with Office of Dam Safety.

Mr. Parretti asked if there were any questions from the public.

Jan Parke, 207 Greenville St., asked if the new work or fencing would hinder the public from access to fishing. Mr. Parretti said there was no issue, and the repairs are required.

Marie Law, 82 Manville St., said she received the notice to abutters but didn't realize the work was already done. She said there was no impact to her property so she is all set.

**Motion:** Ms. Schold made a motion to continue the public hearing until March 13, 2024 as the DEP File # is still pending.

**Second:** Mr. Cooper

**Discussion:** None

## Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
<b>Four (4) in Favor. None (0) Opposed. Approved 4 to 0</b>	

### 3. National Grid Maintenance – Heidi Graf with BSC Group

Heidi Graf with BSC Group was present to represent National Grid Central-West MA project with regard to soil borings. Ms. Graf said there is no crossing of wetlands, but they will file a Notice of Intent for soil borings in the spring of 2024. Ms. Schold said the Commission received an email from National Grid saying Ms. Graf could only speak to the maintenance notification letter (MNL) and not the vegetation and that it's a 3 year program.

Mr. Parretti said he is concerned about the spraying of the vegetation and the effect it may have on neighbors landscaping and other close by vegetation. Mr. Graf said that Marie Claire is the National Grid contact. Ms. Westwell said Ms. Claire sent an email declining to attend the meeting and sent Mr. Graf to answer questions about the MNL only.

Mr. Parretti asked Ms. Westwell to contact MassDEP about vegetation and why National Grid won't send a representative to talk to Conservation.

### 4. Discussion

#### • 506 & 508 Pine St. – complaint status

Peter Hauge, Alcione Delgado, and Don Cherry were present for this complaint. Ms. Schold said she visited the site last night and asked them to stop trucking soil and add erosion control then asked Peter what his plan was moving forward. Mr. Hauge said the Commission gave him until the end of this week to get erosion controls up. Mr. Hauge said they are digging the well trench and once that's inspected and backfilled, they will be able to put down more stone farther up the driveway. Mr. Hauge said Mr. Dowgiewicz is going to do the culverts under the driveways with rip rap on Thursday and Friday. Mr. Hauge asked if Conservation wanted them to close the culvert to Mr. Cherry's house as mentioned at the site visit.

Mr. Cherry said he wants three things:

- He wants the "water trespass" across his property corrected as it's been unabated since December when he first filed a complaint.
- He said the sediment plume is 2" to ¾" and 15 ft wide and less than 100' from the wetlands on his property and he wants it cleaned up.
- He wants to see the culvert on his side closed as Mr. Hauge suggested.

Mr. Parretti asked who put in the culvert. Ms. Schold said the Highway Dept. suggested culvert/swale changes and she wants an email from highway describing those changes. Mr. Parretti said he wants to hear from highway as well and wants a siltation device for the culvert. Mr. Hauge said the plan is to close the culvert at Mr. Cherry's side and extend the swale to the second existing culvert. Mr. Parretti said any siltation issues need to be permanently fixed. Mr. Hauge wants to shoot some grades along the swale to make sure the water properly flows to the second culvert.

Ms. Schold said there is a lot of runoff from the soil piles and Mr. Hauge has been asked to put netting over it, that she gave him 10 days, but it's still messy. Mr. Parretti asked if the water coming off was picking up silt. Mr. Hauge said not from the driveway but the new culverts should alleviate silt and runoff.

Mr. Parretti said there is a site visit tomorrow at 2pm, asked if highway will allow them to close the culvert, and said he wants that in writing from highway so the new swale doesn't cause more issues. Mr. Hauge said they can put check dams in every 50'.

Mr. Cherry asked Mr. Hauge what he was going to do about the silt in his yard and Mr. Hauge replied that he had talked to MassDEP and would use a silt vac or clean it up by hand.

- **120 White Birch St. – performance bond status**

Ms. Westwell informed the Commission that the owner has signed the performance agreement and submitted a check for the bond amount.

- **122 White Birch St. – complaint**

Ms. Westwell said that the owner of 120 White Birch St. had filed a complaint about a shed on the property of 122 White Birch St. asserting it was too close to the wetlands. Ms. Westwell said the complainant called MassDEP and they want Conservation to go see where the shed is in relation to the wetlands and that Harold Leaming, Building Inspector/Zoning Enforcement Officer would like to go on the site visit as well to see if the shed complies with zoning. Mr. Parretti asked if the shed had been moved and Ms. Westwell said yes it had been moved. Ms. Schold asked if there was an Order of Conditions. Ms. Westwell said she couldn't find one on file. Mr. Parretti said Conservation approved 4 lots, but they appealed to MassDEP and got a 5<sup>th</sup> lot. Ms. Westwell said she would research to see if there was a Superseding OOC. Mr. Parretti will conduct a site visit and review where the shed is with regard to the wetland flags.

- **214 Rawson Street**

Ms. Westwell informed the Commission that Mr. Harvey with Integrity Development had let her know that erosion controls were repositioned and wetlands re-flagged and he just needed to put together a planting list per Glenn Krevosky's report. Ms. Schold said Mr. Krevosky wants to go with the Commission on the site visit to confirm accuracy per plans. Mr. Parretti asked Ms. Westwell to reach out to Mr. Krevosky to see what day/time would work for him the week of February 27<sup>th</sup>.

- **MassDEP regulation amendments, staff review of bylaws and regulations and research on other Towns land disturbance bylaws/permits and tree removal policies.**

Ms. Westwell said she is seeking input from the Commission because MassDEP is currently amending the wetland regulations and this prompted her to review the local regulations. Ms. Westwell said they were last revised in 2015. She said there are some discrepancies and she wants to review them to revise them for consistency, and reduction of financial burden to applicants who apply for permits, particularly with regard to postage. Mr. Parretti concurred that this would be a good idea. Ms. Westwell pointed out that some towns have tree removal policies which would be helpful as it many times costs applicants more to apply for a permit than it does for them to remove trees. Mr. Parretti concurred with this as well and asked her to continue the review.

## 5. Miscellaneous/Board Updates

- **Sargent Pond** – Solitude Lake Management’s 2023 Year End Report - Ms. Westwell said this was simply a year end report as they had all permits.
- **160 Peter Salem Road** – Update - Ms. Westwell said the contractor submitted their as-built and CoC to the Board of Health.
- **1/17/24 minutes** - Tabled to 3/13/24 meeting.
- **Oxford’s Pollinator Program** - Ms. Westwell said she emailed them Oxford’s Pollinator Program being held March 27<sup>th</sup> and it was open for the members to attend.
- Ms. Lopez said she submitted a volunteer form to join the Open Space and Recreation Implementation Committee. Ms. Westwell will follow up on the application.

**Motion:** Ms. Schold made a motion to adjourn.

**Second:** Mr. Cooper

**Discussion:** None

## Record of Vote:

Stephan Parretti	Aye
James Cooper	Aye
JoAnn Schold	Aye
Vanessa Lopez	Aye
<b>Four (4) in Favor. None (0) Opposed.</b>	
<b>Approved 4 to 0</b>	

Meeting adjourned at 7:26 p.m.

Respectfully Submitted by:  
Lisa Westwell, Administrative Assistant  
to the Planning Department

**Date Approved:** March 13, 2024

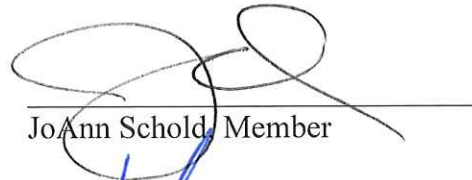
**Conservation Commission Board Signatures**



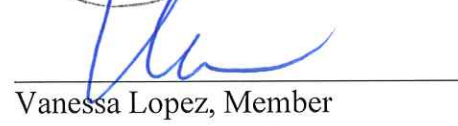
Stephan Parretti, Chair



James Cooper, Vice Chair



JoAnn Schold, Member



Vanessa Lopez, Member

# SIGN-IN SHEET

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